



Homes &
Communities
Agency

J A Giggins

Email only: [request-235293-
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Our Reference: REVIEW/FOI000395/SF

19th December 2014

Dear Ms Giggins

Internal review

You contacted the HCA on 5th November 2014 asking for a review of the Homes and Communities Agency's (HCA) handling of your request for information. I am now writing to you to tell you the outcome of that review.

I am the officer who has carried out the internal review. I am a solicitor working in the Legal Team. I confirm that I was not involved in any way in your original request for information and am acting as an independent reviewer of it with authority to alter the response to the original request if appropriate.

I have conducted a full review of how your original request was considered at the time. My role is to consider how the individuals dealt with the original request and (if relevant in your case) whether any application of an exemption under the Freedom of Information Act in relation to information you requested, was justified.

Background

On 22nd October 2014 you requested information from the HCA about 2015-18 Funding Allocations for developments in Hungerford, West Berkshire. The HCA responded to your request on 5th November 2014, by a letter sent by email to you from Ms McMaster.

By email of 5th November 2014, you asked for an internal review of the HCA's handling of your request for information. Your request was acknowledged by Ms McMaster by email on 13th November. In that email, Ms McMaster noted that the response would be with you by 3rd December. Since then, I have been in touch with you about the timescale

for this response. I apologise that this response did not reach you by the date Ms McMaster set out.

I have now considered your request, including both the comments that you have provided to the HCA and the information held within the HCA's files. My findings are set out below.

Policy and procedure

In carrying out the review, I have looked at:

- *Whether HCA policies and procedures in relation to the processing of the request were followed.*
I have concluded that HCA policies and procedures were followed. The HCA's standard is that your request was to be acknowledged within 5 working days; the acknowledgement was sent on the same day it was received. Further, the requirement is that your request was to be responded to within 20 working days; the response was sent on 5th November, which is within that period.
- *If exemptions were applied, whether they correctly applied.*
No exemptions were applied.
- *Whether the information withheld, should still be withheld or whether it can be released in full or in part.*
Information in relation to your request was disclosed. Since no information was withheld, I do not need to consider release of withheld information.
- *An assessment of the overall quality of the response i.e. did it adequately explain the reasons for the HCA's decision making.*
I have concluded that the overall quality of the response was satisfactory. There is more detail of my reasons for that conclusion below, under 'Issues raised by you'.

Issues raised by you

In your request for an internal review, you raised various issues. I will now consider the issues which you raise. I have added the numbering below.

1. *The HCA did not give a specific answer to your request for information regarding the 'second site', which you identified as 'Folly Dog Leg Field, or possibly 'Site to the North of the A4'.*

Your initial request under '1' refers to 'both schemes'. The information with which you were provided about that part of your request refers to one scheme – Eddington Lane (although later on,

commenting about 'allocations made in Hungerford', the reply refers to Woodbury, Lambourn). I have made enquiries to establish whether the officers dealing with your request failed to check whether there was another scheme (the 'Folly Dog' one) as well as Eddington. I have established that proper searches were done and that there was no information about the 'Folly Dog' site. Accordingly, there was no information on that to be given to you.

2. *You noted that you understood that there is a rolling programme for funding and therefore requested confirmation that neither site is in HCA's pipeline and/or pending on the IMS system....*

Your initial request did not mention this explicitly, but I note your further comment in your application for review, that:

You noted that you consider it a failure by the HCA to respond to the 'under consideration' part of your initial request, in that this information was not provided by Ms McMaster.

I have considered that issue as well.

I have established through discussions with officers that a check on the only available information – the IMS system which you refer to in your request for internal review – was done. This would have shown up any schemes – the system makes no distinction between pipeline, pending, or anything else. There is within the system a process known as Continuous Market Engagement (CME) where providers bid for the remaining resources which the HCA has available to allocate in the programme. It may be that this is what you are referring to? However, these bids come in on the IMS system, which was (as I say above) interrogated, and (again as confirmed above) there is no information other than that which has been provided to you.

I have specifically considered whether officers adequately considered the part of your initial request for information about schemes 'under consideration'. As noted above, I have established that a general check of IMS was done, and that therefore there was no failure to consider that aspect of your request. This is how the information given to you about Hungerford allocations generally (the Woodbury, Lambourn information) was found.

I have considered whether there was any other information available on IMS, than that on allocations and I have established that there was not, for the reasons above.

3. *You noted that the HCA did not 'provide the grant application (as specifically requested) or [give] an answer as to whether this*

scheme is in the pipeline for funding'.

This request for review is in relation to North View Heights – that was requested in your original request item 2. In that original request, you asked for 'the grant application and indicative offer ... regarding North View Heights'. The reply to your initial request said that this was 'not a scheme the HCA has made an allocation against...'. My investigation has shown me that there was a proper search made for the information requested (on IMS, on the basis referred to above), and that no information was available and therefore there was no failure in how your original request for information was dealt with on this issue.

4. *You noted that in relation to North View Heights, you 'would appreciate more detail as to the status of this scheme as held on your IMS system'.*

I have no comment on this other than to repeat my response under 3 above.

5. *You noted that you 'would be grateful for confirmation ... that no other Hungerford schemes are in the pipeline for funding and/or recorded on [the] IMS stem awaiting a formal application/status switch'. You note that you consider it a failure by the HCA to respond to the 'under consideration' part of your request, in that this information was not provided by Ms McMaster*

I have noted that your initial request asked for 'information held regarding any development schemes in Hungerford...'. I have noted that the response letter to that request referred to the Woodbury, Lambourn scheme (referred to further above). I have considered above the issue of whether the 'under consideration' part of your request was properly dealt with. I have explained above that my investigation has shown that proper searches for information were done in relation to both those issues and that there was no failure to provide information to you.

Conclusion

As I said at the start of this letter, my role is to consider how the individuals involved dealt with your original request and (if relevant in your case) whether any application of an exemption under the Freedom of Information Act in relation to information you requested, was justified. Since no exemption from production of information was applied, I have of course not considered that issue further.

In relation to whether individuals dealt properly with your original request, I have concluded that the matter was dealt with properly. I have set out my reasons for that conclusion above.

Final Comments

I hope that this letter addresses your concerns.

This letter marks the end of the HCA's internal review procedure. If you are dissatisfied with the outcome of this review, you may submit your case to the Information Commissioner for consideration at the following address: Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely



Stephanie Fleck

Lawyer

Homes & Communities Agency

