

Date: 17/09/19
Our Ref: RFI2742
Your Ref: FOI Request – Godley Green Garden Villages
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 – RFI2742

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 am currently looking into HIF Funding for part of my university work.

I want to focus on the Godley Green Garden Villages award of marginal viability funding to Tameside council, it is apparent there is not very much information publicly available and therefore I would be very grateful to receive from you :

- 1: Tameside's funding bid.*
- 2: Details of when this must be spent by.*

Response

I can confirm that Homes England holds the information requested, however in this case we are withholding the information under section 43(2).

Section 43 - Commercial interests

Under section 43(2) Homes England is not obliged to disclose information that would, or would be likely to, prejudice the commercial interests of any party.

The information requested relating to Tameside's funding bid engages section 43(2) of the FOIA as it is commercial in nature and its release would be likely to prejudice the commercial interests of Homes England and other interested parties to the bid.

Homes England has identified that the information requested, if released, would be likely to prejudice the effective operation of the Housing and Infrastructure Fund (HIF). This is run in a competitive market and is directly linked to the commercial interests of all parties involved.

Section 43 is a qualified exemption. This means that once we have decided that the exemption is engaged, Homes England must carry out a public interest test to assess whether it is in the wider public interest for the information to be disclosed.

Arguments in favour of disclosure:

- Homes England acknowledges there is a general public interest in promoting accountability, transparency, public understanding and involvement in how Homes England undertakes its work and how it spends public money; and

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- Homes England acknowledges there is some general public interest in the Housing and Infrastructure Fund (HIF) and providing information on how Homes England spends public money to run the scheme.

Arguments in favour of withholding:

- Releasing information that forms part of a competitive process would be likely to compromise future bidding processes;
- Releasing the information could reveal financial information of the bidder which may in turn affect their commercial interests;
- Releasing information in relation to one party in a competitive market would be likely to distort competition, making it a less competitive process, which would not be in the public interest;
- Releasing the information would be likely to negatively impact future competitive bidding processes as interested parties may feel unable to provide all the information requested for fear of disclosure, which would impact the ability of Government officials and ministers to make effective, informed decisions;
- Release of the information could lead to lobbying that could impact the impartiality of the decision maker (or give rise to concerns on the part of others that impartiality could be adversely affected). It is essential that decision makers must make decisions based on the information provided via the bidding process and also be seen to do so;
- Disclosure would result in local authorities being deterred from including commercially sensitive information in those bids. This will mean that Homes England has to evaluate bids that are less comprehensive than would otherwise have been the case, meaning that Homes England's ability to undertake due diligence on the bids will be impaired. This will result in decision makers not taking all relevant information into account, meaning the decisions will be less robust and less likely to deliver value for money;
- The consequences of releasing data that is part of a wider project could damage our relationships with partners and put these potential funding allocations at risk. This would not be in the public interest as this could put potential homes in jeopardy;
- Homes England already publishes general information on the running of the HIF fund to enable public debate and accountability of how public money is spent which would not be enhanced by releasing the requested information; and
- Homes England has been unable to identify a wider public interest in disclosing the specific information requested.

Having considered the arguments for and against disclosure of the information, we have concluded that at this time, the balance of the public interest favours 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;

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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