

Gerlinde Gniewosz

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16 April 2015

Our ref: IR101430

Dear Gerlinde Gniewosz,

Thank you for your request **IR101430** for an internal review received on 2 April 2015. I am sorry that you are dissatisfied with our attempts to handle your request under the Environmental Information Regulations 2004

You requested, on 13 February 2015:

*Please provide all regeneration plans and forecasts relating to the potential regeneration of Cressingham Gardens estate, including but not exhaustively:*

- (i) Density forecasts*
- (ii) Funding models*
- (iii) Ownership models*
- (iv) Current resident retention*
- (v) Future resident and dwelling mix, including legal tenures*

Your complaint is that in the Council's response, dated 22 March 2015, to question 2 stated "*There are no details on funding models that the Council has to release at this time.*" You believe that the Council does hold documentation relating to possible funding models and asked for this to be provided.

I have reviewed all correspondence. In accordance with EIR Regulation 9, providing advice and assistance, the part refusal Decision Notice dated 22 March 2015 where information was released to you should have made clear what the Council holds in terms of financial viability assessments.

I have spoken to Julian Hart, Capital Programme Manager, who has advised that the Council holds three outputs from the financial modelling carried out to date on two of the five options for the Cressingham Gardens Estate and that these will be reported to Cabinet in June 2015.

Having reviewed the information not disclosed to you I am satisfied that these are internal communications, and that there is a set procedure for the disclosure of this information to the public and the information contained within the documents held is commercial industrial data.

I find that the Decision Notice dated 22 March 2015 was defective as it did not include an exceptions as to why this information was not being provided to you for which I apologise. I have reminded officer's to be more careful in future when applying exceptions and reissued the Decision Notice accordingly, copy attached.

If you remain dissatisfied with the outcome of the review you have a further right to appeal to the Information Commissioner, who regulates the implementation of the Freedom of Information Act.

The Commissioner can be contacted at the following address:  
Information Commissioners Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Enquiry line: 0303 123 1113

Thank you for your interest in Lambeth Council.  
Yours sincerely

Richard Carter  
Freedom of Information Coordinator  
Complaints and Information Unit

Corporate Affairs  
Enabling Cluster  
London Borough of Lambeth

Tel: 07854 272 383  
Email: [rcarter@lambeth.gov.uk](mailto:rcarter@lambeth.gov.uk)  
[www.lambeth.gov.uk](http://www.lambeth.gov.uk)

Room 210  
Lambeth Town Hall  
London  
SW2 1RW

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## **Annex A - Reissued Decision Notice ref: 101430**

You asked for the following information:

*Please provide all regeneration plans and forecasts relating to the potential regeneration of Cressingham*

*Gardens estate, including but not exhaustively:*

*(i) Density forecasts*

*(ii) Funding models*

*(iii) Ownership models*

*(iv) Current resident retention*

*(v) Future resident and dwelling mix, including legal tenures*

*Please provide any drafts of cabinet reports under discussion regarding the regeneration of Cressingham Gardens.*

### **Council Response**

#### *1) Density forecasts:*

Please find attached the final Roland Karthaus report, which provides the various options, including the information on density.

#### *2) Funding models:*

Your request for information has now been considered and unfortunately, it is not possible to meet your all of your request. In accordance with Section 12(1) of the Environmental Information Regulations (EIR), this letter acts as a part Refusal Notice.

Part of the information you have requested is exempt in accordance with:

- **Regulation 12(4)(e)** Internal Communications
- **Regulation 12(5)(e)** Confidentiality of commercial or industrial information

### **Regulation 12(4)(e) Internal Communications**

The Council has determined that the information being withheld relates to high level internal discussions where, the financial model to assess the financial viability of different options for two options for regeneration of Cressingham Gardens Estate. The outputs will be reported at the Committee meeting in June 2015. As such the Council argues that the internal communications and minutes should be withheld to maintain "a safe, internal, confidential, private space (away from the public and hence external scrutiny) in which it is able to discuss and determine such issues affecting it, in order to facilitate full and frank deliberation and debate and permit high quality decision making which is required for the sound performance of the Council as a whole".

This is a qualified exception under the EIR which means that consideration must also be given to whether in all the circumstances of the case the public interest favouring disclosure is greater than the public interest in maintaining the exemption. The public interest means what is in the best interests of the public not what is of interest to the public.

### **Public interest test considerations**

I have considered whether the public interest in maintaining the exception outweighs the public interest in disclosing the information. There are a number of public interest arguments that weigh in favour of disclosing the information you have sought:

- The general proposition of maximising openness that the EIR and the Council aspire to;

- The benefits of ensuring transparent and accountable government by disclosing how the Council receives and spends public money;
- However, there are also public interest arguments against disclosure:
- Releasing the requested information could prejudice the Council's future decision making process, staff would be reluctant to have free and frank discussions if all that is discussed is subject to scrutiny with no safe space for 'blue sky thinking', the requested information may prejudice pending or future decisions which would be detrimental to the Council.
- The public interest in withholding the requested information outweighs the public interest in disclosure of the requested information.

**Regulation 14 (5) (e) Confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest**

The Council has determined that the information being withheld relates to confidential commercial information. As such the Council argues that this confidential commercial information should be withheld to maintain "a confidential, private space (away from the public and hence external scrutiny) in which it is able to discuss and determine such issues affecting it and or third parties, in order to facilitate full and frank deliberation and debate and permit high quality decision making which is required for the sound performance of the Council as a whole".

This is a qualified exception under the EIR which means that consideration must also be given to whether in all the circumstances of the case the public interest favouring disclosure is greater than the public interest in maintaining the exemption. The public interest means what is in the best interests of the public not what is of interest to the public.

**Public interest test considerations**

I have considered whether the public interest in maintaining the exception outweighs the public interest in disclosing the information. There are a number of public interest arguments that weigh in favour of disclosing the information you have sought:

- The general proposition of maximising openness that the EIR and the Council aspire to;
- The benefits of ensuring transparent and accountable government by disclosing how the Council receives and spends public money;

However, there are also public interest arguments against disclosure:

- Releasing the requested information could prejudice the Council's future negotiation capabilities and reduce confidence third parties have with the Council in order to facilitate the decision making process. Both the Council and any third party contractor would be reluctant to have free and frank discussions if all that is discussed is subject to scrutiny with no safe space for 'confidential communications', the requested information may prejudice pending or future decisions which would be detrimental to the Council and or third parties.
- The public interest in withholding the requested information outweighs the public interest in disclosure of the requested information.

3) Ownership models:

Please find attached the Offer documents.

4) Current resident retention: This is unknown at this time.

A Household Needs Survey is being undertaken to ascertain likely retention.

5) Future resident and dwelling mix, including legal tenures:

These are currently being determined and will depend on the outcome of the Household Needs Survey.

Please note there I am advised that are no current cabinet reports under discussion. If you are dissatisfied with the way in which your Freedom of Information request has been dealt with you can request an internal review. Tell us why you are unhappy with our response within 40 working days, and it will be looked at afresh. We will aim to provide you with our review response within 20 working days.

By email: [foi@lambeth.gov.uk](mailto:foi@lambeth.gov.uk)  
(Please quote the reference number above) or by writing to:  
Freedom of Information  
Olive Morris House Brixton Hill  
London  
SW2 1RD

If you remain dissatisfied with the outcome of the review you have a further right to appeal to the Information Commissioner, who regulates the implementation of the Freedom of Information Act. The Commissioner can be contacted at the following address:  
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