

Freedom of Information Act 2000 (Section 50)

Decision Notice

Date 12 March 2007

Public Authority: Hertfordshire Fire and Rescue Service
Address: Service Headquarters
Old London Road
Hertford
SG13 7LD

Summary

The complainant requested information from the public authority in relation to a review carried out on fire stations in Hertfordshire. The public authority disclosed the information, but failed to provide some of the information within the required 20 working days.

The Commissioner's Role

1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 (the "Act"). This Notice sets out his decision.

The Request

2. On 15 February 2006, the complainant requested the following information:
 - "1. The number of calls each station gets over whatever period of time was used to establish that Royston could be retained.
 2. The criteria used to determine a station's status – i.e., the range of risk scores and number of turnouts required for each status.
 3. A map showing the fire engine travel distances/isochrones for Rickmansworth."

Hertfordshire Fire and Rescue Service (Herts Fire) responded on 6 March 2006. The complainant queried this response on 6 March 2006, which the Commissioner considers to be a request for review. Herts Fire explained its response further on 18 April 2006, which the Commissioner considers to be the outcome of the review.

The Investigation

Scope of the case

3. On 18 April 2006 the complainant contacted the Commissioner to complain about the way her request for information had been handled. Following a telephone call on 23 August 2006, the complainant clarified that she specifically wanted the Commissioner to consider the following point:
 1. Herts Fire has not provided all the information it holds in response to the request.

On 15 January 2007, the complainant added that she also wished the Commissioner to consider the following points:

2. The timeliness of the response
3. The failure of Herts Fire to advise the complainant how to request a review of the response.

Chronology and analysis

4. From 22 August 2006 until 9 January 2007, the Commissioner was in contact via letter and telephone with Herts Fire to reach a resolution of the complaint.
5. The response from Herts Fire to the Commissioner of 15 September 2006 provided the majority of relevant information to reach a conclusion on elements 2 and 3 of the request.
6. The correspondence from 15 September 2006 onwards concentrated on element 1 of the request.

Element 1 of the request

7. Herts Fire initially responded to this element of the request on 6 March 2006 by providing a link to the stations fact sheets and again on 18 April 2006 by providing turnout figures for 2003 and 2004. Herts Fire told the Commissioner that Fact Sheets had only been produced for four fire stations, namely Royston, Bovingdon, Radlett and Watford. A review was carried out on these four stations and the fact sheets were compiled to show what had been considered in the reviews. In the response to the complainant of 18 April, Mark Yates of Herts Fire stated the following to the complainant:

“Can I invite you to meet with me so that I can ensure that if you have any further requests for information we can satisfy them in the most efficient manner and also ensure that there is no ambiguity in what information you actually desire.”

There is no record to suggest that the complainant has taken up this offer from Herts Fire.

8. In a telephone call of 26 September 2006, Herts Fire told the Commissioner that a review had been carried out on all the fire stations in Hertfordshire. It also told the Commissioner that all the call statistics were held in the 'Royston Fire Station Fact Sheet' provided to the Commissioner on 15 September 2006. Since the Commissioner believed the complainant had requested the number of calls for all stations, Herts Fire was asked whether the complainant had been provided with the Fact Sheets for all fire stations.
9. On 1 November 2006, Herts Fire confirmed that the complainant had acknowledged receipt of all four Fact Sheets on 5 January 2006. It is to be noted that the complainant had received the Fact Sheets prior to making her request of 15 February 2006, the subject of this complaint.
10. In its letter of 1 November 2006, Herts Fire told the Commissioner that it did not consider the complainant had asked for the call statistics for all stations, but only those statistics for Royston Fire Station. In a telephone call of 1 December 2006, Herts Fire explained that it held 'station profiles' it had already produced from the three year period of 2001 to 2004. These profiles are in a spreadsheet form and contain the number and type of calls received and the number and type of turnouts. There is one profile for each station.
11. Herts Fire had previously stated on 9 October 2006 that the profiles for all fire stations in Hertfordshire had already been provided to the complainant following an additional request for them. In a telephone call of 1 December 2006, Herts Fire further explained that it had taken into account station activity from the additional year of 2004/2005 in considering the proposed changes to Royston, Bovingdon, Radlett and Watford Fire Stations in order to put these proposed changes out to public consultation. The Commissioner accepted that the profiles would provide the number of calls for 2001 to 2004. However, Herts Fire would need to provide the number of calls for the same time period used in the review of Royston in order to respond to the request in full. Therefore, the Commissioner asked Herts Fire to provide the call statistics for 2004 to 2005 for each station.
12. Herts Fire has confirmed that it holds information in spreadsheet form which records each call received over the whole of Hertfordshire for the 2004/2005 period along with such information as time of call, name of caller etc. On 18 December 2006, the Commissioner asked Herts Fire to provide from this spreadsheet the number of calls for each station in turn for the 2004/2005 period and provide this information to the complainant, which Herts Fire did also on 18 December 2006.

