

North Yorkshire County Council

Business and Environmental Services

Transport, Economy and Environmental Overview and Scrutiny Committee

25 October 2018

Proposed changes to the charging schedule for the Historic Environment Record

Report of the Corporate Director – Business and Environmental Services

1.0 Purpose of Report

- 1.1 To seek Member approval for the proposed changes to the charging schedule for search requests to the Historic Environment Record (HER).

2.0 Background

- 2.1 The Heritage Services team maintains the Historic Environment Record (HER). This is an archive of archaeological reports, journals, historic maps and photographs managed through a comprehensive database and a Geographic Information System (GIS).
- 2.2 The HER includes information on all archaeological sites, finds and historic buildings within the area, - from prehistoric burial mounds to World War II coastal defences. It is constantly maintained and enhanced with new information from members of the public, researchers and the commercial sector.
- 2.3 The HER is publically accessible and one of its principal uses is to inform the decision making process in relation to new developments and their potential impact upon the historic environment. The HER is regularly consulted by developers and heritage consultants.
- 2.4 The HER has an existing charging policy for commercial searches (Appendix A). This is based on established practice and the level of charge is in line with neighbouring authorities and those further afield.
- 2.5 There are currently two types of search requests: Basic (£110) and Enhanced (£220). Enhanced searches include third party data that the HER is licensed to disseminate but could be obtained elsewhere by the enquirer. In addition a priority search can be requested for an additional £110 where the data will be provided within two working days rather than the standard 5-20 working days.
- 2.6 The charging policy generates the income which is summarised below: -

Year	Standard Search	Enhanced Search	Standard Priority Search	Enhanced Priority search	Total income
2015/16	41 (£4,475)	12 (£2,640)	22 (£4,830)	7 (£2,295)	£14,240
2016/17	37 (£4,125)	17 (£3,940)	19 (£4,070)	12 (£3,960)	£16,095
2017/18	48 (£6,710)	12 (£2,640)	14 (£2,970)	2 (£660)	£12,980

3.0 Impact of the Environmental Information Regulations 2004 (EIR)

- 3.1 In October 2015 the Court of Justice of the European Union issued a judgment which provided clarification on what local authorities could and could not charge for in respect of the EIR. This judgment allowed local authorities to charge not only for postage, packing and disbursements, but also for staff time associated with replying to a request.
- 3.2 In 2016 NYCC changed its charging schedule for environmental information in line with the EU judgment and guidance issued by the Information Commissioner's Office. Search requests for HER data fall under the EIR and could therefore be considered under this charging policy.
- 3.3 The implications of the new EIR charging policy are that the HER can no longer make charges for priority searches as the actual staff time and disbursement costs are no higher than for a standard search. In addition the hourly charge of £25 set under the NYCC EIR charging schedule is significantly lower than the hourly rate used to calculate the current HER charging policy. As most standard searches take between 1 and 2 hours staff time the search fee would reduce from £110 to £37.50 for standard searches. The potential loss of income is illustrated in the table below: -

Year	Total searches	Original income	Income under EIR	Loss of income
2015/16	82	£14,240	£2,050	-£12,190
2016/17	85	£16,095	£2,125	-£13,970
2017/18	76	£12,980	£1,900	-£11,080

4.0 The Re-use of Public Sector Information Regulations 2015 (ROPSI)

- 4.1 The EIR does not give the person who received the information an automatic right to re-use the information. ROPSI sets out what information may be re-used and guidelines for charging for re-use. The majority of commercial users of the HER re-use the data in the form of desk based assessment reports or heritage statements that are submitted in support of planning applications. The ROPSI regulations establish that public sector bodies may charge for permitting re-use in these circumstances.
- 4.2 The ROPSI regulations stipulate that as well as charging for direct costs, public sector bodies may also charge a reasonable apportionment of indirect and overheads costs attributable to the chargeable activity and a reasonable return on investment.
- 4.3 Not all public sector bodies qualify to make these additional charges, however one of the criteria is that the data is held within a library, museum or archive. The primary source material (both paper and digital) on which the HER is based is held and maintained by NYCC as a primary archive in a dedicated search room and therefore qualifies as an archive.
- 4.4 The procedure for charging under the ROPSI regulations is incorporated into the NYCC Information Governance Policy Suite in its 'Information Transparency, Access and Re-use Policy' (Background Document). This was recently approved by the Corporate Information Governance Group (CIGG) in October 2018.

