



Date: 26 June 2025

Our Ref: RFI4772

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

By Email Only

Dear [REDACTED]

RE: Request for Information – RFI4772

Thank you for your request for information which was processed in accordance with the Freedom of Information Act 2000 (FOIA).

We would firstly like to apologise for the long delay in providing this response to you and for not having kept you sufficiently informed as to the progress of your request. Our handling of your request has fallen outside the time for compliance as set out in the FOIA and below the standards we strive to provide.

We recognise now that the information you have requested may no longer be relevant to you, however we have endeavoured to provide you with a response which follows below.

You requested the following information:

- 1. Which component of our planning application was deemed to be ineligible and what was the £ value of the ineligible amount?**
- 2. How much was applied for in the Phase 1 cladding application for the ACM works**
- 3. How much was awarded for Phase 1 and on what date were the freeholder advised of the award?**
- 4. What date in May 2021 did Homes England advise that the £540k shortfall would now be funded?**
- 5. You emailed Peel a letter on 24 March 2021 with reference P_LIVE0058. Was this the final grant which Homes England confirmed in a letter from Mr O'Connor to Peel on 6 April 2021 with there being no shortfall in funding on these dates?**
- 6. Would you agree or disagree with the following statements ,**

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

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6.1. “Peel immediately queried the exclusion of the £540000 from the award. Discussions between Peel and Homes England in relation to the shortfall continued into May 2021”

6.2. Homes England confirmed in May 2021 that the £540,000 shortfall would be funded”

You further clarified your request:

Apologies, typing error in paragraph 1, cladding application and not planning application

For completeness, your request was in reference to the building located at 1 William Jessop Way, Liverpool, L3 1DJ.

We wrote to you on 24 May 2024 to ask you to confirm your identity in accordance with section 8(1)(b) of the FOIA, that requires requests for information should include the name of the applicant. You provided this information on 28 May 2024.

Response

We can confirm that we do hold some of the requested information. We will address each question in turn.

- 1. Which component of our planning application [cladding application] was deemed to be ineligible and what was the £ value of the ineligible amount?**
- 2. How much was applied for in the Phase 1 cladding application for the ACM works**

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.

The information requested relating to the amount of funding applied for and the parts of the application that were considered ineligible for 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 the Private Sector Cladding Remediation Fund (PSCRF) and would prejudice Homes England’s funding programmes in the wider context.





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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.
- Homes England acknowledges that there is a keen public interest in the operation of the PSCRF and how public money is allocated in the remediation of unsafe buildings.

Arguments in favour of withholding:

- The requested information relates to the financial and commercial information of a third party organisation who has submitted an application for funding to Homes England. Confirming the amount of funding that was applied for, and the parts of the funding application that were considered to be ineligible for funding, would be likely to prejudice the third party's position when participating in future commercial negotiations for the funding or completion of these works. This would be likely to prejudice the ability of the third party to secure work for fair market value, which would not be in the public interest.
- Applications to the PSCRF are distinct from funding applications to Homes England's other funding programmes as they are commonly submitted by members of the public who form a management company to represent leaseholders in buildings affected by unsafe cladding. Consequently, the members of the management company are often not industry experts or trained professionals in the management of large scale funding processes and as a result, applications may be submitted to the PSCRF that are revised once appropriate due diligence has been undertaken by Homes England. Therefore, the release of this information would be likely to distort the value of works or costs associated with the remediation of unsafe buildings and influence other applications to the PSCRF and Homes England's other funds. This would not be in the public interest as it would be likely to inflate costs resulting in poorer value for money across the operation of Homes England's funding programmes.
- Releasing the information relating to the original application amount 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 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 future schemes as well as the achievement of the Government's housing targets. Furthermore, this would impact the ability of Government officials to make effective, informed funding decisions.





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- It is vital that Homes England and applicants to any of its funding programmes have a 'safe space' to assess, deliberate and conduct due diligence on the contents of funding applications that relate to ongoing commercial activity. 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 information relating to the amount of funding applied for, and works to be funded in the original application relate to ongoing works that are the subject of commercial negotiations. This would not be in the public interest as it would be likely to prejudice our position in the market and effectively manage the public funds entrusted to us.

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>

Advice and Assistance

We have a duty to provide advice and assistance in accordance with Section 16 of the FOIA. In accordance with this duty, we can advise that the original funding application included works that were ineligible for funding under the terms of the PSCRF.

Details of the support we provide to applicants of the PSCRF can be found here:

<https://www.gov.uk/government/publications/private-sector-acm-cladding-remediation-fund-prospectus>

3. How much was awarded for Phase 1 and on what date were the freeholder advised of the award?

For phase 1, the Applicant was awarded £822,913.57. The Applicant was formally advised of the funding offer on 20th October 2020.

4. What date in May 2021 did Homes England advise that the £540k shortfall would now be funded?

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

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





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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 Homes England has not funded a “shortfall” in the project budget. Homes England received a further application for funding for the same building under the Building Safety Fund, the successful outcome of this funding application was communicated on 4 May 2021.

5. You emailed Peel a letter on 24 March 2021 with reference P_LIVE0058. Was this the final grant which Homes England confirmed in a letter from Mr O'Connor to Peel on 6 April 2021 with there being no shortfall in funding on these dates?

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

To conclude that the information is not held, we have searched with our Building Safety 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 we have conducted a search of our files and communications systems and have been unable to locate a letter from Mr O'Connor to Peel.

6. Would you agree or disagree with the following statements ,





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6.1. “Peel immediately queried the exclusion of the £540000 from the award. Discussions between Peel and Homes England in relation to the shortfall continued into May 2021”

6.2. Homes England confirmed in May 2021 that the £540,000 shortfall would be funded”

We do not consider that this question is requesting recorded information held by Homes England.

Section 1 of the FOIA gives the public a general right of access to information held by public authorities, as this question is seeking a statement rather than recorded information, it does not fall within section 1 of the FOIA.

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.

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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

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