

BABERGH DISTRICT COUNCIL

TO: Babergh Cabinet	REPORT NUMBER: BCa/22/49
FROM: Cllr Jan Osborne – Cabinet Member for Housing	DATE OF MEETING: 06.03.2023
OFFICER: Deborah Fenton – Director of Housing	KEY DECISION REF NO. CAB412

UPDATE ON SOCIAL HOUSING REGULATION AND THE OUTCOME OF THE REFERRAL TO THE REGULATOR OF SOCIAL HOUSING

1. PURPOSE OF REPORT

- 1.1 To provide Cabinet with an update on recent changes to the regulation of social housing, including for stock-holding Local Authorities.
- 1.2 To provide Cabinet with an update on the outcome of the Council's recent referral to the Regulator of Social Housing.
- 1.3 To seek agreement for future governance and monitoring arrangements.
- 1.4 To seek agreement for a new set of key performance indicators for the Housing Service.

2. OPTIONS CONSIDERED

- 2.1 Option 1 – To introduce the proposed monitoring arrangements and key performance indicators.
- 2.2 Option 2 – To continue with the current performance reporting system, which doesn't provide sufficient focus and visibility of the new regulatory requirements and compliance.

3. RECOMMENDATIONS

- 3.1 To note the update on recent changes to the regulation of social housing, including for stock-holding Local Authorities.
- 3.2 To note the outcome of the Council's recent referral to the Regulator of Social Housing.
- 3.3 To agree the future governance and monitoring arrangements set out at paragraph 7 of this report.
- 3.4 To agree the new set of key performance indicators for the Housing Service set out at paragraph 6 of this report.

REASON FOR DECISION

To ensure that the Cabinet have oversight of the critical performance information

they require to monitor and scrutinise the Housing Service effectively.

To provide assurance, through good governance, that the Councils comply with the Regulator for Social Housing's Consumer Standards and the broader regulatory framework.

4. KEY INFORMATION

Update on recent changes to the regulation of social housing, including for stock-holding Local Authorities

- 4.1 Central Government and the Regulator of Social Housing are in the process of introducing new regulatory requirements on all social landlords, including local authority landlords with more than 1000 properties.
- 4.2 The regulatory changes will also include updating and strengthening the powers of the Regulator and Housing Ombudsman Service, implementing a proactive consumer regulatory regime through formalising inspections, and strengthening the current standards against which landlords are regulated and requiring them to be transparent about their performance and decision-making. This enables tenants and the Regulator to hold social landlords to account, put things right when they go wrong and listen to tenants through effective engagement.
- 4.3 Both bodies will work closely to identify failings and areas of concern. They also have the power to issue and enforce improvement notices. The Regulator can also impose unlimited fines on landlords performing outside the Regulations and Consumer Standards. In addition, they are introducing routine inspections for all landlords with over 1000 homes at least once every four years; this could be twice in four years as Babergh and Mid Suffolk are two sovereign councils.
- 4.4 The regulation changes will also be more focused on safety and transparency. The current consumer and decent home standards will be reviewed to ensure the Regulator and landlords can deliver on these revised objectives.
- 4.5 As landlords, we have a role within the new consumer standards to ensure information is accessible to tenants and that tenants know who is responsible for matters relating to those standards.
- 4.6 The compliance performance from a health and safety perspective relates to the 'Big Six' (Gas, Electric, Asbestos, Fire Safety, Water Hygiene and Lifts). As registered providers, we must ensure we are providing assurance to Elected Members, our tenants and the Regulator on compliance with these areas. This means we can provide evidence quickly and give confidence in performance and data integrity.
5. Update the outcome of the Council's recent referral to the Regulator of Social Housing
- 5.1 Following an in-depth, internal review, the Council's referred itself to the Regulator of Social Housing regarding concerns about compliance. This relates to overdue health & safety checks in a small proportion of its properties. In response to this, the Social Housing Regulator has issued a Regulatory Notice, which means that it will now monitor Babergh and Mid Suffolk Councils and meet with us regularly to

ensure the necessary changes are being made, and that they are sustainable in the long term. The Regulator acknowledges that we have an urgent programme underway to rectify the problems and considers there is no need for them to take statutory enforcement action against the Councils at this stage, as it has the assurance that the breach of the standard is being remedied.

5.2 Officers are yet to receive information from the Regulator about how often they will require updates, review our current data or meet to discuss progress. However, we are expecting this to be monthly.

5.3 Significant progress has already been made, and some of the key actions taken to date include the following:

- Improved contractor management.
- Independent, external verification processes.
- Ensuring we have more robust data across all compliance areas, helping us to manage our properties better.
- Introduction of new compliance dashboards.
- Interim structural changes, resources, and new processes.
- Appointment of external IT housing specialists.
- Recruitment of additional new roles.
- We are starting to take out court orders to enable us to enter the property where, after making arrangements to visit on at least two occasions, the tenant has still not given us access to carry out the required checks.

