

James McLaughlin

From: Wendy Kassamani
Sent: 01 March 2016 10:10
To: Glyn Huelin; [REDACTED]
Cc: [REDACTED]
Subject: URGENT REMINDER: FOI5907: Mears contract with BHCC Council protect
Importance: High
Categories: Egress Switch: Unprotected

Wendy Kassamani
Information Compliance Officer
Tel: 01273 [REDACTED]

From: Glyn Huelin
Sent: 17 February 2016 13:07
To: [REDACTED]
Cc: Wendy Kassamani; Elizabeth Culbert; Anne Cameron; [REDACTED]
Subject: RE: FOI5907: Mears' contract with BHCC Council protect

Hi Judith,

Mears have confirmed that they are happy for us to disclose with the exception of the pricing framework which they have deemed commercially sensitive.

Can you help draft a response as per below?

Thanks,

Glyn Huelin | Partnering Business Manager | Housing | [REDACTED] | Brighton & Hove City Council | Housing Centre, Unit 1 Fairway Trading Estate, Eastergate Road, Moulsecoomb, Brighton, BN2 4QL

From: Elizabeth Culbert
Sent: 11 February 2016 09:15
To: Glyn Huelin; Anne Cameron
Cc: Judith Fisher; Wendy Kassamani
Subject: FW: FOI5907: Mears contract with BHCC Council protect

Hi all

If we have disclosed the contract previously with Mears' consent, with the exception of the pricing information, this should be a straightforward notice to draft. If we would need to draft a refusal notice in respect of the withheld information which will need to explain why the information is commercially sensitive and cite the relevant exemption. Anne – is it possible for the FOI team to assist Glyn to ensure the correct wording is used? Glyn is

checking that Mears' position remains the same and we have to apply the exemptions in respect of each request – ie review for the purpose of this current request that the information is still sensitive.

Many thanks

Liz

Elizabeth Culbert
Deputy Head of Law
Brighton & Hove City Council
Room 231 King's House
Grand Avenue, Hove BN3 2LS
elizabeth.culbert@brighton-hove.gcsx.gov.uk
Tel: 01273 [REDACTED]
www.brighton-hove.gov.uk

ACHIEVEMENT
AWARDS 2015

FINALIST



From: Glyn Huelin
Sent: 10 February 2016 2:22 PM
To: Martin Reid; Louise Hanrahan; Clifford Youngman
Cc: Elizabeth Culbert; Judith Fisher; [REDACTED]
Subject: FOI5907: Mears contract with BHCC Council
Importance: High

Hi all,

Attached is an FOI request from a leaseholder (Dave Croydon) asking for disclosure of the contract that we have with Mears.

Ahead of drafting a response to this it would be helpful to get some initial views as to how we may respond. I will contact Mears for their view, previously they have indicated they are happy for disclosure with the exception of the pricing framework which they deem commercially sensitive.



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Glyn Huelin | Partnering Business Manager | Housing | (01273) [REDACTED] | Brighton & Hove City Council | Housing Centre, Unit 1 Fairway Trading Estate, Eastergate Road, Moulsecoomb, Brighton, BN2 4QL

From: [REDACTED]
Sent: 01 February 2016 15:20
To: Glyn Huelin
Subject: FW: RESPONSE NOT ACCEPTABLE: foi5907: Mears contract with BHC Council unclassified
Importance: High

Hi Glyn,

Are we able to provide him with this contract?


From: Freedom Of Information
Sent: Monday, February 1, 2016 8:37 AM
To: 
Subject: foi5907: RESPONSE PROVIDED

Please find set out below the information in response to the above request:

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Ideally I would like to see a scan of the signed contract.

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Brighton & Hove City Council

ICT 4th Floor

Kings House

Grand Avenue

Hove BN3 3LS

freedomofinformation@brighton-hove.gov.uk

Thanks

[REDACTED] | Management & Project Support Officer | Property & Investment | (01273) [REDACTED] | Brighton & Hove City Council | Housing Centre, Unit 1 Fairway Trading Estate, Eastergate Road, Moulsecoomb, Brighton, BN2 4QL

From: Housing FOI's
Sent: 01 February 2016 3:19 PM
To: [REDACTED]
Cc: Housing FOI's
Subject: FW: RESPONSE NOT ACCEPTABLE: foi5907: Mears contract with BHC Council unclassified
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Please see email below – are you able to supply a response as requested by Wendy.

Kind Regards

[REDACTED] | PA to Tracy John | Head of Housing | ([REDACTED]) | Brighton & Hove City Council | Housing Centre, Eastergate Road, Moulsecoomb, Brighton, BN2 4QL



We will be easy to reach



We will be clear and treat you with respect



We will listen and act to get things done

From: Freedom Of Information
Sent: 01 February 2016 08:56
To: Housing FOI's, [REDACTED]
Subject: RESPONSE NOT ACCEPTABLE: foi5907: Mears contract with BHC Council
Importance: High

Please can he have a copy of the contract ? Let's get a yes or no without letting this drag on !

