

Request Title: Enterprise House Lease

FOI Reference: PSC-94394-N5X6

Date of Disclosure: 28/07/2022

Date Range: 2022

FOI Request:

I would be grateful if you could confirm the key lease details for Enterprise House. Lease Commencement Date: Term: Rent: Size of property: Car Parking (if included in rent): Rent Review: Any Break options.

Our Response:

Lease Commencement Date: 30/09/2014.

Term: 3 years.

Rent: We confirm we hold the information requested; however, this information is being withheld by virtue of Section 43 of the FOIA. See below for further information.

Size of property: 509 sqm approximate Net Internal Area.

Car Parking (if included in rent): We confirm the car park sits within the demised site, included in rent.

Rent Review: The last rent review was historic and took place on 28 August 2016.

Any Break options: The break option in the original agreement was no earlier than 26 August 2016.

Section 43 – Commercial Interest

Section 43(2) exempts information whose disclosure would, or would be likely to, prejudice the commercial interests of any person (an individual, a company, the public authority itself or any other legal entity). Disclosure of the requested information could prejudice pending or future negotiations the NHSPS may be subject to.

This is a qualified exemption under the FOIA, which means that consideration must also be given to whether in all the circumstances of the case the public interest favouring disclosure is greater than the public interest in maintaining the exemption. The public interest means what is in the best interests of the public not what is of interest to the public.

Factors in favour of discloser:

- Disclosing information relating to the value of the rent charged would benefit the public interest by encouraging transparency.

- Disclosing information relating to the value of the rent charged would promote accountability and transparency by showing how NHSPS receive and spend public money.

Factors in favour of non-disclosure:

- Disclosing the value of the rent charged would undermine our competitive position in the marketplace.
- Disclosing the value of the rent charged would compromise the commercial activities of NHSPS, as it would compromise its ability to negotiate competitive future leases.
- Disclosure of the value of rent information, is likely to lead to reputational and financial damage which would affect future investments and have a knock-on effect to the money raised for the health economy.
- It is firmly in the public interest that we engage in positive business relationships and are portrayed as strong portfolio holder. Disclosure of the requested information would likely undermine our position and detriment the NHS and patient care across England.

Having considered the above, we maintain that the factors in favour of upholding the exemption outweigh the factors in favour of disclosure. Therefore, the balance of the public interest test is greater in maintaining the exemption available under section 43(2) of the Freedom of Information Act 2000.

Under s16, our duty to advise and assist, we feel it is important to note that NHSPS is a government-owned company which exists to help the NHS get the most from its estate and ensure that it is consistently fit for purpose so that healthcare professionals can deliver excellent patient care.

Our portfolio is one of the largest in the UK, comprising more than 3,000 properties with 7,000 tenants across England. At a total value of more than £3bn, this represents about 10% of the total NHS estate. Our properties range from listed buildings through to state-of-the-art integrated health campuses.

For more information about how we manage our estate, including how we calculate our rent, please refer to our [Occupier Handbook](#).



Property Services