

# Housing Regulator Update



<b>Report to:</b>	Cabinet
<b>Date:</b>	24 October 2024
<b>Portfolio Holder:</b>	Councillor Dan Swords, Leader of the Council
<b>Lead Officer:</b>	Cara Stevens, Assistant Director for Housing Operations (01279) 446490
<b>Contributing Officer:</b>	Alan Townshend, Executive Shareholder Lead (interim)
<b>Key Decision:</b>	No
<b>Forward Plan:</b>	Forward Plan number I017627
<b>Call In:</b>	This item is not subject to call in procedures because it is for noting only
<b>Corporate Missions:</b>	Transform Harlow's Housing Deliver High-performing Council Services
<b>Wards Affected:</b>	None specifically

## Executive Summary

- A** Following submission of Tenant Satisfaction Measures pertaining to performance between 01 April 2023 and 31 March 2024, the Regulator for Social Housing has given Harlow Council a C3 grading against the new *Consumer Standards*. Herein provides details regarding the grading, and our positive actions to recover this position, which we are due to complete by 31 March 2025.

## Recommended that:

- A** Cabinet notes the contents of the report, including the operational activity that has been agreed with the Regulator for Social Housing to manage our ongoing compliance against the Consumer Standards.

## Reason for decision

- A** Achieving compliance with the Consumer Standard, is a statutory requirement for local authority housing providers. Meeting the requirements of the Consumer Standard can help us meet our corporate priorities, enabling us to support the transformation of Harlow's housing and in the delivery of high-performing services.

## Other Options

- A** From 01 April 2024, all providers of social housing, including Local Authority Housing Providers [LAHP] are required to comply with the new Consumer Standards. Failure to satisfy these requirements may have significant consequences.

## Background

1. In response to the tragic Grenfell Tower fire in 2017, the Government committed to making changes to the regulation of social housing to strengthen the accountability of landlords for providing safe homes, quality services and treating residents with respect.
2. Following the abolition of the Audit Commission in 2015, as a council, we have been responsible for self-managing our housing performance albeit with some external reporting, largely financial, provided to The Cabinet Office, National Audit Office etc. However, from 1 April 2024, following an announcement made in October 2023, Harlow Council, along with other Local Authority Housing Providers, are now regulated by the Regulator for Social Housing.
3. Unlike Housing Associations, Local Authority Housing Providers [LAHP] will only be formally measured against the Consumer Standard. There will be no formal measurement of local authorities against the other two standards, Governance and Viability standard; however, perceived deficiencies in these areas will have an impact on our compliance with the Consumer Standard.
4. The Consumer Standard comprises four component parts with multiple requirements within.
  - The Safety and Quality Standard – requires landlords to provide safe and good quality homes and landlord services to tenants.
  - 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. The Tenant Satisfaction Measures (TSM) requires landlords to provide certain information to the Regulator of Social Housing based on resident feedback, such as repairs, safety checks and complaints. Appendix A

provides our first set of TSM data that was sent to the regulator via the NROSH system and is included in Housing’s Annual Report, published within the Autumn Harlow Times magazine.

- 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.
  - The Tenancy Standard – sets requirements for the fair allocation and letting of homes and for how those tenancies are managed and ended by landlords.
5. Landlords are required to determine and demonstrate how they both interpret and satisfy compliance against the Consumer Standards. Except for some very specific items, namely TSM’s, Decent Homes Standard etc., the Standard does not include set assessment criteria used to measure compliance.
  6. The approach taken by the Regulator of Social Housing will take a proactive interest in how we meet these standards. Annual TSM submissions will be supported by inspections undertaken every three to four years.
  7. The Four Housing regulator grades that can be issued are:

C1	Delivering resilient consumer standards outcomes
C2	Some weaknesses in how provider is delivering against consumer standards
C3	Serious weakness in delivering against consumer standards – improvement needed
C4	Very serious failings - must make fundamental changes to improve outcomes

8. Initial gradings have either been based on self-referral by the LAHP on a failure of compliance or following an in-depth inspection. Appendix B provides a report on the reflections on the first Consumer Regulatory Judgements by Housing Consultancy Campbell & Tickell which provides data on grading sanctions and an explanation of key themes for each grade. Gradings awarded to LAHP’s have been based on submissions of TSM’s for the period 1 April 2023 to 31 March 2024. In line with our reporting requirements, our TSM submission was made in June 2024.