Furthermore, excellent progress is being made in the three areas the Regulator was concerned about. At the point of drafting this report, the number of outstanding compliance issues are as follows:

Area	Babergh District Council	Mid Suffolk District Council
Asbestos	0	0
Electrical testing	109	271
Gas Inspections	66	24
CO detectors	146	332
Smoke detectors	1013	929

It should be noted that a majority of the above are due to non-entry. When this is the case, officers have to follow a legal process which can be slow and time intensive.

6. New set of key performance indicators for the Housing Service more widely

6.1 To ensure that the Cabinet have oversight of the key performance information they require to monitor and scrutinise the Housing Service effectively, the following set of new performance indicators are proposed, and agreement is sought on these today. This includes performance indicators on both compliance and general housing performance.

- 6.1 The proposed reporting structure will focus on ten key performance indicators selected to enable members and leaders of the organisations to scrutinise the performance of housing effectively. The proposed indicators are:

% of rent due collected (12-month rolling) (excluding current arrears brought forward)
Current tenant arrears as a % of the rent debit
% of occupied garages
Garage Current Tenant Arrears
% of repairs completed within Government timelines
Number of families in B&B for six weeks or more
Void repair time in calendar days
Average Relet time in calendar days of all voids
% of Housing Complaints over target response time (in calendar months excluding Property complaints)
% of Housing Property Complaints over target response time (in calendar month)

- 6.2 We will also provide data on the compliance of our health and safety requirements around the six key areas:

Compliance Area
Heating
Gas Safety Check (Domestic) - Babergh
Gas Safety Check (Domestic) - Mid-Suffolk
Gas Safety Check (Commercial) - Babergh
Gas Safety Check (Commercial) - Mid Suffolk
Electrical
Electrical Testing - Domestic Dwellings -Babergh
Electrical Testing - Domestic Dwellings - Mid Suffolk
Electrical Testing - Commercial - Babergh
Electrical Testing - Commercial - Mid Suffolk
Fire Safety
Fire Risk Assessments - Babergh
Fire Risk Assessments - Mid Suffolk
Fire Risk Assessment Actions / Works By Priority - Babergh
Fire Risk Assessment Actions / Works By Priority – Mid-Suffolk
Smoke Detector Installation - Babergh
Smoke Detector Installation – Mid-Suffolk
Water Hygiene
Water Hygiene Servicing / Testing - Babergh
Water Hygiene Servicing / Testing – Mid-Suffolk
Asbestos

Asbestos Reinspection- Babergh
Asbestos Reinspection - Mid Suffolk
Actions Arising From Reinspection - Babergh
Actions Arising From Reinspection - Mid Suffolk
Lifts
Lifts - Servicing / Testing - Babergh
Lifts - Servicing / Testing – Mid-Suffolk
Detector Installation Programme
Detector Programme - Babergh

7. Future governance and monitoring arrangements

7.1 Good governance is essential to ensure that elected members and senior leaders have effective oversight of compliance and general housing performance; as such, the following reporting arrangements have been put in place and agreement is sought on these today.

- Director of Housing and Housing Officers – weekly
- Leaders and Housing Portfolio Holders – Fortnightly (this will also be shared with the Chief Executive and the Deputy Chief Executive)
- Regulator – monthly
- Additional briefing for all Cabinet Members – monthly
- Building Services Transformation Board - monthly
- Senior Leadership Team – monthly
- Cabinet – quarterly
- Tenant Board – quarterly

8. **LINKS TO CORPORATE PLAN**

8.1 This report links with our ambition to ensure that *‘all our residents live in affordable, high-quality homes that enable them to build settled, safe and healthy lives.’*

9. **FINANCIAL IMPLICATIONS**

6.1 Failure to improve and meet compliance could result in unlimited fines.

10. **LEGAL IMPLICATIONS**

10.1 Performance measurement is required to assure compliance with the consumer regulations, including the Home, Tenancy, Tenant Involvement and Empowerment, Neighbourhood and Community Standards and Rent Standard. Should the regulations be breached, the Regulator for Social Housing may take action, including a fine or removal of assets.

11. RISK MANAGEMENT

11.1 Key risks are set out below:

Key Risk Description	Likelihood 1-4	Impact 1-4	Key Mitigation Measures	Risk Register and Reference*
Information required by the Regulator for compliance cannot be obtained on request, is of poor quality or lacks integrity	3	3	Ensure evidence is stored, updated and can be easily accessed through the completion of action plans.	Housing Transformation 004

**Name of risk register where risk is currently documented and being actively managed, and its reference number*

12. CONSULTATIONS

12.1 There has been engagement with the Senior Leadership Team, Councillors and the Regulator of Social Housing.

13. EQUALITY ANALYSIS

There are no specific equality issues relevant to this report at this point. Equality Impact Assessments will be carried out on any policy changes or significant changes in practice.

14. ENVIRONMENTAL IMPLICATIONS

12.1 None

15. APPENDICES

13.1 None

BACKGROUND DOCUMENTS - None