Wendy Kassamani
Information Compliance Officer
Tel: 01273 [REDACTED]

From: [REDACTED]
Sent: 01 February 2016 08:49
To: Freedom Of Information
Subject: Re: foi5907: RESPONSE PROVIDED Mears contract with BHC Council

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Wilmslow

Cheshire SK9 5AF

Helpline: 0303 123 1113 (local rate) or 01625 545 745 (national rate)

e-mail: casework@ico.org.uk

Website: www.ico.org.uk

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James McLaughlin

From: Freedom Of Information
Sent: 01 February 2016 08:56
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Kings House

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James McLaughlin

From: Glyn Huelin
Sent: 01 March 2016 12:12
To: Judith Fisher
Cc: Wendy Kassamani
Subject: RE: URGENT REMINDER: FOI5907: Mears contract with BHCC Council protect

Hi Judith,

Can you advise. Thanks,

Glyn Huelin | Partnering Business Manager | Housing | [REDACTED] | Brighton & Hove City Council | Housing Centre, Unit 1 Fairway Trading Estate, Eastergate Road, Moulsecoomb, Brighton, BN2 4QL

From: Wendy Kassamani
Sent: 01 March 2016 10:10
To: Glyn Huelin; Judith Fisher
Cc: [REDACTED]
Subject: URGENT REMINDER: FOI5907: Mears contract with BHCC Council protect
Importance: High

Wendy Kassamani
Information Compliance Officer
Tel: 01273 20 [REDACTED]

From: Glyn Huelin
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From: Elizabeth Culbert
Sent: 11 February 2016 09:15
To: Glyn Huelin; Anne Cameron

Cc: Judith Fisher; Wendy Kassamani

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Hi all

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elizabeth.culbert@brighton-hove.gcsx.gov.uk

Tel: 01273 29 [REDACTED]

www.brighton-hove.gov.uk

ACHIEVEMENT
AWARDS 2015

FINALIST

MJ

From: Glyn Huelin

Sent: 10 February 2016 2:22 PM

To: Martin Reid; Louise Hanrahan; Clifford Youngman

Cc: Elizabeth Culbert; Judith Fisher; [REDACTED]

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Importance: High

Hi Glyn,

Are we able to provide him with this contract?

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[REDACTED]
[REDACTED] | Management & Project Support Officer | Property & Investment | (01273) [REDACTED] | Brighton & Hove City Council | Housing Centre, Unit 1 Fairway Trading Estate, Eastergate Road, Moulsecoomb, Brighton, BN2 4QL

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FINALIST



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James McLaughlin

From: [REDACTED]
Sent: 15 January 2016 09:47
To: Freedom Of Information
Subject: New FOI [REDACTED]

OK. So let's start another FOI, please.

Please can you tell me when the contract was placed and whether there are any penalties if the contract is voided.

Ideally I would like to see a scan of the signed contract.

Thank you,

[REDACTED]

From: Freedom Of Information
Sent: Friday, January 15, 2016 9:35 AM
To: [REDACTED]
Subject: foi5822: RESPONSE PROVIDED unclassified

The above request, was received and logged on 18 December 2016. A response was provided to you within the required timeframe of on 13 January 2016 fully addressing all the issues raised in your request.

If you require further information please submit your request through freedomofinformation@brighton-hove.gov.uk and your request will be logged and processed.

Thank you.

Wendy Kassamani
Information Compliance Officer
Tel: 01273 [REDACTED]

From: [REDACTED]
Sent: 13 January 2016 08:58
To: Freedom Of Information
Subject: Re: foi5822: RESPONSE PROVIDED

I'm sorry – this isn't an entirely satisfactory response.

I made this enquiry on 5 November 2015. There was no planning permission for the windows at that stage.

I need to know when the contract was placed and whether there are any penalties if the contract is voided. Ideally I would like to see a scan of the signed contract.

From: Freedom Of Information

Sent: Wednesday, January 13, 2016 8:13 AM

To: <mailto:foi5822@brighton-hove.gov.uk>

Subject: foi5822: RESPONSE PROVIDED

Please find set out below the information in response to the above request:

FOI5822 Response

The Clarendon Ellen Estate in Hove is scheduled for complete replacement of windows. Please can you tell me at what stage the ordering of new PVC windows for the Clarendon Ellen Estate has reached?

I.e. has the order been made, has a deposit been made, has a company been chosen etc.?

We can confirm that an order has been placed, by the Contractor, with a Company to supply and fix the replacement windows to the Clarendon Estate. No payment has been made.

Should you have any further queries about this request, please contact us via email to freedomofinformation@brighton-hove.gov.uk quoting the reference number given above.

