

GREATER LONDON AUTHORITY

[REDACTED]
(By email)

Our Ref: MGLA291117-6054

29 January 2018

Dear [REDACTED]

Thank you for your request for information which the GLA received on 29 November 2017. Your request has been dealt with under the Environment Information Regulations 2004 (EIR).

You asked for;

- 1. The finalised bid for Housing Zone funding submitted by Royal Borough of Kingston (RBK) at the end of 2016.*
- 2. RBK entered into an Overarching Borough Agreement (OBA) with the GLA in December 2016, which confirmed the allocation of the Housing Zone funding. Please provide a copy of that Agreement.*
- 3. Since entering into the OBA, RBK has had to provide a pack of information to the GLA setting out its proposals for the regeneration of Cambridge Road Estate (CRE). Please provide a copy of that pack of information.*
- 4. RBK has also entered into a Borough Intervention Agreement (BIA) and Affordable Housing Grant Agreement (AHGA) with the GLA in order to receive £46.2m funding to facilitate the delivery of the CRE regeneration. Please provide a copy of those Agreements and any documents RBK provided in support of, or to help negotiate, said Agreements.*

Please find attached some of the information we have identified as being within the scope of your request. Some further information is being withheld from disclosure under the exceptions to our duty to disclose under regulation 4 and 5 of the EIR:

Regulation 12 (4) (d); a public authority may refuse to disclose information to the extent that the request relates to material which is still in the course of completion, to unfinished documents or to incomplete data. Although GLA funding of £46.2m has been allocated, this housing zone has a completions deadline of 31 March 2026, during which the principal focus of RBK's proposal is regeneration of its Cambridge Road estate by means of demolition and rebuilding, so most of the outputs will be completed in phases until that date. The exception to

disclose is invoked to protect work in progress and allow RBK to complete work without interruption and interference from outside.

Under 12 (5) a public authority may refuse to disclose information to the extent that its disclosure would adversely affect (b) the course of justice and inquiries and (e) the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest.

Regulation 12 (5)(b); The course of justice element of this exception is very wide in coverage, in this instance it is used to cover material covered by legal professional privilege (LPP). LPP exists in this instance to protect advice from lawyer to client.

For the exception to be engaged, disclosure of the requested information must have an adverse effect on the course of justice. The advice is still relevant and relates to various legal documents that are required for the delivery of the Cambridge Road Estate and would undermine the public confidence in the efficacy of LPP generally.

Regulation 12 (5)(e); The purpose of this exception is to protect any legitimate economic interests underlying commercial confidentiality. Some of the information contained within the RBK's proposals for the regeneration of the Cambridge Road estate, the OBA, BIA and AHGA includes details of cost, density, funding, purchase and timing. The information is therefore commercial in nature. The HZ Prospectus undertook to treat it as commercially confidential so a duty of confidence arises. Disclosure would harm the legitimate economic interests of RBK and the GLA relating to the ongoing commercial bargaining position with developers and other zone applicants respectively. The confidentiality of this information is therefore required to protect the legitimate economic interests of the partnership because disclosure would be likely to harm the bargaining position of RBK and their ability to operate an effective procurement processes.

Public interest test; In applying these exceptions, we have had to balance the public interest in withholding the information against the public interest in disclosing the information:

We acknowledge that there is a public interest in transparency in relation to the way the GLA allocates funds to increase affordable housing supply. Disclosure of this information would help enable the public to understand the decision making behind these funding agreements.

Providing detailed information held by public authorities is in keeping with the Government's transparency agenda and promotes accountability and greater public participation. Furthermore, the public interest is served by the GLA being transparent and open to scrutiny to increase diligence and working to protect the public purse.

However, on balance, we consider that it is not in the public interest for the GLA to release information that would prejudice the commercial interests of RBK. This is particularly important where the third-party is required to achieve value-for-money when increasing the number of new affordable homes.

We consider that the public interest is best served by ensuring that RBK is able achieve value-for-money. The public interest would not be met if the GLA released information which would be likely to prejudice their ability to obtain best value in its commercial activities. Disclosure would be likely to weaken RBK's negotiating position allowing developers to cherry pick attractive parts and impact the councils' ability to seek mitigation. This would harm both the confidentiality of the information and the legitimate economic interests identified.

If you have any further questions relating to this matter, please contact me, quoting the reference MGLA061117-3436

Yours sincerely

Paul Robinson
Information Governance Officer

If you are unhappy with the way the GLA has handled your request, you may complain using the GLA's FOI complaints and internal review procedure, available at:

<https://www.london.gov.uk/about-us/governance-and-spending/sharing-our-information/freedom-information>