



Homes
England

Date: 28 October 2021

Our Ref: RFI3650

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

Making homes happen

██████████
By Email Only

Information Governance Team
Homes England
Windsor House – 6th Floor
50 Victoria Street
London
SW1H 0TL

Dear ██████████

RE: Request for Information – RFI3650

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:

- 1. Whether the agreement with THL included the clause set out above, or whether the clause was amended, deleted or replaced with a provision which required THL to provide collateral warranties at Homes England's request;*
- 2. Whether any collateral warranties for the works were provided by THL to the Agency/Homes England; and*
- 3. Whether any collateral warranties for the works were provided by THL to any other party at the Agency's/Homes England's request, including but not limited to any party intending to take a lease of the premises and/or a party providing finance for the project.*

Response

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 both our CAL team and Records Management 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. We are not aware of Homes England (then the Homes and Communities Agency) entering into an agreement with Thomas Homes Limited (THL) regarding the Fairmile Building. We can confirm that we do not hold such agreement within our records.

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Further to this, we can therefore also confirm that we do not hold any collateral warranties provided from THL to Homes England or provided to any other third party at the Agency's request in relation to the Fairmile Building.

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

The Information Governance Team
Homes England – 6th Floor
Windsor House
50 Victoria Street
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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/>

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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