4.5 Heritage Services have made changes to their charging policy and have devised a new schedule of fees (Appendix B). These are based on the standard £25 per hour of officer time established under EIR plus a Reuse license at £140 per search.

4.6 The cost of the re-use license is based on a proportion of the annual cost to the council of maintaining the HER (including staff costs and specialist software). It was considered unreasonable to transfer the whole cost of the HER to the commercial enquirer as it is also used internally as an evidence base and by partner authorities, private researchers and educational enquirers. The HER Officer spends 12% of her time in providing data for commercial searches and it is this figure which has been used to calculate the proportion of costs that the council should seek to recoup from the Re-use license. The Re-use license also includes a reasonable return on investment set at 20% in keeping with the corporate approach across the Council.

5.0 How the impact will be measured

5.1 The impact of the changes will be measured by Heritage Services through the monitoring of: -

- The volume of HER Search requests received once the amended policy is published.
- The number of HER Search requests withdrawn or not pursued once charges are requested.
- Costs recouped by the council.

6.0 Equalities Implications

6.1 An Initial Equality Impact Assessment Screening form has been completed, see Appendix C. This has shown that the proposed changes will not have an adverse impact on any people with protected characteristics. There are a number of reasons for this:-

- The charging policy is aimed at commercial organisations rather than individuals.
- The average search cost under the proposed new charging policy is less than that charged under the current policy.
- Access to the information is free of charge should the person(s) opt to visit NYCC and extract the pertinent information from the documents held themselves.
- The charges are not mandatory for local authorities and so a waiver of the fee could be justified with senior management approval should there be sufficient justification to warrant this action.

7.0 Finance Implications

7.1 Based on the figures stated in 2.6 and 4.3 the financial implications are shown in the table below. This assumes that most ROPSI searches will be completed within 1-2 hours at £37.50 (staff time) plus a £140 re-use license: -

Year	Total searches	Original income	Projected Income under EIR only	Change in income under EIR only	Projected Income under ROPSI	Change in income under ROPSI
2015/16	82	£14,240	£2,050	-£12,190	£14,555	+£315
2016/17	85	£16,095	£2,125	-£13,970	£15,087	-£1008
2017/18	76	£12,980	£1,900	-£11,080	£13,347	+£510

- 7.2 The figures above suggest that the impact can be offset by implementing a re-use policy. The projected loss in 2016/17 is due to a high volume of priority searches received in that period for which there is no basis to make an additional charge under either EIR or ROPSI. Similarly no separate charge can be made for provision of third party data. Provision of third party data will only add marginally to the staff time taken to provide the search.
- 7.3 Any loss of income under a reuse licence is offset to some degree as it will provide greater certainty in the working practices of the HER Officer who will not be required to carry out priority searches.

8.0 Recommendation

- 8.1 It is recommended that the proposed HER Access to and Reuse of Information Policy at Appendix B replaces the current HER Access to Information Policy at Appendix A.
- 8.2 It is proposed that the charging schedule be reviewed after 12 months following implementation to establish its effectiveness and impact.

DAVID BOWE
Corporate Director – Business and Environmental Services

Author of Report: Peter Rowe

Background Documents: NYCC. Draft Information Transparency, Access and Re-use Policy (IGP003)

HER Access to Information Policy,
User Agreement
and Commercial Data Request Form 2018-2019

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Data Request Form

Please use this form to request HER data for commercial purposes, such as environmental impact assessments, desk-based assessments and other planning- or pre-planning-related data requests.

