

Date: 12/09/19
Our Ref: RFI2759
Your Ref: FOI Request – Clusters of empty homes
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 – RFI2759

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:

1. *Documents related to the application for the Cluster of Empty Home Funds (in 2012) by the Restore Consortium comprising Liverpool City Council, Sefton Metropolitan Council, Wirral Borough Council, Knowsley Metropolitan Borough Council, Liverpool Mutual Homes Limited, Plus Dane (Merseyside) Housing Association Limited, Cosmopolitan Housing Association Limited, Riverside Group Limited, and Knowsley Housing Trust.*
2. *The names of the Specific Projects in each of the above Local Authority Areas (Restore Consortium Areas).*
3. *The amount received by each Local Authority Areas, and where possible the amount received by each projects specific in their respective areas (Restore Consortium areas).*

Response

We can confirm that we do hold the information that you have requested. Please find enclosed to this response Annex A which contains the recorded information held that falls within the scope of your request.

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.

Some of the information requested surrounding the Cluster of Empty Homes Fund 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.

Homes England has identified that some of the information requested, if released, would be likely to prejudice the effective operation of the fund project. 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.

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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.

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 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 be seen to do so;
- Any decision based on incomplete information could lead to poorer outcomes which would not be an effective use of public 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; and
- Homes England has been unable to identify a wider public interest in disclosing the information requested.

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

The full text of the legislation can be found on the following link;

<https://www.legislation.gov.uk/ukpga/2000/36/section/43>

Section 40 – Personal information

We have redacted some information on the grounds that it constitutes third party personal data and therefore engages section 40(2) of the FOIA.

To disclose personal data, such as names, contact details, addresses, email addresses and personal opinions could lead to the identification of third parties and would breach one or more of the data protection principles.

Section 40 is an absolute exemption which means that we do not need to consider the public interest in disclosure. Once it is established that the information is personal data of a third party and release would breach one or more of the data protection principles, then the exemption is engaged.

The full text in the legislation can be found on the following link;

<https://www.legislation.gov.uk/ukpga/2000/36/section/40>

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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