



Homes
England

Date: 21 September 2021

Our Ref: RFI3591

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

Making homes happen

██████████
By Email Only

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

Dear ██████████

RE: Request for Information – RFI3591

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

You requested the following information:

is there a data set that tracks HTB equity loans (the number of loans and the value of loans) by housebuilder?

Ideally, since the scheme began by month/quarter for all developers (if that's too much the top 50 housebuilders by the total number of loans would be great)

Response

We can confirm that we do hold the requested information. However, the information is exempt from disclosure under the following FOIA exemption:

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 would show an effective 'ranking' of developers and therefore 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 our relationships with developers and prejudice the effective operation of the HTB scheme.

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 or not 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:

- To release a ranking of developers would prejudice the ability of developers and members of the public to use the help to buy scheme effectively. If the public were aware of a 'rank' of developers assumptions could be made about the quality of certain developers over others by potential/current help to buy scheme users. To release the information could project an unfair and inaccurate picture that may allude to 'preferred' developers. It is not the case that any developer is favoured over any other HTB provider and to release a ranking would be likely to affect the impartiality of the scheme. This would not be in the public interest as it would be likely to result in a mis-allocation of applicants to certain developers over others. This could cause geographical disparity in availability of the help to buy scheme and also artificially inflate house prices in certain areas. This would not be in the public interest as it would prejudice Homes England's ability to achieve its objectives as set out in our Strategic Plan and would negatively affect the public purse;
- To release a ranking of developers would negatively affect the relationship between Homes England and HTB developers. As the government's housing accelerator it is vital that we maintain effective relationships with our partners to achieve best value for public money and best possible delivery of homes. To release the information would be likely to compromise our relationship with developers as it is confidential information that would not otherwise be released to the public. This would not be in the public interest as it could put potential homes in jeopardy;
- If the public were able to compare a ranking of developers who were registered verses those who completed sales it could reveal Homes England's forecast management strategies and incorrect assumptions could be made about our relationship with particular developers. This would not be in the public interest as it could put Homes England at a commercial disadvantage where HTB providers could not provide all relevant information in applying to be providers. Any decision based on incomplete information could lead to poorer outcomes which would not be an effective use of public 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>

Advice and Assistance

We have a duty to provide advice and assistance in accordance with Section 16 of the FOIA. In accordance with this duty we can advise that Help to Buy Loan scheme data is published on the following link: [Help to Buy \(equity loan scheme\): data to 31 March 2021 - GOV.UK \(www.gov.uk\)](#).



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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. 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

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