Nottingham and Nottinghamshire Integrated Care Board

15/05/2025

NN-ICB/25-1138

Dear Requestor

Re: Freedom of Information Request

Thank you for your updated request for information, received on 4 April 2025, regarding primary care estates improvements. We have processed your request in accordance with the Freedom of Information Act 2000 (FOIA).

Under the FOIA, public authorities like ours are required to respond to requests for information within 20 working days. In response to your request, I can confirm that we do hold the information requested. However, please note that some / all of the information you requested has been withheld. Under the FOIA, certain exemptions may apply to protect sensitive information.

Please find below our response to your request:

1. Please provide me with a list of all the **approved and not approved** GP premises and improvement proposals projects submitted under Part 2, paragraph 7 of the Premises Cost Direction since Nottingham and Nottinghamshire ICB took over commissioning duties.

   To clarify, that paragraph states:

   "**Premises development and improvement proposals**

   7.—(1) Where a contractor has a proposal for–

   (a) the building of new premises to be used for providing primary medical services;

   (b) the purchase of land or premises or both to be used for providing primary medical services;

   (c) the development of premises which are used or are to be used for providing primary medical services (or for significant changes to existing development proposals);

   (d) the sale and lease back of premises used for providing primary medical services;

   (e) the increase of the existing floor area of premises used for providing primary medical services which would lead to an increase of a payment made to the contractor under these Directions; or

   (f) premises improvements, which are to be the subject of a premises improvement grant application, and it puts that proposal to NHS England as part of an application for financial assistance in respect of the proposal, NHS England must consider that application."

Between July 2022 and April 2025 the ICB have/have not supported the following number of premises proposals:

	Received	Supported	Not Supported	Completed to date
(a) the building of new premises to be used for providing primary medical services;	0	0	0	0
(b) the purchase of land or premises or both to be used for providing primary medical services;	0	0	0	0
(c) the development of premises which are used or are to be used for providing primary medical services (or for significant changes to existing development proposals);	3	3	0	1
(d) the sale and lease back of premises used for providing primary medical services;	0	0	0	0
(e) the increase of the existing floor area of premises used for providing primary medical services which would lead to an increase of a payment made to the contractor under these Directions; or	11	11	0	9
(f) premises improvements, which are to be the subject of a premises improvement grant application, and it puts that proposal to NHS England as part of an application for financial assistance in respect of the proposal, NHS England must consider that	30	29	1	29

The ICB is unable to share a full list as it is deemed commercially sensitive under Section 43 (2) of the Act.

Section 43 of the Act states that:

> (1) Information is exempt information if it constitutes a trade secret.
>
> (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).
>
> (3) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice the interests mentioned in subsection (2).

A **public interest test** was undertaken in response to your request made under the Freedom of Information Act 2000.

The Information Commissioner's Office (ICO) sets out public interest factors in favour of and against disclosure. Some of the factors in favour were as follows:

- Ensuring that the public authority can be held accountable for its decisions, particularly as to how it spends public money.
- Ensuring that a tender process is open and transparent.
- Providing insight into the nature of a procurement process and winning bids, so that other companies are encouraged to take part in the process and improve future bids.

Public interest factors against disclosure (and in favour of the maintenance of an exemption) included:

- There is an inherent public interest in the maintenance of the exemption, and of upholding private companies' expectations that commercially confidential information will be protected from disclosure when they engage in public authority tenders.
- Avoiding the discouragement of prospective tenderers from tendering for public sector contracts, for fear of disclosure of their commercially sensitive information to competitors, and that this may adversely affect both the quality of tenders for public sector contracts, and public authorities' ability to negotiate them effectively.
- Maintaining a competitive market and driving competition as this benefits public authorities and consumers, and which could be threatened by disclosure of companies' commercial information.

On balance of the factors considered above, along with relevant case law, we considered that the ICB would be entitled to withhold a list showing of all the **approved and not approved** GP premises and improvement proposals and that this would not be superseded by public interest considerations.

2. Please provide me with as much direction as you can **within the cost limits** as to where I can find the information requested above for the years prior to the Nottingham and Nottinghamshire ICB taking commissioning duties.

   NHS England will hold the information prior to the establishment of Nottingham and Nottinghamshire ICB taking commissioning duties. Details of how to submit a Freedom of Information request to NHS England can be found on the website: NHS England » Freedom of Information Act and Environmental Information Regulations.

If you are unhappy with the way in which your request has been handled, NHS Nottingham and Nottinghamshire Integrated Care Board (ICB) has an internal review procedure through which you can raise any concerns you might have. Further details of this procedure can be obtained by contacting Lucy Branson, Director of Corporate Affairs via lucy.branson@nhs.net or by writing to FOI Team at NHS Nottingham and Nottinghamshire ICB, Sir John Robinson House, Sir John Robinson Way, Arnold, Daybrook, Nottingham NG5 6DA.

If you remain dissatisfied with the outcome of the internal review, you can apply to the Information Commissioner's Office (ICO), who will consider whether the organisation has complied with its obligations under the Act and can require the organisation to remedy any problems. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by NHS Nottingham and Nottinghamshire ICB. You can find out more about how to do this, and about the Act in general, on the Information Commissioner's Office website at: https://ico.org.uk/for-the-public/

Complaints to the Information Commissioner's Office should be sent to:

FOI/EIR Complaints Resolution, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Telephone 0303 123 1113 or report a concern via https://ico.org.uk/concerns/

Yours sincerely

Freedom of Information (FOI) Officer on behalf of NHS Nottingham and Nottinghamshire Integrated Care Board

nnicb-nn.foi@nhs.net

All information we have provided is subject to the provisions of the Re-use of Public Sector Information Regulations 2015. Accordingly, if the information has been made available for re-use under the Open Government Licence (OGL) a request to re-use is not required, but the license conditions must be met. You must not re-use any previously unreleased information without having the consent of NHS Nottingham and Nottinghamshire Integrated Care Board. Should you wish to re-use previously unreleased information then you must make your request in writing (email will suffice) to the FOI Lead via nnicb-nn.foi@nhs.net. All requests for re-use will be responded to within 20 working days of receipt.