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Please ask for:  
Marie Lowe

\* Reporting to Cabinet

17 October 2018

Dear Councillor

You are requested to attend a meeting of the WELWYN HATFIELD BOROUGH COUNCIL CABINET HOUSING PANEL to be held on Thursday 25 October 2018 at 7.30pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

Yours faithfully



Corporate Director  
Public Protection, Planning and Governance

**AGENDA**  
**PART 1**

1. SUBSTITUTIONS

To note any substitution of Panel Members in accordance with Council Procedure Rules 19 – 22.

2. APOLOGIES

3. MINUTES

To confirm as a correct record the Minutes of the meeting held on 20 September 2018 (previously circulated).

4. ACTIONS UPDATE (Pages 5 - 6)

Report of the Corporate Director (Public Protection, Planning and Governance) which lists the actions from previous meetings and their current status.

5. NOTIFICATION OF URGENT BUSINESS TO BE CONSIDERED UNDER ITEM 14

6. DECLARATIONS OF INTEREST

To note declarations of Members' disclosable pecuniary interests, non-disclosable pecuniary interests and non-pecuniary interests in respect of items on this Agenda.

7. PUBLIC QUESTION TIME AND PETITIONS

Up to fifteen minutes will be made available for questions from members of the public on issues relating to the work of the Committee and to receive any petitions.

8. SCRUTINY PANEL - REVIEW OF REPAIRS CALL CENTRE (Pages 7 - 10)

Report of the Chairman of the Tenants Panel outlines the Action Plan following the Scrutiny Sub Group's review of the Repairs Contact Centre.

9. UPDATE ON HOUSING DELIVERY PROJECT

Presentation from Steve Partridge, Director Housing Consultancy, Savills UK on the progress of the Council's housing delivery project.

10. DISABLED FACILITIES GRANT FUNDING AND USE OF BETTER CARE FUND  
(Pages 11 - 16)

Report of the Corporate Director (Housing and Community) seeking approval to use the surplus Disabled Facilities Grant budget to support the modernisation programme of the Council's sheltered housing schemes at Guessens Grove/Lanefield Walk and Chilton Green.

11. SOCIAL HOUSING GREEN PAPER "A NEW DEAL FOR SOCIAL HOUSING" - CONSULTATION (Pages 17 - 54)

Report of the Corporate Director (Housing and Community) seeking comment on the draft response to the consultation on the Government's Social Housing Green Paper "A New Deal For Social Housing".

12. UPDATE ON QUEENSWAY HOUSE

Verbal update from the Head of Property Services on the Fire Protection work at Queensway House.

13. WORK PROGRAMME 2018/19 (Pages 55 - 56)

The pro-forma which sets out the Panel's work programme has been updated since the last meeting to enable forward planning of items to be considered to take place.

14. SUCH OTHER BUSINESS AS, IN THE OPINION OF THE CHAIRMAN, IS OF SUFFICIENT URGENCY TO WARRANT IMMEDIATE CONSIDERATION

15. EXCLUSION OF THE PRESS AND PUBLIC

The Panel is asked to resolve:

That under Section 100(A)(2) and (4) of the Local Government Act 1972, the press and public be now excluded from the meeting for item 16 (if any) on the grounds that it involves the likely disclosure of confidential or exempt information as defined in Section 100A(3) and Paragraph 4 (consultations or negotiations relating to labour relations) of Part 1 of Schedule 12A of the said Act (as amended).

In resolving to exclude the public in respect of the exempt information, it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**PART II**

16. ANY OTHER BUSINESS OF AN EXEMPT NATURE AT THE DISCRETION OF THE CHAIRMAN

<u>Circulation:</u>	Councillors	J.Boulton (Chairman)	M.Holloway
		T.Kingsbury (Vice-Chairman)	T.Jackson-Mynott
		M.Birleson	R.Lass
		M.Cook	H.Quenet
		C.Gillett	F.Thomson
		S.Glick	

Co-opted Members:-  
Tenants' Panel Representatives

R.Read

Independent Representatives

R.Paris and S.Smith

Corporate Management Team  
Press and Public (except Part II Items)

**If you require any further information about this Agenda please contact Marie Lowe, Governance Services on 01707 357443 or email – [democracy@welhat.gov.uk](mailto:democracy@welhat.gov.uk)**

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# Agenda Item 4

Part I

Main author: Marie Lowe

Executive Member: Cllr Fiona Thomson

Not Ward Specific

WELWYN HATFIELD BOROUGH COUNCIL  
CABINET HOUSING PANEL – 25 OCTOBER 2018  
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING AND GOVERNANCE)

## ACTIONS STATUS REPORT

### 1 Executive Summary

In order to ensure that actions identified at meetings are completed, this report lists the actions from the meeting of the Cabinet Housing Panel on 20 September 2018, those responsible for completing each action and their current status.

### 2 Recommendation(s)

- 2.1 That Members note the status of actions which were identified at the 20 September 2018 meeting of the Committee.

