

**My Ref:** IG-16767  
**Your Ref:**  
**Contact:** Freedom of Information Team  
**Email:** [FOI@nottinghamcity.gov.uk](mailto:FOI@nottinghamcity.gov.uk)



**Nottingham**  
**City Council**

**Freedom of Information Team**  
**Information Compliance**  
**Legal & Governance**  
2<sup>nd</sup> Floor  
Loxley House  
Station Street  
Nottingham  
NG2 3NG

Requester

At contact address specified for request number above

21 October 2022

**Tel:** 0115 876 4376

**Email:**

[FOI@nottinghamcity.gov.uk](mailto:FOI@nottinghamcity.gov.uk)  
[www.nottinghamcity.gov.uk](http://www.nottinghamcity.gov.uk)

Dear Requester

### **Request under the Freedom of Information Act 2000 (the Act)**

The council has considered your request which was received on 27 September 2022 and our response to your questions is shown below.

*I would be most grateful if you would provide me, under the Freedom of Information Act, details in respect to the contract below.*

*Lot 1 - Sanitary waste collection and disposal:*

<https://www.contractsfinder.service.gov.uk/Notice/0266bd3d-5726-4cdf-ab6e-76b0869bf09c>

*The details we require are:*

*1. What are the contractual performance KPI's for this contract?*

Objectives, Targets, and Performance Indicators:

- The Service Provider will be required to produce evidence of effective contract management performance by agreeing objectives, targets, and key performance indicators with the Authority prior to the start of the contract.

The information below represents Objectives, Targets, and Performance Indicators.

Service Level Deliverable Performance target Service Visit Contracted hygiene and technical service visits.

As per contracted frequency. PHS to service within the grace window of the scheduled date of service, depending on service frequency. =>94%

Call out and fix on site – hygiene.

Contractual emergency call out (overflowing bin).

If call placed before 12 noon, the service will be scheduled to take place within 72 hours. The call will be routed through the Provider's system. =>94%



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Call out and fix on site – hygiene.

Non-contractual emergency call out. 72 hours (excluding weekends). PHS to respond to all urgent hygiene call outs within 72 hours from receipt of call. =>94%

Call out and fix on site electrical.

Non-contractual emergency call out. 5 working days. PHS to respond to all urgent hygiene call outs within 5 working days from receipt of call. =>94%

Installations – hygiene.

New (non electrical) equipment request (ARF) e.g. additional sanitary bins. Within 10 working days. PHS will deliver/install all new non-electrical equipment within 10 working days from receipt of request. 100%

Installations - electrical.

New electrical requests (ARF) e.g. hand dryers. Within 15 working days. PHS will deliver/install all new electrical equipment within 15 working days from receipt of request. =>94%

Installations - External Bins.

New request (ARF) for external bins. Within 15 working days. PHS will deliver/install all new equipment within 15 working days from receipt of request. =>94%

Quarterly reporting.

Report details as per MI report content. Submitted as per MI frequency specified. Report submitted as specified. 100% Annual review meeting.

Annual review and setting of strategic goals.

Annual strategic goals agreed and PHS documentation of same provided to the Council.

Strategic goals.

Financial consequence of failing to achieve the service levels as per above table will be in accordance with the Framework Agreement terms and conditions; Schedule 1, Appendix to part A: Service Levels and Severity Levels. Management Information and Frequency Management Information to be provided in accordance with clause 7 of the Call-Off Terms.

*2. Suppliers who applied for inclusion on each framework/contract and were successful & not successful at the PQQ & ITT stages*

This was a direct award to PHS from the ESPO Framework 239, only PHS were involved in the procurement process.

*3. Actual spend on this contract/framework (and any sub lots), from the start of the contract to the current date*

The council has determined that this information is exempt from disclosure in accordance with sections 21 and 22 of the Act as it is and will be reasonably accessible to you by other means and publicly available.

The council publishes details of spend with suppliers online

Unfortunately Covid restrictions, reduction in resources to complete this work, and recent changes to our finance system have all impacted the regular publication of this data. In addition, due to the complexity of this data and the fact it includes Procurement Card transactions it takes several months to review and publish this data to ensure its accuracy and also ensure it excludes any personal data. The data for January 2022 onwards is currently being reviewed prior to publication. The council has therefore determined that this information is exempt from disclosure in accordance with section 22(1) of the Act as it will be reasonably accessible to you by other means and publicly available.

<https://www.opendatanottingham.org.uk/dataset.aspx?id=21>

Section 22 of the Act provides an exemption for information that is intended to be published in the future. This information is exempt if the council holds the information, the council intends the information to be published at some future date and it is reasonable to withhold the information until its planned publication.

As the council are relying on section 22 of the Act, the council are required to carry out a Public Interest Test. This is a test to see whether the public interest in withholding the information is greater than in releasing it. The council acknowledge there is a public interest in our expenditure and our requirements to regularly publish this data. In this case however, the council feel it is in the best interests of the public to withhold information that is not published, as the council have already made a commitment to publish this data via Nottingham Open Data. In order to provide this information officers would have to prepare, extract and administer the requested information from reports. The data in question needs to be collated from many sources, reconciled, reviewed and cleansed to ensure no personal data is published (as many individuals are paid by the council including foster parents). Therefore, in order to answer your request officers would be required to carry out significant analysis and interpretation of data. The council does not feel it would be an effective use of officer time as the requested information is still to be collated, interrogated and approved prior to publication online.

