



Homes  
England

Making homes happen

Date: 11 February 2021

Our Ref: RFI3287

Tel: 0300 1234 500

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

[REDACTED]  
By Email Only

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

Dear [REDACTED]

**RE: Request for Information – RFI3287**

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

You requested the following information:

*I would like to request information pertaining to*

*Waterside Places Limited (formally known as ISIS Waterside Regeneration)  
Muse Developments*

*Islington Wharf  
153 Great Ancoats Street  
Manchester  
M4*

1. *If and when the above developers or their affiliates made you aware of the latent defects or any other issues at their Development at Islington Wharf.*
2. *Copies of correspondence for this if exists or anything relating to Islington Wharf.*
3. *A copy of the agreement/contract between the above developers and homes england in regards to the help to buy/homebuy scheme.*
4. *Confirmation of if developers are required to disclose this type of information to homesengland. If so what parts of the text are these covered in.*
5. *A timeline of agreements entered into under the help to buy/homebuy or any other scheme here at Islington Wharf. Dates and numbers.*

*It would also be useful to know if any other complaints or concerns have been made to homes england concerning the above developers.*

**Response**

We can confirm that we do hold some information that falls within the scope of your request, we will therefore address each of your points below in turn.

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- 1) *If and when the above developers or their affiliates made you aware of the latent defects or any other issues at their Development at Islington Wharf.*

We can confirm that we received correspondence from Muse Developments Ltd in May 2019 however this was in relation to a customer complaint that Homes England had received which in turn and whilst investigating, led to correspondence surrounding the complainants issues at the development at Islington Wharf.

2. *Copies of correspondence for this if exists or anything relating to Islington Wharf.*

We can confirm that we hold two pieces of correspondence relating to Islington Wharf however these pieces of correspondence relate to two separate customer complaints. We therefore rely on Section 40(2) of the FOIA to withhold the information from disclosure.

#### Section 40 – Personal information

We are withholding information 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 relating to an individual complaint 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>

3. *A copy of the agreement/contract between the above developers and homes england in regards to the help to buy/homebuy scheme.*

We can confirm that there are two agreements in place. The first agreement is a Help to Buy Equity Loan Funding Administration Agreement between Homes and Communities Agency and Muse Developments Limited dated 1 May 2013 and the second is a Help to Buy Equity Loan Funding Administration Agreement between Homes and Communities Agency and Isis Waterside Regeneration (General Partner) Limited dated 17 May 2013.

#### 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 financial content contained within the two agreements 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.



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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 the information could reveal financial information of a third party may in turn affect their commercial interests;
- Releasing information in relation to one party in a competitive market would be likely to distort future 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;
- Disclosure would result in local authorities being deterred from including commercially sensitive information meaning that Homes England's ability to undertake due diligence 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>

We have a duty to provide advice and assistance in accordance with section 16 of the FOIA. To comply with this duty, we can inform you that the precedent Help to Buy Equity Loan Funding Administration Agreement is available to view on Homes England website.

For ease, please see the link below:

<https://www.gov.uk/government/publications/help-to-buy-equity-loan-funding-administration-agreement>

4. *Confirmation of if developers are required to disclose this type of information to homesengland. If so what parts of the text are these covered in.*

We can confirm that we do hold the information that you have requested. However, we rely on section 21 of the FOIA as some of the information request is available to the you elsewhere.



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

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

We have a duty to provide advice and assistance in accordance with section 16 of the FOIA. To comply with this duty, we can inform you that the Help to Buy Funding Administration Agreement (linked above) contains the following references.

*"The Developer acknowledges and agrees that the Equity Loan Funding is made available by Homes England solely for the purpose of assisting Eligible Purchasers to purchase Eligible Dwellings on equity mortgage terms pursuant to the Help to Buy initiative."*

*"Eligible Dwelling means a Dwelling which immediately prior to the call for a transfer of Equity Loan Funding by Homes England to the Developer pursuant to Condition 7.13:*

- (a) is fit for beneficial occupation as a residential dwelling in accordance with the requirements of the NHBC or equivalent requirements.*
- (c) complies with all relevant statutory and/or planning requirements, including current building regulations in force at the date of Practical Completion."*

*"Practical Completion means the Dwelling has been completed in accordance with the terms of the relevant building contract and is fit for beneficial occupation as a residential dwelling in accordance with NHBC or equivalent requirements current at the date of inspection, subject only to the existence of minor defects and/or minor omissions at the time of inspection which are capable of being made good or carried out without materially interfering with the beneficial use and enjoyment of the Dwelling and which would be reasonable to include in a snagging list;"*

Furthermore, we can confirm that the Funding Administration Agreement Participation Guidance contains the following extractions:

*"The new home warranty scheme must also:*

- Require the Provider to be subject to site inspection during construction to comply with insurance policy/warranty requirements;*
  - Cover includes loss of purchaser deposit (through builder fraud/insolvency);*
  - Cover is for ten years from purchaser legal completion;*
  - Cover includes costs of remedying all defects during policy/warranty period including all professional fees; and*
  - Provide Contaminated land cover."*
- 5) *A timeline of agreements entered into under the help to buy/homebuy or any other scheme here at Islington Wharf. Dates and numbers.*

Please see the table below which contains information held.



# Homes England

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Help To Buy Programme	Completion Date	Site Name
Help To Buy	26/07/2019	Islington Wharf Locks
Help To Buy	26/07/2019	Islington Wharf Locks
Help To Buy	26/07/2019	Islington Wharf Locks
Help To Buy	26/07/2019	Islington Wharf Locks
Help To Buy	05/08/2019	Islington Wharf Locks
Help To Buy	26/07/2019	Islington Wharf Locks
Help To Buy	26/07/2019	Islington Wharf Locks
Help To Buy	26/07/2019	Islington Wharf Locks
Help To Buy	26/07/2019	Islington Wharf Locks
Help To Buy	26/07/2019	Waterside Places
Help To Buy	26/07/2019	Islington Wharf Locks
Help To Buy	26/07/2019	Islington Wharf Locks
Help To Buy	26/07/2019	Islington Wharf Locks
Help To Buy	22/08/2019	Islington Wharf Locks
Help To Buy	13/08/2019	Islington Wharf Locks
Help To Buy	26/07/2019	Islington Wharf Locks
Help To Buy	30/08/2019	Islington Wharf Locks
Help To Buy	20/09/2019	Islington Wharf
Help To Buy	20/09/2019	Islington Wharf Mews
Help To Buy	26/07/2019	Islington Wharf Locks
Help To Buy	26/07/2019	Islington Wharf Locks
Help To Buy	26/07/2019	Islington Wharf Locks
Help To Buy	25/10/2019	Islington Wharf Locks
Help To Buy	30/08/2019	Islington Wharf Locks
Help To Buy	12/08/2019	Islington Wharf Locks
Help To Buy	15/11/2019	Islington Wharf

## 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