



Date: 16 June 2025

Our Ref: RFI5199

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

By Email Only

Dear [REDACTED]

RE: Request for Information – RFI5199

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:

are you able to provide any level of detail on complaints and defects? The keyword search should be 'defect' and 'complaint' and should generally address my concerns that there are excessive defects, that these are not being resolved, and that they are being complained about.

We can advise that this was a follow-up request to RFI5125 where you requested the following:

I would like to know the following information about the site at 265 chapel street - Atelier. Which was built in conjunction with ECF and Muse places:

How many communal defects were reported?

How many communal defects remain unresolved?

How many communal defects were resolved after the 2 year period for reporting defects?

How many individual defects were reported?

How many individual defects remain unresolved?

How many individual defects were resolved after the 2 year period for reporting defects?

(Individual defects means defects relating to specific apartments rather than communal - eg scratched windows to be replaced)

How many complaints have been submitted to ECF, Muse or Homes England in relation to the site?

How many of these complaints passed the 8 week deadline for a response?

The Lumen
2nd Floor
St James Boulevard
Newcastle upon Tyne
NE4 5BZ

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





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Response

We can inform you that we do hold some of the information that you have requested. However, to comply with your request would exceed the appropriate limit for the cost of compliance. We therefore rely on section 12, exemption where the cost of compliance exceeds the appropriate limit under the FOIA.

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 provides for the appropriate limit referred to in section 12(1). Section 3(3) of this Regulation provides that the appropriate limit is £450.

The full text of the legislation can be found on the following link and we have quoted section 12 below for ease.

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

Section 12 - Exemption where cost of compliance exceeds appropriate limit

(1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

(2) Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.

(3) In subsections (1) and (2) “the appropriate limit” means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases.

(4) The Minister for the Cabinet Office may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority:

(a) by one person, or

(b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign, the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them.

(5) The Minister for the Cabinet Office may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are to be estimated.





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We have considered the current wording of your new request and in its current scope we have determined that to establish where all elements of the information is held, to locate the information, retrieving the information and extracting the information would exceed the appropriate limit in terms of timeframes.

Under the terms of the act, we are not obliged to provide any information compiled in the course of our searches prior to concluding section 12 is engaged.

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 advise that information in relation to “complaints” and “defects” specifically requires the same method of searching as we advised in our previous response. This information is not required to be reported in this detail to Homes England we would not ordinarily expect this information to be provided by ECF.

ECF do provide a bimonthly reporting pack, which may include some of the requested information in a consolidated summary. However, we do not consider that a search using keywords would produce all information required and the quantity and volume of these submissions means conducting manual searches would exceed the appropriate limit for the cost of compliance.

You may wish to consider narrowing the scope of your request by providing specific search terms or a particular timeframe.

Please note that due to the broad scope of your request we cannot confirm that any further request would not also exceed the section 12 cost limit at this time.

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
The Lumen
2nd Floor
St James Boulevard

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2nd Floor
St James Boulevard
Newcastle upon Tyne
NE4 5BZ

0300 1234 500
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Newcastle Helix
Newcastle upon Tyne
NE4 5BZ
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

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