

Request Title: The Sale of Merchant St Health Clinic and ownership of a surgery - South Woodham Ferrers

FOI Reference: PSC-66765-G9P8

Date of Disclosure: 31/08/2021

Date Range: 2020

FOI Request:

1. With regard to the Health Clinic in Merchant St, South Woodham Ferrers:
 - a. Why was there no public consultation before the sale of this NHS property to a private healthcare provider took place?
 - b. Was this sale discussed with any other person/organisation either within the NHS or outside it - and if so who/which?
 - c. Was this sale sanctioned by any other person/organisation either within the NHS or outside it - and if so who/which?
 - d. What is the total floor area of the Health Clinic in Merchant St?
 - e. Which company was it sold to? (There is a name displayed on the building but there are no details on the website.
 - f. How much was the building sold for?
 - g. Are the proceeds of the sale being put back into the SWF healthcare economy?
 - h. If the sum raised is not being put back into the SWF healthcare economy, what is happening to it?
 - i. How does this sale of this NHS property fit into long term plan for Healthcare in South Woodham Ferrers (bearing in mind that a development of 1200 new houses will go ahead shortly)?

2. Are you responsible in any way for the healthcare facility in Tyler's Ride, South Woodham Ferrers that was originally known as The New Surgery/The Health Clinic Annexe and subsequently became known as The Practice?

If you are not please state if you have a reference on your files to whatever body/organisation is currently responsible and give the details. If you are responsible for this healthcare facility please answer the following questions:

- a) Please confirm that there is a 20 year lease.
- b) If this is incorrect, please state the length of the lease.
- c) How much longer does the lease have to run?
- d) With regard to the lease payments for this facility, Mike Harrison (the former chief executive of the Maldon and South Chelmsford PCT) originally stated that the payment was £70,000 per annum ... but it subsequently transpired that this was for only part of this ground floor facility and the true cost was in the region of £105,000 per annum. Please therefore answer the question: With regard to the lease, what is the FULL cost per annum?
- e) If you hold this information please answer this question: What is the breakdown of the additional costs such as rates and utilities per annum:
- f) What has been the cost of these premises over the time for which you have records - and please state what period of time this covers (including dates)?
- g) What is the TOTAL floor area of these premises?
- h) If you hold this information, please confirm whether or not there is a 'security' presence at these premises at present.
- i) If so, what is the cost of this?
- j) How does this NHS property fit into long term plan for Healthcare in South Woodham Ferrers (bearing in mind that a development of 1200 new houses will go ahead shortly)?

Our Response:

Part 1 – Health Clinic in Merchant Street, South Woodham Ferrers

Under section 1 of the Freedom of Information Act, we confirm we hold some of the information you have request. Please see our responses below. Under our duty to advise and assist, where information is not held by NHS Property Services (NHSPS) we have provided contact details to the correct contact.

- a) The decision (and responsibility to undertake consultation of any kind) on whether a property is surplus to NHS requirements is made by local Health Commissioners (Clinical Commissioning Groups) Once this decision has been made , NHS Property Services will act to dispose of the property. In reference to this site, the appropriate NHS Commissioner is available to be contacted at:

Mid Essex CCG
Wren House
Hedgerows Business Park
Colchester Road
Chelmsford
Essex, CM2 5PF

Phone: 01245 398750

Email: meccg.patientexperience@nhs.net

- b) The property was listed on the government's surplus land register, known as ePIMS. This register provides awareness to all other government agencies regarding a vacant property's availability, prior to a formal marketing process. With respect to those consulted by Commissioners, please refer to the Mid Essex CCG as provided in response 1a.
- c) The sale is approved internally by NHSPS and relies on external formal valuation advice and agents' recommendations.
- d) The total floor area is 507.80m² Gross Internal Area (GIA).
- e) The property was sold to: Naeem Trust (trustees Naeem Sheikh and MW Trustees Ltd) 449 Ongar Road Brentwood Essex CM15 9JG
- f) The contracted sale price for this property is £505,900.
- g) NHS Property Services is a Limited Company owned by the Department of Health and Social Care (DHSC), with the Secretary of State for Health as its sole shareholder. NHSPS, alongside the DHSC and NHS England & Improvement (NHSE&I) have developed a new policy that will see proceeds of disposals from surplus buildings and properties within the NHSPS estate shared with local health economies. Through this policy, 50 per cent of the net proceeds from property disposals of up to £5m will now go to local health economies for reinvestment. These proceeds will support the development of key schemes within the NHSPS estate, at the Integrated Care Systems (ICS) level. It is for health commissioners to decide as to where this capital should be directed and the priority of projects in their local area. We await a decision from Commissioners in that respect. The annual running costs of properties are retained by Commissioners for reinvestment in local healthcare
- h) The funds from this disposal will be reinvested as stated in response 2g.
- i) We do not hold this information. The responsibility for health care strategy in any locality rests with Clinical Commissioning Groups. Please contact the relevant CCG as indicated in response 1a.

