



Homes
England

Date: 12 July 2022

Our Ref: RFI3879

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 – RFI3879

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:

how much Homes England spent on the 4 per cent equity it owned in House by Urban Splash, whether it is owed money by House by Urban Splash (and if so, how much)?

Response

We can inform you that we do hold the information that you have requested. However, the information is being withheld from disclosure under Section 22 FOIA. This exemption applies where information is intended for future publication.

The full text of the legislation can be found on the following link and we have quoted section 22 below for ease.

<https://www.legislation.gov.uk/ukpga/2000/36/section/22>

Section 22 - Information intended for future publication.

(1) Information is exempt information if:

- (a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),
- (b) the information was already held with a view to such publication at the time when the request for information was made, and
- (c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).

Section 22 is a qualified exemption. This means that in order to withhold information under this exemption, we must consider the public interest in disclosure.

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Public Interest Test – Factors in favour of disclosure

Homes England is compliant with the government agenda of transparency and recognises the benefit of publishing the information, particularly when it concerns how Homes England undertakes its work.

Public Interest Test – Factors in favour of non-disclosure

We can confirm that the information that falls in scope of your request will be published in Homes England's annual report, which is still in draft form prior to publication.

Homes England's annual report is reviewed by the National Audit Office (NAO) before publication and before it is laid before parliament in accordance with the Housing and Regeneration Act 2008. It would not be in the public interest for Homes England to release information which is currently being reviewed and approved to ensure our reporting obligations are met. Furthermore, release of the information in advance of the planned publication would be likely to result in additional resource diverted to deal with queries and questions from the public/press which would be likely to be answered by statements prepared alongside the publication. This would not be in the public interest as it would be likely to divert public resources.

Therefore, after careful consideration we have concluded that at this time, the balance of the public interest favours the non-disclosure.

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 FOIA we can advise that Homes England's annual report is expected to be laid before parliament on 19 July 2022, pending audit and review by the National Audit Office. The annual report will be published on the gov.uk website: <https://www.gov.uk/government/collections/homes-englands-annual-reports-financial-statements>.

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.

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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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