

Our Reference North East and North Cumbria ICB\
FOI ICB 24-409

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By Email

18 February 2025

Dear Applicant

Freedom of Information Act 2000 – Request for Information – NHS North East and North Cumbria Integrated Care Board (NENC ICB)

Thank you for your request received by North of England Commissioning Support (NECS) on 22 January 2025 for information held by NHS North East and North Cumbria Integrated Care Board (the ICB) under the provisions of the Freedom of Information Act 2000.

The ICB covers the areas of County Durham, Gateshead, Newcastle, North Cumbria, North Tyneside, Northumberland, South Tyneside, Sunderland, and Tees Valley (which covers the five local authorities of Darlington, Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton-on-Tees).

Please find the information you requested on behalf of the ICB as follows.

Your Request

Could you please provide me with the following information under the Freedom of Information Act:

1. A list of all the GP Practices in your ICB/ICS.
2. Each practice's associated 01/01/25 raw list size.
3. The amount of NHS healthcare space in square metres (in Net Internal Area NIA) that the ICB/ICS has approved for each practice.
4. The amount of annual notional/cost rent (CMR) approved by the CCG/ICS for each practice as of 01/01/25.

Please note that I am not asking how much rent reimbursement has been actually paid to each practice in the last year as this may be adjusted with under or overpayments from previous years and this is publicly available on the NHS Digital website – I'm asking for the annual notional/cost rent amount approved by the ICB/ICS as of 01/01/25.

Could you present the data in the same way that NCL ICS has presented it in the attached excel please.

Our Response

We can confirm, as per Section 1(1) of the Freedom of Information Act 2000, the ICB holds some of the information you have requested.

1. Please refer to the attached spreadsheet.
2. Please refer to the attached spreadsheet.
3. We can confirm, as per Section 1(1) of the Freedom of Information Act 2000, the ICB holds some of the information you have requested. However, we have estimated that to provide you with the required information, would exceed the cost limit of £450 for the NHS as specified in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.

S.12(1) of the FOIA provides that a public authority is not obliged to respond to a request for information if the cost of locating, retrieving, and extracting information and preparing the response can be included in the costs for these purposes.

In line with your rights under section 1(1)(a) of the Act to be informed whether information is held, we confirm the ICB does not hold information requested for all 347 practices in our area. We hold information for 243 practices. We have determined that the information which the ICB does not hold is held by the NHS Property Services and Community Health Partnership.

In accordance with our duty under s.16 of the FOIA to provide reasonable advice and assistance to an individual requesting information, we have provided the FOI email addresses for those organisations to make your request.

Organisation	Email and Notes
NHS Community Health Partnerships	foi@communityhealthpartnerships.co.uk
NHS Property Services	customer.service@property.nhs.uk Please write "Freedom of Information" in the subject line.

The ICB holds records for 347 practices within North East and North Cumbria. Of those, the ICB holds healthcare space information for approximately 70%, equating to 243 practices. We would have to review each individual practice record to confirm this.

It is estimated that it would averagely take a member of staff approximately 10 minutes to obtain the requested information from each practice file held. Allocating 10 minutes per transaction, the NENC ICB estimates that 347 records x 10 minutes = 3470 minutes divided by 60 = 57.83 hours to extract the level of detail requested from practice files. NENC ICB is therefore unable to provide the requested information within the prescribed limit. The total number of practices is noted, as the ICB needs to initially confirm who holds the detail.

Based on the number of hours (57.83) at a rate of £25 per hour the estimated cost of providing the information is £1445.75. Should you wish to proceed we will be able to comply with your request upon receipt of payment. Alternatively, you may wish to reduce the scope of your request so that it comes in under the appropriate limit.

4. We can confirm, as per Section 1(1) of the Freedom of Information Act 2000, the ICB does hold the requested information. However, on this occasion, it is not possible to satisfy all elements of your request.

The Freedom of Information Act (FOIA) 2000 contains a number of exemptions that allow a public authority to withhold certain information from release. Some of the requested information is exempt under s.43(2) of the FOIA2000 as disclosure is likely to prejudice the commercial interests of a person as defined by the Act. This s.43(2) exemption applies to question 4.

The application of this exemption requires an examination of the public interest in disclosure in comparison as opposed to that in non-disclosure.

The factors *in favour of disclosure* would include:

- Provide an understanding of the rental values being paid to GP Practices across NENC.

Factors in *favour of withholding the information* are largely laid out in the explanation for the use of the exemption above but would include:

- The data could be used against the ICB to increase rental values.
- The data could be used to increase the value of a building based on the rental income.
- Releasing the data would require the consent of all the GP Practices across the ICB.

To summarise, making the amounts paid to GP Practice for Notional/Cost Rents publicly available could have commercial consequences for any forthcoming rent reviews. i.e. the information could be used to raise rental values when requesting a rent review. It could also be used to increase the value of a building based on the rental income.

After consideration of the above factors, we believe, on balance, the public interest lies in maintaining the exemption.

In accordance with the Information Commissioner's directive on the disclosure of information under the Freedom of Information Act 2000 your request will form part of our disclosure log. Therefore, a version of our response which will protect your anonymity will be posted on the NHS ICB website <https://northeastnorthcumbria.nhs.uk/>.

If you have any queries or wish to discuss the information supplied, please do not hesitate to contact me on the above telephone number or at the above address.

If you are unhappy with the service you have received in relation to your request and wish to request a review of our decision, you should write to the Senior Governance Manager using the contact details at the top of this letter quoting the appropriate reference number.

If you are not content with the outcome your review, you do have the right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act 2000. Generally, the Information Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by the North of England Commissioning Support Unit.

The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House

Water Lane
Wilmslow
Cheshire
SK9 5AF

www.ico.org.uk

Any information we provide following your request under the Freedom of Information Act will not confer an automatic right for you to re-use that information, for example to publish it. If you wish to re-use the information that we provide and you do not specify this in your initial application for information then you must make a further request for its re-use as per the Re-Use of Public Sector Information Regulations 2015 www.legislation.gov.uk . This will not affect your initial information request.

Yours sincerely

S Davies

S Davies
Information Governance Officer