



Our Reference:

BY EMAIL ONLY

13 April 2015

Dear

Request for Information

Thank you for your email dated 25 March 2015 requesting information on Dunn Cow Quay land/Lifeboat station (Blyth Workspace). For ease of reference your request is below:

Can you please confirm also if HCA are still the landowner of the Blyth Workspace and what rental charge is being administered to them.

We can confirm that the Homes and Communities Agency (HCA) is still the landowner of Blyth Workspace.

We can also confirm that there is a lease between the HCA and Arch dated 30 January 2014 in respect of Blyth Workspace, Commissioners Quay, Blyth. Within the lease the rent charged is detailed, however we have determined that this information would cause harm to both the HCA and Arch if disclosed. Therefore the information has been withheld under Section 43(2) of the Freedom of Information Act 2000 (FOIA).

Section 43(2) – 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.

Disclosure of the requested information would compromise the HCA’s commercial interests as well as the commercial interests of Arch. It would impact upon the HCA’s ability to generate best value for money when negotiating rental charges for land or assets. Disclosure of the information could also harm the third party that HCA has entered into a contract with as it would enable competitors to use the information against them resulting in loss of business.

Section 43 of FOIA requires a Public Interest Test to be carried out in order to see where the weight of arguments lies in relation to disclosure of the information. The arguments both for and against disclosure are set out below.

Public Interest Test – Factors in favour of disclosure

Disclosing the information requested promotes the accountability and transparency of the HCA as well as providing increased information about the application of public funds. This in turn provides a basis for a more informed public debate about the value of money being obtained by the HCA.

Disclosure would also assist the public in understanding the HCA's position and gain an understanding as to why certain decisions have been made or actions considered. This again helps to assist the public in informed debate around the future of projects, sites and developments.

Public Interest Test – Factors in favour of non-disclosure

Disclosure of information we hold would severely undermine our ability to negotiate competitively and achieve best value for money in future transactions. It would affect our negotiating strategies with those wishing to potentially enter into a lease agreement with us in future transactions. To release this would have a negative impact on the HCA and would not be in the public interest considering the public purse is at stake as well as hindering the HCA's ability to continue their work in a fair market, for this and all other projects.

Disclosure of the withheld information would indicate the HCA's commercial strategy, by revealing how much rental value we placed on particular assets, to the world at large. This would include any interested parties that were seeking to transact with the HCA in similar transactions. This would therefore significantly damage the HCA's commercial standing in seeking best value for money as well as hindering our ability to make the best decisions and achieve our operational objectives.

It is not in the public interest to diminish a public authority's ability to be competitive in a commercial market by releasing information as the result of an FOIA request when it is always seeking to achieve best value for the public purse.

Lastly, disclosure of information would impact on Arch as it would enable its competitors to use the information against them in order to gain valuable business by providing the HCA with counter offers.

Taking all factors into consideration we have determined that the exemption is maintained and the information is withheld at this time as the public interest arguments are weighted more heavily to non-disclosure. We would, however, stress that the public interest is an 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

Mail: Information Access Officer
Homes and Communities Agency

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

0300 1234 500
homesandcommunities.co.uk

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