

## Fire investigation reports

You have requested the fire investigation report relating to the warehouse fire on Waterden Road, East London on 12 November 2007. Requests for Fire Investigation Reports are considered under the Freedom of Information Act. The class of information is included in our Publication Scheme, which will also outline how the information is available to you and any possible charges. Our Publication Scheme can be found on the London Fire website at [http://www.london-fire.gov.uk/about\\_us/foi/ps.asp](http://www.london-fire.gov.uk/about_us/foi/ps.asp) (see section 2.2.2, Fire investigation reports).

Fire Investigation Reports are detailed reports of the results of an investigation into a fire. A summary or full report may be available for an incident. The reports follow a template which covers synopsis, chain of events, evidence collection and conclusions plus any other information relevant to the investigation. Reports also include photographs. The Fire Investigation Report does not concentrate on, but may mention, elements of information that fall under the definition of environmental information, as defined in the Act.

Environmental information is divided into the following six main areas:

1. The state of the elements of the environment, such as air, water, soil, land, fauna (including human beings);
2. Emissions and discharges, noise, energy, radiation, waste and other such substances;
3. Measures and activities such as policies, plans, and agreements affecting or likely to affect the state of the elements of the environment;
4. Reports, cost-benefit and economic analyses;
5. The state of human health and safety, contamination of the food chain;
6. Cultural sites and built structures (to the extent they may be affected by the state of the elements of the environment).

In his response to your initial request, dated 13 December 2007, Mr Bartley explained to you that the information contained within this Fire Investigation Report falls under the following headings:

- most likely cause;
- source of ignition;
- material or item first ignited;
- materials or item mainly responsible for development of fire;
- summary of incident.

After considering whether the information contained within the requested report falls under the provisions of EIR I have decided to uphold our previous decision that it does not, therefore provisions of Freedom of Information Act (FOIA) apply. However, to help illustrate the reasons for our decision that the information be considered under the FOIA, rather than EIR, I have decided to disclose extracts from the requested Fire Investigation Report which it could be argued fall under the definition of environmental information:

- “the roof and upper elevation were also lined in part with Asbestos Insulation Board (AIB) and polystyrene cladding”;

- “it was reported by the operators that sparks from the hot metal had fallen onto some adjacent polystyrene cladding, which rapidly caught fire”;
- “thick black smoke was issuing from the roof”.

You can see from the information above that the report only mentions substances that may have/have had an effect on the elements. However the state of the elements and possible waste and any such substances are only mentioned as a matter of fact without further analysis or comprehensive conclusions.

Lastly, in response to your question to how many A4 pages are contained in this report, the report contains one A4 page with accompanying photographs.

### **Charging for the information**

You may remember that in our previous correspondence to you, dated 7 March 2007 (our reference FOIA56.1) we explained to you our reason for charging for Fire Reports (FDR1). The same reasons apply for the Fire Investigation Reports. For your convenience these are repeated here:

Fire brigades own the data contained in an individual Fire Investigation Report and are willing to disclose copies of the report subject to the provisions of the Data Protection Act 1998. A charge has always been made for the supply of copies of the reports and each brigade operates its own scheme of charging. The Authority's standard charges are explained in our Publication Scheme. This charge is derived from the application of a formula. This is based on the direct salaries of the staff (plus 45% to cover other overheads), approved by the Authority's elected members (in September 1996) when the former Operations Committee decided that all future increases be at a level which would achieve a recovery of the cost estimate based on the staff time involved in order to produce the report . The charge is reviewed annually. Income from the sale of these reports partly offsets the costs of producing them.

You have the right to ask the Information Commissioner for a decision as to whether the Authority has dealt with your request in accordance with the requirements of the Freedom of Information Act and/or Data Protection Act. If you wish to do so you should apply to the Information Commissioner at; The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely

David Atkinson

Head of Legal and Democratic Services