If you are not satisfied with the handling of your request, you can appeal (Internal Review) within 2 months of the completed FOI. Write to:

Freedom of Information Appeals

Brighton & Hove City Council

ICT 4th Floor

Kings House

Grand Avenue

Hove BN3 3LS

freedomofinformation@brighton-hove.gov.uk

If you are still not satisfied after your Internal Review has been investigated, you can escalate your complaint to the Information Commissioners Office. The contact details are:

The Information Commissioners Office

Wycliffe House

Water Lane

Wilmslow

Cheshire SK9 5AF

Helpline: 0303 123 1113 (local rate) or 01625 545 745 (national rate)

e-mail: casework@ico.org.uk

Website: www.ico.org.uk

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James McLaughlin

From: Elizabeth Culbert
Sent: 11 February 2016 09:15
To: Glyn Huelin; Anne Cameron
Cc: Judith Fisher; Wendy Kassamani
Subject: FW: FOI5907: Mears contract with BHCC Council protect

Hi all

If we have disclosed the contract previously with Mears' consent, with the exception of the pricing information, this should be a straightforward notice to draft. If we would need to draft a refusal notice in respect of the withheld information which will need to explain why the information is commercially sensitive and cite the relevant exemption. Anne – is it possible for the FOI team to assist Glyn to ensure the correct wording is used? Glyn is checking that Mears' position remains the same and we have to apply the exemptions in respect of each request – ie review for the purpose of this current request that the information is still sensitive.

Many thanks

Liz

Elizabeth Culbert
Deputy Head of Law
Brighton & Hove City Council
Room 231 King's House
Grand Avenue, Hove BN3 2LS
elizabeth.culbert@brighton-hove.gcsx.gov.uk
Tel: 01273
www.brighton-hove.gov.uk

ACHIEVEMENT
AWARDS 2015

FINALIST

MJ

From: Glyn Huelin
Sent: 10 February 2016 2:22 PM
To: Martin Reid; Louise Hanrahan; Clifford Youngman
Cc: Elizabeth Culbert; Judith Fisher; [redacted]
Subject: FOI5907: Mears contract with BHCC Council
Importance: High

Hi all,

Attached is an FOI request from a leaseholder [redacted] asking for disclosure of the contract that we have with Mears.

Ahead of drafting a response to this it would be helpful to get some initial views as to how we may respond. I will contact Mears for their view, previously they have indicated they are happy for disclosure with the exception of the pricing framework which they deem commercially sensitive.

Thanks,

Glyn Huelin | Partnering Business Manager | Housing | (01273) [REDACTED] | Brighton & Hove City Council | Housing Centre, Unit 1 Fairway Trading Estate, Eastergate Road, Moulsecoomb, Brighton, BN2 4QL

From: [REDACTED]
Sent: 01 February 2016 15:20
To: Glyn Huelin
Subject: FW: RESPONSE NOT ACCEPTABLE: foi5907: Mears contract with BHC Council unclassified
Importance: High

Hi Glyn,

Are we able to provide him with this contract?

Thanks

Nadia Wibley | Management & Project Support Officer | Property & Investment | [REDACTED] | Brighton & Hove City Council | Housing Centre, Unit 1 Fairway Trading Estate, Eastergate Road, Moulsecoomb, Brighton, BN2 4QL

From: Housing FOI's
Sent: 01 February 2016 3:19 PM
To: [REDACTED]
Cc: Housing FOI's
Subject: FW: RESPONSE NOT ACCEPTABLE: foi5907: Mears contract with BHC Council unclassified
Importance: High

Hi Nadia

Please see email below – are you able to supply a response as requested by Wendy.

Kind Regards

[REDACTED] | PA to Tracy John | Head of Housing | ([REDACTED]) | Brighton & Hove City Council | Housing Centre, Eastergate Road, Moulsecoomb, Brighton, BN2 4QL



We will be easy to reach



We will be clear and treat you with respect



We will listen and act to get things done

From: Freedom Of Information
Sent: 01 February 2016 08:56
To: Housing FOI's; [REDACTED]
Subject: RESPONSE NOT ACCEPTABLE: foi5907: Mears contract with BHC Council
Importance: High

Please can he have a copy of the contract ? Let's get a yes or no without letting this drag on !

Wendy Kassamani
Information Compliance Officer
Tel: 0127 [REDACTED]

From: [REDACTED]
Sent: 01 February 2016 08:49
To: Freedom Of Information
Subject: Re: foi5907: RESPONSE PROVIDED Mears contract with BHC Council

Thanks for the response which is very interesting.
However, I was asking for the contract between Mears & the Council – ie the 'long term agreement' referred to in your answer.

Please can I have what I am asking for?

[REDACTED]

From: Freedom Of Information
Sent: Monday, February 1, 2016 8:37 AM
To: [REDACTED]
Subject: foi5907: RESPONSE PROVIDED

Please find set out below the information in response to the above request:

Please can you tell me when the contract was placed and whether there are any penalties if the contract is voided.

Ideally I would like to see a scan of the signed contract.

Brighton & Hove City Council has a long term agreement for Repairs and Improvements with Mears Ltd that runs from 01/04/10 until 31/03/20. Any supply chain agreements of orders undertaken by Mears as the main contractor are not contracts placed by or managed by Brighton & Hove City Council and therefore we do not have information on penalties or copies of signed contracts to disclose.

Should you have any further queries about this request, please contact us via email to freedomofinformation@brighton-hove.gov.uk quoting the reference number given above.

If you are not satisfied with the handling of your request, you can appeal (Internal Review) within 2 months of the completed FOI. Write to:

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Brighton & Hove City Council

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Hove BN3 3LS

freedomofinformation@brighton-hove.gov.uk

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The Information Commissioners Office

Wycliffe House

Water Lane

Wilmslow

Cheshire SK9 5AF

Helpline: 0303 123 1113 (local rate) or 01625 545 745 (national rate)

e-mail: casework@ico.org.uk

Website: www.ico.org.uk

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Please consider the environment, only print out this email if absolutely necessary.

