



Our Reference:

BY EMAIL ONLY

19 February 2016

Dear

**Request for Information**

Thank you for your email dated 21 January 2016 requesting information on the Builders Finance Fund. For ease of reference your request is below:

*"I am trying to find out how many small projects have been funded by the Builders Finance Fund since it was opened up to schemes of 5 or more units in January 2015. A shortlist was published in September 2014, please can you provide similar information for projects funded since then?"*

We have now had an opportunity to investigate your request and are writing to communicate our response. Below is a chart which contains some the information requested.

Name of site	Applicant/Developer	No of units
Newcombes	Jenner Homes Ltd	10
Forge Stallingborough	Acrom Construction Management Limited	8
St Thomas Road	Ashgreen Estates Ltd	6
The Old Glove Factory, Pilton, Barnstaple	The Old Glove Factory Development Ltd	9

Please note that we have interpreted your request to be asking only for information on the approved applications that are within the newly eligible size category of the Builders Finance Fund (i.e. projects of between 5 – 14 units in size) so the above information is therefore an extract of wider data. If we have interpreted your request incorrectly, and you wanted information on all approved applications of any size since September 2014, please let us know and we will process this request.

For clarification, the table details the projects that are already in contract, however there are a further 5 projects that are approved but not yet contracted. We consider that information

on these 5 projects is exempt from disclosure under Section 43(2) of the Freedom of Information Act 2000 (FOIA).

### **Section 43(2) – Prejudice to 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. We have identified certain information which, if released, could have the potential to prejudice the commercial interests of the HCA in relation to our ability to negotiate on the terms for funding for this scheme which in turn could stop us from entering into these contracts. Section 43(2) is subject to a Public Interest test which weighs up factors in favour of disclosure versus non-disclosure. We have provided those arguments to you below.

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

Disclosure of the requested information would help demonstrate HCA’s commitment to the principles of transparency and accountability.

Disclosing information helps further the public scrutiny of the activities and management of the HCA. This helps to serve the public interest by enabling interested individuals to be fully empowered of all the facts when considering the activities of HCA.

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

It is not in the public interest to limit the HCA’s ability to compete in a commercial setting by releasing information as the result of an FOIA request when it is seeking to achieve best value for the public purse.

Disclosing the names of the developers/applicants and number of units before we have entered into contract could affect our position in negotiating the terms of the project and our relationship with the third parties. This in turn would hinder the chances of us actually entering into the contact and therefore affecting the HCA’s ability to operate effectively in a competitive market. This could also diminish our ability to achieve best value for money in this or future transactions.

Further, as we are able to release to you contracted projects, it is likely that once these have finalised terms and agreed contracts that this information could be released to you (or be published) therefore it is not in the public interest to disclose this information prematurely where it could prejudice the interest of the HCA. We have, therefore, concluded that the balance of the public interest favours non-disclosure of this information at this time. We would, however, stress that the public interest is as ever changing concept and the arguments may change over time.

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

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

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

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

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  
Online: <https://ico.org.uk/concerns/getting/>

Yours sincerely

Naomi McMaster  
Information Access Officer  
Homes and Communities Agency