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## **Meeting of the Housing and Public Realm Scrutiny Committee**

### **Report of the Director of Housing and Community Services**

#### **Housing White Paper (Tenants Charter)**

##### **Purpose**

1. The Housing White paper brings about a change in the relationship between the Regulator of Social Housing, social landlords and tenants. It will develop into important legislation that incorporates the learning from the Grenfell fire tragedy and the last 5 years of regulatory approach.

##### **Recommendations**

2. It is recommended:-
  - That the contents of the report is noted
  - That a further report is brought back to the Committee once the white paper moves through Parliament into legislation

##### **Background**

3. Social and Affordable Housing is regulated across sectors (Councils, housing associations, TMO`s and ALMO`s) by the Regulator of Social Housing (RSH). There is also a specific Housing Ombudsman that also covers all those sectors.
4. The Regulator sets two main form of standards for such landlords
  - The Economic standard, which covers governance, finance, viability, and risk
  - The Consumer standard, the centre piece of which is strong intervention powers if there is “serious detriment” to tenants. It includes standards for Homes, tenancies, neighbourhood and community, and tenant involvement and empowerment.
5. Councils have been regulated by the RSH consumer standard since 2015, and by the economic standard since April 2020. The regulator takes a risk based and proportionate approach which routinely requires monthly, quarterly, and annual returns

from landlords. The Regulator can then determine which landlords are part of its annual In-Depth Assessments, which is an onsite and detailed review against its standards.

6. In November 2020, the Government launched the White Paper on social housing The Paper, which has been informed by a process of consultation and engagement with social housing residents following the fire at Grenfell Tower, sets out a range of measures with the aim of rebalancing the relationship between social landlords – both local authorities and housing associations – and tenants.
7. While much of the responsibility for delivering the expectations set out in the White Paper rests with social landlords, its implementation will be underpinned by a strengthened consumer regulation regime that will be carried out by the RSH. That regime will build on existing reactive consumer regulation role and standards, which all social landlords, including local authorities, are currently subject to, and includes health and safety responsibilities.
8. The White Paper sets out clear expectations that social tenants should be able to expect good quality homes and services, whoever their landlord is. The new remit, once implemented, will be proactive and involve regular regulatory engagement between RSH and local authorities with housing stock (including those with ALMOs and/or TMOs), as well as between the RSH and private registered providers (housing associations).
9. As the Government develop the new social housing consumer regulation regime, it considers that it must pass three tests for it to be successful:
  1. It must make a meaningful difference to tenants
  2. It must be deliverable by landlords, whether housing association or local authority landlords
  3. RSH must be able to regulate it effectively
10. To implement the changes, RSH will focus on the following broad areas:
  - Changes needed to the consumer standards that all social landlords will be required to meet
  - The proactive consumer regulation activity (including, for example, a programme of inspections as outlined in the White Paper) through which they will monitor and assess whether those standards are being met; and
  - agreeing a set of tenant satisfaction measures that will both inform regulation and help tenants hold their landlords to account.
11. By far the most important of these areas are the standards. The RSH need to have the right standards in place to get the right outcomes for tenants and allow them to act when these outcomes are not being delivered. Proactive consumer regulation and tenant satisfaction measures will be important supporting tools to help deliver those outcomes and support assurance to ensure that the standards are being met.

12. It will take time to carry out all the changes that will be needed including changes to legislation. During that time the Government is consulting with stakeholders, including local authorities and tenants, to make sure that social housing consumer regulation is fit for purpose and complements the economic regulation work. In the case of local authorities, RSH economic regulation work applies in respect of rent regulation. It is collecting rents data for 2020/21 and is consulting the LGA on how it will follow up proportionately to gain assurance of compliance where there is evidence that there may be an issue.
13. However, changes to regulation are only part of the picture. The outcomes set out by the White Paper's charter are about the relationship between landlord and tenant, and how landlords can work with their tenants more effectively. While full implementation of the proactive consumer regulation regime will take time, all landlords can act now to start delivering those outcomes. The White Paper sets a clear direction of travel and we can consider what steps we can take now to follow it. The existing consumer and economic standards continue to apply as the White Paper goes through Parliament.

### **Finance**

14. There are no specific financial implications as the HRA and general fund budgets for 21/22 have been set with awareness of the white paper.

### **Law**

15. There are no specific implications at this stage, but it is clear legislation will be strengthened for landlord regulator, particularly in tenant safety.

### **Risk Management**

16. There are no material implications. Housing and Community monitor monthly compliance with the consumer standards and compete regulatory returns. No serious detriment has been identified in the service areas.

### **Equality Impact**

17. An Equality Impact Assessment will be carried out as Legislation is developed. The proposed changes may have positive impacts on all out tenants. However, we will make specific assessments of
  - i. Low income households, including those with disabilities and responsibilities for childcare
  - ii. Lone parents and small families
  - iii. People with disability needs who may require extra health and safety support
  - iv. "hard to reach" community sectors to ensure they can participate

18. The proposals will need to be considered in accordance with the Public Sector Equality Duty under s.149 Equality Act 2010 which places positive duties on the Council not just to eliminate such discrimination, but also to advance equality of opportunity and foster good relations between groups.

### **Human Resources/Organisational Development**

19. The budget and service plans for 21/22 include the re-organising of services and increased resources particularly for neighbourhood management and ASB, health and safety and regulation.

### **Commercial/Procurement**

20. There are no specific Commercial/Procurement implications

### **Council Priorities**

21. **Providing Excellent Services for Tenants** (Goal)
- o Ensuring efficient and effective services that provide best value for tenants (Objective)
22. **Offering High Quality Housing** (Goal)
- o Implementing a 30-year Asset Management Strategy to ensure a viable business for current and future tenants (Objective)
23. **Supporting Vulnerable People** (Goal)
- o Working in partnership with others to ensure that anti-social behaviour and appropriate joint service interventions are in place to support communities (Objective)



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