

Date: 14/05/19
Our Ref: RFI2665
Your Ref: FOI Request – 7 Johns Street
Tel: 0300 1234 500
Email: foi@homesengland.gov.uk



Homes
England

[REDACTED]
By Email Only

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

Dear [REDACTED]

RE: Request for Information – RFI2665

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:

With regard to the property at the following address;

*7 John Street
Derby
DE1 2LU*

It is my understanding Homes England (previously Homes and Communities Agency) lease the property from Derby City Council. I understand Homes England entered into a written agreement with a third party, permitting the third party to lease the property from 01 February 2019.

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

Response

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

Please find enclosed to this response a copy of the lease agreement between (1)Homes and Communities Agency (trading as Homes England) and (2)Bustler Market Limited dated 1 February 2019.

Section 43 - Commercial interests

Some of the information requested which is contained within Annex A relating to rental payments engages section 43(2) of the FOIA as its release would be likely to, prejudice the commercial interests of the Agency and of the 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.

Public Interest Test – Factors in favour of non-disclosure

Homes England believes that it should not disclose information surrounding the rental value which is contained within the lease.

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The lease detailed in Annex A has been granted for a term of 12 months. The term has been determined as part of Homes England Strategy.

If we were to disclose information surrounding the rental value of the property it would be likely to prejudice potential future negotiations of rental values for surrounding industrial units with tenants demanding similar rental values without understanding the reasons behind the strategy. This would prejudice the ability of Homes England to effectively manage the terms of the strategy which would not be an effective use of public money.

This could not only be detrimental to other Homes England owned assets but privately owned properties which are rented on longer term lease arrangements.

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>

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

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