



Homes
England

Date: 6 June 2023

Our Ref: RFI4329

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

██████████
By Email Only

Information Governance Team
Homes England
Windsor House
6th Floor
42-50 Victoria Street
London
SW1H 0TL
United Kingdom

Dear ██████████

RE: Request for Information – RFI4329

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:

Please can you tell me how many First Homes have been delivered to date:

a) via the early delivery programme <https://www.gov.uk/guidance/bid-to-take-part-in-the-first-homes-early-delivery-programme-2021-to-2023>

b) via the planning system

Response

We can inform you that we do hold some of the information that you have requested. We will address each question in turn.

Please can you tell me how many First Homes have been delivered to date: (a) via the early delivery programme <https://www.gov.uk/guidance/bid-to-take-part-in-the-first-homes-early-delivery-programme-2021-to-2023>

We can inform you that we do hold the information you have requested. However, we rely on section 22, exemption where information is intended for future publication under the FOIA.

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>



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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).

(2) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would involve the disclosure of any information (whether or not already recorded) which falls within subsection (1).

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.

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

- The information will be publicly available in Homes England's Annual Report and Financial Statements which are published annually. It is reasonable that a public authority does not divert resources where the information is readily available to the public. To disclose information via FOIA that will be available on our website would increase the likelihood of future requests being made under FOIA for similar publicly available information. This would divert resources away from requests for information that would not otherwise already be in the public domain. This would cause detriment to Homes England's ability to promptly deal with requests under FOIA.
- Releasing the information ahead of scheduled publication is not in line with accepted practices and releasing the information ahead of its scheduled publication date may allow third parties to gain an advantage in obtaining the information prior to general publication.

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 confirm that this information will be published through the Homes England



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Annual Report and reported via official statistics. This information is scheduled for publication at the end of June 2023.

Official statistics will be available on the following link:

<https://www.gov.uk/government/statistics/affordable-housing-supply-in-england-2021-to-2022>

Please can you tell me how many First Homes have been delivered to date: (b) via the planning system

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 First Homes 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>

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

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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.

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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