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James McLaughlin

From: Housing FOI's
Sent: 29 January 2016 16:55
To: Freedom Of Information
Cc: Housing FOI's
Subject: FW: Response: foi5907: Freedom of Informtion Request Protect

Hi Wendy

Please see below our approved response to FOI 5907.

Kind Regards

[REDACTED] | PA to Tracy John | Head of Housing | [REDACTED] | Brighton & Hove City Council | Housing Centre,
Eastergate Road, Moulsecoomb, Brighton, BN2 4QL



We will be easy to reach



We will be clear and treat you with respect



We will listen and act to get things done

From: [REDACTED]
Sent: 28 January 2016 16:04
To: Housing FOI's
Cc: Glyn Huelin; Dave Perkins; [REDACTED]
Subject: Response: foi5907: Freedom of Informtion Request Protect

Hi Jane,

This response has been approved by Martin to go out.

Thanks

FOI5907 response

Please can you tell me when the contract was placed and whether there are any penalties if the contract is voided.

Ideally I would like to see a scan of the signed contract.

Brighton & Hove City Council has a long term agreement for Repairs and Improvements with Mears Ltd that runs from 01/04/10 until 31/03/20. Any supply chain agreements of orders undertaken by Mears as the main contractor are not contracts placed by or managed by Brighton & Hove City Council and therefore we do not have information on penalties or copies of signed contracts to disclose.

[REDACTED] | Management & Project Support Officer | Property & Investment | [REDACTED] | Brighton & Hove City Council | Housing Centre, Unit 1 Fairway Trading Estate, Eastergate Road, Moulsecoomb, Brighton, BN2 4QL

From: Freedom Of Information
Sent: 15 January 2016 10:30

To: Housing FOI's
Cc: [REDACTED]
Subject: foi5907: Freedom of Information Request

We have received the following Freedom of Information request. We are required to respond to this by 10 February 2016 .

Please obtain approval of response from your Head of Service and then forward this to freedomofinformation@brighton-hove.gov.uk

FOI advice and guidance is available on the Wave, please visit [Information Governance](#)

The request is as follows:

Please can you tell me when the contract was placed and whether there are any penalties if the contract is voided.
Ideally I would like to see a scan of the signed contract.

Thank you,

[REDACTED]

Many thanks.

Wendy Kassamani
Information Compliance Officer
Tel: 01273 [REDACTED]

[REDACTED]

James McLaughlin

From: [REDACTED]
Sent: 10 March 2016 16:41
To: Freedom Of Information
Cc: Glyn Huelin; Housing FOI's
Subject: FW: FOI5907: Mears contract with BHCC Council protect
Attachments: FOI5907.docx

Hi Wendy

We will send a copy in the post tomorrow/ Monday.

Please can you release this updated response which advises on this.

Thanks

[REDACTED] | Management & Project Support Officer | Property & Investment | [REDACTED] | Brighton & Hove City Council | Housing Centre, Unit 1 Fairway Trading Estate, Eastergate Road, Moulsecoomb, Brighton, BN2 4QL

From: Freedom Of Information
Sent: 10 March 2016 8:50 AM
To: [REDACTED]
Subject: FW: FOI5907: Mears contract with BHCC Council protect

Not sure how helpful this advice is

Wendy Kassamani
Information Compliance Officer
Tel: 01273 [REDACTED]

From: Adam Rezazadeh
Sent: 09 March 2016 [REDACTED]
To: Freedom Of Information
Subject: RE: FOI5907: Mears contract with BHCC Council protect

Hi Wendy,

They could try sending it via Egress, as it will allow upto a 30mb of attachments – they could send it directly to the recipient, if they can't send it to us in that format.

They could also split the document up into several small attachments to send.

I don't see a CD being an issue –they would need to get a postal address from the recipient to send it out to them.

Also, I am not sure whether they will be able to burn a CD – but that is their problem to work out.

Regards,

Adam Rezazadeh | Information Governance Officer (Information Governance Team) | 4th Floor | Kings House | Grand Avenue | Hove | BN3 3LS | Tel: 01273 296487 | Mobile: 07557 197569 | Information Security: x5959 | Email: adam.rezazadeh@brighton-hove.gcsx.gov.uk

Safe & Secure

For more information, visit the [Information Governance Wave page](#)

From: Freedom Of Information
Sent: 09 March 2016 11:06 AM
To: Adam Rezazadeh
Subject: FW: FOI5907: Mears contract with BHCC Council protect
Importance: High

Sorry to trouble you but I believe you are logging on this afternoon – can you advise on the best way forward below please ? Any suggestions ?

Wendy Kassamani [REDACTED]
Information Compliance Officer
Tel: 01273 [REDACTED]

From: [REDACTED]
Sent: 09 March 2016 09:38
To: Freedom Of Information
Cc: Housing FOI's; Glyn Huelin
Subject: FW: FOI5907: Mears contract with BHCC Council protect

Hi Wendy,

Martin has approved for the attached response to be released with the redacted document.