If you are a conducting academic or private research please use our non-commercial HER enquiry form.

If you require planning-related archaeological advice for County Council or County Matter developments, please contact the Principal Archaeologist under separate cover (archaeology@northyorks.gov.uk). For District and Borough Council developments, please contact the relevant local planning authority.

Before requesting HER data, please make sure you have read and understood our User Agreement (Annex 1) Access to Information Policy (Annex 2) and Fees Policy (Annex 4).

Please contact the Historic Environment Record Officer (01609 532331) if you have any questions.

Declaration

I have read and understood the Access to Information Policy and Fees Policy and agree to abide by the User Agreement as laid out in Annexe 1.

Name (Typed is Acceptable):		Dated:	
Company / Organisation:			
Direct dial telephone number:		Email address:	
Reason for search (type of development, project etc):			

Type of search

Please select required search and indicate if this is to be with the rapid response option.

Order	Type	Description	Fee for 2018/2019
<input type="checkbox"/>	Basic Search	HER datasets: <i>Monuments, Events, HLC</i>	£110 per hour or part thereof
<input type="checkbox"/>	Enhanced Search	HER datasets as above, plus <i>Designations</i> data as listed in Annex 4.	£220 per hour or part thereof
<input type="checkbox"/>	Rapid Response	Return of data in 2 working days	£110 per hour in addition to basic or enhanced search fee above

Search fees are levied according to the Fees Policy in Annex 4, and are not subject to VAT. For more information see Annex 3: Environmental Information.

Area of Search

Please complete **one** of the following area search sections. All National Grid references must be at least **6 figures** (accurate to 100m).

Please Tick one Option	Description	
<input type="checkbox"/>	500m radius about NGR:	e.g. 1000m radius about SE12345678
<input type="checkbox"/>	Search area shown on attached map	Central NGR for area shown is:
<input type="checkbox"/>	Search area is supplied as GIS data	Central NGR for area shown is:
<input type="checkbox"/>	m radius about attached GIS data	Central NGR for area shown is:

GIS DATA is accepted in Mapinfo Tab file or ESRI Shape Files ONLY.

Other Criteria or Instructions

Please detail any other search criteria here e.g. “only events since 2010”, or “only monuments of prehistoric date”, “do not include listed buildings mapping” etc.

Format for Data Returned

Please supply map data back as:

- ESRI Shapefiles
- MapInfo Tab files
- PDF Maps
- Paper Maps

(Please select **one** only)

Other GIS formats may be available, please contact the HER Officer to discuss.

Please supply database information back as:

- xml database extract
- PDF Reports
- Paper reports
- MS Word reports

(Please select **one** only)

Please note that large data requests (i.e. those where it is not feasible to create a pdf document) will be supplied as GIS data output with database information as xml (this latter is accompanied with a schema that allows xml to be viewed in a web browser).

Payment Information

Is there a Purchase Order number you wish to have quoted on the Invoice?

No:

Yes: **Purchase Order number:**

Postal address for invoice:

Telephone number:

Contact name for invoice:

Please return this completed form to: archaeology@northyorks.gov.uk

Or by post to:

Heritage Services
Growth, Planning and Trading Standards
Business and Environmental Services
North Yorkshire County Council
County Hall
Racecourse Lane
Northallerton
North Yorkshire
DL7 8AH

