

Date: 25/01/19  
Our Ref: RFI2558  
Your Ref: FOI Request – HTB Redemption  
Tel: 0300 1234 500  
Email: foi@homesengland.gov.uk



Homes  
England

[REDACTED]  
By Email Only

Windsor House  
50 Victoria Street  
London  
SW1H 0TL

Dear [REDACTED]

**RE: Request for Information – RFI2558**

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

*In respect of your instructions to Savills:*

(i) *A framework contract between Savills and Homes and Communities Agency is referred to. Please would you provide a copy of the framework contract.*

(ii) *We note that your instructions refer to defined terms. Please provide a copy of the document which outlines those definitions, assuming such definitions are not contained in the framework contract.*

(iii) *The instructions we have been provided state that they were subject to revision by Savills and the draft instructions have not been signed by Savills. Please provide a copy of the signed instructions together with any other correspondence between Homes England and Savills which fall under the Request.*

**Response**

We will address each of your points in turn.

**1) A framework contract between Savills and Homes and Communities Agency is referred to. Please would you provide a copy of the framework contract.**

We are able to confirm that we do hold the information that falls within the scope of your request.

**Section 43 - Commercial interests**

The information requested engages section 43(2) of the FOIA as its release would be likely to, prejudice the commercial interests of Homes England and Savills.

Section 43 is a qualified exemption. This means that in order to withhold information under this exemption, we must consider the public interest in disclosure.

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

Homes England is compliant with the government agenda of transparency and recognises the benefit of publishing the information, particularly when it concerns how Homes England undertakes its work.

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

Homes England believes that it should not disclose the completed framework agreement as this would be likely prejudice the commercial interest of both the organisation and Savills.

Date: 25/01/19  
Our Ref: RFI2558  
Your Ref: FOI Request – HTB Redemption  
Tel: 0300 1234 500  
Email: [foi@homesengland.gov.uk](mailto:foi@homesengland.gov.uk)

To disclose the completed framework agreement would be likely to prejudice ongoing commercial and contractual obligations between Savills and the organisation. This would prejudice the ability of Homes England to effectively manage the specific terms and conditions of the agreement which would not be an effective use of public money.

It is also our view that disclosure of this agreement could be detrimental concerning future requests for copies of completed frameworks between the organisation and third parties, if the wider public is provided with information that could be used to exploit information for profit or other gain.

After careful consideration we have concluded that at this time, the balance of the public interest favours the 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>

### **Advice and Assistance**

We have a duty to provide advice and assistance in accordance with Section 16 of the FOIA. To comply with this duty we have enclosed with this response the following documents;

- Annex A - 2014-2018 - Property Framework Draft Contract
- Annex B - 2018-2022 - Property Framework Draft Contract
- Annex C – Letter to Consultants – Change to limit of liability clause

**2) We note that your instructions refer to defined terms. Please provide a copy of the document which outlines those definitions, assuming such definitions are not contained in the framework contract.**

We are able to confirm that we do hold the information that falls within scope of your request and that the information is contained within both Annex A and Annex B which is enclosed.

**3) The instructions we have been provided state that they were subject to revision by Savills and the draft instructions have not been signed by Savills. Please provide a copy of the signed instructions together with any other correspondence between Homes England and Savills which fall under the Request.**

We are able to confirm that we do not hold the information that falls within the scope of your request however we have requested the sign copy of the instruction from Savills and when it is received we will provide it to you directly rather than through the Freedom of Information Act 2000 to which information is available to the wider public.

### **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;

The Information Access Team  
Windsor House  
50 Victoria Street  
London  
SW1H 0TL

Date: 25/01/19  
Our Ref: RFI2558  
Your Ref: FOI Request – HTB Redemption  
Tel: 0300 1234 500  
Email: [foi@homesengland.gov.uk](mailto:foi@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