Minute	Action	Responsible	Status/ Date Completed
53.	Tenants' Panel Scrutiny – Update on responses to the Repair Services recommendations	Chairman of Tenants' Panel	Item on the agenda for this meeting.
17.	Affordable Housing Delivery - Review Of Strategic Approach	Head of Community and Housing Strategy	That a further report be brought to the December meeting of the Panel.  A briefing note was to promote the 'Spot the Plot' initiative was circulated to all Members.
20.	Housing Transformation Update Operations Programme	Head of Housing Operations	An update report to be brought to the meeting of the Panel in January 2019.

26.	Update On Queensway House	Head of Property Services	<p>Agenda item for this meeting</p> <p>That the timetable for the tenders for the proposed integrated ventilation / sprinkler system at Queensway House be circulated separately to Members. This information was circulated to all members of the Panel on 21 September 2018</p>
28.	Social Housing Green Paper	Corporate Director of Housing and Communities	<p>That Members submit their comments on the Green Paper to the Corporate Director (Housing and Communities).</p> <p>That the results of the consultation be brought back to the Cabinet Housing Panel on 25<sup>th</sup> October 2018.</p>



# Scrutiny Sub-Group review Action Plan

Scrutiny Review: Repairs Contact Centre Review

Date of Review: September 2017

Date Recommendations made: February 2018

Date Recommendations finalised:

Recommendations	Head of Service Comments	Target Date	Current Status / Comments
<p>1. <b>Up to date policies to support Call Centre Staff.</b> The policies that call centre staff use to help them advise residents still had the Housing Trust logo on them. We recommend that all policies need to be updated and have the Housing Trust logo replaced with the WHBC one.</p>	<p>All 'old' logos have been removed from documents that are used in the repairs procedures. All policies are under review with the aim of having a complete suite of policy documents that relate to each other which will cover most situations.</p>	<p>Spring 2019</p>	<p>Two policies have updated (tenant alterations, repairs priorities) Policies in progress (recharges, redress, mutual exchanges, repair guidance for tenants) Approximately seven to be reviewed and amalgamated.</p>
<p>2. <b>Response to emails.</b> When a tenant emails in a repair, there is no automatic response to acknowledge their request. This means that some people then ring in to check if it's been received. In order to reduce the number of calls to the call centre we recommend that an automatic response is set up on the system.</p>	<p>The automatic response email sent out to repair emails received by the council was set up two years ago and is working. It is tested regularly. It may have been an anomaly when tested by the Scrutiny Group members.</p>	<p>N/A</p>	<p>Will continue to be monitored.</p>



## Scrutiny Sub-Group review Action Plan

<p>3. <b>Keep tenants informed on the progress of call backs.</b> The group found that a number of calls were due to tenants or leaseholders ringing in to check when an operative would be coming back out to finish the job. The group recommend that where possible the operative should contact the Call Centre to arrange a new appointment whilst they are with the tenant. If this is not possible we recommend that the tenant is given a contact name for them to enable to check on the progress of the call back.</p>	<p>Feedback from tenants is reviewed and the Property Services team is in the process of developing a tracker system for repairs. The repairs service does use a log number system but usually use names and/or addresses as this is deemed to be more customer friendly and takes into account the shift working by the contact centre agents. All agents have access to the same information.</p>	<p>Spring 2019</p>	<p>Tracking is currently manually facilitated via Orchard and the Mears IT interface and by encouraging ownership of works orders by surveyors for more complex work. Regular reports are run to enable further monitoring. As part of the overall council-wide website update, tracking will be automatic on a view-only basis for residents.</p>
<p>4. <b>Service information.</b> If there is an issue locally that affects the quality of the call centre service such as the phones going down or lack of power/water the call numbers increase and people get frustrated when they can't get through to an operator. The group recommends that research is undertaken to</p>	<p>In such situations a message is put on the council website. We also advise the main council contact centre.</p>	<p>N/A</p>	<p>Will continue to be monitored. The Winter Plan for the TSG contract is currently being tested and due to go live by beginning of November.</p>



## Scrutiny Sub-Group review Action Plan

<p>investigate how tenants could be informed of this in advance - it could be as simple as having a message on the telephones so people are aware as soon as they try to phone in.</p>			
<p>5. <b>Tenant expectation of the Repairs service.</b> Whilst work shadowing, the group found that some tenants had unrealistic expectations of the repairs service, both in work undertaken and timescales. The group recommend that a small project is undertaken to explore ways of informing tenants about repairs that are the Council's responsibility and timescales they should expect the work to be done in and those that are the tenant's responsibility. This information would also need to clarify what constitutes an emergency repair. The Tenants Panel would be happy to work with the Repairs Service on this.</p>	<p>Whilst repair priorities are on the council website, we are arranging to for a printed copy of the timings to be made available for our non-online tenants if needed.</p>	<p>December 2018</p>	<p>Currently available on demand and a quantity of leaflets will be provided to the main council reception and the Hatfield Housing office.</p>

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## Part I

Main author: Sian Chambers

Executive Member: Tony Kingsbury

All Wards

WELWYN HATFIELD BOROUGH COUNCIL  
CABINET HOUSING PANEL 25 OCTOBER 2018  
REPORT OF THE CORPORATE DIRECTOR (HOUSING AND COMMUNITY)

