

Date: 20/09/2019
Our Ref: RFI2768
Your Ref: FOI Request – Land Lease Precedent
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 – RFI2768

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

Your Accompanying Guide the Homes England: Land Hub (March 2019) attached for reference refers to your standard building lease containing certain terms regarding delivery of units.

I would be grateful if you could provide me with a copy of your standard lease referred to. For clarity, I do not seek a copy of a completed lease under these terms but rather your standard lease.

Response

We can confirm that we do hold the requested information. Please find attached as Annex A Homes England's standard Lease for the construction and sale of dwellings.

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.

We have redacted some information in Annex A as it 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.

Homes England has identified that the information requested, if released, would be likely to prejudice the effective operation of transfers of land. The redacted information is part of a footnote referring to a number of units that we are not obliged to transfer until certain events happen.

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 or not 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.

Date: 20/09/2019
Our Ref: RFI2768
Your Ref: FOI Request – Land Lease Precedent
Tel: 0300 1234 500
Email: foi@homesengland.gov.uk

Arguments in favour of withholding:

- The redacted information sets out our mandatory minimum requirement relating to number of units, if this information were in the public domain future partners could use this information to undermine our negotiating position which would be an ineffective use of public money;
- If the information were in the public domain future partners could use the information to distort the number of units required on a particular site which could adversely affect the delivery of homes; and
- Homes England has been unable to identify a wider public interest in disclosing the 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;

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