



request-438249-d15add65@whatdotheyknow.com

Date:  
3 Nov 2017

Reference:  
FOI - 3218

Dear S Black,

## **FREEDOM OF INFORMATION ACT REQUEST**

I refer to your Freedom of Information request in relation to your questions set out below:-

### **Right of Access**

Section 1(1) of the Act provides any person making a request for information to a public authority is entitled.

*(a) to be informed in writing by the public authority whether it holds information of the description specified in the request (which Section 1(6) of the Act designates as the "duty to confirm or deny"), and*

*(b) if that is the case, to have that information communicated to him.*

The right is to obtain access to the information itself and not to the document or record which contains it.

The Act creates a general right of access to information held by public authorities' subject to various exemptions.

In response to your questions please find responses below:

Please note: all responses provided below are from Arch and do not take into account any contracts that may have been entered into by Northumberland County Council.

On 11th October 2017 it was reported in the Newcastle Chronicle and Journal that Owen Pugh had gone into administration citing "large contractors refusing to pay for work done on major construction projects".

I would be grateful if you could provide me with the following information;



North East  
**Better Health**  
at Work Award  
Silver Award



Q1) What contracts did the council or Arch enter into between May 2013 and the present date with Owen Pugh and the value of each of these?

A1) Arch did not enter into any contracts with Owen Pugh between May 2013 and the present date.

Q2) What if any contracts were outstanding on the companies cessation of business and has any assessment of the costs of completing the work been undertaken?

A2) There were no contracts outstanding on the companies cessation of business.

Q3) What if any payments were outstanding to the company on 11th October 2017?

A3) There were no outstanding payments due to the company on the 11th October 2017.

Q4) What Arch or NCC infrastructure projects were Owen Pugh working on as a subcontractor between May 2013 and the present date?

A4) Owen Pugh were employed by Carillion Construction Services as part of the Ashington Leisure Centre Project.

Q5) What level of protection do NCC or Arch offer to subcontractors in their agreements with primary contractors?

A5) Arch provides protection to subcontractors through the form of contract it enters into with primary contractors. Arch contracts on the basis of a JCT Design and Build contract which provides a standard form of protection and obligates the primary contractor to enter into a JCT Design and Build Subcontract, where appropriate. If a dispute was to arise between primary contractor and subcontractor, the subcontractor has the protection of The Scheme for Construction Contracts (England and Wales) Regulations 1998 (Amendment) (England) Regulations 2011.

Q6) What mechanisms are in place to ensure subcontractors are paid on Arch or NCC jobs?

A6) Please see answer to question 5 above.

Q7) Have any amendments to infrastructure projects made since May 2017 impacted upon sites on which Owen Pugh were working on either as a primary or Sub Contractor?

A7) There have been no amendments to infrastructure projects made since 2017 which has impacted upon sites on which Owen Pugh were working either as a primary or Sub-Contractor.

### **Complaints**

If you are unhappy with the way your request for information has been handled, you can request an internal review by writing within 2 months from the date of this response to the Director of Finance at the following: -

Arch Corporate Holdings Ltd  
Wansbeck Workspace, Rotary Parkway  
Ashington  
Northumberland  
NE63 8QZ  
Email: [enquiries@Arch-Group.co.uk](mailto:enquiries@Arch-Group.co.uk).

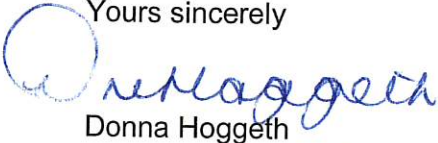
### Information Commissioner

If you remain dissatisfied with the handling of your request, you have a right by Section 50 of the Act to apply to the Information Commissioner for a decision as to whether your request has been dealt with in accordance with the requirements of the Act at:

The Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Tel: 01625 545 745  
Email: [enquiries@ico.gsi.gov.uk](mailto:enquiries@ico.gsi.gov.uk)

There is no charge for making an appeal.

Yours sincerely



Donna Hoggeth

FOI Coordinator - ARCH  
Arch Corporate Holdings Ltd  
Wansbeck Workspace  
Rotary Parkway  
Ashington  
Northumberland  
NE63 8QZ

Tel: 01670 528400

Email: [donna.hoggeth@arch-group.co.uk](mailto:donna.hoggeth@arch-group.co.uk)

