



Homes  
England

The Housing and Regeneration Agency

Date: 30 May 2024

Our Ref: RFI4699

Tel: 0300 1234 500

Email: [infogov@homesengland.gov.uk](mailto:infogov@homesengland.gov.uk)

[REDACTED]  
By Email Only

Dear [REDACTED]

**RE: Request for Information – RFI4699**

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:

I am writing to make a freedom of information request regarding the above building site reference which lies at [REDACTED] Dudley street [REDACTED]. Via the considerate Construction scheme, the builder have reported that the relevant documentation lies with you.

The following documents are not Confidence in Construction documents and should be revealed to [REDACTED] to the crane in operation

- a) The RAMS- risk assessment document regarding the Vicario crane in operation on that site.
- b) A breakdown of the funds paid to that building site and what for? The builder claims money has been paid in overswing agreements to private residents at risk of the crane collapse....
- c) clarification on who is the indemnity/ insurance provider for incidents regarding this crane and any other incident that can cause damage to surrounding property. Please can you also clarify up to what amount is the insurance coverage for incidents. I attach the application for from the council , so there is no way this information is not available or not necessary.

**Response**

We can inform you that we do hold some of the information that you have requested. We will address each of your questions in turn.

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

0300 1234 500  
@HomesEngland  
[www.gov.uk/homes-england](http://www.gov.uk/homes-england)





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- a) **The RAMS- risk assessment document regarding the Vicario crane in operation on that site.**
- c) **clarification on who is the indemnity/ insurance provider for incidents regarding this crane and any other incident that can cause damage to surrounding property. Please can you also clarify up to what amount is the insurance coverage for incidents.**

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 our Affordable Housing 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. To comply with this duty, we are able to confirm that this risk assessment would have been conducted by the registered provider delivering the site ForViva (Forhousing) or it would have been outsourced to the builder for the scheme Winworth Construction. We therefore suggest you contact them for a copy of the RAMS via the following links:

<https://www.forhousing.co.uk/my-area-salford/>

<https://winworthconstruction.co.uk/contact/>

## **b) A breakdown of the funds paid to that building site and what for?**

We can inform you that we do hold the information that you have requested. We can confirm that Homes England approved grant funding of £1,350,000.00 from the Affordable Homes Programme 2021-2026 for the delivery of 18 social rented homes in Salford. However, we rely on section 43(2) of the FOIA to withhold some of the information from disclosure.

## 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.





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The information requested relating to the breakdown of funding 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/or other interested parties to the information.

Homes England has identified that the information requested, if released, would be likely to prejudice the commercial interests of Homes England by prejudicing the effective operation of the Affordable Homes Programme.

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:

- Releasing the information would be likely to negatively impact future funding processes and proposals to our funding schemes as potential partners may be deterred from applying to Homes England for grant funding if they felt information relating to their commercial and ongoing funding commitments would then be released into the public domain. This would be likely to result in a substantial impact on potential financial outcomes and delivery of future schemes;
- Disclosure is likely to be prejudicial to the commercial interests of both Home England and third parties as there is reasonable expectation that such information provided to Homes England in this capacity would not be disclosed. This may deter future partners from sharing commercial information with Homes England which would harm our ability to negotiate effectively and achieve value for public money. If information regarding value were in the public domain there could be expectations from the public and potential future partners about the value of funding applications and the value of potential works. This would mean that prices could be inflated and negotiating positions put at risk. This would not be in the public interest as it would be likely to result in poorer value for public money. Furthermore, this would impact the ability of Government officials to make effective, informed funding decisions;
- Those wishing to put forward proposals to our funding schemes may experience reduced competition by prospective contractors bidding for the maximum grant possible. This will result in





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pressure being placed on the available budget and may result in the deceleration of building works. This would not be in the public interest as this could put the building of homes in jeopardy and would undermine Homes England's position and ability to deliver on their objectives;

- The allocation of grant funding is subject to a robust assessment process that includes a detailed value for money review ensuring that we protect and allocate public funding efficiently and effectively. If this information were to be released, it is likely to drive reduced competition by encouraging developers to bid for the maximum grant possible, informed by grants given in other applications, under different circumstances. This could place pressure on the remaining programme budget and may result in the target number of homes not being met. This in turn could drive an unnatural increase in land and house prices which could impact market stability. Furthermore, this would not be in the public interest as this could put potential homes in jeopardy and would undermine Homes England's position and ability to deliver against the objectives and targets in our Strategic Plan;
- Releasing this information could lead to reputational damage to Homes England, the Accounting Officer and the Board as we would be providing to the world at large including potential future partners into the programme, information that was not previously available. This could lead to sanctions made against Homes England as a result of not being able to maximise value for money; 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>

## **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](mailto:infogov@homesengland.gov.uk)





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Information Governance Team

Homes England

Windsor House

6<sup>th</sup> Floor

42-50 Victoria Street

London

SW1H 0TL

United Kingdom

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

