



Homes England

Date: 6 September 2023

Our Ref: RFI4441

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

[REDACTED]
By Email Only

Dear [REDACTED]

RE: Request for Information – RFI4441

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 may you provide me with:

- **How much of the £30m debt funding Homes England provided to Ilke Homes in September 2021 has now been written off**

Response

Neither Confirm nor Deny

Homes England can neither confirm nor deny that we hold the information requested.

On receipt of a valid request for information, section 1(1) of the FOIA obliges a public authority to inform the requestor under subsection 1(a) if they hold the information requested, and under subsection 1(b) communicate that information to them.

However, the duty under subsection (1)(a) does not apply to your request by virtue of sections 43(3) of the FOIA. The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice the interests mentioned in subsection (2) which is that information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).





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The full text in the legislation can be found here:

<https://www.legislation.gov.uk/ukpga/2000/36/section/1>

Section 43 - Commercial interests

The information requested relating to debt funding engages section 43(3) of the FOIA, the duty to confirm or deny does not arise if, would, or would be likely to, prejudice the interests mentioned in subsection (2).

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 confirming or denying:

- 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 neither confirming or denying:

- If this information was held and if it were to be released it would be likely to disadvantage Homes England's and the third party's commercial position and have a negative impact on ongoing discussions. This would also be likely to have the same negative effect on future commercial activity and other Homes England funding. This would not be in the public interest as it would put future developments at risk, inflate prices and damage Homes England's reputation as a partner;
- Information of this nature revealed to a wider audience would affect future negotiations for the same or similar services. Homes England needs to attract the developers who will apply the funding we have provided to deliver the homes that the market needs. Developers would be deterred from working with us and accessing our funding if they thought that their sensitive commercial and financial information would be disclosed, including the most commercially sensitive terms of the agreements they have entered into with us. That would not be in the public interest;
- If held and released, this would reveal financial strategies and analysis disclosed to Homes England that were not meant for release into the public domain. Third party interests would be adversely affected as it could be used against them in negotiations for similar matters as other parties would have this prior knowledge of their business' operating models, forecasts and financial information; and
- To confirm or deny would adversely affect the relationship between Homes England and potential partners. There would be significant reputational, commercial and financial loss to Homes England and





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our partners if third parties could use the information released by Homes England to distort the market for their own gain.

Having considered the arguments for and against, we have concluded that confirming or denying whether any information is held would be likely to be detrimental to the commercial activity of this developer, and therefore the balance of the public interest favours neither confirm nor deny.

The public interest arguments to confirm or deny should not be interpreted as evidence that Homes England does or does not hold information that falls within the scope of your request.

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.

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

0300 1234 500
@HomesEngland
www.gov.uk/homes-england





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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