Annex 1: User Agreement

- Environmental information is supplied under a licence to the individual or organisation named on page 2 (the Licensee), within the context of the current Historic Environment Access to Information Policy (see Annex 2). Whilst every reasonable effort is made to provide useful information, the Historic Environment Team is not responsible for the accuracy or completeness of information derived from other sources and not directly verified by Historic Environment Record staff.
- The information is supplied on condition that the Licensee explicitly states the purpose and area of the enquiry at the time of the enquiry. Information is not to be used, and will not knowingly be supplied, for any purpose leading to the loss of environmental or archaeological resources without record or mitigation. The Licensee undertakes not to use the information for other than the stated purpose.
- The information is not to be copied or reproduced in the public domain or sold to any third party without written permission from the copyright holder. The Licensee, his agents or employees shall not by any means copy or part with possession of the whole or any part of the information other than in connection with the stated purpose. The Licensee will acknowledge the copyright holder of the information however and whenever it is reproduced in the public domain.
- The Licensee undertakes to indemnify and keep the Council at all times fully indemnified from and against any loss or unwarranted disclosure of the information and from all actions, proceedings, claims, demands, costs, awards and damages however arising directly or indirectly as a result of any breach or non-performance by the Licensee and any of their warranties, undertakings or obligations in respect of this agreement.
- The Licensee undertakes to notify the Historic Environment Record of any new, amended or synthetic information arising directly from the use or analysis of the information provided. Equally, the Heritage Services Unit undertakes to keep the Licence fully indemnified for a period of 6 months from and against any unwarranted disclosure of new, amended or synthetic information and from all actions, claims, demands, costs, awards and damages however arising directly or indirectly as a result of any breach or non-performance by the Heritage Services Unit and any of their warranties, undertakings or obligations in respect of this agreement.
- This agreement is restricted to the Licensee named on page 2, and cannot be assigned, transferred or sub-licensed without prior written consent of the Heritage Services Unit.
- Failure to comply with these terms will be construed as a material breach of the agreement, which could be actionable under copyright or contract law. The outcome of this may be a ban on the future supply of information to the Licence.

Annex 2: Historic Environment: Access To Information Policy

- The Heritage Services Unit of Growth, Planning and Trading Standards brings together, and keeps up to date, information about the historic environment in North Yorkshire. North Yorkshire County Council encourages access to necessary information, and the Heritage Services Unit will make this information available to help people look after their environment, to use and enjoy, and provide learning opportunities for all.
- Access to environmental information is governed by European Council Directive 90/313/EEC, Environmental Information Regulations 2004 (SI 2004 No 3391), the Citizen's Charter Code of Practice on Access to Government Information 1997, and the Charter Standard Statement on Geographic Information. Information is supplied under the provisions of Section 141(1) of the Local Government Act 1972, and is subject to a user agreement or licence.
- Data will not usually be sent until a signed licence has been received.
- If you request information from the Historic Environment Record, a response will be made to your request as soon as possible and within 20 working days. A request for Historic Environment Record (HER) information will lead to the provision of data from our digital systems. The Heritage Services Unit may also provide guidance and interpretation to help you understand information. Where applicable, you will be informed about the quality of the data, its accuracy, and the methods of collection and analysis, so that you can make your own interpretation of the information. Data will be provided in an agreed format. Repeat requests for the same data in a different format will be treated as a new inquiry.
- Requests for information should be as specific as possible. HER enquirers should use the HER Data Request Form (pages 2&3) to help ensure clarity. You should contact the Historic Environment Record by telephone either before submitting a written request, or to make an appointment to inspect records. The Heritage Services Unit has the right to make a reasonable charge for supplying either digital or hard copy information, or for providing advice on how to use HER information systems and registers, although this charge may be waived for some requests. The current fees policy is contained in Annex 4 and the schedule of fees is set out in Annexe 5.
- The Heritage Services Unit has discretion not to supply certain types of information. Examples are legal proceedings, land ownership information, internal communications, unfinished documents, incomplete mappings or analyses, or any information which does not meet the Public Interest test. Your request can also be declined if it is unreasonable, infringes copyright, or if disclosure of the information would lead to increased damage to the environment. The Heritage Services Unit is also not obliged to supply information which it does not possess, or which is already published and available elsewhere. Where the information cannot be provided, the reasons for this will be provided in writing within 20 days.
- In the unlikely event that your request for information is refused, and you wish clarification of the reasons, you can contact the Assistant Director of Growth, Planning and Trading Standards, or write to the Director of Business and Environmental Services. If you are still not satisfied, you can seek the help of your local Councillor or MP to pursue the matter. For further information on this policy, contact the Heritage Services Unit, Growth Planning and Trading Standards, Business and Environmental Services, North Yorkshire County Council, County Hall, Racecourse Lane, Northallerton, North Yorkshire, DL7 8AH, tel: (01609) 532331.