Section 22 acknowledges that organisations must have freedom to be able to determine their own publication timetables. This protection is afforded whether it is the public authority itself or another individual, a company or another public authority, which intends to publish. This allows public authorities to deal with the necessary preparation, administration and context of publication. The council have committed to publishing this information on a monthly basis. Releasing information outside of the publication schedule for this dataset undermines the value of the council regularly compiling and publishing this information. For these reasons, the council feel it is appropriate in this case to maintain the exemption and withhold the information as it will be published at a later date.

We can also advise the Total value of the contract is: £160,000

The council has relied on sections 16, 21(1) and 22(1) of the Act as it is providing you with advice and assistance by directing to the relevant webpages where information is and will be published. Please accept this letter as a refusal notice issued in accordance with section 17 of the Act.

*4. Start date & duration of framework/contract?*

1 April 2021 – 31 March 2024

*5. Could you please provide a copy of the service/product specification given to all bidders for when this contract was last advertised?*

As it was a direct award and was done through ESPO Framework 239 – the specifications are those set out in the framework.

[Washroom Services \(Including Clinical Waste and Matting\) \(espo.org\)](https://espo.org)

*6. Is there an extension clause in the framework(s)/contract(s) and, if so, the duration of the extension?*

Extension: 2+2 years.

*7. Has a decision been made yet on whether the framework(s)/contract(s) are being either extended or renewed?*

Not yet

*8. Who is the senior officer (outside of procurement) responsible for this contract?*

The council is withholding the requested information.

The council are required under section 40(2) to take in account the UK GDPR, in particular Article 4 which states: “‘personal data’ means any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person”.

The ICO advises public authorities must consider the consequences of disclosing information under the Act, to the world at large, and not just the impact of providing the material to a particular requester. Upon consideration, the council have determined that in this instance the disclosure of this information would breach the first data protection principle in Article 5 of the UK GDPR which states that personal data must be ‘processed lawfully, fairly and in a transparent manner in relation to individuals’. The individuals involved would not reasonably expect this information about them to be released to the world.

Regarding council employees, the Information Commissioner’s guidance states ‘It is reasonable to expect that a public authority would disclose more information relating to senior employees than more junior ones...the disclosure must not cause unwarranted interference with the rights, freedoms and legitimate interests of the employee’. It is the council’s general guidance not to disclose personal information related to employees below the level of Head of Service.

The council have therefore determined that in this instance the disclosure of this information to you otherwise than under the Act would contravene Principle (a) of the UK GDPR – lawfulness, fairness and transparency.

The council is therefore withholding some information as detailed above under section 40(2) of the Act. Please accept this letter as a partial refusal notice issued in accordance with section 17 of the Act.

The council can advise Nottingham City Council does not respond to unsolicited requests regarding sales, procurement and commissioning. Departments must follow a strict procedure as the council has a responsibility to spend public money to achieve the best possible value and outcomes for its citizens whilst maximising the wider social, economic and environmental aims. The council can direct you to the council's website pages for procurement opportunities, where you can register to be notified on upcoming procurement opportunities, events and how to sell to the council:

<http://www.nottinghamcity.gov.uk/business-information-and-support/doing-business-with-nottingham-city-council/>

You are free to use any information supplied for your own personal use. If the information provided is marked as published under an [Open Government Licence](#) you are free to reuse it, subject to the licence terms. However, if the information is not published under an Open Government Licence and you wish to reuse it, for example, by publishing the information or issuing copies to the public you are required to request permission for re-use of this information under the Re-use of Public Sector Information Regulations 2005 (RPSI). Your RPSI request must be in writing and include your name and address for correspondence, and specify the information you want to re-use and the purpose you intend to use it for.

If you are unhappy with the response provided or with the handling of your request, you can ask for an internal review in writing stating the reasons for your dissatisfaction. Your request for an internal review should be made to the council within forty working days of the date of this letter. Please quote reference IG-16767 in all communications.

You can contact the Freedom of Information Team either by email: [FOI@nottinghamcity.gov.uk](mailto:FOI@nottinghamcity.gov.uk) or writing to the **Freedom of Information Team, Information Compliance, Legal & Governance, 2<sup>nd</sup> Floor, Loxley House, Station Street, Nottingham, NG2 3NG.**

If you remain unhappy after receiving the response to your initial complaint you can request an independent review from the Information Commissioner's Office at **FOI/EIR Complaints Resolution, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF**. You may also contact the Information Commissioner's Office by telephone on 01625 545745 or by email at [mail@ico.gsi.gov.uk](mailto:mail@ico.gsi.gov.uk).

Yours sincerely

Freedom of Information Team  
Legal & Governance  
Nottingham City Council