



**AGENDA ITEM: 18**

**CABINET: 13 September 2011**

**EXECUTIVE OVERVIEW &  
SCRUTINY COMMITTEE:  
29 September 2011**

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**Report of: Director of Transformation**

**Relevant Head of Service: Assistant Director Housing and Regeneration**

**Relevant Portfolio Holder: Councillor V Hopley**

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**SUBJECT: CONSULTATION - IMPLEMENTING SOCIAL HOUSING REFORM -  
DIRECTIONS TO THE SOCIAL HOUSING REGULATOR**

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Wards affected: Borough wide

**1.0 PURPOSE OF THE REPORT**

1.1 To consider the Government's consultation paper on implementing social housing reform: direction to the Social Housing Regulator and to make appropriate comments upon this.

**2.0 RECOMMENDATIONS TO CABINET**

2.1 That the proposed response to the Department of Communities and Local Government (CLG) consultation paper on the 'Implementing Social Housing Reform: Direction to the Social Housing Regulator', as set out in appendix C, be approved, subject to consideration of the Minute of the Landlord Services Committee (Cabinet Working Group), attached at Appendix D to this report.

2.2 That the Assistant Director of Housing and Regeneration, in consultation with the Portfolio Holder for Housing, be authorised to make final amendments and submit the response to the CLG, taking into account the agreed comments of the Executive Overview and Scrutiny Committee.

2.3 That call in is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on the 29 September 2011.

### **3.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE**

- 3.1 That the proposed response to the CLG's consultation on Social Housing Reform, set out in Appendix C to the report, be noted and agreed comments be referred to the Assistant Director Housing and Regeneration for consideration, in consultation with the Portfolio Holder for Housing.
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### **4.0 BACKGROUND**

- 4.1 The background to this consultation is that the Government have already indicated their intention to make changes within the Localism Bill to give Tenants more say in how their services are provided and to give greater freedom and flexibility to Landlords in providing these services.
- 4.2 The Localism Bill, when enacted, will bring these proposed changes on to the statute book.
- 4.3 This consultation paper highlights the issues that will need to be addressed by the Social Housing regulator after direction from the Secretary of State (Appendix A). This has been clarified in a letter from the Housing Minister (Appendix B).

### **5.0 CONSULTATION AREAS**

- 5.1 The consultation looks at a number of areas.

#### **5.1.1 Regulatory Reform**

- 5.1.1.1 The Government proposes to abolish the Tenant Services Authority (TSA) and transfer the responsibility for regulation to the Homes and Communities Agency.
- 5.1.1.2 Regulatory activity will change and proactive economical regulation of Housing Associations will continue. However, consumer regulation will in future focus on setting clear service standards at local level between Tenants and their Landlords where the Regulator's monitoring and enforcement powers will only be used when necessary to address failures that give rise to actual or potential services detriment to Tenants.
- 5.1.1.3 This change will require Registered Providers (Local Authorities, Arms length Management Organisations (ALMO's) and Registered Social Landlords (RSL's or Housing Associations) to ensure that Tenants are given the opportunity to form Tenants' panels (or equivalent groups like the Council's Service Evaluation Group). These panels will be able to hold their landlord to account.

## 5.1.2 Tenure Reform

5.1.2.1 The Government has confirmed that it does not plan to allow existing tenancies to be changed.

5.1.2.2 The Government will however, direct the Regulator on the tenancy standard to:

- Give greater flexibility on the length of tenancies (see letter at Appendix B).
- Give greater flexibility regarding succession rights.
- Place a duty on Local Housing Authorities to publish tenancy strategies upon which Registered Providers (RP's) should have regard to in formulating their own policies.
- Introduce probationary tenancies for private RP's.

## 5.1.3 Mobility

5.1.3.1 The Government is keen to ensure that all Tenants have the ability to move to alternative locations and accommodation.

5.1.3.2 The Government therefore plan to make a direction to the regulator in the content of a standard for Landlords on "methods of assisting Tenants to exchange tenancies".

## 5.1.4 Affordable Rent

5.1.4.1 The Government propose to direct the Regulator on affordable rents which have been introduced where rent charges can be up to 80% of market rent to ensure the maximisation in delivering new social housing.

5.1.4.2 Existing social rent policy will continue to apply between 2011 & 2015.

## 5.1.5 Tenant Cash back

5.1.5.1 The Government propose to give social housing tenants opportunities to be involved in the management of repair and maintenance services for their homes.

5.1.5.2 Where Tenants take the opportunities offered, they will share in the resulting efficiencies, potentially building up worthwhile savings through the scheme. It is anticipated that this will help Tenants also gain practical and transferable skills.

5.1.5.3 There will be no universal scheme rather Landlords will offer local solutions after giving Tenants the opportunity to be involved in shaping these arrangements.

5.1.5.4 There are a number of Tenant cash back pilot schemes being modelled and evidence from these will be shared so that local schemes can be successful.

#### 5.1.6 Decent Homes Programme

- 5.1.6.1 Registered Providers will be expected to maintain their stock at a decent level to prevent non decency from arising. Therefore, the Government anticipate that temporary exemptions to the home standard will only be given in exceptional circumstances.

### **6.0 CONSULTATION RESPONSE**

- 6.1 The consultation paper seeks responses to a number of detailed questions set out on pages 18-22 of Appendix A.
- 6.2 I attach a draft response to these questions which I propose to send and would seek comments on this so that this can be amended if necessary as the Council's response.

### **7.0 TENANTS' VIEWS**

- 7.1 I propose to circulate this report to Landlord Services Committee prior to Cabinet's consideration and will advise on any views or comments expressed so that these can be taken into consideration.

### **8.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 8.1 There is no direct impact for sustainability or the Community Strategy.

### **9.0 FINANCIAL IMPLICATIONS**

- 9.1 There are no direct financial or resource implications in responding to the Consultation Paper.

### **10.0 CONCLUSION**

- 10.1 The consultation is generally welcomed and the opportunity for the Council to work more closely with Tenants will, I hope, lead to better local decision-making.

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### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

### **Equality Impact Assessment**

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

## **Appendices**

Appendix A: The consultation paper

Appendix B: Letter from the Housing Minister

Appendix C: Draft response from West Lancashire Borough Council to the Consultation Paper

Appendix D: Minute of the Landlord Services Committee (Cabinet Working Group) – 5<sup>th</sup> September 2011.