Annex 3: Environmental Information

Historic Environment

- Digital Historic Environment Record (Sites & Monuments) information
- Hard copy collections including fieldwork related material
- Information supplied by the National Monuments Record (where available) eg National Mapping Programme data
- English Heritage Register of Historic Battlefields
- English Heritage Register of Historic Parks and Gardens
- Scheduled Monuments
- Listed Building descriptions
- World Heritage Site Information

Contact the Historic Environment Record Officer:

By telephone: 01609 532331

By e-mail: archaeology@northyorks.gov.uk

Annex 4: Fees Policy

1. Requests for information from commercial concerns will be charged a search fee. This fee is to cover staff-time spent retrieving, collating and explaining information. North Yorkshire County Council may choose to waive this fee in certain circumstances, for example where there is no information available for a particular enquiry.
2. For inquirers to the Historic Environment Record, the search fee will be made up as follows. The **Basic Search fee** will cover the provision of County Council created data i.e. *Monuments, Events and Historic Landscape Characterisation* data only. An **Enhanced Search Fee** will be charged for the time to prepare information available to users from other sources (eg, Listed Building, Scheduled Monument, Battlefields Register, Historic Parks and Gardens Register, Conservation Area, National Mapping Programme data, etc).
3. If you request information from the HER, a response will be made to your request as soon as possible and within 20 working days. For urgent commercial requests, a **Rapid Response** fee can be paid, which means we will process and send out a response within 2 working days of receipt of the request, subject to available resources. If the Rapid Response cannot be provided, the enquirer will be informed, and the additional fee will not be charged. This service can *only* be accessed by submitting a fully completed Data Request Form and signing the declaration on page 1.
4. Experienced users may wish to visit the Historic Environment Record office in person to interrogate computerised data or extract information from non-computerised records themselves. Under the EIR 2004, these users will not be charged any facilities fee, but a charge will be made for photocopies, print-outs and any digital copies to disk. North Yorkshire County Council reserves the right to charge for staff time spent helping inquirers during these visits.

5. Requests for information from students, bona fide researchers, local societies, community or partnership projects, Government agencies, and requests where the costs of information provision are part of a statutory duty or where the County Council is providing grant aid, for example start-up grants to new businesses, will not be charged any fees.
6. Copying, print-out and digital disk costs are subject to VAT and will be charged separately from the Search Fee on the total number of sheets or disks. Copies of other documents published by the County Council are priced individually.

Annex 5: Schedule of Fees for 2017/2018

Search fees are levied according to the Fees Policy in Annex 4, and are not subject to VAT.

Search fees

Basic Search Fee (per hour or part thereof)	£110.00
Enhanced Search fee (per hour or part thereof)	£220.00
Rapid response Fee (add to Basic or enhanced fee)	£110.00

Copying or Print-out Charges (Subject to VAT)

A4 sheets (per sheet)	£0.50
A3 sheets (per sheet)	£1.00
Digital Disks (each)	£0.50



Heritage Services brings together, and keeps up to date, information about the historic environment in North Yorkshire. We hold a geospatial archive (GIS and database) along with an archive of paper and digital sources including maps, photographs and reports. North Yorkshire County Council encourages access to information, and Heritage Services will, where possible, make this information available to help people look after their environment, to use and enjoy, and provide learning opportunities for all.

