

Date: 22/05/19
Our Ref: RFI2676
Your Ref: FOI Request – Rossendale Borough Council Bid
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 ██████████

RE: Request for Information – RFI2676

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:

FOI to Homes England for copy of HCA's 2012 local review and National moderation of Rossendale Borough Council's 2012 Bid, for empty homes 2012 to 2015 delivery round 1.

Response

We are able to confirm that Homes England hold the following documents which fall within the scope of your request:

- Allocation Report and associated annexes
 - Annex 1: Completed reporting templates
 - Annex 2: Outlier reports
 - Annex 3: Offer Lines ranked in order of priority
 - Annex 4: Number of Vacant Dwellings October 2011 Map
- Empty Homes 2012-15 Assessment
- Empty Homes Bidding Guidance
- Empty Homes Bid Supporting Statement

Please find enclosed to this response Annex A, which is a copy of the Empty Homes Bidding Guidance.

Section 43 - Commercial interests

The remaining information that we hold that falls within the scope of your request engages section 43(2) of the FOIA as its release would be likely to, prejudice the commercial interests of the Agency.

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 held surrounding the local review and national moderation of Rossendale Borough Council's 2012 Bid.

The Coalition Government published its Housing Strategy, of which an important part was its strategy for tackling empty properties. The strategy, as part of the Government's wider approach to housing, outlined a number of tools, approaches and potential resources for tackling empty properties, including £100m capital funding from within the 2011-15 Affordable Homes Programme. This funding had been set aside to tackle long-term empty properties which would not come back into use without additional financial intervention.

The Housing Strategy set out that the funding available was to be allocated either through Homes England or through an intermediary grants giving organisation via formal bidding rounds. This is so that both Registered Providers of Social Housing and smaller not-for-profit community and voluntary groups were able to apply for funding.

Where funding was sought from the Homes England, it was a requirement that the ultimate landlord of the property is a Registered Provider of Social Housing. Bids were sought from organisations who were currently Registered Providers, or who intended to apply to register with the Social Housing Regulator.

Bids were strongly encouraged from Registered Providers who would be the ultimate landlord of the properties, but who intended to work in partnership with local community groups to bring empty properties back into use as affordable homes and/or where there may be opportunities for local community and voluntary groups to manage those properties on behalf of Registered Providers.

Disclosure of the information held would be likely to prejudice the commercial interests of the Agency. We consider that if the information is made available to the wider public it would prejudice future submissions in relation to similar investment activity. It would do so by informing an applicant of the assessment criteria and also the content of individual submissions. This in turn would weaken the competitive process which would impact content of future submission and would have an effect on public funds, which would not be in the interests of the wider public.

We have considered the timeframe of the information held and although this programme is no longer current we believe that there is still a large amount of information that would (to this day) prejudice commercial interests of the Agency. Also the information would lack little relevance and meaning if were to redact commercially sensitive data from the information held.

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>

Discretionary Disclosure

On consideration of your request we have determined that the following enquiry contained within your email dated 23 April 2019 does not constitute valid requests for information made in accordance with the FOIA. We will therefore provide a response to this enquiry outside of the FOIA.

For clarity we have referenced your enquiry below;

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Did HCA take any steps to assess the capacity and understanding of the RBC/consortium to deliver such a challenge?

The outline of the assessment criteria as published in the Empty Homes Bidding Guidance states that confirmation of local authority support and details of local authority feedback would be sought along with supporting statements from relevant local authorities.

As Rossendale Borough Council was the lead applicant for the Rossendale Empty Homes Programme, the authority was considered as a statutory body with relevant standing orders and constitution governed by the S151 Officer and therefore has the ability to deliver as per their statutory responsibilities.

Rossendale Borough Council also held Registered Provider and Investment Partner status at the time of grant payment, with the required governance undertaken to permit them to draw down Affordable Housing Grant and act as a registered social landlord.

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