### DISABLED FACILITIES GRANT FUNDING AND USE OF BETTER CARE FUND

#### **1 Executive Summary**

- 1.1 The Better Care Fund is an integrated budget which provides a mechanism for joint health and social care, planning and commissioning, bringing together ring fenced budgets from Clinical Commissioning Groups allocations, the Disabled Facilities Grant and funding paid direct to local government for adult social care services
- 1.2 Disabled Facilities Grant (DFG) funding has been included in the Better Care Fund so that the provision of adaptations can be incorporated into the strategic consideration and planning of investment to improve outcomes for service users
- 1.3 The amount of money received from the fund has been higher than the capital funding previously provided by central government to support DFGs and a surplus of this fund has built up which at the end of 2017/18 was £672k.
- 1.4 The money is ring fenced for the purpose of providing adaptations or other enablement which improves independence in the home and it is a legitimate use of the fund to be directed to capital projects, such as the sheltered housing improvement project described below, where the object is to improve health outcomes and maintain independence.
- 1.5 This report seeks approval to use the surplus DFG budget to support the modernisation programme of the council's sheltered housing schemes at Guessens Grove/ Lanefield Walk and Chilton Green.

#### **2 Recommendation(s)**

- 2.1 Members recommend to Cabinet that the use of the set aside capital receipts of £672k are used towards funding the modernisation programme of council owned sheltered housing as set out in the report, which will be incorporated into the 2019/20 budget process.

#### **3 Explanation**

- 3.1 The Better Care Fund (BCF) is a programme spanning both the NHS and local government which seeks to join-up health and care services, so that people can manage their own health and wellbeing, and live independently in their communities for as long as possible
- 3.2 Disabled Facilities Grant (DFG) is for the provision of adaptations to disabled people's homes to help them to live independently in their own homes for longer. It is a statutory function of district/borough councils. DFG has been included in the Better Care Fund so that the provision of adaptations can be incorporated

into the strategic consideration and planning of investment to improve outcomes for service users

- 3.3 DFG is paid to upper tier authorities (in our case Hertfordshire County Council – HCC), as part of the BCF fund. However the statutory duty remains on local housing authorities to provide adaptations to those disabled people who qualify for it. Therefore HCC allocate this funding to the ten district housing authorities from the pooled budget to enable district councils to continue to meet their statutory duties. Local authorities are encouraged to invest some of this funding in broader strategic capital projects – although this is a decision to be reached locally
- 3.4 The council funds DFGs in the private sector from this budget, however any adaptations to the council's own housing stock, is currently paid for via the Housing Revenue Account (HRA)
- 3.5 Our strategic approach, set out in the council's Older Person's Strategy, is to ensure that sheltered housing and bungalow stock remain attractive options for tenants, particularly those tenants who may wish to down size from family sized homes, as well as meeting the needs of a wider group of people, including those on the waiting list, particularly people who have limited mobility and/or who are wheel chair users.
- 3.6 Prior to the introduction of the Better Care Fund, DFG funding was provided to the council direct from central government and the level of grant has historically been lower than the demand for grants. On this basis, the council has previously 'topped up' the capital budget from its own funds, in order to ensure that sufficient money is available to meet the statutory duty to fund DFGs.
- 3.7 However, since the introduction of the Better Care Fund, the money received for this purpose from government has increased. The total grant paid via the Better Care Fund is set out in the Financial Implications section of this report, alongside the amount that the council has paid toward facilitating DFGs. Each year the amount received from government has been in excess of the expenditure required to meet the statutory duties to provide DFGs.
- 3.8 DFGs are demand led and it can be difficult to predict the demand for this fund, however because the demand has been lower than the monies received, there is now a total sum of £672k (at end of 2017/18) which has accumulated since the introduction of the BCF, due to underspend locally. It is also a means tested grant therefore not all people who require adaptations would qualify.
- 3.9 The council owns and manages 25 sheltered housing schemes throughout the borough. A scheme by scheme assessment has been undertaken which considered a number of key issues such as repairs data, void property demand and turnover and customer satisfaction, in order to determine the best use and or investment required in each scheme in the longer term.
- 3.10 Following on from this, more detailed stock condition surveys were carried out in five schemes, which are considered popular and suitable for continued use as sheltered accommodation, but highlighted as having the greatest potential for improvement via a programme of modernisation both in the communal areas and in the flats themselves.

