

## FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

### ANGUS ENVIRONMENTAL TRUST PUBLICATION SCHEME WITH EFFECT FROM 30 NOVEMBER 2004

#### Part 1 - Introduction

The Freedom of Information (Scotland) Act 2002 (FOIS Act) received Royal Assent on 28 May 2002. It gives a general right of access to all types of recorded information held by Scottish public authorities, sets out exemptions from that right and places a number of obligations on public authorities. A 'public authority' is defined in the Act, and includes but is not restricted to central and local government, non-departmental public bodies, publicly owned companies, the police, the health service, colleges and universities. Any person who makes a request to a public authority for information must be informed whether the public authority holds that information and, subject to exemptions, supplied with that information.

#### Your Rights and Our Responsibilities from 30 November 2004

Under Section 23 of the FOIS Act, Angus Environmental Trust (the Trust) must have a publication scheme setting out the information we routinely make publicly available. Our scheme has to be approved by the Scottish Information Commissioner and we have to review the scheme from time to time. In adopting (or reviewing) our publication scheme, we are required to have regard to the public interest in:

- allowing public access to information we hold; and
- the publication of reasons for the decisions we make.

In preparing to meet our obligations under the FOIS Act, including the drawing up of this publication scheme, we have been mindful of the value of openness and transparency.

Our publication scheme must:

- set out the classes of information which we publish or intend to publish;
- say how we will publish the information in each class; and
- say if we will provide the information free or charge for it.

The purpose of our publication scheme is to let you know what information is readily available from us. By readily available we mean that the information can be obtained from us if you request it by letter, e-mail or telephone call or by personal visit to the office of the Chairman of the Board of Directors to Angus Environmental Trust, County Buildings, Market Street, Forfar, DD8 3LG (See **Day to Day Contact** details overleaf).

**Part 2 of our publication scheme sets out the classes or types of information that we publish or intend to publish and indicates wherever charges apply for the supply of the information.**

**Part 3, our list of publications, supports the publication scheme. It lists specific publications we make available and how they can be obtained.**

#### Your Rights and Our Responsibilities from 1st January 2005

After this date, the FOIS Act will give you a right of access to recorded information held by public authorities, in addition to what is included in the publication scheme, subject to certain exemptions. The Act is fully retrospective. You will have to make your request in a recordable format (e.g. by letter or e-mail). We will have to respond to requests within 20 working days and can charge a fee in accordance with regulations made under the Act.

We also have a duty to provide advice or assistance to you or anyone seeking information (for example in order to explain what is readily available or to clarify what is wanted).

Full access rights under the FOIS Act will come into force on **1 January 2005**.

## **Contacting Us**

### **Responsibility for the Trust's Publication Scheme**

Sheona Hunter, Company Secretary to Angus Environmental Trust, has overall responsibility for our Publication Scheme. Her contact details are:

Sheona Hunter  
Head of Law and Administration  
Angus Council  
Angus House  
Orchardbank Business Park  
Forfar  
DD8 1AN  
Telephone: 01307 476262  
Fax: 01307 476299  
E-mail: [\*\*HunterS@angus.gov.uk\*\*](mailto:HunterS@angus.gov.uk)

### **Day to Day Contact for Requesting Information**

If you wish to obtain a paper copy of our Publication Scheme or any of the publications contained in our list of publications in Part 3, you may write to, e-mail or telephone Roy Madden, Chairman of the Board of Directors of the Trust. His contact details are:-

Department of Planning and Transport  
Angus Council  
County Buildings  
Market Street  
Forfar  
DD8 3LG  
Telephone: 01307 473371  
Fax: 01307 461895  
E-mail: [\*\*MaddenR@angus.gov.uk\*\*](mailto:MaddenR@angus.gov.uk)

The publication scheme is also available electronically on Angus Council's website at [\*\*www.angus.gov.uk\*\*](http://www.angus.gov.uk).

If writing for information, please include the following details: your name and address, a telephone number so that we can telephone to clarify any details, if necessary and the information or documents you want to see.

If telephoning for information, please provide full contact details including a telephone number, so that we can telephone you to clarify any details, if necessary.

Personal visits: if you would like to obtain the information in person at the above address, please contact Roy Madden to arrange an appointment.

We will be happy to help if you have any difficulty in determining the information you want to see.

Further details concerning the Freedom of Information (Scotland) Act 2002 and the publication schemes made under it can be obtained from the Office of the Scottish Information Commissioner. Contact details for the Commissioner can be found below.

## **General Information about Angus Environmental Trust**

Angus Environmental Trust was incorporated as a Company Limited by Guarantee and Registered in Scotland No. 178124 on 14 August 1997 and enrolled by Entrust as an approved Environmental Body No. 122043 on 16 September 1997. The Board of the Company comprises four Directors who are nominees of the founding organisations, Scottish Enterprise Tayside, Scottish Natural Heritage, Angus College and Angus Council. Directors of the Company are nominated by their relevant parent organisation prior to the Annual General Meeting (AGM). The Chairman of the Board of Directors is elected annually at the first meeting following the AGM. Board Meetings are held bi-monthly and minutes and background papers issued for all Board Meetings and AGMs since the inaugural meeting on 16 January 1998 are available unless any information is "exempt" as explained in the introduction to Part 2 of this Scheme.

