



Our Ref: R601488

Being dealt with by: Mark McGovern

Your Ref:

Ext: 3297

Date: 12th December 2022

Dear Mr Steward

Re: Freedom of Information request - Gas Safety Certification & Collection

I refer to your email dated 15 November 2022 requesting, under the Freedom of Information Act 2000, information relating to 'Gas Safety Certification & Collection'.

I should explain that because the information you have requested is environmental information, as defined in Regulation 2(1) of the Environmental Information Regulations, it is exempt from disclosure under Section 39 of the Freedom of Information Act 2000. However, the Council is obliged by regulations under Section 74 of the Freedom of Information Act to consider your request under the Environmental Information Regulations 2004, which gives the public qualified rights to access to environmental information held by a public authority. The Council has therefore, considered your request under the Environmental Information Regulations.

The Council only holds some of the information you have requested. Where the information is not held by the Council this is clearly indicated in the response below. However, as you may be aware, under regulation 12(4)(b) a public authority, such as Belfast City Council, may refuse to disclose environmental information requested if the request is manifestly unreasonable. Guidance issued by the Information Commissioner, who is the regulator responsible for ensuring that public authorities comply fully with this legislation, advises that a request may be manifestly unreasonable if dealing with a request would create unreasonable costs or an unreasonable diversion of resources. Some of the information which you have requested is not readily accessible, specifically information relating to the first part of your request regarding '*Gas Safety certificates collected & collated*' from '*commercial catering premises*'. This is because the Council does not specifically record or collate this information in standalone documents or in any other format which makes it readily accessible. To fully comply with your request would require the Council to undertake an extensive and time-consuming file by file review of its paper and electronic record-keeping systems to retrieve and extract the specific information requested. The Council considers that undertaking this time-consuming and labour-intensive task would cause it to incur unreasonable costs and would be an unreasonable diversion of its resources. The Council has, therefore, decided to refuse your request on the grounds that it is manifestly unreasonable and the information is exempt from disclosure under the exception provided in regulation 12(4)(b) of the Environmental Information Regulations.

In reaching this decision the Council took into account, but did not rely solely on, Section 12 of the Freedom of Information Act and the associated Freedom of Information and Data Protection

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(Appropriate Limit and Fees) Regulations 2004. Under Section 12 of the Freedom of Information Act, a public authority does not have to comply with a request for information if it estimates that the cost of compliance would exceed the appropriate limit set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations. For public authorities, such as the Council, the appropriate limit is £450.00, which is calculated on the basis of 18 hours of staff time at a rate of £25.00 per hour. The Council estimates that it would take approximately 715 hours, which at a rate of £25.00 per hour would cost over £17,875.00 to locate, retrieve and extract the exact information. The Council, therefore, concluded that dealing with your request would require it to incur unreasonable costs and cause an unreasonable diversion of resources.

Where the Council decides to refuse to disclose information requested on the basis that regulation 12(4)(b) of the Environmental Information Regulations is engaged, it must apply what is known as a public interest test. This requires the Council to decide whether, in all circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information.

In applying the public interest test the Council gave careful consideration to the arguments for and against disclosure. The arguments which were taken into account in favour of disclosure were:

- that it would promote accountability and transparency in relation to the Council's decisions and its spending of public money on the issue of gas safety
- that it would promote greater public awareness and understanding of environmental matters on this issue;
- that it would allow for more informed debate on this issue;
- that it would promote more effective public participation in environmental decision-making;
- that it would ultimately contribute to a better environment;
- the specific circumstances of the case,
- whether any of the information was already in the public domain; and
- the impact of disclosure upon individuals and the wider public.

The arguments which were taken into account in favour of maintaining the exception were:

- the need to protect the Council from exposure to disproportionate burden;
- the need to ensure the Council's resources are efficiently, economically and effectively utilised, and that no unwarranted strain is placed on its resources;
- the need to ensure that the Council is not distracted from delivering mainstream services or responding to other requests;
- the need to protect the Council from an unjustified level of distress, disruption or irritation;
- the specific circumstances of the case and the content of the information requested in relation to those circumstances; and
- the impact of disclosure upon individuals and the wider public.

The Council balanced the need for openness and accountability against the need to protect the Council from exposure to disproportionate burden and an unjustified level of distress, disruption and irritation in handling your information request. Having taken into account the arguments for and against the disclosure the Council has decided that, on balance, in this case the public interest in maintaining the exception provided under regulation 12(4)(b) of the Environmental Information Regulations outweighs that in favour of disclosure. The Council concluded that the possible benefits of disclosure are outweighed by:

- the need to protect the Council from exposure to disproportionate burden;
- the need to ensure the Council's resources are efficiently, economically and effectively utilised, and that no unwarranted strain is placed on its resources;

- the need to ensure that the Council is not distracted from delivering mainstream services or responding to other requests;
- the need to protect the Council from an unjustified level of distress, disruption and irritation; and
- the fact that there are no exceptional circumstances or overriding public interest that would warrant disclosure.

However, the Council can provide, free of charge, the information it does hold in the remainder of your request. Accordingly, this information is provided below. For ease of reference, I have reproduced each part of your request and provided the Council's response below each query.

*In relation to Gas Commercial Mobile catering wagons –
How many mobile gas catering wagons were checked for gas safety/certification on Belfast City council premisses during the following dates numbers only not names and addresses*

- *8th August 2017 to 8th August 2018*

The Council hold no information in relation to this part of your request.

- *8th August 2018 to 8th August 2019*

Three.

- *8th August 2019 to 8th August 2020*

The Council hold no information in relation to this part of your request.

- *8th August 2020 to 8th August 2021*

One.

- *8th August 2021 to 8th August 2022*

One.

As a general question there were many events music & social which take place on Belfast City Property how many inspections given the dates above have checked mobile Gas catering wagons entering these function to ensure Gas Compliance and public safety has been prioritised by Belfast City Council also how many has been refused entry into the said events due to non-compliance of gas safety regulations -eg no gas safety certification –

As advised above, five mobile gas catering wagons were checked for gas certification at such events occurring over the course of the dates requested.

The inspections of events carried out by the Building Control Service under its Entertainments Licensing function are not specific to gas safe certification. The onus for such inspections is placed upon the H&S representative acting on behalf of the event organiser and the overall responsibility lies with the event organiser. For events it is involved in for entertainments licensing, the Building Control Service does reassure itself that the H&S representative is undertaking relevant checks in respect of gas safe certification. Any refusal of entry onto sites would be undertaken by the H&S representative acting directly for the event organiser. The Council holds no information on numbers refused entry.

If you are dissatisfied with how the Council has handled your request for information, you have the right to request that the Council formally review this decision. If you wish to do so, please write to the Records Manager, Information Governance Unit, Legal and Civic Services, Belfast City Council, City Hall, Belfast, BT1 5GS or send an email to: foi@belfastcity.gov.uk

Should you remain dissatisfied following the Council's internal review, you can seek a review from the Information Commissioner. Requests for an independent review should be made in writing to: The Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. However, I would advise you that the Information Commissioner has indicated that a review will not be undertaken unless the Council has first had an opportunity to re-consider its decision.

If you have any queries about this email, please contact me.

Yours sincerely

A handwritten signature in black ink, appearing to be 'M McGovern', with a long horizontal stroke extending to the right.

Mark McGovern
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