

Response to Request for Information

Reference: 5359
Date: 1 September 2015
Type of request Freedom of Information Request

Proposed contract for Cambridge Library Enterprise Centre

Please release the proposed contract between Cambridgeshire County Council and Kora (part of the Regus Group) to create and run the Cambridge Library Enterprise Centre.

Please see the attached documents, APP1 – APP4, which include the latest draft version of the Management Agreement, the Licence to Occupy, the Licence to Works and the Exit Management Plan.

The most recent version of the Agreement has been provided; please be advised that it was part of ongoing negotiations and no final versions exist. The tracked comments and changes included are those received from Regus Kora and the Council had not yet responded to them.

Please note that the documents have been released in full with the exception of some minor redactions in the Management Agreement; in particular, where information contains details of figures and amounts due by either party in specific circumstances.

This minimal information is being withheld under section 43(2) of the Freedom of Information Act 2000 (the Act). Section 43(2) provides that:

“43(2) 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 project between Regus Kora and Cambridgeshire County Council in respect of an Enterprise Centre at Cambridge Library is not going ahead. Releasing details of some of the terms that were undergoing negotiation would be likely to have an adverse effect on the commercial interests of both the Council and Kora.

It would allow competitors of Regus Kora to see how far they were prepared to negotiate in response to specific contract terms. This would mean that in future opportunities, competitors could use this information to significantly undercut Regus Kora which would have an adverse effect on their ability to negotiate and compete effectively, giving its competitors an unfair advantage.

Equally, release of these details into the public domain would give potential suppliers to the Council insight into how far the Council was prepared to negotiate in specific contract terms. This would be likely to result in future proposals being submitted towards the limits of the Council's negotiating power which would limit the value it is able to achieve for public money.

Section 43(2) is a qualified exemption and requires the performance of a public interest test. At this time, the public interest in favour of maintaining the exemption outweighs the public interest in release.

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