The document is too large to send by email. How is this issue normally dealt with? Would a CD be ok?

Thanks

[REDACTED] | Management & Project Support Officer | Property & Investment | (01273) [REDACTED] | [Brighton & Hove City Council](#) | Housing Centre, Unit 1 Fairway Trading Estate, Eastergate Road, Moulsecoomb, Brighton, BN2 4QL

From: Glyn Huelin
Sent: 02 March 2016 13:46
To: [REDACTED]
Cc: Judith Fisher
Subject: FW: FOI5907: Mears contract with BHCC Council

Hi Nadia,

Draft FOI attached for Martin's approval.

Can you let me know when it goes out as we have a separate enquiry on release from a leaseholder that we will respond to in the same way.

I've redacted the document and stored it on the shared drive but it's too big to email so I'm not sure how we deal with that? CD?

S:\Housing\Repairs\Property + Investment Team\Partnering,Business and Performance TEAM\Repairs and Improvement Partnership\Contract\FOIA Redacted Contract\BHCC & Mears Limited (Extract FOIA - Redacted).pdf

Thanks,

Glyn Huelin | Partnering Business Manager | Housing | [REDACTED] | Brighton & Hove City Council | Housing Centre, Unit 1 Fairway Trading Estate, Eastergate Road, Moulsecoomb, Brighton, BN2 4QL

From: Judith Fisher
Sent: 01 March 2016 23:43
To: Glyn Huelin
Subject: RE: FOI5907: Mears contract with BHCC Council

Glyn

I cannot see from the correspondence what the original request was for but suggest a response along the following lines. I trust that those working in the FOI section will top and tail the response as appropriate

Judith

Dear [NAME]

Ref No:

Thank you for your [letter OR fax OR email] of [DATE] where you requested information about [SUBJECT].

I can confirm that we hold this information. The contract has been reviewed and the decision is to release the document to you subject to the withhold of the pricing section .

The information in this pricing section of the document is being withheld because it is exempt under section 43(2) FOIA . Section 43(2) of the Freedom of Information Act 2000 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)*". The Council has consulted with Mears Ltd with regard to this request and having considered the response agree that the, disclosure of the information would be likely to prejudice the commercial interests of the Service Provider. The company operates in a competitive market place and the pricing information would be of value to the company's competitors in preparing future competitive tenders.

The exemption under s 43 FOIA is a qualified exemption. That is to say that, notwithstanding the application of the exemption, the Council must still be satisfied that the public interest in withholding the information is greater than the public interest in disclosing it.

The Council acknowledges the public interest in transparency and accountability in the spending of public money. This is recognised by the disclosure of all items of expenditure over £500.00 . However there are significant benefits to the Council which, as it must, operates in the commercial world, in respecting the right of confidentiality in respect of individual pricing structures so that contractors feel confident in putting their best prices forward in competitive situations so that the council can obtain best value for money.

After considering the arguments outlined above, I have concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure of the pricing information in the requested document.

If you are not content with this decision, 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,

From: Glyn Huelin
Sent: 10 February 2016 14:22
To: Martin Reid; Louise Hanrahan; Clifford Youngman
Cc: Elizabeth Culbert; Judith Fisher; [REDACTED]
Subject: FOI5907: Mears contract with BHCC Council
Importance: High

Hi all,

Attached is an FOI request from a leaseholder, [REDACTED], asking for disclosure of the contract that we have with Mears.

Ahead of drafting a response to this it would be helpful to get some initial views as to how we may respond. I will contact Mears for their view, previously they have indicated they are happy for disclosure with the exception of the pricing framework which they deem commercially sensitive.

Thanks,

Glyn Huelin | Partnering Business Manager | Housing | [REDACTED] | Brighton & Hove City Council | Housing Centre, Unit 1 Fairway Trading Estate, Eastergate Road, Moulsecoomb, Brighton, BN2 4QL

From: [REDACTED]
Sent: 01 February 2016 15:20
To: Glyn Huelin
Subject: FW: RESPONSE NOT ACCEPTABLE: foi5907: Mears contract with BHC Council unclassified
Importance: High

Hi Glyn,

Are we able to provide him with this contract?

Thanks

[REDACTED] | Management & Project Support Officer | Property & Investment | [REDACTED] | Brighton & Hove City Council | Housing Centre, Unit 1 Fairway Trading Estate, Eastergate Road, Moulsecoomb, Brighton, BN2 4QL

From: Housing FOI's
Sent: 01 February 2016 3:19 PM
To: [REDACTED]
Cc: Housing FOI's

Subject: FW: RESPONSE NOT ACCEPTABLE: foi5907: Mears contract with BHC Council unclassified
Importance: High

Hi ~~Nadia~~

Please see email below – are you able to supply a response as requested by Wendy.

