



Date: 22 May 2025

Our Ref: RFI5074

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

By Email Only

Dear [REDACTED]

RE: Request for Information – RFI5074

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:

We are caught up in the social housing investigation into CityGate/Social Housing Group (Holdings) which is being investigated under Operation Lily, which I'm sure you are aware of. There are also many more investors involved.

Was the government ever involved in their deals/initiatives to back their investments as advertised on social media?

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 31(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 (1) which is that information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the prevention or detection of crime.





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The full text in the legislation can be found here:

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

We previously advised that we were considering the public interest test in relation to Section 43. We can now inform you that this exemption is not engaged. However, Section 31 is engaged.

Section 31 – Law Enforcement

Under section 31(1)(a) Homes England is not obliged to disclose information that would, or would be likely to, prejudice the prevention or detection of crime.

Homes England has identified that information requested engages section 31(1)(a) of the FOIA and confirming whether it is held or not would be likely to impact an ongoing or future police investigation.

Section 31 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 to confirm whether the information is held or not.

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 prejudice any ongoing or future investigations;
- Information of this nature revealed to a wider audience would undermine the discretion required to conduct effective investigations. It is essential that law enforcement authorities have a 'safe space' to complete such investigations without fear of undue scrutiny;
- To confirm or deny may lead to inaccurate assumptions which would be likely to impede public judgement or damage public trust; and
- Homes England has been unable to identify a wider public interest in confirming or denying whether any information is held.

Having considered the arguments for and against, we have concluded that confirming or denying whether any information is held would be likely to be prejudicial to any ongoing or future investigations, and therefore the balance of the public interest favours neither confirm nor deny.





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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/31>

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
The Lumen
2nd Floor
St James Boulevard
Newcastle Helix
Newcastle upon Tyne
NE4 5BZ
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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2nd Floor
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Newcastle upon Tyne
NE4 5BZ

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





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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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St James Boulevard
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