

FOI Reference Number: FOI/076/1920

Date: 19/06/2019

Request:

Dear Madam / Sir,

I write to request information under the Freedom of Information Act 2000. I am making this request on behalf of the charity [REDACTED]

I believe that the information requested does not fall under any of the exemptions set out in the Act. I therefore hope the information can be provided within the 20 days stipulated in the Act.

If no exemptions apply, there is no reason to consider public interest arguments for or against publication of the information requested. I have, in any case, provided some general and specific arguments as to why it would be in the public interest to release the information requested.

The Requested Information

Temporary accommodation has two core functions. It is provided by the councils to provide immediate relief for households, while councils investigate whether they are legally homeless. It also acts as a stopgap until councils are able to find settled accommodation for homeless households.

Councils often retain lists of suppliers or have an approved list of suppliers of temporary accommodation. This could also be defined as a supplier framework of enrolled and accredited companies or individuals that provide temporary accommodation to the council. Shelter would like to understand who councils are procuring temporary accommodation from, and the level at which they are procuring it.

Councils may often also use their own stock of Temporary Accommodation to provide housing for households. In these instances, they may contract other agencies to manage accommodation on their behalf.

The request

I would like to request:

1. The current list of approved suppliers of temporary accommodation that the council will use to procure from.

If the council do not hold a list of approved suppliers I would like to request:

2. The full list of suppliers of temporary accommodation that was procured from in the financial year 2018-19. If data for 2018-19 is not yet available, then this should be provided for 2017-18.

If the Council uses contractors to manage their own stock of Temporary Accommodation I would like to request:

3. The current list of approved contractors used to manage temporary accommodation that the council will use to procure from.

If the council do not hold a list of approved contractors I would like to request:

4. The full list of contractors used to manage temporary accommodation that was procured from in the financial year 2018-19. If data for 2018-19 is not yet available, then this should be provided for 2017-18.

For suppliers of temporary accommodation, I would like to request:

5. For the financial year 2018/19 the total actual spend with each supplier.
6. For the financial year 2017/18 the total actual spend with each supplier.
7. For the financial year 2016/17 the total actual spend with each supplier.

If data is not available for 2018/19 then I would request the most recent three years when data is available.

For contractors who are used to manage the council's own supply of temporary accommodation, I would like to request:

8. For the financial year 2018/19 the total actual spend with each contractor.
9. For the financial year 2017/18 the total actual spend with each contractor.
10. For the financial year 2016/17 the total actual spend with each contractor.

If data is not available for 2018/19 then I would request the most recent three years when data is available.

If your organisation does not hold the specific information described at any question I respectfully request that you provide any information it does hold from which these figures may be calculated. This could include any one database, spreadsheet or word document holding data relating to payments to suppliers of temporary accommodation for the last three years. Please share this excluding any information which could be considered personal information under the Data Protection Act.

Exemptions

Section 12

I understand that one exemption that may apply to this request is that described at Section 12(1) - 12(4) of the Freedom of Information Act, where "the authority

estimates that the cost of complying with the request would exceed the appropriate limit”. If the organisation does refuse the request by relying on Section 12, I would respectfully ask that it comply with the Information Commissioner’s advice and confirm whether or not this information is held by the organisation.

Further, I am available to help and assist the organisation, and would be happy to refine the request, in order to reduce the time needed to provide the information requested. I would respectfully ask that the organisation considers its duty “to provide advice and assistance” as set out at Section 16 of the Act. The Information Commissioner states in advice that “a public authority should consider in these circumstances how it can provide advice and assistance to help an applicant narrow, reform or refocus their request.”

Further exemptions may be considered under Section 43 (1) - trade secrets and Section 43 (2) - prejudice to commercial interest. Regarding Section 43 (1) we do not believe that the requested information would fall under the description of trade secrets, defined as a technical secret (e.g. an invention of a manufacturing process).

A business secret under the Information Commissioner’s Office (ICO) definition may be a ‘supplier list’ but only if this confers a competitive advantage to the owner. The ICO place a further test to suggest that this must be information which is not widely disseminated and is not generally known, and disclosure of the information is liable to cause real or significant harm.

Suppliers of temporary accommodation freely advertise themselves, so it is unlikely that the names on the requested supplier lists are not widely disseminated. This clause is also subject to the public interest test which is demonstrated below.

Section 43 (2) - prejudice to commercial interest - we do not believe that the level of information requested will prejudice commercial interests. We have not for instance asked for the number of units, or nights that have been procured with each supplier, so will be unable to calculate the average nightly rate that the council is paying for each supplier.

Public Interest

I do not believe that any of the Freedom of Information Act exemptions should apply to the information requested. However, in the case that the organisation argues otherwise, here are some arguments as to why it would be in the public interest - and indeed the interests of your organisation and the people it serves - to release the information I have requested.

1. There is a bias toward disclosure in the Freedom of Information Act itself, as there is a general public interest in transparency in public affairs and in how money raised through taxation is managed and spent.

2. There is a legitimate aim in greater transparency in the inner workings and processes of the procurement of temporary accommodation within councils.
3. There has been a significant increase in the number of households living in Temporary Accommodation in the last 5 years, which has increased the public's interest in both the conditions in which these households live, and the way public money is being spent

Data should, if possible, be presented in an itemized table either in Word or Excel.

I very much look forward to your response.

Response:

Thank you for your information request which Mid and East Antrim Borough Council received on 04/06/2019.

Please find below Mid and East Antrim Borough Council's response to the information you requested in relation to a current list of approved suppliers of temporary accommodation.

Please note that in Northern Ireland district councils are not responsible for the provision of housing. Please contact the Northern Ireland Housing Executive who should be able to help you with your request.

If you are dissatisfied with the handling of part of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to the Chief Executive at the Braid Ballymena Town Hall, 1-29 Bridge Street, Ballymena, BT43 5EJ.

Please remember to quote the reference number FOI/076/1920 in any future communications.

If you are not content with the outcome of an internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Please be advised that Mid and East Antrim Borough Council may release the response to this information request into the public domain via our website at <https://www.midandeastantrim.gov.uk/>.

If we publish our response to your request, your personal data will be removed to protect your privacy.