



Homes
England

Date: 14/02/2020

Our Ref: RFI2874

Tel: 0300 1234 500

Email: foi@homesengland.gov.uk

Making homes happen

██████████
By Email Only

Windsor House
Homes England – 6th Floor
50 Victoria Street
London
SW1H 0TL

Dear ██████████

RE: Request for Information – RFI2874

Thank you for your request for information, which was processed under the Freedom of Information Act 2000 (FOIA). For clarification, you requested the following information:

Please can you give me the project name and site address for those four projects.

This was in relation to your previous request (RFI2852):

Please give me the number of projects Homes England has supported in the last 18 months with funding which include either a penthouse or a roof garden.

Please check loans and guarantees not just grants. I'm aware of at least two you funded /guaranteed with MHCLG in London- one with links to your old Chairman in Southwest London and one in East London.

Response

Section 43 - Commercial interests

Under section 43(2) Homes England is not obliged to disclose information that would, or would be likely to, prejudice the commercial interests of any party.

The information requested relating to these projects engages section 43(2) of the FOIA as it is commercial in nature and its release would be likely to prejudice the commercial interests of Homes England and other interested parties to the information.

Homes England has identified that the information requested, if released, would be likely to prejudice the effective operation of the Private Rented Sector Guarantee Scheme (PRSGS).

Section 43 is a qualified exemption. This means that once we have decided that the exemption is engaged, Homes England must carry out a public interest test to assess whether or not it is in the wider public interest for the information to be disclosed.

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Arguments in favour of disclosure:

- Homes England acknowledges there is a general public interest in promoting accountability, transparency, public understanding and involvement in how Homes England undertakes its work and how it spends public money.

Arguments in favour of withholding:

- Releasing the project name and address would lead to easy identification of the borrower. The investment and funding strategy of that borrower could therefore be identified, leading to commercial and reputational risk. Homes England have to support relationships with our partners in order to achieve best value for public money and best possible delivery of homes. If borrowers felt they could be identified this would lead to a less competitive process, which would negatively affect public funds;
- If the funding strategy information of the borrower were identified, it could be used by competitors. This would distort the market and risk Homes England's funding allocations being used in line with best value for money. There would be a significant risk that public funds would be at risk of being allocated in excess of what is required if this information were made public;
- Within this funding scheme, Homes England work with external borrowers, lenders and delivery partners. As part of these arrangements the third parties have entered into legal agreements, which have confidentiality clauses. If Homes England were to release the information of these third parties, we would be putting these parties in breach of their confidentiality arrangements. To do so would significantly affect our reputation as a partner in the industry. Investors would not have confidence in investing in these projects, nor of working with Homes England if they felt that confidential information would be released into the public domain. This would result in a lack of commercial appetite from the industry to work with Homes England to achieve the aims of our strategic plan; and
- Homes England has been unable to identify a wider public interest in disclosing the information requested.

Having considered the arguments for and against disclosure of the information, we have concluded that at this time, the balance of the public interest favours non-disclosure.

The full text of in the legislation can be found on the following link;

<https://www.legislation.gov.uk/ukpga/2000/36/section/43>

Right to Appeal

If you are not happy with the information that has been provided or the way in which your request has been handled you may request an internal review by writing to;



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The Information Access Team
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Windsor House
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Or by email to infogov@homesengland.gov.uk

You may also complain to the Information Commissioner however, the Information Commissioner does usually expect the internal review procedure to be exhausted in the first instance.

The Information Commissioner's details can be found via the following link

<https://ico.org.uk/>

Please note that the contents of your request and this response are also subject to the Freedom of Information Act 2000. Homes England may be required to disclose your request and our response accordingly.

Yours sincerely,

Information Access Team
For Homes England

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