



Homes
England

The Housing and Regeneration Agency

Date: 28 July 2023

Our Ref: RFI4390

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

[REDACTED]
By Email Only

Dear [REDACTED]

RE: Request for Information – RFI4390

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

You requested the following information:

1. We write to you pursuant to section 1 of the Freedom of Information Act 2000 (FOIA 2000) and make a formal request for information in relation to an existing application to the Building Safety Fund (BSF).

3. The information that we are requesting is as follows (the Request) and concerns the building known as Blue Granary Wharf, which has the address: Blue Granary Wharf, Little Neville Street, Leeds, LS1 4ED (the Building):

3.1 any information or documentation that you may hold or have access to which demonstrates a third parties involvement the initial construction;

3.2 a full copy of the BSF application with the reference Leeds_23, including supporting documentation for the Building, including:

3.2.1 Copies of reports detailing the defects and proposed remedial scheme;

3.2.2 Tender document;

3.2.3 Specifications;

3.2.4 Drawings;

6th Floor
Windsor House
42 - 50 Victoria Street, Westminster
London, SW1H 0TL

0300 1234 500
@HomesEngland
www.gov.uk/homes-england





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**3.2.5 Copy building contracts with remedial contractors; and
3.2.6 Any correspondence confirming eligibility of the Building for funding.**

3.3 Any additional information held by you in respect of the defects and/or remedial works relating to the Building.

Response

Section 21 - Information accessible to applicant by other means.

Some of the information held that falls within the scope of your request is already accessible by other means and so we rely on section 21 of the FOIA to withhold from disclosure.

Section 21 is an absolute exemption. This means that once we have decided that the exemption is engaged, Homes England is not required to carry out a public interest test to assess whether it is in the wider public interest for the information to be disclosed.

The full text of the legislation can be found on the following link:

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

Advice and Assistance

We have a duty to provide advice and assistance in accordance with Section 16 of the FOIA. To fulfil this duty, we can confirm that we hold a copy of the following documents:

- HM Land Registry - Title Plan – Title number WYK651849

A copy of this document is accessible to you by the following link:

<https://www.gov.uk/search-property-information-land-registry>

- A screenshot taken from the website Rics Firms where we searched the website to source a surveyor based in Leeds.

This information is accessible to you by the following link:

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<https://www.ricsfirms.com/>

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 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.

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.

Arguments in favour of withholding:

- The disclosure of the information held would reveal the estimation by Homes England and the Department for Levelling Up, Housing and Communities (DLUHC) of the assumed cost of potential works required at this building. Release of information under the FOIA is considered to be 'to the world at large'. Therefore, if this information were in the public domain, third parties would be likely to use this information to influence the cost of any proposals for tenders or works at this building. This could result in inflated value or cost if third parties were aware of the potential amount allocated by Homes England and DLUHC available to be spent. This would not be in the public interest as it would be likely to result in misallocation of public funds and greater cost to the public purse;
- Furthermore, release of the amount of funding for this particular building would be likely to impact on the wider BSF scheme and other applicants to the scheme. If other funding recipients or applicants were able to compare applications and amounts of funding that relate to those applications future applications could be presented in a way that resulted in misallocation of funds.





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This would not be in the public interest as it would put public funds at risk and could result in buildings that require remediation having issues accessing the funding they are entitled to;

- Release would also be likely to put remediation at other buildings allocated funding under the BSF at risk. Homes England has to protect relationships with all parties and other recipients of BSF allocations. If other applicants became aware that Homes England were sharing confidential information other applicants may be distrustful of accessing the scheme for their own buildings. This in turn would have a significant impact on the individuals living at or owning properties in these buildings; and
- Homes England has been unable to identify a wider public interest in disclosing the information requested.

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>

Section 38 – Health and Safety

Under section 38(1) Homes England is not obliged to disclose information that would, or would be likely to, prejudice the health and safety of any party.

Section 38 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; and
- Homes England acknowledges there is a public interest in transparency in matters concerning public concerns over safety and submissions to the Building Safety Fund.





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Arguments in favour of non-disclosure

- There is a real and substantial risk that a building could be subject to malicious attack from criminals, terrorists and other malicious people. This would not be in the public interest as it would result in a tangible threat to the physical health and safety of residents of the building. Homes England have a duty to protect the public from terrorist, malicious and criminal acts that are at risk of occurring.
- Homes England has been unable to identify a wider public interest in disclosing the information requested.

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 via the following link:

<https://www.legislation.gov.uk/ukpga/2000/36/section/38>

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
Windsor House
6th Floor
42-50 Victoria Street
London
SW1H 0TL
United Kingdom





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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

