



Our Reference:

BY EMAIL ONLY

7 May 2015

Dear

**Request for Information**

Thank you for your email dated 10 April 2015 requesting information on the usage of the Property Panel. For ease of reference your request is below:

*I would be most grateful if you would provide me, under the Freedom of Information Act, the following details in respect of the following frameworks:*

*Framework Titles:*

1.) *Property Professional and Technical Services Framework 2014-2018 (2013/S 235-408288)*

- Those Public Sector Agencies that used the above framework over its contractual term*
- The spend by each of the Public Sector Agencies using the above framework over its contractual term*

2.) *Property Consultants Panel 2010-2014 (2011/S 21-033352)*

- Those Public Sector Agencies that used the above framework over its contractual term*
- The spend by each of the Public Sector Agencies using the above framework over its contractual term*

We can confirm that, to date, 205 other Public Bodies involved in housing and regeneration have signed an Access Agreement with the Homes and Communities Agency (HCA) enabling them to procure work through the HCA Frameworks; the majority of these organisations are local authorities.

We can confirm that HCA usage of the Property Panel 2010-2014 amounted to £19,871,611. We can also confirm that the HCA's usage of the 2014-2018 Panel up to and including 6 May 2015 is £4,740,408.

Attached to this letter are two spreadsheets which detail the usage of the two panels by other Public Bodies. The spreadsheets show which other Public Bodies have used each of

the Panels, and the sum total of the amount of money spent by other Public Bodies on each Panel. Please note that although the spreadsheet for the 2010-2014 Panel states the spend was £4,101,971, in the Memorandum of Information we stated an approximate spend of £7,500,000. This is because we have struggled to receive data from all of the Public Bodies and this figure represents minimum usage. However, we have redacted the amount that each individual Public Body has spent on each panel under Section 43(2) of the Freedom of Information Act 2000.

### **Section 43(2) – Prejudice to commercial interests**

Section 43(2) of the Act permits a public authority to withhold information where disclosure “would, or would be likely to, prejudice the commercial interests of any party”, including the public authority holding the information. We have identified certain information which, if released, could have the potential to prejudice the commercial interests of the other Public Bodies when agreeing contracts with firms on the Property Panel.

Disclosure would harm the HCA’s and other Public Body’s interests by undermining the ability to effectively negotiate contract values to ensure the best value for money and/or best contractor to fulfil the contracts. Similarly, if disclosed, this information would be prejudicial to the third parties in the market place as price transparency would disadvantage them commercially. We have concluded that Section 43(2) is engaged for the information that would cause this type of prejudice if released.

Section 43(2) is a qualified exemption, which means that before we can withhold information we must firstly consider the public interest in the disclosure. We can confirm that we have given careful consideration to the disclosure of this information, and identified the following factors as relevant.

### **Public Interest Test – Factors in favour of disclosure**

Disclosure of the requested information would help demonstrate HCA’s commitment to the principles of transparency and accountability.

Disclosing information helps further the public scrutiny of the activities and management of the HCA. This helps to serve the public interest by enabling interested individuals to be fully empowered of all the facts when considering the activities of HCA.

There is a legitimate public interest in ensuring that public authorities are operating effectively and in line with their organisational objectives, and that they are obtaining the maximum value for money for the public purse. This can be served by promoting transparency in the disclosure of any information which relates to the Agency’s decision making and spending activities

### **Public Interest Test – Factors in favour of non-disclosure**

The release of the amount of money spent by each Public Body against the Panel firms could be prejudicial to the commercial interests of the Public Body or the private firm instructed to carry out the work when entering into any contract. If the Public Body had only used the Panel for a single contract, release of the amount of money spent by the Body would directly identify how much that Agency spent on that one contract. This in turn would be detrimental to their ability to negotiate for future contracts as competitors would have an unfair advantage as they would know the value placed on each contract.

It is not in the public interest to limit a Public Body's ability to compete in a commercial setting by releasing information as the result of an FOIA request when it is seeking to achieve best value for the public purse. It is also not in the public interest for disclosure to harm the interests of third parties as this would also affect who and how the HCA and other Public Bodies work with contractors in the future.

We have, therefore, concluded that the balance of the public interest favours non-disclosure of this information at this time. We would, however, stress that the public interest is as ever changing concept and the arguments may change over time.

If you have any questions regarding this response or any further queries you can contact us at the following addresses and quote your unique reference number found at the top of this letter:

**Email:** [mail@homesandcommunities.co.uk](mailto:mail@homesandcommunities.co.uk)

**Mail:** Information Access Officer  
Homes and Communities Agency  
Fry Building  
2 Marsham Street  
London  
SW1P 4DF

If you are unhappy with the way Homes and Communities Agency has handled your request you may ask for an internal review. You should contact

Head of Legal Services  
Homes and Communities Agency  
Fry Building  
2 Marsham Street  
London  
SW1P 4DF

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at

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

Yours sincerely

Naomi McMaster  
Information Access Officer

Homes and Communities Agency  
Fry Building, 2 Marsham Street, London, SW1P 4DF

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