- 3.11 The modernisation will be in line with the Housing our Ageing Population Panel for Innovation (HAPPI) principles which seek to ensure residents can:
- be as independent as possible
  - feel part of a community and choose how and when they want to engage
  - have greater autonomy and feel that their lifestyles are met with wider health and wellbeing benefits from living in a 'care ready' environment.
  - Stay connected with their social or other support networks, including through the use of technology, preventing isolation and loneliness.
- 3.12 Associated with this are a set of key design elements which are considered essential in the improvement of older people's housing. These include generous internal space standards, plenty of natural light in the home and circulation spaces, balconies and outdoor space, adaptability and 'care aware' design.
- 3.13 An example of this approach is Tudor Road, Welwyn, where a total of £292k was invested to fully modernise 6 two bedroom bungalows, which are now all fully wheelchair accessible.
- 3.14 There is a capital budget in the HRA for carrying out the modernisation programme within the council's sheltered schemes. The current budget (18/19) is £1.27m. The estimated costs of modernising the first two schemes (Guessens Grove and Chilton Green) is £1.6m, leaving a gap of just over £300k to deliver the first two schemes.
- 3.15 On that basis, it is recommended that the council increase this programme using Better Care Fund grant balances. The fund will be used to proactively improve our sheltered housing stock, particularly in terms of improving accessibility and modernising the identified units/schemes, which will then be suitable for residents with disabilities now and in the longer term.
- 3.16 By using this grant, the total budget will be increased to £1.943m. This would enable us to fully fund the first two projects, and have approximately £300k available to progress the programme to the third scheme. Due to the scale of the modernisation programme, we are not anticipating completing the works on the first two schemes until 2019/20 and plan to progress the third scheme in 2020/21. Prior to that, the proposed works will be fully costed and the capital budget will form part of the Council's normal budget setting process.
- 3.17 The first two schemes which have been prioritised for this investment have a total of 76 one bedroom flats (Chilton Green) and 47 properties (a mixture of one and two bedroom flats) – in Guessens Grove and Lanefield Walk plus a guest rooms, laundries and communal halls.

### **Implications**

## **4 Legal Implication(s)**

- 4.1 Under the Housing Grants, Construction and Regeneration Act 1996, subject to certain criteria being met, the council has a statutory duty to provide Disabled Facilities Grants.
- 4.2 Since 18 July 2002 local authorities also have a general power to give discretionary assistance under The Regulatory Reform (Housing Assistance)(England and Wales) Order 2002 (“the Order”). The Order gives local housing authorities in England and Wales more flexibility to improve living conditions in their area and address housing issues (paragraph 3). The new power enables an authority to provide assistance to any person for—
- (a) the acquisition of living accommodation, where the authority wish to purchase a person’s home or as an alternative to adapting, improving or repairing it;
  - (b) the adaptation or improvement of living accommodation (including by alteration, conversion or enlargement, and by the installation of things or injection of substances);
  - (c) the repair of living accommodation;
  - (d) the demolition of buildings comprising or including living accommodation;
  - (e) the construction of replacement living accommodation to replace living accommodation that has been demolished
- In addition to the above, assistance may be provided in any form (paragraph 3 (3) of the Order).

- 4.2 The Integration and Better Care Fund planning requirements for 2017-2019 and the DFG determination letter from the DCLG 2017/18 DFG can be used for wider social care capital projects on the basis that the statutory requirement to provide DFG’s can be met.

## **5 Financial Implication(s)**

- 5.1 Between 2015/16 and 2017/18 the council has received £1.574min grant via the Better Care Fund. In the same period, the council has spent £901k on DFGs.
- 5.2 This means that a sum of £672k (up to the end of 2017/18) is set aside to be made available to support DFGs or other projects that meet the aims of the Better Care Fund.
- 5.3 The BCF grant determination for the current year (2018/19) is £710k and the expenditure either spent or committed on DFGs up to the end of period six is £248k. We are anticipating that the total expenditure and commitments to DFGs by the end of the financial year will be in the region of £471k - therefore there is likely to be a surplus this financial year of £238k, which will be held to ensure that there is sufficient funds available should there be an upturn in demand.
- 5.4 The sheltered modernisation programme has approved budget (2018/19) within the Housing Revenue Account of £1.271m.
- 5.5 By using BCF funds to support this programme, this provides greater flexibility within the Housing Revenue Account, including the support of new housing development.

## **6 Risk Management Implications**

- 6.1 The risks related to this proposal are:
- 6.2 There must be sufficient funds to cover the demand for DFGs, prior to be utilised for more strategic projects. This report recommends that we use the underspent budget that has been accrued over the last three years. This leaves the current budget (18/19) which is considered to be sufficient to meet the demand for DFGs from individuals. This is based on the trend in demand over the last three years. Likelihood Very Low; Impact High. Risk Score Low
- 6.3 If we do not utilise the money this could lead to reputational risk that the council is perceived to not making best use of its resources; approval of the recommendations in this report will fully mitigate this risk. Likelihood V Low; Impact Medium. Risk Score Low

## **7 Security and Terrorism Implication(s)**

- 7.1 There are no security and terrorism implications arising from this report

## **8 Procurement Implication(s)**

- 8.1 There are no procurement implications arising from this report. The planned works to modernise the sheltered housing scheme is being procured in line with the council's Financial Standing Orders.

## **9 Climate Change Implication(s)**

- 9.1 As part of the modernisation programme, the council is improving insulation in both wall and loft spaces wherever possible. The internal works will include improvements to the efficiency of lighting and heating systems.

