

Date: 12/12/19
Our Ref: RFI2833
Your Ref: FOI Request – Wiltshire Council HIF Bid
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 – RFI2833

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:

Chippenham (Wiltshire) HIF Funding

1) I wondered if it was possible to obtain a copy of the local authority's HIF bid?

Response

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 Wiltshire HIF Funding 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 information.

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

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.

Arguments in favour of withholding:

- Releasing information that forms part of a competitive process would be likely to compromise the bidding process;
- 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;

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- 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;
- Any decision based on incomplete information could lead to poorer outcomes which would not be an effective use of public money;
- 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;
- Bids may be approved without appropriate challenge, and other bids may be rejected because needs and dependencies are not comprehensively stated. This will result in the HIF programme as a whole not delivering the objectives and benefits that HM Treasury stipulated when it made the funding available to Homes England;
- The consequences of releasing data that is part of a wider ongoing application 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;

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/>

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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