Part 2 - Healthcare Facility in Tyler's Ride, South Woodham Ferrers

- a) We confirm the lease is for a 20 year term.
- b) Lease term as indicated in response 2a.
- c) The lease terminates on the 27 April 2026.
- d) The total annual cost for the premises is £103,911. The rent charge, utilities and rates are provided in response 2e.
- e) The rent for this premises is £69,064 per annum, utilities budget for 2021/2022 is £600 and the rates are £34,247.

- f) Annual costs are presented in the table below. All figures contain rent and rates charges but not utilities as we confirm we do not hold this information under section 1 of the Freedom of Information Act.

Financial Year	Total Costs (£)
Yearly Total 2017/18 (Part Year)	13,405.87
Yearly Total 2018/19	30,052.00
Yearly Total 2019/20	33,516.00
Yearly Total 2020/21	34,048.00
Yearly Total 2021/22 (YTD)	17,026.00

Please note that NHSPS has had an interest in this property since 2013, however, to provide the information in full would take in excess of 18 hours work and as such would exceed the appropriate limit of £450. This represents the estimated cost of one person spending 18 hours in determining whether we hold the information, and locating, retrieving and extracting the information. This is due to changes in our finance systems which would require a manual process to retrieve information prior to 2017.

- g) The total floor area is 442m² Gross Internal Area (GIA).
- h) Under section 38 of the Freedom of Information Act 2000, we neither confirm nor deny we hold this information. Section 38(2) provides an exemption from the duty to confirm or deny whether information is held if doing so would or would be likely to endanger the physical or mental health or safety of any individual. This is a qualified exemption and subject to a public interest test. Please see the public interest test at the end of the response provided.
- i) As per the response 2h).
- j) We do not hold this information. Please contact the relevant CCG as indicated in response 1a).

Public Interest Test

Section 38 states that: (1) Information is exempt information if its disclosure under this Act would, or would be likely to—(a) endanger the physical or mental health of any individual, or (b) endanger the safety of any individual. (2) 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, have either of the effects mentioned in subsection (1).

We believe that disclosure regarding security measures at our properties may have the potential to endanger the safety of individuals who frequent the site. Our examination of

factors in favour of release of the information or disclosure of the information is outlined below.

Factors in favour of release:

- promoting accountability and transparency by public authorities for decisions taken by them;
- promoting accountability and transparency in the spending of public money;
- allowing individuals, companies and other bodies to understand decisions made by public authorities which affect their lives;
- bringing to light information affecting public health and safety. Factors in favour of withholding:
- speculative information could mislead the general public and cause them to fail to act or act against their own interests. Confirmation or denial of current security measures at a healthcare facility would risk the safety of employees or security personnel if disclosure of these details were publicised;
- individuals may interpret security information in order to take advantage of vulnerabilities of healthcare centres, causing harm to themselves or others;
- information that would undermine the functioning of a system established to protect public health or safety, in this instance, the security measures of a healthcare facility;
- information that would provide intelligence allowing known individuals to be targeted, such as security personnel who are already more at risk in their roles, or patients and staff attending the healthcare facility; or
- information regarding operations of security personnel may lead to a high risk of the site being sabotaged or vandalised.

In considering both the factors in favour of release and factors in favour of withholding, it is clear that the factors in favour of withholding outweigh any benefits to disclosure. The safety of our staff, contractors and patients is paramount to our decision making, and disclosure of security information may endanger lives.