

Freedom of Information Act 2000 - Request Reference FoI/20/384

Relocation of Pentyrch Doctor's Surgery

Request details

I am getting in touch regarding the relocation of Pentyrch Doctor Surgery to St Fagans.

I understand that the local health board wants to close the surgery in Pentyrch and build a new Pentyrch Doctor Surgery on a small piece of land at the bottom of Rhydrafar Drive in St Fagans.

I would like to make a freedom of information request for the following information please:

1. What sites were considered for the relocation of Pentyrch Doctor Surgery.

Please see the attached documents detailing the sites reviewed and the scoring criteria used. We are unable to provide details of one site for which the Developer was required to sign a non-disclosure agreement for commercially sensitive reasons and this has been identified in the attached list accordingly marked ***. This list identifies the 19 sites that were considered but discounted and the reasons for this are identified.

After considering your request in respect of the information marked ***, Cardiff and Vale University Health Board (the UHB) considers this information to be exempt from disclosure under the Freedom of Information Act 2000 (Section 43) Commercial Interests. This section of the Act sets out an exemption from the right to know if:

- the information requested is a trade secret, or
- release of the information is likely to prejudice the commercial interests of any person. (A person may be an individual, a company, the public authority itself or any other legal entity).

This exemption was considered by the UHB when deciding whether to disclose information because it considered that in doing so there could be a significant risk in prejudicing the commercial interests of the company in question. As this is a qualified exemption, the UHB is required to complete a public interest test in deciding whether it is in the public's interest to withhold or disclose the information.

In favour of disclosure: There is a public interest in transparency and in the accountability of spending of public funds. Furthermore, it is in the public's interest that public funds be used effectively and that public sector bodies obtain the best value for money when contracting for the provision of services.

Against disclosure: There is a risk of disclosure prejudicing the commercial interests of the UHB by affecting its bargaining position with agencies. This in turn could lead to less effective use of public funds in future. It has been established above that releasing the information under the Freedom of Information Act, to which the UHB is subject, will give an

unfair advantage to the supplier's competitors. The UHB believes that there is wider established public interest in companies not being prejudiced merely because they have contracted with a public sector body (as upheld in ICO decision notice FS50473543 ICO v Royal Marsden Hospital Trust).

Decision: The UHB considers that the public interest in withholding the information is greater than the interests in disclosing it and thereby giving unfair commercial advantage to competitors of the supplier to which this information concerns. The UHB believes that disclosure of information in a manner which fails to protect the interests and relationships arising in a commercial context could have the effect of discouraging companies from dealing with the Health Board because of fears that the disclosure of information could damage them commercially. In turn this could then jeopardise the Health Board's ability to compete fairly and pursue its function to bring forward development in the area and obtain value for money. It was therefore decided that it was not in the public's interest to disclose this information.

2. Why were other sites turned down?

A detailed scoring exercise of the remaining 6 sites was undertaken by the Project Group (consisting of representatives of the Practice, the Developer (Assura), the Health Board and their advisors from NHS Wales Specialist Estates Services) using the attached weighted criteria. This led to the site at Rhydlafar Drive scoring highest against the criteria with a score of 78, with the second highest score being 63.

3. Why won't Pentrych Doctor Surgery be in Pentrych.

A permanent home is needed for the practice in a location that is accessible to the residents of Pentrych. However, this premises needs to provide adequate facilities at a size that allows for a growing population, which has been projected in Local Development Plans for the area. The site search appreciated that there will always be some for whom a new location is further away, but considerations undertaken to identify a suitable site balanced the location with the requirement for vastly improved health facilities and capacity for local care. The site at Rhydlafar Drive would provide enough space to enable the practice offer a wider range of clinical services, a pharmacy or health kiosk and better parking. Patients in the area will be less likely to have to access Llandaff Surgery for some of their general medical care as they do now. More than 20 different sites as potential locations, both in and around Pentrych, were considered. The full list of sites that have been considered are also available at <https://assurapentrych.com/>.