

Date: 19/02/19
Our Ref: RFI2605 / RFI2606 / RFI2607 / RFI2608 / RFI2609 / RFI2620
Your Ref: FOI Request – 7 John Street
Tel: 0300 1234 500
Email: foi@homesengland.gov.uk



Homes
England

██████████
By Email Only

Windsor House
50 Victoria Street
London
SW1H 0TL

Dear ██████████

RE: Request for Information – RFI2605 / RFI2606 / RFI2607 / RFI2608 / RFI2609 / RFI2620

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

RFI2605

- When did the agreement between the HCA and the third-party business start?
- Was there a formal written agreement (in any form) between the HCA and the third-party business concerning the terms and conditions of the lease?
- What was the agreed lease rental amount?
- Did the HCA ask the third-party business to take responsibility for payment of business rates?
- When did the agreement between the HCA and the third-party business end?

RFI2606

- The dates and amounts of all rental payments received between 01 January 2017 and 07 February 2019.

RFI2607

- The dates and amounts of all rental payments to Derby City Council between 01 January 2017 and 07 February 2019.

RFI2608

- Can you please provide a copy of the signed lease agreement?

RFI2609

- Are there any circumstances whereby Homes England/HCA would deem it appropriate to lease a property to a third party without entering into a signed lease agreement?
- If there are any circumstances, does Homes England/HCA carry out any form of risk assessment to ensure their assets and responsibilities are not compromised?
- Is there an existing risk assessment policy? If so, when was it last updated and what amendments were made?

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RFI2620

- the amount of arrears
- the date the decision was taken to not pursue the arrears
- which individual and/or department took the decision to not pursue the arrears
- how the decision was reflected in the HCA's accounting statements

Response

To comply with your request would exceed the appropriate limit for the cost of compliance. We therefore rely on section 12, exemption where the cost of compliance exceeds the appropriate limit under the FOIA.

The full text of the legislation can be found on the following link and we have quoted section 12 below for ease.

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

Section 12 - Exemption where cost of compliance exceeds appropriate limit

(1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

(2) Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.

(3) In subsections (1) and (2) “the appropriate limit” means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases.

(4) The Minister for the Cabinet Office may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority:

(a) by one person, or

(b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign, the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them.

(5) The Minister for the Cabinet Office may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are to be estimated.

To clarify, we have aggregated your requests in accordance with 12(4) of the FOIA and together the five requests exceed the appropriate limit of compliance. We have considered the current wording of your requests and we have determined that to establish where all elements of the information is held, to locate the information, retrieving the information and extracting the information would exceed the appropriate limit.

Under the terms of the Act we are not obliged to provide any information compiled in the course of our searches prior to concluding section 12 is engaged.

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Advice and Assistance

In compliance with the Section 45 Code of Practice and to offer advice and assistance under section 16 of the Freedom of Information Act 2000, you may wish to consider narrowing the scope of your requests and/or only submitting one request at one time.

Please note that due to the broad scope of your request we cannot confirm that any further request would not also exceed the section 12 cost limit at this time.

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

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