

**From:** [Foi Enquiries](#)  
**To:** [REDACTED]  
**Subject:** EIR-17-0909 - Garden Waste  
**Date:** 31 July 2017 07:03:42  
**Attachments:** [Further Information - Right to Review & Appeal.pdf](#)

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Dear [REDACTED],

Thank you for your information request of 7 July 2017. Aberdeen City Council (ACC) has completed the necessary search for the information requested.

**This request relates to domestic waste.**

**Collecting garden waste:**

**1. Do you charge for collection of garden/green waste?**

No.

**2. If you do charge, how much do you charge for this in the financial year 17/18?**

**3. What service to they get for this charge e.g. are there restrictions such as the number of bags?**

**4. If you charge for garden waste collection, what year did you start to do this?**

Not applicable, please see our response above.

**5. In what months do you offer a garden waste collection?**

All year round.

**6. How often is garden waste collected?**

Fortnightly.

**7. What is the total number of households, and percentage of households, where garden waste is collected?**

Service offered to all households with gardens – approx. 70,000.

**8. Are there are any additional garden waste charges (e.g. Christmas tree disposal)?**

No.

**Composting:**

**9. Do you compost the collected garden waste?**

It is composted by a third party contractor.

**10. If so, what percentage of this do you sell back to the public, and at what price? Please include details of the weight of the compost for this price.**

None.

**11. If so, what percentage do you use for public grounds and gardens? What is the value of this to you in the most recent financial year you have the data for?**

None.

**12. Are there any additional sources of income from collected garden waste?**

No.

**Total costs (Forecast 17/18 and actual 16/17):**

**13. What is the cost to you each year of collecting and disposing of garden waste (actual 16/17 and forecast 17/18)?**

We do not have an accurate figure for this as the garden waste service is part of the overall waste and recycling service and is not costed separately. It would not give the full picture to provide this figure in isolation in any case, because if this material was not collected separately much of it would be collected via the general refuse collection and would incur collection and disposal costs in any case.

ACC is unable to provide you with information on **cost each year of collecting garden waste (actual 16/17 and forecast 17/18)** as it is not held by the Council. In order to comply with its obligations under the terms of Regulation 10(4)(a) - Information Not Held - of the EIRs, ACC hereby gives notice that this information is not held by it. ACC is required by Regulation 10(1)(b) of the EIRs to inform you as to why in all the circumstances of the case, the public interest in maintaining this exception outweighs the public interest in disclosing this information to you. ACC is satisfied that it does not hold this information and considers that, as there is no information held, the public interest lies with the exception.

Information relating to Aberdeen City Council's garden waste disposal contract has a confidentiality clause attached to it and as such we cannot reveal the costs to ACC. If we break this clause ACC would be contravening the obligation it took under this confidentiality clause.

ACC is unable to provide you with information on **cost of disposing garden waste** as it is excepted from disclosure. In order to comply with its obligations under the terms of Regulation 13 of the EIRs, ACC hereby gives notice that we are refusing your request under the terms of Regulation 10(5)(e) – Confidentiality of Commercial Information - of the EIRs.

In making this decision ACC considered the following points:

ACC considers that commercial interests exist in the value of the garden disposal contract because it comprises the pricing schedule of the Contractor. Disclosure of this information into the public domain under the EIRs would prejudice the commercial interests of both the Contractor and ACC.

Disclosure of this information will also weaken the Contractor's business position in a competitive environment by revealing sensitive information which competitors may find useful. It is important that ACC maintains good working relationships with reputable companies to enable it to obtain value for money and so releasing commercially sensitive information could potentially damage ACC's reputation with such third parties, dissuading the third parties from engaging with ACC.

ACC recognises that there is a public interest in being open and transparent about its spending of public money and that disclosure of this information may be in the public interest.

However, ACC is of the view that in this case, the public interest lies in withholding the information as disclosure would prejudice ACC's commercial relationships and future contractual

negotiations with suppliers. There is a strong public interest in allowing normal market forces to operate in a competitive environment and engage in a fair and transparent process. ACC considers that the requested information would only be 'of interest' to a competitor. On this basis, ACC is of the view that in all the circumstances of the case, the public interest is best met by Applying Regulation 10(5)(e).

**14. How much did you make from any collection charges and sale to the public of composed waste (actual 16/17 and forecast 17/18)?**

Not applicable, please see our response above.

We hope this helps with your request.

Yours sincerely,

Grant Webster  
Information Compliance Officer

**INFORMATION ABOUT THE HANDLING OF YOUR REQUEST**

As the information which you requested is environmental information, as defined under Regulation 2(1) of the Environmental Information (Scotland) Regulations 2004 (the EIRs), ACC considered that it was exempt from release through FOISA, and must therefore give you notice that we are refusing your request under Section 39(2) of FOISA (Freedom of Information (Scotland) Act 2002). However, you have a separate right to access the information which you have requested under Regulation 5 of the EIRs, under which ACC has handled your request. Please refer to the attached PDF for more information about your rights under the EIRs.

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