

Shared Service Centre
Feedback and Information Governance

Mark Rudd, Assistant Director | Shared Services



Mr Steve Baker

Via email: request-408563-4c4b05eb@whatdotheyknow.com

Date: **25 October 2017**

Our ref: LBH/6607717

Telephone: 020 8489 2552

Email: sirkku.pietikainen@haringey.gov.uk

Dear Mr Baker,

Internal Review of the Environmental Information Regulations request reference: LBH/6313317

Thank you for giving us an opportunity to review the response we have sent to your Environmental Information Regulations request. I apologise for the delay in responding to you.

Your request was for: *A suitably redacted copy of the current estate parking contract and all schedules therein.*

Gethin Segel, Parking and Projects Manager, Homes for Haringey, provided you a copy of the Contract and Schedules 2 and 3. Mr Segel explained that Schedules 1 and 4-6 were considered exempt from release under Freedom of Information Act Section 40 and Section 43.

Your requested an internal review stating: *You should have supplied me with schedules 4, 5, and 6 of the contract, redacted of personal and commercially sensitive information. You should not have refused to supply them in their entirety.*

Your also asked for: *a signed, sealed and dated copy of the contract.*

I have reviewed your initial request and the response provided by Homes for Haringey. Although, initially your request was dealt with under the Freedom of Information Act, as the information requested is a parking contract I consider the relevant regime is the Environmental Information Regulations (EIR). I apologise for any confusion this may cause.

Please find attached:

- A sealed copy of the contract (as requested).
- Schedule 1 – Details of Authorised Officer and Contract Manager (disclosed).
- Schedule 4 – The Service Provider's Method Statement

Appeals process (disclosed)
Health & safety (disclosed)

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Environmental issues (disclosed).
Business Continuity Plan (Exempt from release)

- Schedule 5 – Schedule of Rates (disclosed with pricing details redacted)
- Schedule 6 – Service Provider's Responses to ITT Questions/ Qualitative Delivery Proposal (Exempt from release)

The redacted information; Business Continuity Plan, rates, and the Qualitative Delivery Proposal are viewed both by us and our contractor as commercially sensitive information. We consider this information is exempt from disclosure under the following Environmental Information Regulations exemption:

Under Regulation 12 (5) (e) information can be exempt where disclosure would have an adverse effect:

- *Commercial or industrial information where such confidentiality is provided by law to protect legitimate economic interest*

This exception applies because:

- The information relates to the procurement of existing and upcoming contracts and current prices in a competitive market environment, and release of this information would be prejudicial to the financial interests of both the Council and our contractor.

The public interest arguments for releasing this information are:

- There is always a general public interest in disclosing environmental information, derived from the purpose of the EIR
- Releasing the information would enhance transparency and accountability. It would also promote public understanding of the work of the council and its stakeholders in such matters. It might also reassure the public about possible options and inform public debate about such matters.
- Releasing the information would inform public debate on the particular environmental issues to which the information relates and it would show how a public authority has met its obligations under environmental legislation

The public interest arguments for withholding the information are as follows:

- The Council's position in future procurement negotiations may be jeopardised if this information is released.
- The Council's position in negotiations with prospective contractors will be jeopardised if this information is released
- It would have a detrimental impact on the Council's ability to obtain value for money
- Release of information would reduce the ability of both the Council and Wing Parking Ltd to participate competitively in commercial activities.
- It would also have a detrimental impact on our tenants' finances as the nature of the present scheme means they are not charged for parking.

Estate controlled parking schemes operate on council estates and are managed by Homes for Haringey. The current parking scheme is a free service for our tenants. We do not charge for parking permits, visitors passes etc. This is a unique situation among the London boroughs. The parking scheme operates at zero profit. All monies received are ploughed in to running the service.

Controlled parking schemes are the most effective way of managing parking demand. The benefits of controlled parking include:

- making it easier for residents to park near their homes
- improved safety, with better visibility at junctions
- easier access for emergency services, delivery and removal vans
- reduced traffic and pollution

The current free service is a considerable benefit for our tenants, many of who are low income families. For example; the current charges for resident parking in a controlled parking zone (CPZ) which is managed by Haringey Council's Parking Service and operate on public highways for one car is from £57.10 to £171.30 (depending on the CO₂ emissions /engine size of a vehicle).

I consider the public interest in withholding the information outweighs the public interest in disclosing it.

I hope that you are satisfied with my response to your complaint. If you are dissatisfied, you may complain to the Information Commissioner, who may be able to help you. Please note that if you wish to refer this case to the Information Commissioner, they normally ask that you do so within two months of our response to you.

You can contact the Commissioner at:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
casework@ico.org.uk
www.ico.org.uk

Yours sincerely

Sirkku Pietikainen
Information Governance Officer