Element 2 of the request

13. On 6 March 2006, Herts Fire told the complainant that “there is no single number of calls, or value associated to dwelling or any other risk that determines the status for each fire station.” However, the complainant disputed this statement, because she had read the following sentence in the fact sheet produced for Royston Fire Station: “...considering the risk score and calls alone, the status of this station could be based on the retained duty system.”
14. It should be pointed out that the term ‘retained’ in this context is a descriptor for fire stations which provide a comparatively low level of cover as they receive a lower number of calls and turnouts. The Commissioner asked Herts Fire which criteria were considered in deciding the status of a fire station. On 15 September 2006, Herts Fire provided the Commissioner with some of the criteria it considers, but explained that there is no definitive list of criteria as decisions are made based on professional judgement. This assisted the Commissioner in understanding Mr Mark Yates’ (Deputy Chief Fire Officer) review of 18 April 2006 to the complainant. In this review, he told the complainant that the sentence in the fact sheet was meant to be a straightforward and simplistic illustrative comparison with other retained stations on that one criteria alone.
15. Mr Yates continued the review by explaining that there are many criteria used to ultimately inform the professional judgement of the Chief Fire Officer and his managerial team that is required to determine the status of a fire station. He stated that there is no set of numbers to determine the status of a station.

Element 3 of the request

16. On 6 March 2006, Herts Fire provided the complainant with a map showing travel distances for fire engines from Rickmansworth Fire Station. This map also showed travel distances for fire engines from Watford Fire Station. The complainant queried the accuracy of this map, because she stated that the travel distances for Watford Fire Station were different on the Watford Fact Sheet. The Commissioner asked Herts Fire about this and it confirmed on 15 September 2006 that it had created the map in order to respond to the request.
17. It was explained that the map was created from raw data using a computer programme based on the proposed new location for Watford Fire Station in the Lower High Street rather than its existing location in Whippendell Road. In order to produce a map for Rickmansworth showing accurate travel distances for Watford, it would have to be created from raw data. Therefore, it should be noted that the map, the subject of this element of the request, was actually created in response to the request and technically was not held at the time the request was made. It is acknowledged that Herts Fire created the map in an effort to assist the complainant, but this was not a requirement under the Act.

The Decision

Refusal notice

18. Herts Fire's response of 6 March 2006 does not advise the complainant of how to request a review of the decision. This is because Herts Fire believed it had provided the complainant with all the information she had requested. As such, there is no obligation under the Act to offer a review and therefore Herts Fire has not breached section 17 of the Act in relation to this element of the complaint.

Element 1

19. This element of the request is understood to be that the complainant required the number of calls received by Royston Fire Station and the equivalent number of calls for all fire stations within Hertfordshire Fire and Rescue Service for the station activity time period considered in the review of Royston. This period was 2001 to 2005. By providing the complainant with the station profiles, which contain the calls for 2001 to 2004, and the subsequent calls for 2004 to 2005 for each station, the Commissioner is satisfied that Herts Fire has complied with section 1(1) of the Act.
20. However, in not providing all the information until 18 December 2006, Herts Fire failed to comply with section 10(1) of the Act. By inviting the complainant to come and discuss the information she desired as explained in the findings of fact in paragraph 7 above, Herts Fire has complied with the provision of advice and assistance under section 16(1) of the Act. In light of the fact that this information has now been provided, there is no action that the Commissioner requires Herts Fire to take.

Element 2

21. In light of the findings of fact at paragraph 15 above, the Commissioner accepts that Herts Fire does not hold any information in response to element 2. By informing the complainant on 6 March 2006 that this information was not held, the Commissioner is satisfied that Herts Fire has complied with section 1(1) of the Act in the time permitted under section 10(1) of the Act.

Element 3

22. Herts Fire has provided the complainant with all the information it holds in response to this element of the request. Therefore there is no further information to be provided by Herts Fire in response to this element of the request. By providing the information to the complainant on 6 March 2006, Herts Fire has complied with section 10(1) of the Act.

Right of Appeal

23. Either party has the right to appeal against this Decision Notice to the Information Tribunal. Information about the appeals process may be obtained from:

Information Tribunal
Arnhem House Support Centre
PO Box 6987
Leicester
LE1 6ZX

Tel: 0845 600 0877
Fax: 0116 249 4253
Email: informationtribunal@dca.gsi.gov.uk

Any Notice of Appeal should be served on the Tribunal within 28 calendar days of the date on which this Decision Notice is served.

Dated the 12 day of March 2007

Signed

**Jane Durkin
Assistant Commissioner**

**Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**

Legal annex

Section 1(1) provides that -

“Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.”

Section 10(1) provides that –

“Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.”

Section 16(1) provides that -

“It shall be the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, requests for information to it”.