



Homes
England

Date: 21 October 2021

Our Ref: RFI3625

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

Making homes happen

[REDACTED]

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

Dear [REDACTED]

RE: Request for Information – RFI3625

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:

Under the Freedom of Information Act my first question to you is this - when City West Housing trust, now Forviva Housing, applied to the Homes and Communities Agency/Homes England for funding of this LGBT only housing project, did they 'specifically' state in their application for funds that Great Clowes Street housing project was solely for the purpose of housing people from the LGBT community?

If they did, then why did the Homes and Communities Agency/Homes England, a government body, fund a project that has and would cause direct discrimination? And in no uncertain terms would have introduced segregation to the United Kingdom.

If they didn't tell you that the funding was intended for a project that would be in clear breach of the Equality act 2010, then is it that this funding was obtained fraudulently, in accordance with the Fraud act 2006, section 2 (Fraud by false representation), section 3 (Fraud by failing to disclose information).

Under the Freedom of Information Act my second question to you is this – if City West Housing trust/ now Forviva Housing did obtain funds from the Homes and Communities Agency/Homes England in order to help build 14 apartments at Great Clowes Street, Broughton, Salford, how much money were they given of the £1.4 million needed to complete this development.

Response

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

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Under the Freedom of Information Act my first question to you is this - when City West Housing trust, now Forviva Housing, applied to the Homes and Communities Agency/Homes England for funding of this LGBT only housing project, did they 'specifically' state in their application for funds that Great Clowes Street housing project was solely for the purpose of housing people from the LGBT community?

We can confirm that Homes England does not hold the information detailed in your request.

To conclude that the information is not held, we have searched with our Affordable Housing team who would have the requested information if held.

The FOIA does not oblige a public authority to create information to answer a request if the requested information is not held. The duty under section 1(1) is only to provide the recorded information held.

The full text of section 1 in the legislation can be found here:

<https://www.legislation.gov.uk/ukpga/2000/36/section/1>

Advice and Assistance

We have a duty to provide advice and assistance in accordance with Section 16 of the FOIA. To comply with this duty we are able to confirm that applications for funding to the Shared Ownership and Affordable Homes Programme 2016-2021 are made via Homes England's 'Investment Management System' (IMS). The application on IMS from City West Housing trust for the scheme at Great Clowes Street did not state that the housing project was solely for the purpose of housing people from the LGBT community.

If they did, then why did the Homes and Communities Agency/Homes England, a government body, fund a project that has and would cause direct discrimination? And in no uncertain terms would have introduced segregation to the United Kingdom.

Given our answer above, this question is not applicable.

If they didn't tell you that the funding was intended for a project that would be in clear breach of the Equality act 2010, then is it that this funding was obtained fraudulently, in accordance with the Fraud act 2006, section 2 (Fraud by false representation), section 3 (Fraud by failing to disclose information).

This question is not in the scope of the FOIA as it is a request for a view on a specific scenario, not a request for recorded information that the authority holds.

We can advise that the FOIA only covers recorded information that a public authority holds. Recorded information includes printed documents, computer files, letters, emails, photographs, and sound or video recordings. Information Commissioner Office (ICO) guidance advises that a public authority may, when compiling a response to a request for information, have to draw from multiple sources of information held but confirms that a public



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authority is not required to make up an answer or find out information from elsewhere if it doesn't already have the relevant information in recorded form or find the answer to a question from staff who may happen to know it.

Under the Freedom of Information Act my second question to you is this – if City West Housing trust/ now Forviva Housing did obtain funds from the Homes and Communities Agency/Homes England in order to help build 14 apartments at Great Clowes Street, Broughton, Salford, how much money were they given of the £1.4 million needed to complete this development.

We can inform you that we do hold the information that you have requested. However, we rely on section 21, exemption where information is available to the applicant elsewhere.

The full text of the legislation can be found on the following link and we have quoted section 21 below for ease.

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

21 - Information accessible to applicant by other means.

(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

(2) For the purposes of subsection (1)—

(a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and

(b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.

(3) For the purposes of subsection (1), information which is held by a public authority and does not fall within subsection (2)(b) is not to be regarded as reasonably accessible to the applicant merely because the information is available from the public authority itself on request, unless the information is made available in accordance with the authority's publication scheme and any payment required is specified in, or determined in accordance with, the scheme.

Advice and Assistance

We have a duty to provide advice and assistance in accordance with Section 16 of the FOIA. As such, we can advise that this funding was awarded under the Shared Ownership and Affordable Homes Programme 2016-2021. All funding allocation amounts and number of homes are published and available via the following link:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/865151/Schemes_confirmed_by_Homes_England_Final.csv/preview.



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For ease, we have extracted the relevant entry from the above link:

Local Authority	Developing Organisation	Scheme Description	Heading (Programme)	Funding	Homes
Salford	ForHousing Limited	Great Clowes Street Salford M7 2ZS	AFFRENT (Affordable Rent)	420,000	14

Further Information (Discretionary outside of the FOIA):

In order to provide further advice regarding the scheme, we would advise that you may wish to contact ForHousing Limited directly. Homes England's relationship with a provider of housing does not extend to Lease arrangements, these are the responsibility of the provider (ForHousing). Though not bound by the FOIA, ForHousing may be able to provide you with further information.

We are also able to advise that the application on IMS confirms that the Local Authority was supportive of this scheme. Therefore you may wish to contact them for further information. A FOIA request can be submitted to Salford City Council via the following:

Information Governance team
Salford City Council
Salford Civic Centre
Chorley Road
Swinton
M27 5DA

https://contactus.salford.gov.uk/?formtype=FOI_REQ

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
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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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