



Homes
England

Date: 1 April 2021
Our Ref: RFI3360
Tel: 0300 1234 500
Email: infogov@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 – RFI3360

Thank you for your request for information which we have processed in accordance with the Freedom of Information Act 2000 (FOIA).

You requested the following information:

I am sending this request under the Freedom of Information Act.

Please provide: a copy of the MHCLG/Homes England loan books (or equivalent list or spreadsheet of loans) for

- 1) the Build to Rent, Private Rental Sector Guarantee Scheme (PRSGS)*
- and*
- 2) the Home Building Fund.*

Response

We can confirm that we do hold information that falls within the scope of your request.

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.

Information held in the loan books for the Build to Rent, Private Rental Sector Guarantee Scheme and the Homes Building Fund 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 all 3 schemes.

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 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 public interest in promoting accountability, transparency, public understanding and involvement in how Homes England undertakes its work and how it spends public money; and
- Homes England acknowledges there may be general interest in the amount of funding given to applicants of the schemes.

Arguments in favour of withholding:

- There is a public interest in allowing government to withhold information which if disclosed, would reduce its ability to negotiate or compete in a commercial environment. Homes England needs to be able to continue to operate in a commercial marketplace where prospective borrowers can (and do) compare our schemes to other opportunities available elsewhere in the market. Going forward this will continue to be a need as we have a pipeline of prospective applications, which we are still considering. As the scheme is demand-led (i.e. prospective borrowers on our pipeline approach us when they wish to be funded) sharing information on the parties already funded would impinge the scheme's ability to operate effectively in that wider market and this would clearly not be in the public interest;
- Releasing the information could reveal financial information of the bidder which may in turn affect their commercial interests;
- Releasing the information would be likely to negatively impact future processes as interested parties may feel unable to provide all the information requested for fear of disclosure, which would impact the ability of Homes England and government officials to make effective, informed decisions;
- The consequences of releasing data that is part of a wider ongoing application could damage our relationships with partners and put these potential funding allocations at risk. This would not be in the public interest as this could put potential homes in jeopardy; and
- Homes England has been unable to identify a wider public interest in disclosing the information requested.

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

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

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.

Section 44 – Prohibitions on Disclosure

Section 44 (1)(a) FOIA exempts information from disclosure if its disclosure is prohibited by other legislation. In this case, release of some of the information you are seeking is prohibited by the Statistics and Registration Services (SRS) Act 2007 and the Pre-release Access to Official Statistics Order 2008.



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Data for 1 October 2020 to current date will form part of the 'Housing Statistics' National Statistics publication routinely published every six months and cannot be provided until the data has been formally approved and officially published.

We are required to consider your request in a manner compliant with the Pre-release Access to Official Statistics Order 2008 further to sections 11 and 13 of the (SRS Act 2007). These sections require producers of official statistics to ensure that no indication of the substance of a statistical report is made public or given to the media or any other party not recorded as eligible for access prior to publication. Although the information requested is not intended for publication in the exact form requested, to provide the information would constitute an 'indication' of the statistics due to be published in the 'Housing Statistics' National Statistics publication as they form part of a subset of published data.

Therefore, to disclose the information at this date would cause Homes England to violate the provisions of section 13 of the SRS Act and the Pre-Release Access Order to Official Statistics 2008 and as such engages the exemption under section 44(1)(a) of the FOIA.

Section 44 is an absolute exemption which means that we do not have to consider the public interest in disclosure.

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

<https://www.legislation.gov.uk/ukpga/2000/36/section/44>

The link below will direct you to the published housing statistics, these statistics cover the supply of homes provided by Homes England.

<https://www.gov.uk/government/collections/housing-statistics>

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. You can request an internal review by writing to Homes England via the details below, quoting the reference number at the top of this letter.

Email: infogov@homesengland.gov.uk

The Information Governance Team
Homes England – 6th Floor
Windsor House
50 Victoria Street
London
SW1H 0TL

Your request for review must be made in writing, explain why you wish to appeal, and be received within 40 working days of the date of this response. Failure to meet this criteria may lead to your request being refused.

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Upon receipt, your request for review will be passed to an independent party not involved in your original request. We aim to issue a response within 20 working days.

You may also complain to the Information Commissioner's Office (ICO) 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,

The Information Governance Team

For Homes England

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