



Homes
England

Date: 27 April 2022

Our Ref: RFI3837

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 – RFI3837

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

Your request was contained within correspondence relating to your previous request, referenced RFI3811. We issued a substantive response to RFI3811 on 30 March 2022.

Your initial request was as follows:

In relation to the development land known as Mercian Studios/Warwick Bar/Charlies Yard and Montague Street, Birmingham and now known as Digbeth Loc., which is owned by Homes England (the "Digbeth Loc. Land").

We hereby request, the following documentation and information:

1. All written communications that have passed between Homes England and any of the following parties relating to the Digbeth Loc. Land:

a) Steven Knight;

b) Stephen Alexander;

c) Julie Brinkman;

d) Stanhope plc or any director or employee thereof;

e) Brebners Chartered Accountants or any individual partner/member or employee thereof; and

f) Any other parties acting on behalf of any of the parties listed at points a to e, above.

2. Particulars of all oral communications between any of the parties referred to in point 1 above (insofar as the same is not evident from the documentation provided pursuant to point 3 below).

OFFICIAL



Date: 27 April 2022

Our Ref: RFI3837

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

3. All documentation prepared as a consequence of any of the communications referred to at point 1 and/or 2 (above) including minutes of meetings, emails and any other communications.

4. All documentation (including internal communications, memoranda, notes and meeting/committee minutes) held by Homes England relating to Gateway 3 Approval to progress a sale of any part of the Digbeth Loc. Land (including but not limited to land at Fazeley Street) to Digbeth Loc Limited.

Your refined request submitted on 31 March 2022 stated that the time period of the information sought for questions 1-3 was **between 1 June 2020 to the present day**.

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.

(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.



Date: 27 April 2022

Our Ref: RFI3837

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

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.

Advice and Assistance

In compliance with the Section 45 Code of Practice (Paragraph 2.10) we are obliged to offer you advice and assistance under section 16 of the Freedom of Information Act 2000. We would recommend that you consider narrowing the scope of your request.

We are aware that this is the second refusal notice issued to you in relation to this site as a result of S12 being engaged, notwithstanding that your most recent request took into account the advice and assistance provided in response to RFI3811.

However, the time period specified for correspondence has not considerably reduced the scope of the information initially identified. The majority of the correspondence initially identified by Homes England (over 10,000 emails) is from September 2021 onwards. The scope of your request could therefore be narrowed by specifying a smaller timeframe within that period or a narrower scope in terms of the type of information being sought.

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.



Homes
England

Making homes happen

Date: 27 April 2022

Our Ref: RFI3837

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

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