The Company Secretary is the Director of Law and Administration and the Company Treasurer is the Director of Finance, Angus Council. The Board is supported by an Administrator employed by the Planning and Transport Department of Angus Council.

The Company was formed in order to receive contributions from landfill operators in lieu of part of their liability for landfill tax, which the Trust uses to fund environmental projects.

The objects of the Trust are wide ranging but must accord with the objects of the Landfill Tax Credit Scheme (LTCS). Only projects in receipt of registration from Entrust can receive funding under the LTCS. The priorities of the founding members are varied but have in common the protection and enhancement of the environment and the improvement of awareness of it. Particular priorities include community lead environmental improvement projects, access projects especially footpath networks and habitat management.

Accordingly, the objects for which the Trust was established are:-

- To protect, improve and enhance the environment (both built and natural) and the cultural heritage of Angus and to improve their accessibility and public's awareness and understanding of them;
- To reclaim and restore land for economic, social and environmental purposes;
- To prevent or reduce any potential for pollution or to treat pollution on land polluted by a previous use;
- To conserve, restore, enhance or protect the natural environment in the context of biodiversity.

## **How the Publication Scheme was formulated**

In formulating this publication scheme, the Trust had regard to the guidance issued by the Scottish Information Commissioner under Section 43(2) of the FOIS Act, and in particular took the following steps:

- reviewed the information that it is already legally required to make available;
- reviewed information held, including documents such as Eligibility Criteria, Conditions of Financial Assistance etc (Note – a further information audit will be undertaken in due course by the Board for the purpose of complying with the Code of Practice under Section 61 of the FOI Act); and
- liaised with the professional associations of local authority solicitors and administrators.

## **Charging for Publications**

Printed copies will generally be available free of charge unless a charge is specifically indicated against that information in Part 2. Where the number of copies requested exceeds 50 sides of paper or the request is for multiple copies of a single document, a charge of 10p per A4 side of paper (black and white copy) and 30p (colour copy) will be payable. We will notify

you of any charge for copies in excess of 50 sides prior to processing your request. There may be a charge for postage which will be notified to you following receipt of your request.

All charges are subject to review.

### **Complaints**

If you are dissatisfied with the way your request for information under the Publication Scheme has been handled, please contact Roy Madden at the address shown above who will try and resolve your complaint.

Within five days of first hearing from you we will write to you to confirm that we have received your complaint and to explain any action we are taking. While we are dealing with your complaint we will keep in touch with you to let you know what is happening and how soon you can expect an answer from us. We aim to resolve all complaints within 20 working days.

If we are unable to resolve any complaint, you can complain to the Scottish Information Commissioner who oversees the Act and whose contact details are below. From 1 January 2005, when the general right of access comes into force, there will be a formal appeal mechanism when information is withheld. Further details on this will be available on the Commissioner's website at [www.itspublicknowledge.info](http://www.itspublicknowledge.info) before this date.

The Scottish Information Commissioner  
Kinburn Castle  
Doubledykes Road  
St Andrews  
Fife  
KY16 9DS  
Tel: 01334 464610  
Fax: 01334 464611  
Email: [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info)  
Web address: [www.itspublicknowledge.info](http://www.itspublicknowledge.info)

### **Availability of this Scheme in other languages and formats**

Please contact us if you would like this publication scheme produced in another language or format.

### **Copyright**

Different bodies might own the copyright of material contained in our scheme:

Angus Environmental Trust Copyright Material

For material where we own the copyright, it can be reproduced free of charge in any format or medium for research or private study. This is subject to the material being reproduced accurately and not being used in a misleading context. Where material is being republished or copied to others, the source of the material must be identified and our copyright acknowledged. Commercial exploitation or reproduction of this material is prohibited. However, any person or organisation wishing to use this material commercially should contact Roy Madden at the address shown above for permission to do so.

Other Copyrighted Material

Some material we include in our scheme may be the copyright of a third party. Our rights to hold and use such material do not extend to others. You must obtain authorisation from the copyright holder(s) concerned if you wish to copy or reproduce such material.

### **Review of the Trust's Publication Scheme**

This is an initial scheme which will be reviewed on a periodic basis to incorporate feedback, ongoing requests for information and the identification of additional classes of information suitable for addition to the scheme.

**Feedback and Comments**

Questions, feedback and comments on the publication scheme are welcomed. The aim of the FOIS Act is to promote greater openness by public authorities, so it is important that this scheme meets your needs. We welcome suggestions for additional classes of information that could be included. We also welcome suggestions as to how the publications themselves might be improved.

