



Homes
England

Date: 6 December 2024

Our Ref: RFI4913

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

[REDACTED]
By Email Only

[REDACTED]
RE: Request for Information – RFI4913

Thank you for your request received 11 October 2024 for information which was processed in accordance with the Freedom of Information Act 2000 (FOIA).

You requested the following information:

I would like to know exactly what sanction was taken against Platinum Skies following the news that the company broke Homes England rules in the design of their leases on shared ownership homes for older people as per this article below:

<https://www.thetimes.com/uk/politics/article/platinum-skies-developer-linked-to-tories-hitretired-with-rule-breaking-fees-2grx3wfpn>

If the sanction was a financial amount, I would like to know the amount. I would also like to know when the sanction was issued and whether Platinum Skies appealed.

I believe revealing this is in the public interest to ensure that the public see that proper justice has been served and to deter any other companies from breaking Homes England rules in future. I believe this public interest outweighs any perceived need to protect Homes England's commercial interests in the case of other contractual disputes.

Response

We can confirm that we do hold the requested information.

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

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





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We wrote to you on 8 November 2024 advising you that we were extending the time for response as we were considering the public interest for and against disclosure in relation to the exemption contained in section 43 – commercial interests. We have determined that the public interest in disclosure outweighs the public interest in maintaining the exemption. During the course of our determinations, we also found that some of the requested information was already publicly available.

By way of background, Platinum Skies Living Limited (a trading name of Affordable Housing and Healthcare Group) were in receipt of funding under the Affordable Housing Programme 2015 – 2018 and Shared Ownership Affordable Homes Programme 2016 – 2021. Homes England determined that Platinum Skies Living Limited had breached Homes England's grant agreements with their implementation of the Older Persons Shared Ownership (OPSO) standard lease conditions affecting over 220 lease holders.

Homes England required Platinum Skies Living Limited to correct all breaches for all affected leaseholders. The remedial action taken by Platinum Skies Living Limited was as follows:

- All OPSO leaseholders were reimbursed, with interest, for the ground rents they were erroneously charged.
- Leaseholders who were issued a "voucher" for paying a service charge and ground rent as a sales incentive were reimbursed the value attributed to the ground rent aspect.
- All defective OPSO leases were varied to be brought into compliance with Homes England's Capital Funding Guide.
- Platinum Skies Living Limited paid all the legal fees of an impacted leaseholder in correcting a defective lease.

In addition, Homes England withheld £1.37 million of grant funding for new grant-funded developments between 2022 and 2024 until this matter had been concluded.

We can inform you that we do hold further information relating to the sanctions taken against Platinum Skies that you have requested. However, we rely on 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>

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Section 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
 - (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. To comply with this duty, we are able to confirm Homes England issued Platinum Skies Living Limited with a financial penalty in connection with their breach of the grant agreements. The amount of the penalty is available on page 40 of the Group companies' accounts, dated 31 October 2024.

<https://find-and-update.company-information.service.gov.uk/company/10410616/filing-history>

For your ease of reference, the penalty was £236,000.

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.

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Information Governance Team

Homes England

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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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