



Homes
England

The Housing and Regeneration Agency

Date: 17 August 2023

Our Ref: RFI4312

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

██████████
By Email Only

Dear ██████████

RE: Request for Information – RFI4312

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 know what due diligence checks were made on Inland Homes prior to the sale of the freeholds of the land in the Gardiners Lane South development at Basildon in Essex on 13th October 2022, and, if any of the checks returned any concerning or non-routine results. If there were any concerning or unusual results what mitigating actions followed.

Response

Section 43 - Commercial interests

We can inform you that we do hold some of the information that you have requested. However, we rely on section 43(2) and section 43(3) of the FOIA to withhold the information from disclosure.

Under section 43(2) Homes England is not obliged to disclose information that would, or would be likely to, prejudice the commercial interests of any party. The information requested concerning our internal due diligence engages section 43(2) of the FOIA as it 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.

6th Floor
Windsor House
42 - 50 Victoria Street, Westminster
London, SW1H 0TL

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Regarding the part of your request concerning the results of the due diligence checks, under section 43(3) Homes England does not have to confirm or deny that we hold information, where to do so would, or would be likely to, prejudice either Homes England, or a third party's, commercial interests.

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:

- Financial Due Diligence documentation contains commercial information that is highly sensitive and that may influence the prices of securities traded on regulated markets such as the London Stock Exchange. Its disclosure to an unauthorised person or its unauthorised or improper use may constitute a breach of a duty of confidentiality, legal restrictions on advance disclosure of national statistics and the legislation governing insider dealing and the Market Abuse Regulation, which could give rise to civil and criminal liability;
- By releasing commercially sensitive information, this could cause harm to our partners and put them at a commercial disadvantage. For example, the release could potentially inadvertently trigger concerns within their supply chain;
- Releasing the details of our internal, commercial, and bespoke approach to Due Diligence would be likely to open the process to challenge from partners unnecessarily. This could lead to manipulation by partners, for example, overplaying opportunities and downplaying risks;
- Due diligence is carried out to manage financial risk and maximise Value for Money for the taxpayer. Releasing details of our commercial approach would likely undermine our ability to do both; 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.





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

<https://www.legislation.gov.uk/ukpga/2000/36/section/43>

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.

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/>

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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

