



Homes  
England

Date: 28 August 2020

Our Ref: RFI3029

Tel: 0300 1234 500

Email: [infogov@homesengland.gov.uk](mailto:infogov@homesengland.gov.uk)

Making homes happen

██████████  
By Email Only

Windsor House  
Homes England – 6<sup>th</sup> Floor  
50 Victoria Street  
London  
SW1H 0TL

Dear ██████████

**RE: Request for Information – RFI3029**

Thank you for your request for information which was processed in accordance with the Freedom of Information Act 2000 (FOIA).

For clarification, you requested the following information:

*I'm after all documentation help by Homes England relating to Westferry Printworks, including to its application for investment by Homes England.*

**Response**

We can confirm that we hold some information 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.

The information requested relating to Westferry Printworks 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.

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.

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Arguments in favour of withholding:

- 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 for future decisions (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;
- Disclosure would result in local authorities being deterred from including commercially sensitive information in their 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; 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 the legislation can be found on the following link;

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

In accordance with section 16 of the FOIA we have a duty to provide advice and assistance, to fulfil this duty we can confirm that while we were in discussion with a third party about supporting the project with a loan under the Home Building Fund, the deal was not concluded, the third party decided not to make use of the funding.

**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 Governance Team  
Homes England – 6<sup>th</sup> Floor  
Windsor House  
50 Victoria Street  
London  
SW1H 0TL



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Or by email to [infogov@homesengland.gov.uk](mailto:infogov@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,

**The Information Governance Team**

For Homes England

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