Requesting information from the Historic Environment Record 2018/2019

Requests for access to Heritage Services information will be considered under the Environmental Information Regulations 2004 (EIR). If you want to reuse any information, for example for commercial purposes or within publications, you must request permission to do so. Permission to reuse information will be considered by the Council under the Re-use of Public Sector Information Regulations 2015 (ROPSI's). Access to information or reuse will only be granted once you have paid the relevant fee(s), and in the case of reusing information under the ROPSI's, once you have completed a licence agreement.

The Council can only grant permission to reuse information to which it holds the intellectual property rights; therefore it cannot grant access to information provided to it by Historic England and you should contact Historic England directly to request reuse of their information.

You should read this document in full before requesting any information from Heritage Services. You can use the form below to request access to information and reuse of that information. Once you have submitted your request we will write to you advising you of the estimated fee required and, where reuse has been requested, advising whether reuse can be granted, subject to the licence being signed. Once the estimate is agreed (in writing) the information will be provided within 20 working days. You should state the format in which you want to receive your information at the time of your request. Repeat requests for the same data in a different format will be treated as new enquiries.

Where information is requested for reuse the information will be provided in an open and machine readable format as far as possible.

If you have any queries, please contact the HER officer on 01609 532331 or email archaeology@northyorks.gov.uk.

Type of information available within the Historic Environment Record (HER) includes:

Geospatial Archive

- Historic Environment Record database and GIS information (Monuments and Events)
- Historic Landscape Characterisation database and GIS information

Historic Environment Record supporting archive

- Hard copy and digital collections including fieldwork reports, maps, photographs, correspondence (please note the intellectual property rights for the majority of these items lies with third-parties, therefore digital provision may not be possible)

This information can be requested from the Council and made available for reuse under ROPSI. A request for HER information will lead to the provision of data from our Geospatial archive with integrated database. Heritage Services may also provide guidance and interpretation to help you understand information where deemed appropriate by the Council. Where applicable and possible, you will be informed about the quality of the data, its accuracy, and the methods of collection and analysis, so that you can make your own interpretation of the information.

Whilst every reasonable effort is made to provide useful information, the Council is not responsible for the accuracy or completeness of information derived from other sources and not directly verified by its Historic Environment Record staff.

Data Request Form and License

Most estimates are £~~167.50~~177.50 for the majority of standard searches which take over an hour but less than two hours; however **quotes will be given prior to starting the search**. This is broken down into £25 per full hour (aA further £25 will be charged for each additional hour with a pro-rata calculation for part hour) +£~~130~~140 Re-use of Data License.

I have read and understood the guide to requesting access to Heritage Services information.

Company/Organisation ('The Licensee'):	
Contact name for invoice (if different to above):	
Postal address for invoice:	
Purchase number for invoice (if required):	
Direct telephone number:	
Email address:	

Area of Search

Please complete **one** of the following area search sections. All National Grid references must be at least **6 figures** (accurate to 100m).

Please tick one option	Description
<input type="checkbox"/> m radius about NGR:	e.g. 1000m radius about SE12345678
<input type="checkbox"/> Search area shown on attached map	Central NGR for area shown is:
<input type="checkbox"/> Search area is supplied as GIS data	Central NGR for area shown is:
<input type="checkbox"/> m radius about attached GIS data	Central NGR for area shown is:

GIS DATA is accepted in Mapinfo Tab file or ESRI Shape Files ONLY.

Datasets Required:

© NYCC

- Monuments
- Events
- Historic Landscape Characterisation

© Historic England

- Scheduled Monuments
- Designated Battlefields
- Historic Parks and Gardens
- Conservation Areas
- Listed Buildings © Historic England
- National Mapping Programme data (only available as an A4 PDF)

Other criteria or instructions - Please detail any other search criteria here e.g. “only events since 2010”, or “only monuments of prehistoric date”, “do not include listed buildings mapping” etc.

