



Our Reference:

BY EMAIL ONLY

6 August 2015

Dear

Request for Information

Thank you for your email dated 9 July 2015 requesting information on Broadacres Housing Association/Mulberry Homes Yorkshire Ltd. For ease of reference your request is below:

Please provide copies of any application(s) made by or on behalf of Broadacres Housing Association and/or Mulberry Homes Yorkshire Ltd (formerly known as Castlevale Limited) and/or any related entity for any grant or other state funding or assistance in relation to the development known as Sowerby Gateway (also known as TM2) near Thirsk, Yorkshire, together with any supporting documents.

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

We can confirm that we hold bids made by Broadacres HA (BHA) under the following two programmes managed by the Homes and Communities Agency (HCA) (please follow the links for more information on the programmes):

- [Affordable Homes Programme 11-15](#) (AHP)
- [Get Britain Building](#) (GBB)

Applications for AHP funding are made through the HCA's Investment Management System (IMS) and no additional supporting documents were required. Whilst we hold the bid application by BHA submitted through IMS we have determined that disclosure would prejudice the commercial interest of the HCA. We have therefore withheld this bid application in full under Section 43(2) and have provided a summary of the exemption and relevant Public Interest Test later in this letter.

Whilst we cannot provide the bid documentation we are able to provide you with a link to the published details on the scheme. These are published on our website which you can locate via the link below:

<https://www.gov.uk/government/publications/affordable-homes-programme-2011-to-2015-quarterly-updates>

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

0300 1234 500
homesandcommunities.co.uk

GBB applications are made via an Expression of Interest (EOI) which we hold along with some supporting correspondence and documents. We have been able to make some of this information available to you and it accompanies this letter. However some of the information has been withheld for the same reasons as above.

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 HCA and BHA.

Section 43(2) is a qualified exemption, which means that before we can withhold information we must firstly consider the public interest in the disclosure. We can confirm that we have given careful consideration to the disclosure of this information, and identified the following factors as relevant in relation to the bids.

Public Interest Test – Factors in favour of disclosure

Disclosure of the requested information wherever possible 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.

There is a legitimate public interest in ensuring that public authorities are operating effectively and in line with their organisational objectives, and that they are obtaining the maximum value for money for the public purse. This can be served by promoting transparency in the disclosure of any information which relates to the Agency’s decision making and spending activities.

Public Interest Test – Factors in favour of non-disclosure

AHP 11-15 bid submission

Disclosure of the AHP 11-15 bid submission has the potential to prejudice the commercial interests of both HCA and its partners by revealing financial information that our partners would not necessarily have the expectation to be released.

Releasing this information could compromise the ability of partners to compete effectively in the future. As BHA delivers services using public funds and as such, its ability to negotiate, compete and ensure best value would be compromised by releasing commercial and financial information provided to the HCA.

Further, disclosure of the information may discourage the continued sharing of information, or result in less honest or open communications. This would not be in the public interest, which is best served by ensuring that public authorities in pursuit of a shared goal are able to work collaboratively and efficiently, and be open in their information sharing activities.

GBB bid submission and supporting documents

Disclosure of the information in both bids could harm HCA's commercial position as it would reveal the terms and conditions of funding, the financial position of BHA, and the funding request supporting the outputs.

This could allow competitors to use this information to attempt to improve their position to the detriment of the HCA's, therefore compromising HCA's negotiating position with other potential clients and undermining our ability to maximise value for money.

Furthermore, it could create perceptions about BHA's financial strength and relative reliance on the public sector for finance and this could impact negatively upon their relationships with suppliers, funders and/or competitors.

It would not be in the public interest to harm BHA's commercial interests as it may affect the HCA's ability to work with them. Further, prejudicing the HCA's commercial position would affect our ability to carry out our operational objectives of delivering projects on time and achieving best value for money.

Conclusion

Whilst we recognise that there is a legitimate public interest in the disclosure of any official information, such disclosure needs to be considered in line with the potential harm which may be caused by its release. We have therefore determined in this case that the public interest in favour of withholding the specified information falls in line of non-disclosure at this time. We would stress that the public interest is continually changing and that whilst we are unable to release this information at this time, we may be able to reconsider its disclosure in the future.

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

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

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

0300 1234 500
homesandcommunities.co.uk

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