



Homes  
England

The Housing and Regeneration Agency

Date: 7 July 2023

Our Ref: RFI4341

Tel: 0300 1234 500

Email: [infogov@homesengland.gov.uk](mailto:infogov@homesengland.gov.uk)

██████████  
By Email Only

Dear ██████████

**RE: Request for Information – RFI4341**

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 disclose the following the following about projects allocated funds from the Housing Infrastructure Fund since this opened in 2017 and up to the end of April 2023?**

- 1. The total number of projects allocated funding on an annual basis?**
- 2. The total grant allocated on an annual basis?**
- 3. The total number of projects where a shortfall in funding was identified by the applicant and communicated to Homes England/the HIF on an annual basis?**
- 4. The total shortfall in funding identified on an annual basis?**
- 5. The total amount of extra funding allocated each year to projects above the individual grant amount?**
- 6. The total number of projects at April 2023 where funds were allocated but construction has yet to start.**
- 7. The total amount of funding allocated to these projects where funding was approved but construction has yet to start?**

**Response**

We wrote to advise you on 19 June 2023 that we did hold information that fell within the scope of your request, but that we required additional time to respond your request as a qualified exemption applied to some of the information that fell within the scope of your request. We have determined that the

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exemption at section 43(2) of the FOIA to withhold information that is commercial information is no longer engaged.

However, to comply with your request would exceed the appropriate limit for the cost of compliance. We therefore rely on section 12, exemption where the cost of compliance exceeds the appropriate limit under the FOIA.

The full text of the legislation can be found on the following link and we have quoted section 12 below for ease.

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

#### Section 12 - Exemption where cost of compliance exceeds appropriate limit

(1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

(2) Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.

(3) In subsections (1) and (2) “the appropriate limit” means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases.

(4) The Minister for the Cabinet Office may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority:

(a) by one person, or

(b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign, the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them.

(5) The Minister for the Cabinet Office may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are to be estimated.





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We have considered the current wording of your request and in its current scope we have determined that to establish where all elements of the information is held, to locate the information, retrieving the information and extracting the information would exceed the appropriate limit in terms of timeframes.

To determine where there had been a shortfall in funding in the projects for Question 3, we would need to review every piece of correspondence on every project over the 6-year period. This would require us to manually review the correspondence held for each project to determine if this information is held, and if it was held to manually extract where it had been communicated to Homes England that there was a shortfall.

For one file location which holds 21,420 files, at an estimate of 1 minute to review each file it would take at least 357 hours to determine whether the information was held. This alone would take over the 18-hour limit for compliance.

Under the terms of the act, we are not obliged to provide any information compiled in the course of our searches prior to concluding section 12 is engaged.

## **Advice and Assistance**

In compliance with the Section 45 Code of Practice (Paragraph 2.10) and to offer advice and assistance under section 16 of the Freedom of Information Act 2000, you may wish to consider narrowing the scope of your request, for example for information from a shorter timeframe.

Please note that due to the broad scope of your request we cannot confirm that any further request would not also exceed the section 12 cost limit at this time.

## **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](mailto:infogov@homesengland.gov.uk)

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Information Governance Team

Homes England

Windsor House

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42-50 Victoria Street

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United Kingdom

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

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