Kind Regards

~~Tracy John~~ | PA to Tracy John | Head of Housing | ~~Tracy John~~ | Brighton & Hove City Council | Housing Centre,
Eastergate Road, Moulsecoomb, Brighton, BN2 4QL



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We will be clear and treat you with respect



We will listen and act to get things done

From: Freedom Of Information

Sent: 01 February 2016 08:56

To: Housing FOI's; ~~Tracy John~~

Subject: RESPONSE NOT ACCEPTABLE: foi5907: Mears contract with BHC Council

Importance: High

Please can he have a copy of the contract ? Let's get a yes or no without letting this drag on !

~~Tracy John~~

Wendy Kassamani
Information Compliance Officer
Tel: 01273 ~~Tracy John~~

From: ~~Tracy John~~

Sent: 01 February 2016 08:49

To: Freedom Of Information

Subject: Re: foi5907: RESPONSE PROVIDED Mears contract with BHC Council

Thanks for the response which is very interesting.

However, I was asking for the contract between Mears & the Council – ie the 'long term agreement' referred to in your answer.

Please can I have what I am asking for?

~~Tracy John~~

From: Freedom Of Information

Sent: Monday, February 1, 2016 8:37 AM

To: ~~Tracy John~~

Subject: foi5907: RESPONSE PROVIDED

Please find set out below the information in response to the above request:

Please can you tell me when the contract was placed and whether there are any penalties if the contract is voided.

Ideally I would like to see a scan of the signed contract.

Brighton & Hove City Council has a long term agreement for Repairs and Improvements with Mears Ltd that runs from 01/04/10 until 31/03/20. Any supply chain agreements of orders undertaken by Mears as the main contractor are not contracts placed by or managed by Brighton & Hove City Council and therefore we do not have information on penalties or copies of signed contracts to disclose.

Should you have any further queries about this request, please contact us via email to freedomofinformation@brighton-hove.gov.uk quoting the reference number given above.

If you are not satisfied with the handling of your request, you can appeal (Internal Review) within 2 months of the completed FOI. Write to:

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Brighton & Hove City Council

ICT 4th Floor

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Grand Avenue

Hove BN3 3LS

freedomofinformation@brighton-hove.gov.uk

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Water Lane

Wilmslow

Cheshire SK9 5AF

Helpline: 0303 123 1113 (local rate) or 01625 545 745 (national rate)

e-mail: casework@ico.org.uk

Website: www.ico.org.uk

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Please Note: Both incoming and outgoing Emails may be monitored and/or recorded in line with current legislation.

Thank you for your request for information dated 1 February 2016 namely:-

"Thanks for the response which is very interesting.

However, I was asking for the contract between Mears & the Council – ie the 'long term agreement' referred to in your answer.

Please can I have what I am asking for?"

Your request has been handled under the Freedom of Information Act 2000 (FOIA). In accordance with Section 1 of the FOIA I confirm that the Council does hold the information you have requested.

The contract has been reviewed and the decision is to release the document to you subject to the withholding of the pricing section. A copy of this document will be sent to on a CD, by post to your home address.

The information in this pricing section of the document is being withheld because it is exempt under section 43(2) of the FOIA. Section 43(2) of the FOIA 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)". The Council has consulted with Mears Ltd with regard to this request and having considered the response agree that the, disclosure of the information would be likely to prejudice the commercial interests of the Service Provider. The company operates in a competitive market place and the pricing information would be of value to the company's competitors in preparing future competitive tenders.

The exemption under section 43(2) of the FOIA is a qualified exemption. That is to say that, notwithstanding the application of the exemption, the Council must still be satisfied that the public interest in withholding the information is greater than the public interest in disclosing it.

The Council acknowledges the public interest in transparency and accountability in the spending of public money. This is recognised by the disclosure of all items of expenditure over £500.00. However there are significant benefits to the Council which, as it must, operates in the commercial world, in respecting the right of confidentiality in respect of individual pricing structures so that contractors feel confident in putting their best prices forward in competitive situations so that the council can obtain best value for money.

After considering the arguments outlined above, I have concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure of the pricing information in the requested document.

If you disagree with our decision or are otherwise unhappy with how we have dealt with your request, in the first instance you may approach the Authority's FOI Appeals Officer in writing:

Anne Cameron Room 218,

Brighton & Hove City Council, Hove Town Hall

Hove BN3 AAH

Tel: 01273 [REDACTED] email: anne.cameron@brighton-hove.gov.uk

Should you remain dissatisfied with the outcome you have a right under s50 of the Freedom of Information Act 2000 to appeal against the decision by contacting:

The Information Commissioner,

Wycliffe House, Water Lane,

Wilmslow SK9 5AF

Tel: 08456 30 60 60 website: <http://www.ico.gov.uk/>

Yours sincerely,

James McLaughlin

From: Freedom Of Information
Sent: 11 March 2016 09:07
To: [REDACTED]
Subject: FOI5907: RESPONSE PROVIDED
Attachments: FOI5907.docx

Categories: Egress Switch: Unprotected

Please find set out below the information in response to the above request:

Please see attachment.

Should you have any further queries about this request, please contact us via email to freedomofinformation@brighton-hove.gov.uk quoting the reference number given above.

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Website: www.ico.org.uk

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organisation from which you have requested the information. Applications for Re-use should be directed to the Data Protection Manager at the address above.

