

Date: 9 January 2019
Ref: PSC-20675-D3Z9

Your request for information

Thank you for your request for information which we received on 22 August 2018. Your request has been reviewed and responded to as a legal obligation pursuant to the Freedom of Information Act 2000. The information provided in this response is in response to data held at the time the request was made. Please accept my sincerest apology for the delay in providing this data and for breaching the 20 working day limit.

Your request

1. *Can you please supply me with a breakdown of the costs incurred by NHSPS since the transfer of the property to it in relation to the former St James Hospital site in Milton, Portsmouth. I would like to know, by year, what the expenditure has been on under these headings:*
 - *Utilities (the sum of gas, water, sewerage, electricity, communications services)*
 - *Site security*
 - *Business rates*
 - *Any other costs incurred by NHSPS*
2. *Can I also please have a breakdown by year of revenue generated as a result of NHSPS's control of the site, itemised by source.*

Our response

1. Please see the below table which details costs incurred by NHSPS for the utilities cost and business rates since the transfer of the property to us. Please note that we do not hold information on the cost of site security or any other costs at a level or in a manner which would allow us to report on this as requested. To provide this information would require us to create new information which is not permitted under the Act. Therefore, we confirm under section 1(1)(a) of the Freedom of Information Act that we do not hold this information.

	2014-15	2015-16	2016-17	2017-18
Utilities (the sum of gas, water, sewerage, electricity and communications services)	£679,910.92	£499,884.52	£411,722.54	£421,158.94
Business rates	£228,255.07	£228,255.07	£145,372.50	£93,455.00

2. We confirm that we hold information on the breakdown of revenue generated as a result of NHSPS' control of the site however this information is being withheld under section 43 of the Freedom of Information Act 2000.

Section 43(2) of the Act states 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).

We maintain that disclosure of the data would have a serious impact on the current and future financial position of the organisation. Currently, part of the St James' site is being marketed competitively. We maintain that disclosure of the data would:

- affect our position in future negotiations
- impact our relationship with purchasers
- make potential purchasers less likely to engage with us
- impact the overall profit made for the NHS from its property estate
- affect our own commercial interests as a limited company wholly owned by the Secretary of State for Health and Social Care.
- affect third parties engaging in our current and future procurement processes.

Section 43 is a qualified exemption. This means that whilst we understand the data is commercially sensitive, we are required to assess the public interest in releasing the data and determine if it outweighs that of withholding it.

Factors in favour of release:

- We acknowledge that there is a public interest in understanding how land and buildings, which were formerly used for public health service, is currently being used.
- We accept that there is a public interest in the overall revenue generated from NHS hospitals and former NHS hospital sites.
- We also understand that there is a public interest in open financial data for scrutiny and accountability purposes.

Factors in favour of withholding:

- The St James' site is currently being marketed competitively. We maintain that it is firmly in the public interest that NHS Property Services reach the best deal when engaging in partnerships and disposal of land agreements.
- NHS Property Services are bound to gain the best value for the NHS when disposing of our land and buildings. Money raised through disposals and re-purposing of land and buildings goes back into our funds for other NHS led projects that will benefit health economies.
- Disclosure of the data would impact our reputational and financial position in the marketplace. We maintain that purchasers would be significantly less likely to approach us for investment opportunities or would be less likely to make strong

offers. If the data is released, reputational and financial damage would affect future investments which would have a knock on effect to the money raised for the health economy. We maintain that it is firmly in the public interest that we engage in positive business relationships and are portrayed as strong portfolio holder.

- We are regulated and bound by strict financial laws and regulations. We follow strict processes to ensure our accounts are properly scrutinised and submitted to Companies House and the Department of Health and Social Care (when asked). In addition, our accounts are submitted to our external audit partners for further scrutiny. It is therefore in the public interest that our accounts are scrutinised appropriately in accordance with the set laws and regulations.

Having considered the above, we are of the view that the factors in favour of maintaining the exemption outweigh the factors in favour of disclosure and therefore the balance of the public interest test is greater in maintaining the exemption available under section 43(2) of the Freedom of Information Act 2000.

Under our duty to advise and assist, we can confirm that information on our accounts are published by Companies House. Further information can be found here: <https://beta.companieshouse.gov.uk/company/07888110/filing-history>