Requested Format for Data Returned

1. Please supply map data back as (select **one** only, Other GIS formats may be available, please contact the HER Officer to discuss):

- ESRI Shapefiles
- MapInfo Tab files
- PDF Maps

2. Please supply database information back as (select one only):

- xml database extract
- PDF Reports
- Paper reports

Please note that large data requests (i.e. those where it is not feasible to create a pdf document) will be supplied as GIS data output with database information as xml (viewed in a web browser).

Request for reuse of HER data licence

If you are requesting HER data and wish to reuse it please state clearly below the purpose for which you wish to reuse it

Re-use of HER data will only be granted subject to the conditions in annex 1 (and following payment of the Licence Fee). Please sign below to confirm that you have understood and agree to the licence terms and conditions in annex 1.

Authorised Signatory :

Date:

Please return this completed form to: archaeology@northyorks.gov.uk

Or by post to:
Historic Environment Record
North Yorkshire County Council
Growth, Planning and Trading Standards
Business and Environmental Services
County Hall
Northallerton
DL7 8AD

Charges

The Council is entitled to apply a charge for the provision of information under the EIRs. Such charges will be calculated in accordance with the Council's EIR charging policy which is available here [\(insert hyperlink or web address\)](#).

Where reuse of information is also requested, the Council may also be entitled to apply additional charges, such as a Licence fee, in certain circumstances. Where this is applicable, you will be advised of any additional fees prior to any information being provided to you.

The Council may, where it considers it appropriate, waive any fees it is entitled to charge for access or reuse of Heritage Services information.

Complaints procedure

If you are in any way dissatisfied with the way in which your request for information, or your request to reuse information, has been handled, you have the right to appeal. The appeal is a two-stage process.

Stage 1)

You are able to ask for an internal review by a senior County Council officer by writing to the Information Governance Manager at infogov@northyorks.gov.uk or Information Governance Manager, Internal Audit Service, County Hall, Northallerton, DL7 8AL.

The Corporate Director Strategic Resources will appoint an officer who was not involved with the original decision to conduct the internal review. The officer will evaluate your request, the information held by the County Council, any fee charged and the response which was sent to your request. You will then be informed of the outcome of the review in due course.

Stage 2)

Following the stage 1 internal review, if you remain dissatisfied, you can seek an independent review from the Information Commissioner. Requests for a review by the Information Commissioner should be made in writing directly to:


The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF
Tel: 01625 545 745
Email: casework@ico.org.uk

Annex 1: Historic Environment Record: Re-use of Information Licence

- The Licensee has requested to reuse certain public sector information identified on the Request Form which forms the cover sheet to these Terms. North Yorkshire County Council ('The Council') has agreed to permit such reuse on the terms and conditions set out in this Annex and the Licensee has agreed to abide by the same.
- In consideration of the Council permitting re-use of the information specified in the Request Form, the Licensee shall pay to the Council the Licence Fee, as determined by the Council.
- The information is supplied for re-use to the Licensee only and cannot be assigned, novated, transferred or sub-licensed without prior written consent of the Council.
- The information can only be used for the purpose identified on the Request Form. Any further reuse will be treated as a separate request and may incur additional fees.
- The Licensee undertakes to notify the Council of any new, amended or synthetic information arising directly from the use or analysis of the information provided.
- The Council does not verify all the information held by Heritage Services and is not responsible for the accuracy or completeness of any information derived from other sources and not directly verified by the Council's Historic Environment Record staff.
- The Licensee guarantees that the information will not be used or permitted to be used for any purpose which may or is likely to lead to the loss of environmental or archaeological resources.
- The Licensee's use of the information under this Licence is entirely at your own risk. The Council makes no warranty, representation or guarantee that the information is accurate or error free.
- Failure by the Licensee to comply with any of these Terms will be construed as an actionable material breach of this Agreement.
- In addition to any other remedies available to the Council for a breach of this Agreement, the Council may refuse any future requests for re-use from the Licensee.
- Unless specified in the Request Form, the information is not to be copied or reproduced in the public domain or sold to any third party without written permission from the Council. The Licensee, his agents or employees shall not by any means copy or part with possession of the whole or any part of the information, other than in connection with the stated purpose where appropriate.
- The Licensee will acknowledge the copyright holder of the information however and whenever it is reproduced in the public domain as follows;
'© North Yorkshire County Council. All archaeological mapping should be regarded as indicative, not definitive.'
- The Licensee must not use the information to advertise or promote goods or services, or in a way which could imply endorsement by the Council or generally in a manner which is likely to mislead others.
- The Licensee shall not reproduce the Council's logos.
- The Licensee agrees to indemnify the Council against any loss or unwarranted disclosure of the information and from all actions, proceedings, claims, demands, costs, awards and damages however arising directly or indirectly as a result of any breach of this Agreement by the Licensee or his agents.
- The Council reserves the right to terminate this Agreement with immediate effect upon serving written notice to the Licensee by letter or email using the details provided in the Request Form, where you have breached this Agreement.

