

REPORT TO:	HOUSING AND COMMUNITY SERVICES COMMITTEE	AGENDA ITEM: 7
DATE OF MEETING:	28 SEPTEMBER 2023	CATEGORY:
REPORT FROM:	STRATEGIC DIRECTOR (SERVICE DELIVERY)	OPEN
MEMBERS' CONTACT POINT:	PAUL WHITTINGHAM (HEAD OF HOUSING) Paul.whittingham@southderbyshire.gov.uk	DOC:
SUBJECT:	REGULATOR OF SOCIAL HOUSING PROPOSED CONSUMER STANDARDS	
WARD(S) AFFECTED:	ALL	TERMS OF HCS01 REFERENCE:

1.0 Recommendations

- 1.1 That the draft response to the proposed Housing Consumer Standards is approved and submitted to the Regulator of Social Housing
- 1.2 That the Head of Housing commissions a self-assessment of the Councils services against these proposed standards to be completed by the end of November 2023 and informs the Committee of the outcome of this assessment and that funding of up to £35000 is provided to cover additional staffing costs for this work.

2.0 Purpose of the Report

- 2.1 This report outlines the proposed new consumer standards for Housing Providers which are to be introduced by the regulator of Social Housing.
- 2.2 The report also includes the Councils proposed response to the consultation and the associated Code of Practice, Equality Impact Assessment and Regulatory Impact Assessment.

3.0 Executive Summary

- 3.1 The Social Housing (Regulation) Act 2023 (the 2023 Act) received Royal Assent, becoming law on 20 July 2023. This gave the Regulator for Social Housing an enhanced role in regulating the provision of housing by Local Authorities and Housing Associations.
- 3.2 A fundamental part of this new consumer regulatory framework will be the introduction of a revised set of consumer standards that will set the requirements that

registered providers must meet. The Regulator will seek assurance against these standards in order to deliver lasting improvements to the quality of housing and services for social housing tenants. In order to do this the Regulator states that “These requirements must therefore make a meaningful difference to tenants be deliverable by landlords and we must be able to regulate against them for the new consumer regulation framework to be a success and strengthen the accountability of landlords to tenants in rebalancing that relationship.

3.3 The new standards are designed to meet the expectations that were set out in the government’s Social Housing White Paper: ‘The Charter for Social Housing Residents’ (the White Paper), which was reported to the Housing and Community Services Committee on 28th January 2021 and updated on 2nd February 2023.

3.4 The Proposed standards are:

- a. The Safety and Quality Standard – requires landlords to provide safe and good quality homes and landlord services to tenants.
- b. The Transparency, Influence and Accountability Standard – requires landlords to be open with tenants and treat them with fairness and respect so that tenants can access services, raise complaints when necessary, influence decision making and hold their landlord to account.
- c. The Neighbourhood and Community Standard – requires landlords to engage with other relevant parties so that tenants can live in safe and well-maintained neighbourhoods and feel safe in their homes.
- d. The Tenancy Standard – sets requirements for the fair allocation and letting of homes and for how those tenancies are managed and ended by landlords.

3.5 The consultation aims to understand whether the proposed consumer standards:

- cover the right areas;
- set the right expectations of landlords.
- are easy to understand for both landlords and tenants.

3.6 It is proposed that the Council responds positively to these questions and wholeheartedly supports the Regulator in the delivery of improved services for Council tenants.

4.0 Detail

4.1 There are four standards, each has its own set of outcomes and specific expectations. The detailed expectations are attached at Appendix A. The expected outcomes are;

4.2 The Safety and Stock quality standard

- Registered providers must have an accurate, up-to-date and evidenced understanding of the condition of their homes that reliably informs their provision of good quality, well maintained and safe homes for tenants
- Registered providers must ensure that tenants’ homes meet the standard set out in section five of the Government’s Decent Homes

Guidance and continue to maintain their homes to at least this standard unless exempted by the regulator

- When acting as landlords, registered providers must take all reasonable steps to ensure the health and safety of tenants in their homes and associated communal areas.
- Registered providers must provide an effective, efficient and timely repairs, maintenance and planned improvements service for the homes and communal areas for which they are responsible.
- Registered providers must assist tenants seeking housing adaptations to access appropriate services.

