



Homes
England

Date: 20 July 2021
Our Ref: RFI3478
Tel: 0300 1234 500
Email: infogov@homesengland.gov.uk

Making homes happen

██████████
By Email Only

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

Dear ██████████

RE: Request for Information – RFI3478

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

For clarification, you requested the following information:

Further to your response of 26th May 2021 we formally request copies of all correspondence and communications, both internal and external, between English Partnerships/Homes and Communities Agency and all parties from June 2016 to June 2017 in relation to the following:-

1. Land owned by HCA at Canada Dock West- Land at Derby Rd/Bankfield St Liverpool 20. Title MS 348370 and MS 377672 that was transferred to S Norton on 30.11.2016 which references a transfer document and agreement in the Title Absolute section under Section B Proprietorship Register No's 3 and 4.

We also formally request copies of any reports, both internal and external, in relation to the above from June 2016 to June 2017.

Response

We can inform you that we do hold the information that you have requested. However, to comply with your request would exceed the appropriate limit for the cost of compliance. We therefore rely on section 12, exemption where the cost of compliance exceeds the appropriate limit under the FOIA.

The full text of the legislation can be found on the following link and we have quoted section 12 below for ease.

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

Section 12 - Exemption where cost of compliance exceeds appropriate limit

(1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

OFFICIAL



Date: 20 July 2021

Our Ref: RFI3478

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

(2) Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.

(3) In subsections (1) and (2) “the appropriate limit” means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases.

(4) The Minister for the Cabinet Office may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority:

(a) by one person, or

(b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign, the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them.

(5) The Minister for the Cabinet Office may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are to be estimated.

We have considered the current wording of your request and in its current scope we have determined that to establish where all elements of the information is held, to locate the information, retrieving the information and extracting the information would exceed the appropriate limit in terms of timeframes.

Under the terms of the Act we are not obliged to provide any information compiled in the course of our searches prior to concluding section 12 is engaged.

Extension of time for response to consider the public interest

On 23 June we wrote to advise that we did hold information that fell within the scope of your request, but that a qualified exemption applied to the information held. We advised that we required further time (20 working days) to consider the weight of the public interest in disclosure of the information held.

During the course of this public interest test, further information was identified that fell within the scope of your request that had not immediately been captured. At this time it was concluded that the time limit for compliance (Section 12) was engaged. We apologise that this caused delay to the processing of your request.

Advice and Assistance

In compliance with the Section 45 Code of Practice (Paragraph 14) and to offer advice and assistance under section 16 of the Freedom of Information Act 2000, we can advise that you may wish to consider narrowing the scope of your request.

We appreciate that your previous request (RFI3442) also engaged the section 12 compliance limit and that this subsequent request specified a narrower time period for the information sought. However the scope of the request is still broad in that it requests “*all correspondence and communications*”. We can advise that the information held that relates to Canada Dock West comprises over 600 files that would have to be individually reviewed to determine if they are in the scope of your request as they are not held in a way that could automatically extract those relating to the relevant timeframe. We would therefore recommend that the cost limit may not be reached in any future request by omitting the request for “correspondence”.



Homes
England

Making homes happen

Date: 20 July 2021
Our Ref: RFI3478
Tel: 0300 1234 500
Email: infogov@homesengland.gov.uk

Please note that due to the broad scope of your request we cannot confirm that any further request would not also exceed the section 12 cost limit at this time.

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. You can request an internal review by writing to Homes England via the details below, quoting the reference number at the top of this letter.

Email: infogov@homesengland.gov.uk

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

Your request for review must be made in writing, explain why you wish to appeal, and be received within 40 working days of the date of this response. Failure to meet this criteria may lead to your request being refused.

Upon receipt, your request for review will be passed to an independent party not involved in your original request. We aim to issue a response within 20 working days.

You may also complain to the Information Commissioner's Office (ICO) 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

OFFICIAL