



Homes
England

The Housing and Regeneration Agency

Date: 22 February 2024

Our Ref: RFI4578

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

██████████
By Email Only

Dear ██████████

RE: Request for Information – RFI4578

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 receive a breakdown of the allocations of grant to Strategic Partners for the 2021-26 affordable homes programme, by Registered Provider and Region.

So for example, Bromford received £239.9m to build 4,000 homes. But I would like to know how was that £239.9m split between the West Midlands and the South West Regions.

I would like to know this for all 31 strategic partnerships please.

I would also like to know the tenure split for each RP in each region.

Response

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

Section 43 - Commercial interests

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.

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

0300 1234 500
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The information requested relating to regional grant funding 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.

Homes England has identified that the information requested, if released, would be likely to prejudice the effective operation of our strategic partners.

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:

- The allocation of grant funding is subject to a robust assessment process that includes a detailed value for money review ensuring that we protect and allocate public funding efficiently and effectively. If this information were to be released, it is likely to drive reduced competition by encouraging developers to bid for the maximum grant possible, informed by grants given in other applications, under different circumstances. This could place pressure on the remaining programme budget and may result in the target number of homes not being met. This in turn could drive an unnatural increase in land and house prices which could impact market stability. Furthermore, this would not be in the public interest as this could put potential homes in jeopardy and would undermine Homes England's position and ability to deliver against its objectives and targets in our Strategic Plan; and
- By disclosing information relating to average unit costs, it would project an inaccurate indication of the cost to build homes and also risk an unfair advantage to partners looking to access grant funding. The result of this could drive inflation as partners will inflate costs of production to secure higher grants which would be likely to result in poorer value for public money. This would negatively affect public money and nullify work already undertaken; and





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- To release this information, it could lead to reputational damage to the Accounting Officer, the Board and the Agency as we would be providing this information to future partners into the programme information that was not previously available. This could lead to sanctions made against Homes England as a result of not being able to maximise value for money; and
- Releasing the information would be likely to negatively impact future funding processes and proposals to our funding schemes as potential partners may be deterred from applying to Homes England for grant funding if they felt information relating to their commercial and ongoing funding commitments would then be released to the public domain. This would be likely to result in a substantial impact on potential financial outcomes and delivery of the Affordable Homes Programme as well as put future developments at risk, inflate prices and damage Homes England's reputation as a partner; 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.

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

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

Section 41 – Information provided in confidence

Under section 41(1)(b) of the FOIA Homes England is not obliged to disclose information to the public if it would constitute a breach of confidence.

Given that our contracts with strategic partners are subject to confidentiality provisions, section 41 of the FOIA is engaged. Information relating to grant allocations would put our strategic partners at a commercial disadvantage and the expectation is that such information will not be publicly disclosed for this reason. We therefore rely on this exemption to withhold from disclosure the financial information requested.

Although section 41 of the FOIA is an absolute exemption and there is no requirement to conduct a full public interest test, we can confirm that we have considered the balance of the public interest, as a breach of





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confidence may not be actionable if there is an overriding public interest in disclosure. In this case, we feel that there is no overriding public interest in favour of disclosure.

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

<https://www.legislation.gov.uk/ukpga/2000/36/section/41>

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.





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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

