

Date: 15/08/2019  
Our Ref: RFI2733  
Your Ref: FOI Request – Sales of social rent voids by Housing Association  
Tel: 0300 1234 500  
Email: foi@homesengland.gov.uk



Homes  
England

██████████  
By Email Only

Windsor House  
Homes England – 6<sup>th</sup> Floor  
50 Victoria Street  
London  
SW1H 0TL

Dear ██████████

**RE: Request for Information – RFI2733**

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

**1. The numbers of social rent voids sold 'to market' (at market prices to private buyers) by housing associations (HAs) for each London borough.**

*Ideally from 2011/12 (when sales were encouraged by government/GLA policy) to 2018/19 or the latest (financial/calendar) year when records are available.*

**a. Total sales by HA/provider in each London Borough, by year if available, or if not, a total by provider for each borough for the period where information is available.**

*This information could list numbers of sales:*

- a) By provider first – all of their sales by borough*
- b) By borough first – sales by all providers in that borough - the best*

*Whatever's easiest.*

*Note: this refers to sales of void social rent homes **at market prices to private buyers**, **NOT** to sales/transfers of social rent homes (void or tenanted) from one provider to another at Existing Use Value Social Housing as part of stock rationalisations where homes remain at social rent units.*

*As far as I can tell this information is **NOT** currently published by MHCLG/Homes England. (It would help if it was). Your Statistical Data Returns ([SDRs](#)) record sales of social rent voids - for 'non-social use' or to 'open-market' or 'other' - by provider/year, but they don't publish local authority areas where the homes were sold. This should be recorded.*

*Explanation: up to 2017 regulations required HAs to get permission from the Regulator of Social Housing/Homes & Communities Agency (now Homes England) before selling any social rent voids to market. As part of this they had to consult Local Authorities, to seek their views. Councils couldn't stop sales. Only the MHCLG could. But councils did have to be consulted and may have objected to some sales. Regulations changed from April 2017 when Housing Associations/Private Registered Providers were de-regulated. From then they no longer required permission from Regulator of Social Housing/ Homes England for disposals of social rent voids to market. But they still have to notify the Regulator.*

**b. Can you briefly explain your SDR classifications**

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**i) 'open-market'** – seems self-explanatory. Sales to private buyers at market value, so homes become market, not social rent or any other affordable type. Receipts are maximised and reinvested. (I don't need information about Recycled Capital Grant or Disposals Proceeds Funds).

**i) 'non-social use'** - confusing, because this can't mean 'open market' sales at market prices to private buyers, but homes aren't retained as social rent units or another affordable type. Can you provide examples of 'non-social' uses and what kind of buyers homes are sold to at what prices.

**iii) 'other'** – confusing as not explained. Can you provide examples?

**c. Can you briefly explain whether HAs are still required to consult councils before sales, or notify them. (Or do they just have to notify Homes England only?)**

**d. Can you detail whether any London boroughs objected to disposals on the open market?**

**i) If they did, to how many**

**ii) By which HAs/providers?**

*(If this is recorded. For example, some may have objected in principle to all sales. Others may have decided not to object to any, or only to homes adapted for the disabled)*

**e. From 2011/17 the HCA/Homes England decided whether HAs could sell social rent voids on the market. Can you detail how many proposed sales your department/the Regulator denied by provider and borough. Totals for the period, or each year if available.**

*(From 2011/16 the Mayor of London's funding guidance encouraged some sales of social rent voids, to raise revenues to reinvest in new supply. This accorded with national guidance but the HCA/Homes England may have denied some proposed sales, for example in areas of acute need or where the borough objected, or properties adapted for the disabled).*

## **Response**

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.

In order to conclude that the information is not held, we have searched with our Programmes 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>

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### **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 are able to advise that Homes England does not operate in the Greater London Area and that Homes England and the Regulator of Social Housing became two separate entities on 1 October 2018. We therefore recommend that you direct your request to:

#### **Regulator of Social Housing:**

[enquiries@rsh.gov.uk](mailto:enquiries@rsh.gov.uk)

Referrals and Regulatory Enquiries team - FOI request

1st Floor – Lateral

8 City Walk

Leeds

LS11 9AT

And/or

#### **Greater London Authority:**

[mayor@london.gov.uk](mailto:mayor@london.gov.uk)

Public Liaison Unit

Greater London Authority

The Queen's Walk

London

SE1 2AA

### **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 – 6<sup>th</sup> Floor

Windsor House

50 Victoria Street

London

SW1H 0TL

Or by email to [foi@homesengland.gov.uk](mailto: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