



Homes
England

Date: 1 December 2021

Our Ref: RFI3667

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 – RFI3667

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. *What is the penalty if SCC do not meet their obligation to complete A320 improvement works by March 2024.*
2. *How does Homes England monitor and access Surrey County Council (a delivery body?) performance against programme to achieve this completion date*

Response

We can confirm that we do hold the requested information. The requested information is contained within the Grant Determination Agreement (Forward Funding) between the parties.

The Grant Determination Agreement template is exempt from disclosure under section 21, exemption where information is available to the applicant elsewhere.

The full text of the legislation can be found on the following link and we have quoted section 21 below for ease.

<https://www.legislation.gov.uk/ukpga/2000/36/section/21>

21 - Information accessible to applicant by other means.

(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

(2) For the purposes of subsection (1)—

- (a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and

OFFICIAL



Date: 1 December 2021

Our Ref: RFI3667

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

(b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.

(3) For the purposes of subsection (1), information which is held by a public authority and does not fall within subsection (2)(b) is not to be regarded as reasonably accessible to the applicant merely because the information is available from the public authority itself on request, unless the information is made available in accordance with the authority's publication scheme and any payment required is specified in, or determined in accordance with, the scheme.

Advice and Assistance

We have a duty to provide advice and assistance in accordance with Section 16 of the FOIA. Therefore, we can advise that the template Grant Determination Agreement for Forward Funding has been published in response to previous FOI requests and is available on our disclosure log via the following link: [RFI3100 - HIF Grant Determination Agreements.pdf \(publishing.service.gov.uk\)](#)

Information for Question 1 of your request (*What is the penalty if SCC do not meet their obligation to complete A320 improvement works by March 2024.*) can be found at clause 12 (page 48 on the published template).

Information for Question 2 of your request (*How does Homes England monitor and access Surrey County Council (a delivery body?) performance against programme to achieve this completion date*) can be found at clause 10 (page 44).

In relation to the further general correspondence contained in your request, we can advise that Homes England will continue to work constructively with Surrey County Council and help them to ensure that obligations are met and the project is successfully delivered in a timely manner.

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
London
SW1H 0TL

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.



Homes
England

Making homes happen

Date: 1 December 2021

Our Ref: RFI3667

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

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

OFFICIAL