

Freedom of Information Request FOI 23 110

Bibby Stockholm Advice and comments given to BBC News

You requested the following information:

a BBC News (<https://www.bbc.co.uk/news/uk-england-dorset-66361426>) has reported that: 'A spokesman for Dorset & Wiltshire Fire and Rescue Service (DWFRS) said it had provided "advice and comment" to the Home Office and the operators of the barge and is prepared to "exercise our enforcement powers" if necessary. Fire safety manager Graham Kewley explained: "Where any aspect falls within the scope of the Regulatory Reform (Fire Safety) Order, we will be undertaking appropriate audits to confirm that adequate general fire precautions are in place. "We have provided advice and comment in relation to fire safety arrangements to both the Home Office and the vessels operators during our familiarisation and pre-occupation visits.'

Please disclose the "advice and comment" referred to in the above article, and any related correspondence.

I can confirm that a copy of the letter produced as a result of the fire safety audit which was carried out on the 10th August 2023 was sent to you on 31 August 2023.

DWFRS confirms that it holds the information you have requested.

DWFRS has undertaken a public interest test and our Monitoring Officer (Qualified Person) has provided his opinion and has determined that the prejudice in Sections 36 (2)(b)(i), Section 36 (2)(b)(ii), Section 36 (2)(c) of the Freedom of Information Act would be likely to occur and therefore we are not releasing the information requested, and are relying on the following exemptions:

Section 36 exemption – Section 36 (2)(b)(i)&(b)(ii), section 36(2)(c) which states:

(2) Information to which this section applies is exempt information if, in the reasonable opinion of a qualified person, disclosure of the information under this Act—

(b) would, or would be likely to, inhibit—

(i) the free and frank provision of advice, or

(ii) the free and frank exchange of views for the purposes of deliberation, or



(c) would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.

DWFRS has undertaken a public interest test concerning withholding information under Section 36 (2)(b)(i)&(b)(ii), of the Freedom of Information Act and have set our arguments for and against disclosure below:

Public interest arguments in favour of disclosure:

There is a general desirability that DWFRS' activities are transparent, and we recognise that there is a clear public interest in transparency and accountability of public authorities. There is also a clear public interest in demonstrating that the Bibby Stockholm is safe from fire and that DWFRS is taking appropriate actions to promote and enforce fire safety law.

Public interest agreement against disclosure:

The Fire Safety Manager (FSM) needs to be able to engage with stakeholders from external organisations in an informal manner, to discuss matters at a high level outside the scope of regulatory action. This type of engagement allows him to build relationships with all types of stakeholders, including the Home Office and Landry and Kling. The threat of disclosure of information from these types of engagement would likely discourage the building of such relationships and could inhibit stakeholders, including the Responsible person under Fire Safety Law from providing information. This would therefore have an adverse effect on DWFRS' ability to effectively carry out its functions. In order to provide an effective fire safety enforcement role, the FSM needs to be able to communicate and internally discuss the results of his engagement with these stakeholders. The threat of disclosure of this internal correspondence would substantively inhibit his ability to perform his role effectively in future.

Conclusion

There would be prejudice to the effective conduct of public affairs if exchanges of information between relevant persons and fire officers and the deliberations of fire officers were to be disclosed. It cannot be in the public interest and must be prejudicial to the effective conduct of public affairs (public affairs in this case being the assessment of risk and the use of appropriate steps to keep people safe from fire) when public officials have credible grounds to fear repercussions if their views, deliberations, and conclusions are made public. We conclude that the balance of the public interest lies in maintaining the exemption and withholding the information.

Section 31 Exemption - Section 31(2)(c) states:

***(2) The purposes referred to in subsection (1)(g) to (i) are
(c) the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise,***

DWFRS has undertaken a public interest test concerning withholding information under Section 31 (2)(c) of the Freedom of Information Act and have set our arguments for and against disclosure below:



Public interest arguments in favour of disclosure:

We recognise that there is a clear public interest in transparency and accountability of public authorities. There is also a clear public interest in demonstrating that the Bibby Stockholm is safe from fire and that DWFRS is taking appropriate actions to promote and enforce fire safety law.

Public interest agreement against disclosure

DWFRS' role is as an enforcing authority to ensure that the "responsible person" has done what is necessary under fire safety law. The Service needs to be able to work with the responsible person in an honest, frank and meaningful way. The Service needs to be able to preserve and protect its routes for enforcement actions which could lead to prosecution. Disclosure of detailed information gathered during the Service's assessment of compliance with Fire Safety law could prejudice any future enforcement action that the Service needs to take as a regulator of fire safety.

Conclusion

We conclude that the balance of the public interest lies in maintaining the exemption and withholding the information.

Information/Detail accurate on the date provided: 15, September 2023