



Homes
England

Date: 16 June 2023

Our Ref: RFI4345

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 – RFI4345

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:

Under the First Homes Early Delivery Programme 2021-2023, how many First Homes starts on site and completions have there been from 2021 to date in 2023?

In the Live tables on affordable housing supply 1012 (link here: <https://www.gov.uk/government/statistical-data-sets/live-tables-on-affordable-housing-supply>), it states the figures for the 'small phase one pilot' as 32 First Homes completions in 2021/2022 and 40 First Homes completions in April-September 2022/2023.

Please can you tell us the number of starts and completions of First Homes in Phase 2. If you cannot give this information, please can you advise why. You state in the footnote that "A phase 2 grant funded pilot is delivering up to 1,500 FH units via the First Homes Early Delivery Programme 2021-23. The main delivery mechanism will be through developer contributions." If you cannot give us the figure due to the fact the main delivery mechanism will be through developer contributions, please can you explain why you hold the figures for other affordable housing schemes such as Shared Ownership which are also delivered through developer contributions?

Response

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

Under the First Homes Early Delivery Programme 2021-2023, how many First Homes starts on site



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We can confirm that we do not hold information on First Homes 'starts on site' as described in your request. To conclude that the information is not held, we have searched with our First Homes Early Delivery Programme 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>

How many First Homes... completions have there been from 2021 to date in 2023?

We can confirm that Homes England holds the number of grant funded First Homes legal completions from 2021 to date in 2023. We are, however, withholding the number of completions for 2021 under section 21 of the FOIA as this information is already reasonably accessible by other means.

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)—
 - (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.



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The number of completions for 2021-2022 can be found in the live table in the link already mentioned in your request, copied below again for ease of reference:

https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fgovernment%2Fuploads%2Fsystem%2Fuploads%2Fattachment_data%2Ffile%2F1121003%2FLive_Table_1012 ods&wdOrigin=BROWSELINK

We can confirm that we hold information on the number of First Home completions for 2022-2023. 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>

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.



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Public Interest Test – Factors in favour of non-disclosure

- The information will be publicly available in the Live Table 1012 for affordable housing supply on the gov.uk website. 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.
- As this information is due to be published soon, by the end of June 2023, we consider there is a stronger interest in withholding this information until the intended publication date.

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 information on First Homes completions for the 2022-2023 financial year is due to be published by the end of June 2023. This will be available in table 1012, accessible via the following link:

<https://www.gov.uk/government/statistical-data-sets/live-tables-on-affordable-housing-supply>

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

Information Governance Team
Homes England
Windsor House
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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.

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