

Name: Mr Dominic O'Hooley  
Via email: [request-674067-3136f481@whatdotheyknow.com](mailto:request-674067-3136f481@whatdotheyknow.com)

30 July 2020

Dear Mr O'Hooley

Thank you for your request for information dated 2 July 2020 regarding the rental and associated costs of the GDC's offices in Colmore Square, Birmingham.

Your request is being handled under the Freedom of Information Act 2000 (the FOI Act).

I can confirm that the GDC holds the information you have requested. Please see the GDC response to your questions below.

*Please confirm the current yearly rental value for your offices within the sixth floor of the aforementioned property owned by LGIM Real Assets (Legal & General).*

The headline rental value for a floor in Colmore square is £595,000 per annum.

*Please confirm the rent the GDC has paid per accounting year for said rental property.*

We are withholding information about the actual rent paid by the GDC under Section 43(2) (prejudice to the commercial interests) of the FOI Act. This is because the negotiated rental terms as set out in a contract between the GDC and LGIM Real Assets are a matter of commercial sensitivity subject to a confidentiality clause.

Section 43 (2) exempts information from disclosure which would or would be likely to, prejudice the commercial interests of any person (individual, a company, or the public authority itself). Section 43 is a qualified exemption which require a public interest test.

Arguments in favour of disclosure are that disclosing the information would help promote transparency and accountability. Disclosure would also show how the GDC spends its revenue and pursues the best value for public money.

However, disclosing this information would be likely to affect future negotiations with landlords or suppliers if they knew the outcome and revised rent or other negotiated costs would be made public. This impact on future rental negotiations would mean the GDC would not be likely to obtain the best value for money which could inflate its costs which we believe would not be in the public interest.

Disclosure of confidential information would also not only impact on the GDC's reputation and relationship with LGIM Real Assets but suppliers more generally. It is reasonable to foresee that if the GDC were to disclose confidential information in breach of agreed contractual terms, it would make suppliers less willing to work with the GDC in future. With fewer options and a poor reputation the GDC would be less likely to obtain value for money through negotiation which would not be in the public interest.

Disclosure of the information requested would also prejudice the commercial interested of LGIM Real Assets, making it harder for them to negotiate with other companies looking to rent from them within Colmore square.

On balance then, we consider than the balance of the public interest weighs in favour of the application of Section 43 (2).

*Please confirm the rateable value for your offices and the rates paid by the GDC per accounting year to date.*

The Rateable Value (RV) is £397,500. We also provide the BID Levy which the link below provides more information: [https://www.birmingham.gov.uk/downloads/file/666/colmore\\_bid\\_notes\\_2020\\_to\\_2021](https://www.birmingham.gov.uk/downloads/file/666/colmore_bid_notes_2020_to_2021)

<b>Business rates fiscal year</b>	<b>Rates paid 01/04/18 – 31/03/19 £net</b>	<b>Rates paid 01/04/19 – 31/03/20 £net</b>	<b>Rates paid 01/04/20 – 31/03/21 £net</b>
<b>Business rates</b>	<b>108,615.09</b>	<b>209,882.65</b>	<b>203,520.00</b>
<b>BID levy</b>	<b>2,141.00</b>	<b>5,962.50</b>	<b>6,042.00</b>

*Please release advisory written (including emailed) communication between the GDC and GVA (your advisors on said property rental), pertaining to the market rental value of your Birmingham offices, and any reduction in said rental valuation negotiated for or by the GDC for their occupation (15 year lease) of the site.*

We are withholding this information as we believe that Section 41 (information provided in confidence) and Section 43 (2) of the FOI Act applies to it.

The discussions with LGIM Real Assets were carried out in confidence and during those discussion they provided their negotiating position. As this is information obtained from a third party and it attracts a quality of confidence such that the release of this information would result in an actionable breach of confidence we consider Section 41 of the FOI Act should apply.

As the information requested is commercially sensitive we also consider that Section 43 (2) should apply. Public interest arguments in favour of disclosure are that it would promote openness and transparency in how the GDC spends public money and negotiates for the best value.

However, disclosing this information to the whole world would give an insight into the GDC's and GVA's negotiating strategy as well as the final agreement which, as we have explained above, we cannot disclose. Disclosure of the GDC's advice, and negotiating strategy will would be likely to inhibit future negotiations. In addition, the information could be used by other organisations and result in the GDC losing out on future opportunities. Landlords and suppliers would also be less likely to enter into any negotiations if they felt these discussions would be disclosable under the FOI Act.

*Please state whether attempts were made to secure a below market rental agreement for your Birmingham offices.*

We can confirm that the GDC did negotiate for a lower rent though for the reasons set out above we are unable to disclose the figures.

*Please state whether any rental or rates relief has been attained by the GDC, due to the COVID-19 crisis, for this office.*

The GDC office in Birmingham has remained open during the COVID-19 crisis and no rental or rates relief has been attained.

### **Internal review and complaints procedure**

I hope you have found the information provided helpful. However, if you are dissatisfied with our response or how your request has been handled you can ask that an internal review be carried out.

Requests for a review should be addressed to:

Executive Director, Legal & Governance  
General Dental Council  
37 Wimpole Street  
London  
W1G 8DQ  
Email: [foirequests@gdc-uk.org](mailto:foirequests@gdc-uk.org)

If, at the end of the review process, you are not satisfied with the response that you receive, you may write to the Information Commissioner, who is appointed to consider such complaints, at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Tel: 0303 123 1113  
Website: [www.ico.org.uk](http://www.ico.org.uk)

Yours sincerely,



Colin Lench  
Deputy Information Governance Manager  
General Dental Council  
Email: [foirequests@gdc-uk.org](mailto:foirequests@gdc-uk.org)