- This Agreement is governed by the law of England and Wales, and the parties shall submit to the jurisdiction of the English Courts.
- This Agreement constitutes the entire Agreement between the Council and the Licensee and shall supersede all other undertakings, statements and agreements relating to the provision of the Licence.
- The data provided under this Licence is considered current for 6 months for planning control purposes; should further work be required another search is recommended. If the data provided is reproduced within grey literature or any publications, the date the data was provided should be included.

Initial equality impact assessment screening form (As of October 2015 this form replaces 'Record of decision not to carry out an EIA')			
This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.			
Directorate	Business and Environmental Services		
Service area	Heritage Services		
Proposal being screened	Changes to the Historic Environment Record Charging Policy		
Officer(s) carrying out screening	Peter Rowe		
What are you proposing to do?	To amend an existing charging policy for commercial access to information held within the Historic Environment Record		
Why are you proposing this? What are the desired outcomes?	The proposal brings the charging policy into line with the Environmental Information Regulations (2004) and the Re-use of Public Sector Information Regulations (2015).		
Does the proposal involve a significant commitment or removal of resources? Please give details.	No		
Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristic As part of this assessment, please consider the following questions:			
<ul style="list-style-type: none"> To what extent is this service used by particular groups of people with protected characteristics? Does the proposal relate to functions that previous consultation has identified as important? Do different groups have different needs or experiences in the area the proposal relates to? 			
If for any characteristic it is considered that there is likely to be a significant adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your Equality rep for advice if you are in any doubt.			
Protected characteristic	Yes	No	Don't know/No info available
Age		✓	
Disability		✓	
Sex (Gender)		✓	
Race		✓	
Sexual orientation		✓	
Gender reassignment		✓	
Religion or belief		✓	
Pregnancy or maternity		✓	
Marriage or civil partnership		✓	
NYCC additional characteristic			
People in rural areas		✓	
People on a low income		✓	
Carer (unpaid family or friend)		✓	

<p>Does the proposal relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.</p>	<p>No</p>		
<p>Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.</p>	<p>No</p>		
<p>Decision (Please tick one option)</p>	<p>EIA not relevant or proportionate:</p>	<p><input checked="" type="checkbox"/></p>	<p>Continue to full EIA:</p>
<p>Reason for decision</p>	<p>The charging policy is aimed at commercial organisations such rather than individuals.</p> <p>The average search cost under the proposed new charging policy is less than that in the current policy.</p> <p>Access to the information is free of charge should the person(s) opt to visit NYCC and extract the pertinent information from the documents held themselves.</p> <p>The charges are not mandatory for local authorities and so a waiver of the fee could be justified with senior management approval should there be sufficient justification to warrant this action.</p>		
<p>Signed (Assistant Director or equivalent)</p>			
<p>Date</p>	<p>01/10/2018</p>		