



North East Procurement Organisation
Guildhall
Quayside
Newcastle upon Tyne
NE1 3AF
Telephone: 0191 433 5949
Email: governance@nepo.org

Dave Orr (sent by email)

19th February 2021

Dear Mr Orr,

Freedom of Information Request.

I refer to your request of ***Internal review of Freedom of Information request - Copy of your contract with Bloom***

Your initial request was:

Dear North East Procurement Organisation,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of North East Procurement Organisation's handling of my FOI request 'Copy of your contract with Bloom'.

I asked for a blank pro forma of the NEPO2 framework agreement (without any specific client details or commercial information) and the one provided is excessively redacted.

I need to see all of the contents page so that I can see all sections. Where redaction occurs the section heading should remain and all information should remain except the parts that are truly confidential.

Redaction to the content page stops me seeing what the sections redacted are for. This is absurd.

For example, the dispute resolution process is redacted and given that these are public contracts with public bodies then how the dispute resolution works is not confidential nor is it a trade secret.

The section on Freedom of Information has been redacted which is a high point of irony and prevents me from seeing whether I can access information concerning the failed contract with Ignite that led to Taunton Deane and West Somerset Councils merging into a new Somerset West and Taunton Council,

who inherited a failed programme with added and unexpected costs of around £10m, rather than the promised savings of £3m per annum promised by Ignite.

I, therefore, conclude that the basis for the redactions of a blank pro forma is not supported by the FOIA exemptions applied and if this Internal Review is rejected then I intend to appeal to the ICO.

Additionally, given the losses to local Somerset West and Taunton council taxpayers, there is a high public interest in understanding how NEPO and Bloom manage project failures under the NEPRO2 framework which confers privileges in respect of avoiding competitive tender and therefore suppliers (like Ignite) who have failed their contract should have their place on the NEPRO2 framework reviewed with a sanction of removal for egregious or repeated failures.

I contend that the public interest test has failed to take into account the purpose and history of my FOI requests (around an Ignite-led project failure adding £10m of costs to taxpayers and undercutting key service funding) and is therefore flawed.

It is my sincere belief that Ignite should no longer remain on the NEPRO2 framework and reap the benefits of winning business without competitive tenders when their record across two Somerset Councils is one of abject failure. I simply want to see how NEPO and Bloom should have dealt with those costly project failures under the Framework Agreement.

A full history of my FOI request and all correspondence is available on the Internet at this address:
https://www.whatdotheyknow.com/request/copy_of_your_contract_with_bloom

Yours faithfully,
Dave Orr

NEPO's response:

Thank you for your Freedom of Information request received 23rd January 2021.

NEPO can confirm that we have taken further time to consider your Freedom of Information request, an internal review of the original response dated 15th January 2021 has been subject to review from our Managing Director.

This review has been undertaken with a fresh consideration of your initial request and the response provided.

Upon further consideration NEPO is satisfied with the application of the public interest test under this case, and that this has been applied with due

consideration under the Freedom of Information Act 2000 on what exceptions apply.

- Section 40(1) of the Freedom of Information Act 2000.
- Section 43(1) of the Freedom of Information Act 2000.
- Section 43(2) of the Freedom of Information Act 2000.

Section 40(1) – of the Freedom of Information Act 2000 (the Act) provides that:

“Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject”

Section 43(1) of the Freedom of Information Act 2000 (the Act) provides that:

“Information is exempt information if it constitutes a trade secret.”

Section 43(2) of the Freedom of Information Act 2000 (the Act) provides that:

“Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it)”.

NEPO is satisfied that the redactions have been applied in accordance with the above exceptions of the Freedom of Information Act 2000.

RIGHT TO REVIEW

You may apply to the Managing Director, Guildhall, Quayside, Newcastle upon Tyne, NE13AF, for an internal review of the decision. This will be a fresh consideration of your request by a more senior officer. If you wish to request a review must do this in writing within 40 days of receipt of this letter.

Following the internal review if you are still unhappy you have a right of appeal to the Information Commissioner as specified below.

You may apply under Section 50 of the Act to the Information Commissioner at the address given below

Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

For a decision whether, in any specified respect, a request for information made by you to the Department/office has been dealt with in accordance with the requirements of Part 1 of the Act.

The Information Commissioner shall consider the matter fully and make a fresh decision.

Yours Sincerely

North East Procurement Organisation Governance Team.