

Date: 14/05/19
Our Ref: RFI2655
Your Ref: FOI Request – HIF Guilford Borough Council
Tel: 0300 1234 500
Email: foi@homesengland.gov.uk



Homes
England

██████████
By Email Only

Windsor House
Homes England – 6th Floor
50 Victoria Street
London
SW1H 0TL

Dear ██████████

Thank you for your request for information, which was processed under the Freedom of Information Act 2000 (FOIA).

For clarification, you requested the following information:

I'm writing regarding a grant made through Homes for England Marginal Viability Housing Infrastructure Fund (HIF) to Guildford Borough Council (GBC) in February last year.

The grant was for Ash Road Bridge, to unlock housing near Ash and Tongham, and was for a total of £10,000,000.

I understand that GBC had to provide the following as part of the application:

- *Responses to questions in the Green Book & DCLG Appraisal Guide*
- *Benefit Cost Ratio*
- *The proposal demonstrating strong local leadership, a clear evidence base, diversification and collaborative working across boundaries*
- *A named lead and senior officer Councillor or Civil Servant*

I have read the information available on the web site and understand that, for the Marginal Viability Funding, grants are expected to "provide the final, or missing, piece of infrastructure funding to get additional sites allocated or existing sites unblocked quickly".

Can you please provide the following:

- *The application proposal and supporting documents*
- *The evidence supporting the community involvement*

I would also like you to confirm which consultants were involved in verifying the application.

Response

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 the Agency and of a third party.

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.

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Public Interest Test – Factors in favour of non-disclosure

Homes England believes that it should not disclose information surrounding the HIF grant to Guildford Borough Council (GBC).

The information held by Homes England that falls within the scope of your request also relates to information contained within GBC's Local Plan. We believe that the information, if disclosed, would be likely to prejudice GBC as the bid relates to a scheme allocated in their Local Plan.

Some of the information held relates to unverified approvals and to disclose the information makes a presumption on the outcome and therefore could be used to influence decisions.

We believe that to disclose the information held would be likely to prejudice the commercial interests of the third parties concerned and would also pose a threat to the Agency's HIF process.

To disclose information surrounding the Consultants would be likely to prejudice ongoing and future commercial and contractual obligations between the Agency and third party concerned. This would prejudice the ability of Homes England to effectively manage the terms of the process which would not be an effective use of public money.

It is also our view that disclosure could be detrimental concerning the future requests of a similar nature, if the wider public is provided with information it could be used to exploit the HIF process for profit or other gain.

If we were to redact all commercially sensitive, information held within the documentation this could result in a misleading, interpretation and therefore the information held would be of little advantage to the wider public.

Therefore 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 can confirm that the Consultants were procured through Homes England's Property Framework Panel.

<https://www.gov.uk/guidance/technical-panels>

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
Homes England – 6th Floor

Windsor House
50 Victoria Street
London
SW1H 0TL

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Or by email to 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