## **10 Human Resources Implication(s)**

- 10.1 There are no human resources implications arising from this report

## **11 Health and Wellbeing Implication(s)**

- 11.1 The recommendations in this report will have a significant impact on the health and wellbeing of both the existing tenants, who will benefit from the modernisation of the communal areas and flats within the block, but also for future tenants who will be offered this accommodation.
- 11.2 The modernisation is being carried out in line with the HAPPI principles, as set out in Paragraph 3.14, which are directly linked to improving health and well-being.

## **12 Communication and Engagement Implication(s)**

- 12.1 It is important to communicate and engage in a sensitive way with residents who will be affected by construction works. There will be a communication plan linked to the modernisation programme in the block. We will also communicate proactively about the completed projects and the positive impact that this work will have on to residents' lives.

### **13 Link to Corporate Priorities**

- 13.1 The subject of this report is linked to the Council's Corporate Priorities Our Community and Our Housing, and specifically to the achievement of improving public health and well-being and improving housing quality in the borough and/or is linked to a statutory requirement under Housing Grants, Construction and Regeneration Act 1996.

### **14 Equality and Diversity**

- 14.1 The Equality Impact Assessment has identified that there is the potential for positive impacts on older people and people with disabilities. This is because the project will lead to improving the accessibility and standard of flats and communal areas within a sheltered housing scheme.

Name of author	<i>Sian Chambers X2640</i>
Title	<i>Head of Community and Housing Strategy</i>
Date	<i>25 September 2018</i>

Background papers to be listed (if applicable)

Welwyn Hatfield Council Older Person's Housing Strategy

Appendices to be listed

## Part I

Main author: Rachel Sesstein

Executive Member: Tony Kingsbury

ALL

WELWYN HATFIELD BOROUGH COUNCIL  
CABINET HOUSING PANEL – 25<sup>TH</sup> OCTOBER 2018  
REPORT OF THE CORPORATE DIRECTOR (HOUSING AND COMMUNITIES)

## SOCIAL HOUSING GREEN PAPER “A NEW DEAL FOR SOCIAL HOUSING” - CONSULTATION

### **1 Executive Summary**

- 1.1 The Government published its new social housing green paper on the 14 August 2018, seeking views on its vision for social housing “providing safe, secure homes that help people get on with their lives”.
- 1.2 The paper contains five main themes and offers different options to address the problems for social housing as the Government perceives them. The themes are:
  - a) Ensuring homes are warm and decent
  - b) Effective resolution of complaints.
  - c) Empowering residents and strengthening the regulator
  - d) Tackling stigma and celebrating thriving communities
  - e) Expanding supply and supporting homeownership.
- 1.3 The consultation runs for eight weeks and provided the Council with the opportunity to deliver a response which is contained within this report.

### **2 Recommendation(s)**

- 2.1 Members to consider and comment on the draft response to the consultation on the social housing green paper.

### **3 Explanation**

- 3.1 In the aftermath of the Grenfell Tower fire, the then Communities Secretary, Sajid Javid, committed to a “top to bottom” review of social housing, that would inform the development of a new housing green paper.
- 3.2 Ministers from the Ministry of Housing, Communities and Local Government organised events to seek views from social housing residents across the country. They consulted with nearly 1000 people at the events and a further 7000 provided views on-line.
- 3.3 Findings from the consultation, mirrored the claims of many residents and survivors of Grenfell. Many felt they were treated by their landlords, with a lack of respect, concerns and complaints were often ignored even around issue of repair and safety, they felt ill-informed on processes for escalation and redress and felt stigmatised generally because of where they lived and for not owning their own homes.

3.4 On the 14<sup>th</sup> August 2018 the new green paper, titled “A new deal for social housing” was published and put out for consultation. It sets out the government’s vision and proposals to reform social housing. The full paper can be viewed at [www.gov.uk/government/consultations/a-new-deal-for-social-housing](http://www.gov.uk/government/consultations/a-new-deal-for-social-housing)

3.5 The government identified five key priority areas:

3.5.1 Ensuring homes are warm and decent

- a) The Government has accepted the outcomes of a report commissioned from Dame Judith Hackett calling for fundamental reform of building regulations and fire safety; prepared to legislate if necessary
- b) Proposes setting up a pilot with a group of social landlords to produce resident engagement strategies for health and safety of their buildings.
- c) Review of the current ‘decent homes’ definition and standards, possibly to include more around energy efficiency and fire standards to align with the private sector.

3.5.2 Effective resolution of complaints

- a) Looking at how the current complaints process can be reformed so that it is quicker and easier; especially with safety concerns.
- b) Exploring how to raise awareness of tenants’ rights, and ensure residents can access the right advice to make a complaint and obtain a stronger voice to influence decisions and challenge their landlord to improve living standards.
- c) Exploring options to use mediation between tenants and landlord
- d) Reviewing the requirement that complainants go through a “designated person” (MP, Cllr etc.) or wait 8 wks before being able to contact the Ombudsman.

