



Homes
England

The Housing and Regeneration Agency

Date: 4 August 2023

Our Ref: RFI4391

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

[REDACTED]
By Email Only

Dear [REDACTED]

RE: Request for Information – RFI4391

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:

Can you provide all correspondence between Peter Freeman, Peter Denton, Lynda McMullen and Harry Swales and DLUHC director general Emran Mian, between the last day of June 2022, and the last day of November 2022.

Response

We can confirm that we do hold the requested information. However, we rely on the exemption contained in section 36 (2) of the FOIA to withhold the information from disclosure.

Section 36 (2) of FOIA (so far as applicable to this request) provides that “Information...is exempt information if, in the reasonable opinion of a qualified person, disclosure of the information under this Act—

(b) would, or would be likely to, inhibit—

- (i) the free and frank provision of advice, or
- (ii) the free and frank exchange of views for the purposes of deliberation

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(c) would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.”.

To apply this exemption, we have sought the reasonable opinion of the ‘qualified person’. Their reasonable opinion is that disclosure would be likely to inhibit the free and frank provision of advice (section 36(2)(b)(i)), that disclosure would be likely to inhibit the free and frank exchange of views for the purposes of deliberation (section 36(2)(b)(ii)) and that it would be likely to otherwise prejudice the effective conduct of public affairs (section 36(2)(c)).

The exemption at these sections of the Act is qualified. This means that, once the qualified person has given their opinion that the exemption is engaged, Homes England must carry out a public interest test. The purpose of the public interest test is to decide whether the public interest in maintaining the exemption outweighs the public interest in disclosure. If it does not, the information must be released.

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 and Government make decisions.
- Release of the information may lead to the public being better informed and better able to engage in the implementation of decisions that affect them. An informed and involved public helps to promote good decision-making by public bodies.

Arguments in favour of withholding:

- Homes England needs to be able to exchange views, provide advice and deliberate in a free and frank manner. Disclosure of the information would be likely to inhibit this and therefore impair the quality of internal decision making.
- Disclosure would be likely to prejudice the ability of officers and third parties (DLUHC as the sponsoring body) to express themselves openly, honestly and completely. Loss of frankness would have a chilling effect and damage the quality of views and/or advice which could lead to poorer decision making.
- Homes England and Government need a safe space in which to develop ideas and reach decisions. The information has been generated internally and is pertinent to considerations that Ministers and officers may wish to explore. Disclosure may lead to speculation around information when





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Ministers and officials need an appropriate degree of private space within which to evaluate these considerations.

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 withholding disclosure.

The full text of section 36 in the legislation can be found here:

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

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

6th Floor

42-50 Victoria Street

London

SW1H 0TL

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.





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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

