

Date: 02/04/19
Our Ref: RFI2601
Your Ref: FOI Request – Bristol Arena
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 – RFI2601

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

'I wish to see full copies to see full copies of the following documents:

- 1) The property transfer document for the 'Arena Island' / 'Temple Island' land.
- 2) The 'Arena Island' / 'Temple Island' land contract.
- 3) The Valuation Office Agency report on 'Temple Island' / 'Arena Island' land.'

<https://www.gov.uk/government/news/land-and-funding-deal-agreed-for-bristol-arena-site>

Response

We will address each of your points in turn.

- 1) *The property transfer document for the 'Arena Island' / 'Temple Island' land.*

Section 22 - Information intended for future publication

We are able to inform you that we do hold the information that you have requested. However, we rely on section 22, where information is intended for future publication under the FOIA.

Section 22 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 Transfer; the Transfer will become available to the public as it will need to be registered with the Land Registry however we are unable to register the Transfer at this moment in time as it contains information surrounding the Contract for Sale and negotiations that are currently on-going. Once elements surrounds this matter have concluded the Transfer will be readily available to the wider public in accordance with the Land Registration Act 2002.

After careful consideration we have concluded that at this time, the balance of the public interest favours the non-disclosure of the transfer.

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The full text of the legislation can be found on the following link.

<https://www.legislation.gov.uk/ukpga/2000/36/section/22>

2) *The 'Arena Island' / 'Temple Island' land contract.*

We are able to inform you that we do hold the information requested. The information held is enclosed within Annex A, which is attached to this response.

Section 43 - Commercial interests

Some of the information within Annex A has been redacted. The information that has been redacted engages section 43(2) of the FOIA as its release would be likely to, prejudice the commercial interests of the Agency and of third parties.

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 some of the information contained within the Contract for Sale.

The Council is currently negotiating the disposal of part of Temple Island to the University of Bristol. The Contract we hold forms part of these negotiations and to release this information in full would potentially prejudice the commercial interests of the Council.

To disclose a full copy of the Contract would be likely to prejudice ongoing commercial obligations between the Agency and third party concerned. This would prejudice the ability of Homes England to effectively manage the negotiations which would not be an effective use of public money.

It is also our view that disclosure of this Contract in full could be detrimental concerning the future of the matter 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 of the redacted information contained within the Contract for Sale.

The full text of in the legislation can be found on the following link;

<https://www.legislation.gov.uk/ukpga/2000/36/section/43>

3) *The Valuation Office Agency report on 'Temple Island' / 'Arena Island' land.'*

I am able to confirm that Homes England does not hold the information detailed in your request. This is because there is no legal or business reason for Homes England to do so.

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In order to conclude that the information is not held, we have searched with our Land Acquisition team who would have the requested information if held.

The FOIA does not oblige a public authority to create information to answer a request if the requested information is not held. The duty under section 1(1) is only to provide the recorded information held.

The full text of section 1 in the legislation can be found here:

<https://www.legislation.gov.uk/ukpga/2000/36/section/1>

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

Or via email 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.