3.5.3 Empowering residents and strengthening the regulator

- a) Looking at how the current complaints process can be reformed so that it is quicker and easier; especially with safety concerns.
- b) Explore how to raise awareness of tenants’ rights, and ensure residents can access the right advice to make a complaint and obtain a stronger voice to influence decisions and challenge their landlord to improve living standards.
- c) Options to use mediation between tenants and landlord
- d) Reviewing the requirement that complainants go through a “designated person” (MP, Cllr etc.) or wait 8 wks before being able to contact the Ombudsman.

3.5.4 Tackling stigma and celebrating thriving communities

- a) Looking at how the current complaints process can be reformed so that it is quicker and easier; especially with safety concerns.

- b) Explore how to raise awareness of tenants' rights, and ensure residents can access the right advice to make a complaint and obtain a stronger voice to influence decisions and challenge their landlord to improve living standards.
- c) Options to use mediation between tenants and landlord
- d) Reviewing the requirement that complainants go through a "designated person" (MP, Cllr etc.) or wait 8 wks before being able to contact the Ombudsman.

### 3.5.5 Expanding supply and supporting home ownership

- a) Outlines plans to build on the new borrowing capacity granted to councils by looking at flexibilities on how they spend the Right to Buy receipts. (Separate consultation running. This will not include keeping 100% of receipts as recent public demands have been made on Government to do)
- b) Confirming Council's will not be required to sell off vacant, higher value stock as previously proposed in the Housing and Planning Act.
- c) Scrapping plans to force council's to offer fixed-term tenancies to all new tenants, instead keeping it discretionary.
- d) The paper also considers partnerships with housing associations to boost the supply of new affordable homes through the benefits of funding certainty to some associations over a longer period.
- e) An intention toward reforms to help those using affordable home ownership schemes – like shared ownership – to build up more equity in their homes, maybe allowing purchase of much smaller percentages than are usually possible.
- f) Ensuring survivors of domestic abuse who lose their secure tenure as a result, are able to retain a lifetime tenancy.
- g) Exploring ways to increase development of Community-led house building.

3.6 Relevant officer's from housing and planning services, debated the proposals and contributed to the draft consultation response (attached).

3.7 Members of this committee are asked to consider and comment on the draft response prior to a final draft being agreed by the Executive Member for Housing and Community

### **Implications**

## **4 Legal Implication(s)**

4.1 There are no legal implications for the council in providing the response. Implementation of some of the proposals put forward in the consultation could

lead to changes in legislation that the council may acquire additional duties from in the future.

- 4.2 This Panel will be kept informed of any future changes to regulation or legislation which arise and the implications of that.

## **5 Financial Implication(s)**

- 5.1 There are no financial implications for the council in submitting the response. There may be additional financial burdens in the future should some of the proposals put forward in the consultation be implemented

- 5.2 This Panel will be kept informed of any future changes to regulation or legislation which arise and the implications of that.

## **6 Risk Management Implications**

- 6.1 There is a reputational risk to the council of failing to provide a response

## **7 Security and Terrorism Implication(s)**

- 7.1 **There are no security and terrorism implications arising from this report**

## **8 Procurement Implication(s)**

- 8.1 None – as above

## **9 Climate Change Implication(s)**

- 9.1 none – as above

## **10 Human Resources Implication(s)**

- 10.1 None – as above

## **11 Health and Wellbeing Implication(s)**

- 11.1 The ethos of the Social Housing Green Paper generally is to improve the safety of property and wellbeing of the community

## **12 Communication and Engagement Implication(s)**

- 12.1 There are no communication and engagement implications for the council in submitting the response. However implementation of some of the proposals put forward in the green paper could lead to changes in legislation, that may put additional requirements on the council in relation to its communication and engagement strategy in the future

## **13 Link to Corporate Priorities**

- 13.1 The subject of this report is linked to the Council's Corporate Priority (Our Housing), and specifically to the achievement of (quality landlord)

## **14 Equality and Diversity**

14.1 An EqIA was not completed because this report does not propose changes to existing service-related policies or the development of new service-related policies.

Report authors should note that the paragraphs above may need to be amended to suit the proposals in the report, e.g. there could be negative and positive impacts.

Name of author	(Rachel Sesstein)
Title	( <i>Housing Strategy Manager</i> )
Date	(10/10/18)

Background papers to be listed (if applicable)

1. Social Housing Green Paper “A Better Deal for Social Housing”

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/733635/A\\_new\\_deal\\_for\\_social\\_housing\\_print\\_ready\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/733635/A_new_deal_for_social_housing_print_ready_version.pdf)

Appendices to be listed

1. Draft Social Housing Green Paper Consultation Response

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Ministry of Housing,  
Communities &  
Local Government

# A new deal for social housing

A Consultation



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## **A new deal for social housing**

### **Introduction**

This consultation seeks views on making sure that social housing provides safe and secure homes that help people get on with their lives. The consultation is open to everyone. We are interested to hear from a wide range of interested people including residents, landlords and lenders.

The consultation is divided into 5 parts:

Part 1: Ensuring homes are safe and decent

Part 2: Effective resolution of complaints

Part 3: Empowering residents and strengthening the Regulator

Part 4: Tackling stigma and celebrating thriving communities

Part 5: Expanding supply and supporting home ownership

Respondents are invited to respond to each specific part and the relevant responses to each part will be considered in taking forward that particular proposal.