[REDACTED]

James McLaughlin

From: Freedom Of Information
Sent: 15 January 2016 10:30
To: Housing FOI's
Cc: ~~Mr. [redacted]~~
Subject: foi5907: Freedom of Informtion Request

Categories: Egress Switch: Unprotected

Quel surprise !

We have received the following Freedom of Information request. We are required to respond to this by 10 February 2016 .

**Please obtain approval of response from your Head of Service and then forward this to
freedomofinformation@brighton-hove.gov.uk**

FOI advice and guidance is available on the Wave, please visit Information Governance

The request is as follows:

Please can you tell me when the contract was placed and whether there are any penalties if the contract is voided.

Ideally I would like to see a scan of the signed contract.

Thank you,


~~[redacted signature]~~

Many thanks.

Wendy Kassamani
Information Compliance Officer
Tel: 01273 ~~z [redacted]~~

[illegible]

James McLaughlin

From: Freedom Of Information
Sent: 01 February 2016 08:39
To: 
Subject: foi5907 RESPONSE PROVIDED

Categories: Egress Switch: Unprotected

Please find set out below the information in response to the above request:

Please can you tell me when the contract was placed and whether there are any penalties if the contract is voided.

Ideally I would like to see a scan of the signed contract.

Brighton & Hove City Council has a long term agreement for Repairs and Improvements with Mears Ltd that runs from 01/04/10 until 31/03/20. Any supply chain agreements of orders undertaken by Mears as the main contractor are not contracts placed by or managed by Brighton & Hove City Council and therefore we do not have information on penalties or copies of signed contracts to disclose.

Should you have any further queries about this request, please contact us via email to freedomofinformation@brighton-hove.gov.uk quoting the reference number given above.

If you are not satisfied with the handling of your request, you can appeal (Internal Review) within 2 months of the completed FOI. Write to:

Freedom of Information Appeals
Brighton & Hove City Council
ICT 4th Floor
Kings House
Grand Avenue
Hove BN3 3LS
freedomofinformation@brighton-hove.gov.uk

If you are still not satisfied after your Internal Review has been investigated, you can escalate your complaint to the Information Commissioners Office. The contact details are:

The Information Commissioners Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF
Helpline: 0303 123 1113 (local rate) or 01625 545 745 (national rate)
e-mail: casework@ico.org.uk
Website: www.ico.org.uk

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James McLaughlin

From: Freedom Of Information
Sent: 10 March 2016 08:50
To: [REDACTED]
Subject: FW: FOI5907: Mears contract with BHCC Council protect
Categories: Egress Switch: Unprotected

Not sure how helpful this advice is

Wendy Kassamani
Information Compliance Officer
Tel: 01273 [REDACTED]

From: Adam Rezazadeh [REDACTED]
Sent: 09 March 2016 14:16
To: Freedom Of Information
Subject: RE: FOI5907: Mears contract with BHCC Council protect

Hi Wendy,

They could try sending it via Egress, as it will allow upto a 30mb of attachments – they could send it directly to the recipient, if they can't send it to us in that format.

They could also split the document up into several small attachments to send.

I don't see a CD being an issue – they would need to get a postal address from the recipient to send it out to them.

Also, I am not sure whether they will be able to burn a CD – but that is their problem to work out.

Regards,

Adam Rezazadeh | Information Governance Officer (Information Governance Team) | 4th Floor | Kings House | Grand Avenue | Hove | BN3 3LS | Tel: 0 [REDACTED] | Information Security: x5959 | Email: adam.rezazadeh@brighton-hove.gcsx.gov.uk

Safe & Secure

For more information, visit the [Information Governance Wave page](#)

From: Freedom Of Information [REDACTED]
Sent: 09 March 2016 11:06 AM
To: Adam Rezazadeh
Subject: FW: FOI5907: Mears contract with BHCC Council protect
Importance: High

Sorry to trouble you but I believe you are logging on this afternoon – can you advise on the best way forward below please ? Any suggestions ?

Wendy Kassamani
Information Compliance Officer
Tel: 01273 [REDACTED]

From: [REDACTED]
Sent: 09 March 2016 09:38
To: Freedom Of Information
Cc: Housing FOI's; Glyn Huelin
Subject: FW: FOI5907: Mears contract with BHCC Council protect

Hi Wendy,

Martin has approved for the attached response to be released with the redacted document.

The document is too large to send by email. How is this issue normally dealt with? Would a CD be ok?

Thanks

[REDACTED] | Management & Project Support Officer | Property & Investment | [REDACTED] | Brighton & Hove City Council | Housing Centre, Unit 1 Fairway Trading Estate, Eastergate Road, Moulsecoomb, Brighton, BN2 4QL

From: Glyn Huelin
Sent: 02 March 2016 13:46
To: Nadia Wibley
Cc: Judith Fisher
Subject: FW: FOI5907: Mears contract with BHCC Council

Hi Nadia,

Draft FOI attached for Martin's approval.

Can you let me know when it goes out as we have a separate enquiry on release from a leaseholder that we will respond to in the same way.

I've redacted the document and stored it on the shared drive but it's too big to email so I'm not sure how we deal with that? CD?

