



Homes
England

Date: 6 May 2022

Our Ref: RFI3800

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 – RFI3800

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:

On 17 October 2007 the regional development agency Yorkshire Forward entered into a development agreement with Langtree Artisan in respect of the former Odeon cinema in Bradford.

I understand that Homes England is now the successor agency to the Homes & Communities Agency and therefore the authority to which this request applies.

In view of the now significant passage of time between both (1) the cancellation of the agreement between Yorkshire Forward and Langtree Artisan and (2) the decision by Bradford City Council to purchase the building from the Homes and Communities Agency, there is no plausible commercial confidentiality defence to not disclosing the premium payable under a development agreement between Yorkshire Forward and Langtree Artisan that was executed in 2007 and cancelled in 2012.

I should therefore be extremely grateful if you would furnish me with this information under the auspices of the Freedom of Information Act 2000.

For the avoidance of doubt, my request is:

Please supply the premium payable for the lease of the Odeon site in Bradford under the development agreement made between Langtree Artisan Limited, Yorkshire Forward, and Langtree Group plc and Artisan H Limited dated 17 October 2007.

OFFICIAL



Date: 6 May 2022

Our Ref: RFI3800

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

Response

We can confirm that we do hold the requested information. We advised on 5 April that a qualified exemption (S43(2)) applied to the information held and that we required further time to consider the public interest in disclosure.

Section 43 - Commercial interests

The premium amount engages section 43(3) of the FOIA as release would be likely to prejudice the commercial interests of the third party.

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

<https://www.legislation.gov.uk/ukpga/2000/36/section/43>

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.

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; and
- Given the passage of time since the development agreement, and the fact that Homes England has now released the restrictions on the third party contained within the transfer mean that Homes England no longer has ongoing obligations in relation to this site.

Arguments in favour of withholding:

- The agreement contains confidentiality provisions within the parties. To disclose the information would be likely to allow third parties to infer the value placed on the site by Homes England. If future potential partners thought that Homes England would release confidential financial or other information to the public domain that may affect their ability to progress with development they would be less likely to be open and honest, which would prejudice Homes England's position as the government's housing accelerator. This would impact the ability of Government officials to make effective, informed decisions regarding allocation of public funds. This would not be in the public interest as public funds could be allocated in a way that would distort regional need for development. Third parties would also be less willing to work with Homes England which would prejudice our ability to achieve value for public money and achieve the requirements set out in our strategic plan.

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 disclosure.

Therefore, we are able to advise that the premium amount contained in the development agreement is as follows:

Premium means £1,184,000 (one million one hundred and eighty four thousand pounds)



Homes
England

Making homes happen

Date: 6 May 2022

Our Ref: RF13800

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

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