



Homes &  
Communities  
Agency

Our Reference:

**BY EMAIL ONLY**

19 February 2015

Dear

**Request for Information**

Thank you for your email dated 16 December 2014 requesting information on Lightmoor Village. For ease of reference your request is below:

*I would like to request documentation pertaining to the Lightmoor Village Development in Shropshire that the HCA is involved in.*

*Please can you supply me with any meeting minutes, reports, etc for the the period from September 2012 to present day.*

We have now had the opportunity to investigate your request and are writing to communicate our response.

We can confirm that the Homes and Communities Agency (HCA) holds some minutes and reports that relate to Lightmoor Village Development from 2012 to present. The development is a Joint Venture (JV) between the HCA and Bourneville Village Trust (BVT). The HCA does not hold all the minutes and reports related to the development within the timeframe you have specified. This is because it is held solely by BVT as the HCA had considered that it did not need to hold the minutes if being held elsewhere. BVT are not holding it on behalf of the HCA and they are not required to supply it to us.

Of the information we do hold, we have been able to make a large amount of information available to you, however some information has been withheld as it is either personal data of a third party or could prejudice the commercial interests of the HCA, BVT, or JV.

We have provided you with a schedule of the minutes which shows which redactions have been made due to personal data or commercial interests. We have also provided you with a schedule for all reports, broken down by year, which depicts where redactions have been made due to it being personal data of a third party. All other redactions on the report relate to commercial interests. Both schedules refer to the PDF page number as per your attachments.

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Below is a summary of both exemptions of the Freedom of Information Act 2000 (FOIA), the reasons they are engaged and any relevant Public Interest arguments in order to maintain the exemptions.

### **Section 40(2) – Personal Data of a third party**

Section 40(2) of the Act permits a public authority to withhold information where disclosure would be in breach of any of the Principles of the Data Protection Act. Disclosure of certain information within the documents would be likely to breach the First Data Protection Principle, as it would exceed the Data Subjects' expectations as to how their information would be processed. This exemption is absolute and therefore no public interest test needs to be carried out to apply the exemption.

### **Section 43(2) – Commercial Interests**

Section 43(2) of the Act permits a public authority to withhold information where disclosure "would, or would be likely to, prejudice the commercial interests of any party," including the public authority holding the information.

The HCA determines that harm would arise from disclosure of this information as it would compromise the commercial interest of BVT, HCA and the JV. It would impact upon our ability to operate effectively trying to deliver a project as it would reveal specific conditions negotiated with particular developers on a particular development. This would result in other third parties having an advantage in negotiating conditions in future deals. Further, disclosing the information would affect all parties as the information reveals commercial strategies that would give competitors and/or future contracts an upper hand when entering into contracts with the HCA or a JV.

Some information has been withheld as it reveals consultants fees which are specific to their works with the JV. Disclosing this information would harm their commercial interest as it would enable their competitors to undermine their fees and win desirable business from them.

Lastly, one document has been withheld in full as disclosure would enable the Panel Consultants to see information prior to the document being final, hence enabling to negotiate the conditions for procuring their services for the works at Lightmoor Village Development.

Section 43 of FOIA requires a Public Interest Test to be carried in order to see where the weight of arguments lies in relation to disclosure of the information. The arguments both for and against disclosure are set out below.

### **Public Interest Test – Factors in favour of disclosure**

Disclosing the information requested promotes the accountability transparency of the HCA as well as providing increased information about the application of public funds. This in turn provides a basis for a more informed public debate about the value of money being obtained by the HCA.

Disclosure would also assist the public in understanding the HCA's position and gain an understanding as to why certain decisions have been made or actions considered. This

again helps to assist the public in informed debate around the future of projects, sites and developments.

### **Public Interest Test – Factors in favour of non-disclosure**

Whilst the HCA recognises the need to be transparent, there are strong arguments for maintaining the engaged exception.

Disclosure of information we hold would severely undermine our ability to negotiate competitively and achieve best value for money in future transactions. It would affect our current position on achieving the best outcome for the development. It would also disclose our negotiating strategies to the world at large which would include those wishing to potentially buy/sell to us in future transactions. To release this would have a negative impact on the HCA and would not be in the public interest considering the public purse is at stake as well hindering the HCA's ability to continue their work in a fair market, for this and all other projects.

Disclosure of the withheld information would indicate the HCA's commercial strategy, including how they deliver projects and work with parties in a JV, to the world at large. This would include any interested parties that were seeking to transact with the HCA. This would therefore significantly damage the HCA's commercial standing in seeking best value for money as well as hindering our ability to make the best decisions and achieve our operational objectives.

Lastly, disclosure of information would impact on the third party as it would enable its competitors to use the information against them in order to gain valuable business.

Taking all factors into consideration we have determined that the exception is maintained and the information is withheld at this time as the public interest arguments are weighted more heavily to non-disclosure. We would, however, stress that the public interest is as ever changing concept and the arguments may change over

If you have any questions regarding this response or any further queries you can contact us at the following addresses and quote your unique reference number found at the top of this letter:

**Email:** [mail@homesandcommunities.co.uk](mailto:mail@homesandcommunities.co.uk)

**Mail:** Information Access Officer  
Homes and Communities Agency  
Fry Building  
2 Marsham Street  
London  
SW1P 4DF

If you are unhappy with the way Homes and Communities Agency has handled your request you may ask for an internal review. You should contact

Head of Legal Services

Homes and Communities Agency  
Fry Building, 2 Marsham Street, London, SW1P 4DF

0300 1234 500  
[homesandcommunities.co.uk](http://homesandcommunities.co.uk)

Homes and Communities Agency  
Fry Building  
2 Marsham Street  
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If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Yours sincerely

Naomi McMaster  
Information Access Officer  
Homes and Communities Agency