



Homes
England

Date: 8 August 2022

Our Ref: RFI3974

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 [REDACTED]

RE: Request for Information – RFI3974

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:

I would like to request a list of all developments which have received Homes England subsidy (for example - gap funding or funding to bring forward development on stalled sites). I would like this list to be broken down by the financial years 2018 - 2019, 2019 - 2020, 2020- 2021 and 2021 - 2022. For each development i would like to know the amount of subsidy, the post code, the size of the development site in question, the recipient of the subsidy and the end land uses (if known).

Response

We can inform you that we do hold the information that you have requested. However, we rely on section 21, section 40, and section 43 to withhold the information from disclosure.

Firstly, we are able to advise that most of the information you have requested is published by Homes England, and therefore the published information is exempt under section 21, where the information is available 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)—

OFFICIAL



Date: 8 August 2022

Our Ref: RFI3974

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

- (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, please see the information accessible via the following link: <https://www.gov.uk/government/publications/shared-ownership-and-affordable-homes-programme-2016-to-2021-summary>. The 'schemes confirmed by Homes England' section will give you the information you have requested on:

- Region Name (Govt)
- Minimum Geography
- Local Authority
- Lead Partner
- Developing Organisation
- Scheme Description
- Heading
- Sub Product Description
- Grand Confirmation
- Funding (£)
- Homes
- Affordable Home Ownership units
- Affordable Rent units
- Social Rent Units

Section 40 – Personal information

The information contained in your request relating to postcode is exempt from disclosure under section 40(2) FOIA, on the grounds that it constitutes third party personal data and to disclose the information would breach one of the data protection principles.

To disclose personal data, such as addresses could lead to the identification of third parties and would breach one or more of the data protection principles.



Date: 8 August 2022

Our Ref: RFI3974

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

Section 40 is an absolute exemption which means that we do not need to consider the public interest in disclosure. Once it is established that the information is personal data of a third party and release would breach one or more of the data protection principles, then the exemption is engaged.

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

<https://www.legislation.gov.uk/ukpga/2000/36/section/40>

We can confirm that in some of the postcode areas that have been granted funding there is only one or a small number of homes allocated grant. To disclose the postcode would therefore be likely to identify specific addresses that had received funding. Given that Homes England provides funding under specific schemes, releasing this information could identify that an occupant of said address were a recipient of other government subsidy or that they were in specialist housing for a protected characteristic.

Section 43 - Commercial interests

To disclose the amount of grant per postcode or specific address also engages Section 43(2) FOIA, as the information 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 the effective allocation of grant funding.

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.

Arguments in favour of withholding:

- To provide detailed information on the grant per home would result in our partners being able to benchmark the funding provided against other allocations and other applicants. This would result in inflation of grant ask across our funding programmes which would be likely to result in distortion of funding. Furthermore, funding would not be likely to be allocated fairly or in areas of greatest need. This would result in less value for the public purse and disproportionate allocation of public funding. This would not be in the public interest; 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>



Homes
England

Making homes happen

Date: 8 August 2022

Our Ref: RFI3974

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