This consultation begins on 14 August 2018 and runs for 12 weeks until 11.45pm on 6 November 2018.

The Ministry of Housing, Communities and Local Government will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included at Annex A at the end of this survey. Individual responses will not be acknowledged.

## About you

### 1. Are you responding:

- On behalf of an organisation
- As a private individual

If you are responding as an individual, please tell us the following details below. It is not mandatory to answer, but it would help us understand if we need to reach out to all groups to respond to this consultation.

### 2. Do you live in social housing? This includes tenants, leaseholders and shared owners.

- Yes
- No

### 3. What age category do you belong to?

- |                                |                                      |
|--------------------------------|--------------------------------------|
| <input type="checkbox"/> 16-24 | <input type="checkbox"/> 45-54       |
| <input type="checkbox"/> 25-34 | <input type="checkbox"/> 55-64       |
| <input type="checkbox"/> 35-44 | <input type="checkbox"/> 65 and over |

### 4. Where do you live?

- |  |   |
|--|---|
| <input type="checkbox"/> North East      | <input type="checkbox"/> London                 |
| <input type="checkbox"/> North West      | <input type="checkbox"/> South West             |
| <input type="checkbox"/> Midlands        | <input type="checkbox"/> South East             |
| <input type="checkbox"/> East of England | <input type="checkbox"/> Other (please specify) |

5. We may want to contact you about your response. If you are willing for us to do this please provide an email address.

### About you - organisation

6. If you are responding on behalf of an organisation, please tell us which sector your organisation is in:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Local Authority | <input type="checkbox"/> Tenant Management Organisation |
| <input type="checkbox"/> Housing Association        | <input type="checkbox"/> Trade Association              |
| <input type="checkbox"/> Cooperative                | <input type="checkbox"/> Tenant Representation Group    |
| <input type="checkbox"/> Other                      |   |

7. If you chose 'other' please tell us the sector which your organisation is in:

8. If you are responding on behalf of an organisation, please tell us the name of your organisation:

Welwyn Hatfield Borough Council

In addition to completing these consultation questions have any documents to support your response please attach them to this survey

9. We may want to contact you about your response. If you are willing for us to do this please provide an email address.

### A new deal for social housing

## Chapter one - Ensuring homes are safe and decent

Dame Judith Hackett's independent review of building regulation and fire safety states that residents have an important role to play in identifying and reporting issues that may impact on the safety of the building and in meeting their obligations, including co-operating with crucial safety-related works, to ensure their own safety and that of their neighbours.

### 10. How can resident's best be supported in this important role of working with landlords to ensure homes are safe?

The best way to support residents to work with landlords and to encourage their participation is giving them the knowledge and skills they need to make an informed contribution on fire safety matters. Measures which landlords' could consider include:

- Regular reviews of "Keep Safe" information to ensure it's up to date
- Information on safety awareness and how to report anything of concern. This could be provided across a variety of medium, (e.g. tenancy handbooks, leaflets, landlord's website, You Tube videos) to maximise access to this important information.
- Landlord's knowing their housing stock and the condition it is in. This will be achieved by taking a robust approach to asset management (e.g. through stock condition surveys) and listening to residents' concerns and issues to gain an understanding of their views on the safety of their homes.
- Having a joined up approach to Estate Inspections for condition and safety between Neighbourhood teams, Property teams and residents

There have been recent changes to drive up safety that apply to the private rented sector but not the social sector. For example, in 2015, we introduced a requirement to install smoke alarms on every storey in a private rented sector home, and carbon monoxide alarms in every room containing solid fuel burning appliances. Government has recently announced that there will be a mandatory requirement on landlords in the private rented sector to ensure electrical installations in their property are inspected every five years.

### 11. Should new safety measures in the private rented sector also apply to social housing?

Yes

No

Not sure

Please explain your answer further below, if you wish to.

We believe the defining issue on safety standards should be about what is safe for human habitation across the board, not what tenure it is or how much rent is paid. Any standards required for safety and quality should be applicable to all accommodation regardless of private or social rent. Many social landlords (Welwyn Hatfield included), already provide the level of safety standards legislated for in the private sector as a matter of good practice. To ensure compliance and consistency across the social housing sector there needs to be greater clarity between standards in the private and social sector.

The Decent Homes Standard requires social homes to be free of hazards that pose a risk to residents, to be in a reasonable state of repair, to have reasonably modern facilities and services such as kitchens and bathrooms and efficient heating and effective insulation.

**12. Are there any changes to what constitutes a decent home that we should consider?**

Yes

√ No

Not sure

Please explain your answer further below, if you wish to.

We believe the current Decent Homes standard is sufficient and would only need very minor tweaking, but we accept however that we have a relatively good stock to start with in our borough.

**13. Do we need additional measures to make sure social homes are safe and decent?**

Yes

No

Not sure

If you answered yes, are there measures you would suggest? Please answer below.

