



Ministry of Housing,
Communities &
Local Government

**Ministry of Housing, Communities and Local
Government**

Fry Building
2 Marsham Street
London
SW1P 4DF

Tel: 030 3444 0000

www.gov.uk/mhclg

Lynn Wyeth
Via Email

Date: **14 April 2021**

Dear Lynn Wyeth

Freedom of Information Act 2000 - 10379757

Thank you for your request for information which we received on 15 February 2021 and processed under the Freedom of Information Act 2000.

You requested:

In last week's announcement in the Commons, Robert Jenrick said on more than one occasion that the average service charge for a flat was £50 a month (the same as the proposed maximum loan to be charged to leaseholders under 18m).

1) Could you please supply any advice or briefing or information that was provided to Mr Jenrick that gave him this figure, and the source of that figure. I have no need for the rest of any advice/briefing, just the part about average service charge please. As this information has now had a decision made on it and announced in the Commons, along with the strong public interest in this matter where up to 11m people could be affected by the cladding scandal, I believe that s35/36 will not apply, particularly the source of the figure.

2) Could you please provide any legal advice the Government has received regarding the making of leaseholders below 18m pay for a loan and those above 18m receiving public funding to remove cladding, plus any legal advice on why it should just apply to cladding and not any other of the fire risks that make homes unsellable.

I shall respond to each of your requests in turn.

In reference to your first request the Secretary of State was referring to publicly available information published by third parties on average weekly service charges.

In regard to the second part of your request, we can confirm that we hold this information, but we are withholding it as explained below.

This information is exempt from disclosure under section 42 of the FOI Act as it is contained in a confidential communication with lawyers. The exemption applies in these circumstances as a claim to "legal professional privilege", which protects the

confidential relationship between lawyer and client, could be relied upon in legal proceedings.

Information falling within this exemption must still be provided however unless it is not in the public interest to do so. There is a strong public interest in promoting openness and transparency in the decision-making process and access to the information upon which decisions have been made can enhance accountability.

However, the concept of legal professional privilege exists to protect legal advice provided by a legal representative to their client. It ensures that a party is able to assess the merits and prepare its case without having to concern itself with the disclosure of those details to its opponents. For this reason, there is a strong element of public interest inbuilt into the privilege itself.

Disclosure of legally privileged correspondence has the potential to prejudice the government's ability to defend its legal interests. We have therefore decided that, on balance, it is not in the public interest to disclose this information at this time.

Complaints procedure

If you are unhappy with this response, we will review it and report back to you. (This is called an internal review.) If you want us to do this, let us know by return email within two months of receiving this response. You can also ask by letter addressed to:

Ministry of Housing, Communities and Local Government
Knowledge and Information Access Team
4th Floor SE, Fry Building
2 Marsham Street
London, SW1P 4DF

If you are unhappy with the outcome of this internal review, you can ask the independent Information Commissioner to investigate. The Information Commissioner can be contacted at email address casewoxx@xxx.xxx.xx or use their online form at ico.org.uk/concerns or call them on 0303 123 1113.

Yours sincerely,

MHCLG FOI Team