



Homes
England

Date: 21 December 2020

Our Ref: RFI3173

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

Making homes happen

[REDACTED]
By Email Only

Windsor House
Homes England – 6th Floor
50 Victoria Street
London
SW1H 0TL

Dear [REDACTED]

RE: Request for Information – RFI3173

Thank you for your request for information, which we have processed in accordance with the Environmental Information Regulation 2004 (EIR).

You requested the following information:

Communication, maps and documents between Homes England and Scott Parkin of SLP VEGETATION SOLUTIONS LTD with regards to land at Gardiners Lane South / Gardiners Close, Basildon Essex, this could be within the last 3 months. And all documents and information with regards to the site, such as detailing the instructions given, boundary information, conveyances and conversations leading to documents and maps, including reports.
Response

Response

We can confirm that we do hold information which falls within the scope of your request. Please find attached to this response and enclosed with Annex A the information that Homes England holds.

Regulation 12(5)(e) - Confidentiality of commercial or industrial information

We have redacted and are withholding some information contained with Annex A on the grounds of confidentiality of commercial information which therefore engages regulation 12(5)(e) of the EIR.

Some of the information surrounding pricing of contractor fees contained within the annex engages regulation 12(5)(e) of the EIR as it is commercial and confidential in nature and its release would be likely to prejudice the commercial interests of Homes England and other interested parties to the information including the particular contractors engaged in this case and other contractors who may be engaged by Homes England in the future..

Homes England is not obliged to disclose information that would, or would be likely to, prejudice the commercial interests of any party.

This exception is subject to the public interest test, this means that once we have decided that the exception 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 the information could reveal financial information of a third party (in particular, the contractors) which may in turn affect their commercial interests;
- Releasing information in relation to a third 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;
- Disclosure would result in third parties (the contractors engaged in this case and other contractors who may be engaged by Homes England in the future) being deterred from including commercially sensitive information in the future. This will mean that Homes England must evaluate information that are less comprehensive than would otherwise have been the case, meaning that Homes England's ability to undertake due diligence would be impaired; and
- Homes England has been unable to identify a wider public interest in disclosing the information requested. In particular, whilst Homes England acknowledges there is a general public interest in transparency in terms of how it spends public money, Homes England is required to and does comply with the public procurement regime and it is unclear what further benefit would be obtained by the disclosure of specific contractor fees in this case.

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/uksi/2004/3391/regulation/12/made>

Regulation 13(1) – Personal Data

We have redacted and are withholding some information contained with Annex A on the grounds that it constitutes third party personal data and therefore engages regulation 13(1) of the EIR.

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.

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/uksi/2004/3391/regulation/13/made>



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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 Governance Team
Homes England – 6th Floor
Windsor House
50 Victoria Street
London
SW1H 0TL

Or by email to 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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