4.3 Transparency, Influence and Accountability Standard

- Registered providers must treat all tenants with fairness and respect.
- Registered providers must take action to deliver fair access to, and equitable outcomes of, housing and landlord services for all tenants.
- Registered providers must take tenants' views into account in their decision-making about how landlord services are delivered.~
- Registered providers must communicate with tenants and provide information so tenants can use landlord services, understand what to expect from their landlord, and hold their landlord to account.
- Registered providers must collect and provide information to support effective scrutiny by tenants of their landlord's performance in delivering landlord services.
- Registered providers must ensure complaints are addressed fairly, effectively, and promptly.

4.4 Neighbourhood and Community Standard

- Registered providers must work co-operatively with tenants], other landlords and relevant organisations to contribute to the upkeep and safety of shared spaces associated with their homes.
- Registered providers must co-operate with relevant partners to promote social, environmental and economic wellbeing in the areas where they provide social housing.
- Registered providers must work in partnership with appropriate local authority departments, the police and other relevant organisations to deter and tackle anti-social behaviour (ASB) in the neighbourhoods where they provide social housing.
- Registered providers must work co-operatively with other agencies tackling domestic abuse and enable tenants to access appropriate support and advice.

4.5 Tenancy Standard

- Registered providers must allocate and let their homes in a fair and transparent way that takes the needs of tenants⁷ and prospective tenants into account.
- Registered providers must support tenants to maintain their tenancy or licence. Where a registered provider ends a tenancy or licence, they must offer affected tenants advice and assistance.
- Registered providers shall offer tenancies or terms of occupation which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community, and the efficient use of their housing stock.
- They shall meet all applicable statutory and legal requirements in relation to the form and use of tenancy agreements or terms of occupation.
- Registered providers must support relevant tenants living in eligible housing to mutually exchange their homes.

4.6 The Questions asked by the Regulator are as follows.

1. Overall, do you agree that the proposed Safety and Quality Standard sets the right expectations of landlords, as set out in Chapter 6 of the consultation document?
2. Overall, do you agree that the proposed Transparency, Influence and Accountability Standard sets the right expectations of landlords, as set out in Chapter 7 of the consultation document?
3. Do you agree that the proposed Transparency, Influence and Accountability Standard accurately reflects the government's 'tenant involvement' direction to the regulator? Please state if you agree or disagree.
4. Overall, do you agree that the proposed Neighbourhood and Community Standard sets the right expectations of landlords, as set out in Chapter 8 of the consultation document? Please state if you agree or disagree.
5. Overall, do you agree that the proposed Tenancy Standard sets the right expectations of landlords, as set out in Chapter 9 of the consultation document?
6. Do you agree that the proposed Tenancy Standard accurately reflects the government's 'mutual exchange direction'?
7. The proposed Code of Practice is designed to help landlords understand how they can meet the requirements of the standards. Do you agree that the proposed Code of Practice meets this aim?
8. A draft Regulatory impact assessment has been produced to help in understanding the costs, benefits and risks of introducing a revised set of consumer standards and code of practice. Do you agree with our conclusions in the draft Regulatory impact assessment?
9. The draft Equality impact assessment looks at what effects introducing the consumer standards might have on members of groups that are protected by equality laws. Do you agree with our conclusions in the draft Equality impact assessment?

5.0 Financial Implications

- 5.1 The regulator has completed its own Regulatory Impact Assessment of the new frame work and likely costs for providers. As a landlord with over one thousand d homes the Council is considered to be a Large Provider. The Regulator estimates that “for large providers transitional costs will be on average £1,600, or 0.002% of turnover in a single year. Overall, we judge that these costs are manageable and proportionate given the need to ensure that all tenants and providers in the sector are able to achieve the benefits of the consumer standards listed”
- 5.2 Given the above and the assumption that providers are currently meeting their requirements, the expectation is that.” registered providers of social housing would bear the full resource implications of the regulatory changes and that the number of registered providers in the future broadly remain at current levels.”
- 5.3 The Regulator has also proposed that all providers will pay a registration fee of £3000 and an annual fee of £21000 -£24000 and is seeking providers views on this separately.
- 5.4 Until such time as the Council has completed its own assessment against the proposed standards it is difficult to estimate any additional cost to the Council in complying with the standards. It is likely that completing this assessment and further work to prepare for the new regulations, with either temporary agency staff or external consultancy will cost around £35000.