S:\Housing\Repairs\Property + Investment Team\Partnering,Business and Performance TEAM\Repairs and Improvement Partnership\Contract\FOIA Redacted Contract\BHCC & Mears Limited (Extract FOIA - Redacted).pdf

Thanks,

Glyn Huelin | Partnering Business Manager | Housing | [REDACTED] | Brighton & Hove City Council | Housing Centre, Unit 1 Fairway Trading Estate, Eastergate Road, Moulsecoomb, Brighton, BN2 4QL

From: Judith Fisher
Sent: 01 March 2016 23:43
To: Glyn Huelin
Subject: RE: FOI5907: Mears contract with BHCC Council

Glyn

I cannot see from the correspondence what the original request was for but suggest a response along the following lines. I trust that those working in the FOI section will top and tail the response as appropriate

Judith

Dear [NAME]

Ref No: [REDACTED]

Thank you for your [letter OR fax OR email] of [DATE] where you requested information about [SUBJECT].

I can confirm that we hold this information. The contract has been reviewed and the decision is to release the document to you subject to the withhold of the pricing section.

The information in this pricing section of the document is being withheld because it is exempt under section 43(2) FOIA. Section 43(2) of the Freedom of Information Act 2000 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)".* The Council has consulted with Mears Ltd with regard to this request and having considered the response agree that the disclosure of the information would be likely to prejudice the commercial interests of the Service Provider. The company operates in a competitive market place and the pricing information would be of value to the company's competitors in preparing future competitive tenders.

The exemption under s 43 FOIA is a qualified exemption. That is to say that, notwithstanding the application of the exemption, the Council must still be satisfied that the public interest in withholding the information is greater than the public interest in disclosing it.

The Council acknowledges the public interest in transparency and accountability in the spending of public money. This is recognised by the disclosure of all items of expenditure over £500.00. However there are significant benefits to the Council which, as it must, operates in the commercial world, in respecting the right of confidentiality in respect of individual pricing structures so that contractors feel confident in putting their best prices forward in competitive situations so that the council can obtain best value for money.

After considering the arguments outlined above, I have concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure of the pricing information in the requested document.

If you are not content with this decision, 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,

From: Glyn Huelin
Sent: 10 February 2016 14:22
To: Martin Reid; Louise Hanrahan; Clifford Youngman
Cc: Elizabeth Culbert; Judith Fisher; [REDACTED]
Subject: FOI5907: Mears contract with BHCC Council
Importance: High

Hi all,

Attached is an FOI request from a leaseholder [REDACTED] asking for disclosure of the contract that we have with Mears.

Ahead of drafting a response to this it would be helpful to get some initial views as to how we may respond. I will contact Mears for their view, previously they have indicated they are happy for disclosure with the exception of the pricing framework which they deem commercially sensitive.

Thanks,

Glyn Huelin | Partnering Business Manager | Housing | [REDACTED] | Brighton & Hove City Council | Housing Centre, Unit 1 Fairway Trading Estate, Eastergate Road, Moulsecoomb, Brighton, BN2 4QL

From: Nadia Wibley

Sent: 01 February 2016 15:20

To: Glyn Huelin

Subject: FW: RESPONSE NOT ACCEPTABLE: foi5907: Mears contract with BHC Council unclassified

Importance: High

Hi Glyn,

Are we able to provide him with this contract?

Thanks

[REDACTED] | Management & Project Support Officer | Property & Investment | [REDACTED] | Brighton & Hove City Council | Housing Centre, Unit 1 Fairway Trading Estate, Eastergate Road, Moulsecoomb, Brighton, BN2 4QL

From: Housing FOI's

Sent: 01 February 2016 3:19 PM

To: [REDACTED]

Cc: Housing FOI's

Subject: FW: RESPONSE NOT ACCEPTABLE: foi5907: Mears contract with BHC Council unclassified

Importance: High

Hi Nadia

Please see email below – are you able to supply a response as requested by Wendy.

Kind Regards

[REDACTED] | PA to Tracy John | Head of Housing | [REDACTED] | Brighton & Hove City Council | Housing Centre, Eastergate Road, Moulsecoomb, Brighton, BN2 4QL



We will be easy to reach



We will be clear and treat you with respect



We will listen and act to get things done

From: Freedom Of Information

Sent: 01 February 2016 08:56

To: Housing FOI's [REDACTED]

Subject: RESPONSE NOT ACCEPTABLE: foi5907: Mears contract with BHC Council
Importance: High

Please can he have a copy of the contract ? Let's get a yes or no without letting this drag on !

Wendy Kassamani
Information Compliance Officer
Tel: 01273 [REDACTED]

From: [REDACTED]
Sent: 01 February 2016 08:49
To: Freedom Of Information
Subject: Re: foi5907: RESPONSE PROVIDED Mears contract with BHC Council

Thanks for the response which is very interesting.
However, I was asking for the contract between Mears & the Council – ie the 'long term agreement' referred to in your answer.

Please can I have what I am asking for?

[REDACTED]

From: Freedom Of Information
Sent: Monday, February 1, 2016 8:37 AM
To: [REDACTED]
Subject: foi5907: RESPONSE PROVIDED

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Website: www.ico.org.uk

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Thank you in anticipation of your co-operation.

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