



Homes England

Date: 17 June 2024

Our Ref: RFI4721

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

[REDACTED]
By Email Only

Dear [REDACTED]

RE: Request for Information – RFI4721

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:

- **Minutes of meetings between Home England and Canary Wharf Group and its representatives in the last six months**
- **Submissions by Canary Wharf Group and its representatives in relation to a loan from the government's housing infrastructure fund**

Response

We can confirm that we do hold some of the requested information. We will answer your questions in turn below.

- **Minutes of meetings between Home England and Canary Wharf Group and its representatives in the last six months**

We can inform you that we do hold the information that you have requested. However, we rely on section 41 and 43(2) of the FOIA to withhold the information from disclosure.





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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 the minutes of the meetings are subject to confidentiality provisions, section 41 of the FOIA is engaged. Information contained within the meeting minutes consists of information that has been provided to Homes England in confidence and with the expectation that it will not be publicly disclosed.

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 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>

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.

The information requested relating to the Canary Wharf Group 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 the Housing Infrastructure Fund.

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.





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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 requested information is the subject of a current, ongoing commercial arrangement. If this information was 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 works. This would also be likely to have the same negative effect on future commercial activity and other Homes England programmes. 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 help deliver the homes that the market needs. Developers would be deterred from working with us 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;
- 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>

- **Submissions by Canary Wharf Group and its representatives in relation to a loan from the government's housing infrastructure fund**

We can confirm that Homes England does not hold the information detailed in your request.





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To conclude that the information is not held, we have searched with our Operations team and our Infrastructure team who would have the requested information if held.

The FOIA does not oblige a public authority to create information to answer a request if the requested information is not held. The duty under section 1(1) is only to provide the recorded information held.

The full text of section 1 in the legislation can be found here:

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

Advice and Assistance

We have a duty to provide advice and assistance in accordance with Section 16 of the FOIA. To comply with this duty we are able to confirm that the housing infrastructure fund closed in 2017. The home building fund which is the fund that was noted in the Spring Budget 2024 is allocated from is a continuous engagement program. It is therefore not necessary for developers to put in a formal submission for funding.

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

6th Floor
Windsor House
42 - 50 Victoria Street, Westminster
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0300 1234 500
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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