6.0 Corporate Implications

Employment Implications

- 6.1 There are no direct employment implications contained within this report

Legal Implications

- 6.2 The Regulator will continue to carry out a four yearly “risk based” approach to inspections. As part of this they will use new tools and methods to gather additional intelligence, listening to the views of tenants to help shape their engagement with providers.
- 6.3 This will continue to be a co-regulatory approach, with councilors being responsible for meeting the regulatory standards, demonstrating to themselves, their tenants as well as us as the regulator that standards are being met. Landlords are also expected to support tenants to understand how they are performing and enable tenants to hold them to account. This approach is being tested with providers before being implemented in full.
- 6.4 The Regulator does now have a range of legal powers that can be used where a landlord has breached the standards. These powers must be used in line with the Regulators legal duty to deliver their role in a way that minimises interference in how landlords, accountable to councillors choose to deliver their services. This means that as far as is possible, consistent, transparent, accountable and proportionate decisions are made when assessing whether regulatory action may be needed, taking into account the impact of the issue and if it reflects the landlord’s overall approach. Where landlords are not meeting the standards, they will be expected to address the non-compliance promptly. The Regulator will consider how we use its powers on a case by case basis and apply the interventions most

likely to bring a provider into compliance which minimise interference and are proportionate to the circumstances.

- 6.5 The 2023 Act has given the regulator additional powers to fulfil the new role. The regulator is proposing to consult on updates to its 'Guidance on the regulator's approach to intervention, enforcement and use of powers' document to reflect the new or revised powers introduced by the 2023 Act during the Autumn 2023.
- 6.6 The draft timetable for introducing the revised consumer standards is summarised below.

17 October 2023

Consumer standards consultation closes. Responses submitted after that date may not be considered.

Autumn 2023

The regulator analyses and considers consultation responses. Any drafting changes to the consumer standards documents will be made at this stage.

Early 2024

The regulator publishes a decision statement which will summarise the key areas of feedback from the consultation and set out our decision on the final form of the consumer standards, together with a final version of the regulatory documents.

April 2024

The revised consumer standards will come into force alongside our new consumer regulatory regime. It is intended that the revised consumer standards will apply to all registered providers, with effect from 1 April 2024.

Corporate Plan Implications

- 6.7 This report has a number of direct impacts on the Councils Corporate Plan
- a. Help tackle anti-social behaviour & crime through strong and proportionate action.
 - b. Supporting and safeguarding the most vulnerable
 - c. With partners encourage independent living and keep residents healthy and happy in their homes.
 - d. Improve the condition of housing stock and public buildings.
 - e. Deliver excellent services
 - f. Ensure consistency in the way the Council deals with its service users.
 - g. Have in place methods of communication that enable customers to provide and receive information.

Risk Impact

- 6.8 This report directly impacts the risk SD3 in the Service delivery Risk Register
- a. Safety standards Failure to comply with basic safety standards in flats/blocks with communal areas.

7.0 Community Impact

Consultation

- 7.1 The consultation process includes the opportunity for Council tenants to respond directly to the regulator to the questions asked. The Council have published this on the website and social media pages. The Tenants Voice group have also been asked for their comments.

Equality and Diversity Impact

- 7.2 The Housing Regulator has completed its own Equality Impact Assessment as part of the consultation process. That assessment concluded that “We have rigorously considered equality considerations and relevant evidence throughout the development of the proposed consumer standards. Where we have identified aspects of the current standards that might benefit from being strengthened or amended to address any potential negative equality impact, or where we have identified an opportunity to create a positive equality impact through our proposed standards, we have taken the opportunity to do so. Because of this approach, we have not identified any potential negative equality impact at this point.”

Social Value Impact

- 7.3 The provision of accessible, safe housing offers a social value benefit to the community

Environmental Sustainability

- 7.4 There are no direct environmental sustainability impacts within this report.

8.0 Conclusions

- 8.1 The Council agrees and supports the approach taken by the Regulator.
- 8.2 An assessment of the current service against the proposed standards is imperative.

9.0 Background Papers

- 9.1 Report to Housing and Community Services Committee on 28th January 2021 – Housing White Paper
- 9.2 Report to Housing and Community Services Committee on 2nd February 2023 – Tenant Satisfaction Measures and the proposed regulatory Framework

Notes:

- * Category – Please see the Committee Terms Of Reference in [Responsibility for Functions - Committees](#). This shows which committee is responsible for each function and whether it has delegated authority to make a decision, or needs to refer it elsewhere with a recommendation.

- ** Open/Exempt - All reports should be considered in the open section of the meeting, unless it is likely that exempt information would be disclosed. Please see the [Access to Information Procedure Rules](#) for more guidance.
- *** Committee Terms Of Reference in [Responsibility for Functions - Committees](#).