



Homes  
England

The Housing and Regeneration Agency

Date: 22 January 2025

Our Ref: RFI4965

Tel: 0300 1234 500

Email: [infogov@homesengland.gov.uk](mailto:infogov@homesengland.gov.uk)

[REDACTED]  
By Email Only

Dear [REDACTED]

**RE: Request for Information – RFI4965**

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:

**At least you backed a quality delivery partner with Berkeley Group. The same can't be said with the train wreck Ilke situation... So let me get this right, I assume you signed off and lent a whole load of money to a company with very little projected income owned by a massive investor (who had loads of money) and the company went pop ? In turn you had no security for the loan.**

**Where did the money go ?**

**Many RSL's also lost money, no doubt given false hope by your backing.**

**What did your external advisors say on the sign off ? Perhaps you can take this as an FOI request to send me the report that went to your investment committee with your external advisors and lawyers reports advice at the time.**

**Response**

We can inform you that we do hold the information that you have requested. However, we rely on section 40(2), section 41 and section 43(2) of the FOIA to withhold the information from disclosure.

The Lumen  
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#### Section 40 – Personal information

We are withholding information on the grounds that it constitutes third party personal data and therefore engages section 40(2) of the FOIA.

To disclose personal data, such as names, contact details, addresses, email addresses and personal opinions could lead to the identification of third parties and would breach one or more of the data protection principles.

Section 40 is an absolute exemption which means that we do not need to consider the public interest in disclosure. Once it is established that the information is personal data of a third party and release would breach one or more of the data protection principles, then the exemption is engaged.

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

<https://www.legislation.gov.uk/ukpga/2000/36/section/40>

#### Section 41 – Information provided in confidence.

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

The requested information contains information related to the financial performance and corporate position of third parties. Information contained within the Investment Committee report and related advice includes information about Ilke Homes that has been provided to Homes England in confidence and with the expectation that it will not be publicly disclosed. We rely on this exemption to withhold this information from disclosure.

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 public interest in disclosure as a breach of confidence may not be actionable if there is an overriding public interest in that disclosure.

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

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

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## 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 investment committee report and related advice 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 funding scheme.

Section 43(2) 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:

- Homes England is responsible for ensuring that a significant amount of public money is allocated to partners effectively and in a way that best ensures value for money and ensures deliverability. The deliberations undertaken by Homes England in the withheld information detail internal decision-making processes in relation to an ongoing investment fund deliberation between Homes England and a third party. Disclosure would prejudice the ability of decision makers to make impartial judgements about ongoing contractual negotiations without fear of external scrutiny and undue pressure. This would not be in the public interest as it would be likely to prejudice our position in the market as the government's housing accelerator and effectively manage the public funds entrusted to us;
- Releasing the information could also reveal financial information of the third party which may in turn affect their commercial interests. The consequences of releasing data that is part of a wider ongoing matter could damage our relationships with partners and put other potential funding





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allocations at risk. This would not be in the public interest as this could put potential homes in jeopardy and affect Homes England's ability to deliver against its objectives in our strategic plan;

- 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 as it would diminish the market for potential partners, resulting in less competitive allocation of public funds. To ensure value for public money Homes England needs to attract partners who will apply the investment we provide to deliver the homes that the market needs;
- The report to the investment committee sets out criteria in relation to milestones and targets, delivery and operational obligations, performance criteria, and information relating to payments/repayments. We have considered whether or not we can separate any information from the commercial information but consider that this represents a 'golden thread' throughout the information, and it is therefore not possible to separate any information from the commercial information. Therefore, it is commercial in nature as it relates to commercial activity and would not be in the public interest to disclose;
- Disclosure of internal approval decisions would have a 'chilling effect' on Homes England's ability to progress with both current and future decisions and discussions regarding funding of the Home Building Fund scheme. As previously stated, these discussions are currently ongoing and in relation to a live process. To disclose the information would result in a loss of frankness and candour in relation to continuing decisions about a large amount of public money and would damage the quality of these discussions. This would lead to poorer decision making which would directly affect spending of public money and decision making in relation to significant infrastructure works that will impact a large number of people. It is vital that the quality of these decisions is as robust as possible to ensure these decisions are made effectively and in the public interest; 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](mailto:infogov@homesengland.gov.uk)

Information Governance Team

Homes England

The Lumen

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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/>

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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

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