If you have a query or comment about this publication scheme, the information available, or information held by the Trust generally, please contact Roy Madden at the address shown above.

## Part 2 - Classes of Information

### Introduction

Under the Freedom of Information (Scotland) Act 2002 (the Act), our publication scheme must say what classes, or broad types, of information the Trust already publishes or intends to publish. We aim to publish as much information as possible about our work through the scheme. However, information may be withheld from any of the classes of information listed below where we consider that disclosure may fall within one of the exemptions contained in the Act. For example we may withhold information if its disclosure would breach the law of confidentiality or seriously prejudice the commercial interests of any person or organisation. We may also withhold information which is personal data under the Data Protection Act 1998.

In these cases, we will withhold the information and indicate why the information is being withheld. It may be possible to provide documents with any exempt information (e.g. personal data) edited out. If you wish to complain about information which is being withheld from you, please read the "Complaints" section in Part 1 above.

The Trust will not publish information which is not current or has been superseded unless otherwise stated in the class definitions. As information ceases to be current or is superseded, it will be replaced or removed from the scheme.

For each class we briefly define the information contained in that class, the format in which it is available and whether the class includes chargeable material. Unless shown otherwise in the right hand column, the documents are free of charge. Please note that charges for multiple copies and copies in excess of 50 sides of paper are explained in Part 1 of this Publication Scheme.

The Trust publishes, or intends to publish, information under the following classes:

- What We Do
- Who We Are
- How We Work
- Our Performance
- Project Funding

#### Class: What We Do

Definition	Format	Cost/Charge
Here you will find information published by the Trust which explains our role and responsibilities.	Paper copy	Free

#### Class: Who We Are

Definition	Format	Cost/Charge
Here you will find details of the Trust's current membership and the rules which govern how Directors carry out their responsibilities.	Paper copy	Free

**Class: How We Work**

<b>Definition</b>	<b>Format</b>	<b>Cost/Charge</b>
Here you will find information about how we carry out our work and make decisions through meetings of the Board of Directors (the Board) and the Annual General Meeting (AGM) including:	Paper copy	Free
<ul style="list-style-type: none"> <li>▪ our structure and the membership and terms of reference of the Trust;</li> </ul>	Paper copy	Free
<ul style="list-style-type: none"> <li>▪ the Trust's current calendar setting out the dates, times and venues of Board Meetings and the AGM;</li> </ul>	Paper copy	Free
<ul style="list-style-type: none"> <li>▪ Agendas for Board Meetings and the AGM (available from January 1998)</li> </ul>	Paper copy	Free
<ul style="list-style-type: none"> <li>▪ Background Papers issued for Board Meetings and the AGM (available from January 1998)</li> </ul>	Paper copy	Free
<ul style="list-style-type: none"> <li>▪ Minutes of Board Meetings and the AGM (available from January 1998)</li> </ul>	Paper copy	Free

**Class: Our Performance**

<b>Definition</b>	<b>Format</b>	<b>Cost/Charge</b>
Here you will find financial information and accounts published by the Trust.	Paper copy	Free

**Class: Project Funding**

<b>Definition</b>	<b>Format</b>	<b>Cost/Charge</b>
Here you will find details of how to obtain financial assistance for funding of environmental projects.	Paper copy	Free

### Part 3 - List of Publications

The Classes set out in Part 2 will include the following publications:

#### Class: What We Do

<b>Description</b>	<b>How to access</b>
Memorandum and Articles of Association	Paper copy
Certificate of Incorporation	Paper copy
Agreement between Angus Council and the Trust regarding distribution of funding for projects approved under Landfill Tax Credit Scheme	Paper copy
Action Plan	Paper copy
The Landfill Tax Credit Scheme is regulated by ENTRUST. Please visit <a href="http://www.ltcs.org.uk">www.ltcs.org.uk</a> or call the ENTRUST Helpline 0161 972 0074. A charge may apply	Contact ENTRUST

#### Class: Who We Are

<b>Description</b>	<b>How to access</b>
Memorandum and Articles of Association	Paper copy
Register of Members and Directors	Paper copy

#### Class: How We Work

<b>Description</b>	<b>How to access</b>
Memorandum and Articles of Association	Paper copy
Calendar of Board Meetings and the AGM	Paper copy
Agendas for Board Meetings and the AGM	Paper copy
Background Papers issued for Board Meetings and the AGM	Paper copy
Minutes of Board Meetings and the AGM	Paper copy

#### Class: Our Performance

<b>Description</b>	<b>How to access</b>
Annual Report	Paper copy
Audited Accounts	Paper copy
Treasurer's Reports	Paper copy

**Class: Project Funding**

<b>Description</b>	<b>How to access</b>
How to apply for Project Funding	Paper copy
Eligibility Criteria for Financial Assistance	Paper copy
Conditions of Financial Assistance	Paper copy