

Date: 08/11/19
Our Ref: RFI2784
Your Ref: FOI Request – North Essex Garden Communities Meetings
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 – RFI2784

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:

This is a Freedom of Information request for the dates of all meetings between Homes England and North Essex Garden Communities Limited and minutes of those meetings.

Start of request 8 June 2018

End of request Today, 13 September 2019

Response

I can confirm that Homes England holds the information that falls within the scope of your request. The information held is enclosed within Annex A, Annex B and Annex C which is attached to this response.

Note that some information has been redacted and withheld from disclosure. We are relying on the following exemptions within the FOIA to withhold this information;

- Section 21;
- Section 22;
- Section 38;
- Section 40; and
- Section 43.

Section 21 - Information accessible to applicant by other means

We can confirm that we hold copies of the board minutes for North Essex Garden Communities however, we rely on Section 21(1) of the FOIA.

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

<https://www.legislation.gov.uk/ukpga/2000/36/section/21>

North Essex Garden Communities publish board minutes on their website, so this information is already held within the public domain and accessible to you.

We have a duty to provide advice and assistance in accordance with Section 16 of FOIA we therefore inform you that the minutes can be found via the link below;

<https://www.ne-gc.co.uk/about/>

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Section 22 - Information intended for future publication

We can confirm that we hold copies of the board minutes for North Essex Garden Communities however, we rely on Section 22(1) of the FOIA.

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

<https://www.legislation.gov.uk/ukpga/2000/36/section/22>

Section 22 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.

Public Interest Test – Factors in favour of non-disclosure

We can confirm that we hold the minutes from the North Essex Garden Communities board meeting that was held in September. However, we believe that we should withhold these minutes until they have been formally ratified by Board Members at the next board meeting. We are aware that the board minutes are published once they have been formally approved. It would not be in the public interest to disclose this set of minutes at this moment in time because they are subject to formal procedure. This procedure allows for deliberation of the content of the minutes prior to formal ratification.

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.

Section 38 – Health and Safety

We have redacted some information in relation to meeting locations which is contained within Annex A to which we rely on Section 38(1) of the FOIA.

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

<https://www.legislation.gov.uk/ukpga/2000/36/section/38>

Section 38 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.

Public Interest Test – Factors in favour of non-disclosure

We can confirm that we hold meeting locations which is documented in the information that we hold. However, we believe that we should withhold this information from disclosure. Although the meetings are in the past, it is highly likely that all future meetings will be held at the same location. We are withholding the information from disclosure as to disclose the information at this moment in time would apply a level of risk and therefore endanger the safety of individuals that attend the meetings. We are aware of the high level of public interest surrounding the North

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Essex Garden Communities and it is believed that, in order to protect members of these meeting, we should withhold the locations of the meetings.

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.

Section 40 – Personal Information

We have redacted some information enclosed with Annex A 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>

Section 43 - Commercial interests

We have redacted some information which is contained within Annex A to which we rely on Section 43(2) of the FOIA.

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 engages section 43(2) of the FOIA as its release would be likely to prejudice the commercial interests of Homes England and other interested parties to the information.

Homes England has identified that the information requested, if released, would be likely to prejudice the effective operation of the North Essex Garden Communities.

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

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

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. We also recognise the public interest of this matter at this moment in time and the increased need for transparency that is being sought in order to understand and fulfil the interest of the general public.

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Public Interest Test – Factors in favour of non-disclosure

Homes England must support our relationships with third parties in order to achieve best value for public money and best possible delivery of outcomes that the North Essex Garden Communities are trying to achieve. Releasing information surrounding finances and decision making would be likely to prejudice the on-going work that both Homes England and third parties are trying to achieve as a wider objective. Releasing information at this stage prior to this information being in the public domain would undermine both the third parties concerned and Homes England's position and ability to deliver against its objectives and targets. Furthermore, releasing the information would be likely to negatively impact meetings as parties may feel unable to provide all the relevant information necessary for fear of disclosure, which would impact the ability of the meeting in order to make effective, informed decisions. Finally, release of the information could lead to lobbying that could impact the impartiality of the meetings (or give rise to concerns on the part of others that impartiality could be adversely affected).

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.

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