## Issues/Proposals

### TSM Submission and grading

9. Based on our TSM submission for 2023/24, the Regulator for Social Housing has given Harlow Council a C3 Grading representing, “serious failings and a requirement to make significant improvements.”

10. This grading was principally based on not undertaking fire risk assessments for all our required dwellings where there is shared access, such as low-rise flat blocks. However, it should be noted that all 11 high rise buildings and all 17 sheltered schemes do have a current FRA in place. This represents a failure to achieve the outcomes required of the Safety and Quality aspect of the Consumer Standard. FRA's are not required for single household occupancy of houses and are only required to dwellings where there is a shared front door.

### **Identified actions**

11. In part, our position represents a historic decision, made by Harlow Council, to focus on fire risks in high-rise buildings. Whilst not a compliant position, there is recognition that the highest risk buildings, including high-rise and sheltered/supported accommodation, are regularly inspected and there remains an ongoing programme of remedial works.
12. The following operational arrangements have been made and are in progress. As outlined in published determination, Harlow Council are engaging proactively with the Regulator, and they are supportive of the approach adopted by the Council to ensure we deliver the outcomes of the Safety and Quality component of the Consumer Standards. This includes:
  - a) All Fire Risk Assessments, including assessments required to low-rise, low risk buildings (c.580), will be completed by 31 March 2025. An External specialist have been appointed and has commenced work.
  - b) Progress and prioritise completion of pending and outstanding actions that have been derived from assessments, including a future plan to deliver any new actions from Fire Risk Assessments [FRA's).
  - c) An independent Technical Review of [Building] Compliance, is currently underway, covering six areas of tenant safety. The review is due to be completed by the middle of November 2024.
    - i) Management of Asbestos
    - ii) Electrical Safety
    - iii) Fire Safety
    - iv) Gas Safety

v) Lift Management

vi) Water Hygiene, including Legionnaire.

13. A budget for existing FRA works has already been identified within this financial year (2024/25). Recommended outcomes from the Independent Technical Review and the new FRA's will be used to inform next year's budget requirements.
14. We are confident that the approach, and completions of the identified actions will enable to fully comply with the Safety and Quality Standard that forms part of the Consumer Standard.
15. We will bring an update on progress to Cabinet at the next meeting in December 2024, and further updates will be included on the forward workplan.

## **Implications**

### **Equalities and Diversity**

There are no Equality and Diversity implications to this report as Fire Risk Assessments are only required for communal areas of dwellings where there is a shared front door and are not required for single occupancy of houses.

Author: Cara Stevens, Assistant Director – Housing Operations (people)

### **Climate Change**

The impact on climate change is minimal, as any works carried out as a result of a Fire Risk Assessment is on a like for like basis, in line with fire regulations. Any materials used in replacement and renewals will be of sustainable materials and of low energy consuming components.

Author: Cara Stevens, Assistant Director – Housing Operations (people)

### **Finance**

A budget for existing FRA works has already been identified within this financial year (2024/25). Recommended outcomes from the Independent Technical Review and the new FRA's will be used to inform next year's budget requirements.

Author: Jacqueline Van Mellaerts, Assistant Director – Finance and Deputy Section 151 Officer

### **Governance**

None, the report is for noting only

Author: Julie Galvin, Legal Services Manager and Monitoring Officer

## **Appendices**

Appendix A - List of Tenant Satisfaction Measures

## Appendix B – Early Judgements

### **Background Papers**

None

### **Glossary of terms/abbreviations used**

FRA – Fire Risk Assessment

LAHP – Local Authority Housing Provider

RSH - Regulator for Social Housing

TSM – Tenant Satisfaction Measures