## A new deal for social housing

### Chapter two - Effective resolution of complaints

We want to understand whether more residents need to be able to access independent advice and potentially advocacy to support them in making a complaint.

Alternative dispute resolution and mediation services can be critical in allowing issues to be resolved swiftly and locally, while sustaining positive relationships between the parties involved. We are considering whether and how we might strengthen the mediation available for residents and landlords after initial attempts at resolution have failed.

#### 14. Are there ways of strengthening the mediation opportunities available for landlords and residents to resolve disputes locally?

Yes

No

Not sure

If you answered yes, you can provide suggestions below.

As an authority, we would welcome improved mediation opportunities for landlords and tenants. We would like to see an additional arm in the Ombudsman Service for just mediation or Government commissioning mediation services from an existing housing body e.g. CIH. Whichever option is considered, we are unanimous in our thinking that the body would have to be impartial to both tenants and landlords and have housing sector expertise.

Where a complaint is not resolved, a resident should refer their complaint to a “designated person”, such as a local MP, councillor or tenant panel, (known as the democratic filter), but if they do not want to do this or the designated person does not resolve or refer it on themselves, a resident must wait for eight weeks before the complaint can be referred to the Housing Ombudsman. There is a perception that the process of seeking redress took too long, and that the “democratic filter” contributed to delays.

#### 15. Should we reduce the eight week waiting time to four weeks? Or should we remove the requirement for the 'democratic filter' stage altogether?

Support the option to reduce the waiting time to four weeks

Support the option to remove the 'democratic filter' stage altogether

Support no change

Not sure

Reforming the filter stage would require primary legislation. We therefore also want to explore what more could be done in the meantime to help ensure that “designated persons” better understand their role and help to deliver swift, local resolutions for residents.

**16. What can we do to ensure that “designated persons” are better able to promote local resolutions?**

The Government needs to ensure that all people in roles eligible to be a “designated person” under the current legislation understand their role, receive training in promoting local resolutions, and have an appreciation of the importance of their intervention being carried out in a timely manner especially where safety is concerned.

We are looking at awareness of housing dispute resolution services more widely as part of our housing redress consultation. We also want to consider if there is a case for an awareness campaign to support social residents in particular to understand their rights to seek redress and to know how to make complaints and escalate them where necessary.

**17. How can we ensure that residents understand how best to escalate a complaint and seek redress?**

There needs to be a very clear and easy to understand process which is consistently applied across an organisation and in accordance with government/regulator’s guidance. The processes in place within an organisation must be clearly shared with residents as soon as they begin their relationship with the landlord. Landlords should take into account communication preferences of residents to ensure that no one is barred access to the information. Landlords should also publish to residents what is expected of them in terms of the regulatory framework, and how they are complying with it. Clear information should be provided for residents on how to escalate complaints to the ombudsman once internal processes have been exhausted. By having clear, published service standards in place landlords can also manage residents’ expectations.

We want to understand whether more residents need to be able to access independent advice and potentially advocacy to support them in making a complaint.

**18. How can we ensure that residents can access the right advice and support when making a complaint?**

We believe Government would only be able to ensure residents had access to the right advice and support, by setting a standard for how landlords deal with complaints and that standard is maintained and consistent across the social housing sector. If it isn't, then the regulator needs to be able to intervene.

There are no statutory guidelines setting out time frames within which providers should handle complaints. Dissatisfaction with the length of time it takes to resolve issues was mentioned at our engagement events. We therefore want to consider how to speed up landlord complaints processes.

**19. How can we best ensure that landlords' processes for dealing with complaints are fast and effective?**

We believe the best way to ensure landlords processes for dealing with complaints fast and effectively is to:

- Minimise the amount of escalation processes,
- Initiate reasonable target response times,
- Ensure at each response that clear concise information for escalation is available for the next stage
- Have in place clear service standards which the organisation commits to and which are clearly communicated to staff so that they understand what they are expected to achieve, with training provided.

**20. How can we best ensure safety concerns are handled swiftly and effectively within the existing redress framework?**

We think that the legislation changes must be given priority to address this.

In the interim, in our experience a designated person has rarely been used. Complainants if dissatisfied in our area have gone straight to the Ombudsman service (despite the condition to wait 8 weeks), so we suggest tenants are referred straight to the Ombudsman in the interim.

## **A new deal for social housing**

### **Chapter three - Empowering residents and strengthening the Regulator**

We consider that key performance indicators should be focused on issues of key importance to residents, covering those identified through our engagement, such as:

- Keeping properties in good repair;
- Maintaining the safety of buildings;
- Effective handling of complaints;
- Respectful and helpful engagement with residents; and,
- Responsible neighbourhood management, including tackling anti-social behaviour.

#### **21. Do the proposed key performance indicators cover the right areas?**

- Yes
- No
- Not sure

#### **22. Are there any other areas that should be covered?**

- Yes
- No
- Not sure

Please explain your answer further below, if you wish to.

We believe that in general the KPIs suggested above cover the correct broad service areas. However because they are broad, they may be open to interpretation, and therefore impossible to bench mark. The final set of KPIs should be specific and underpinned by consistent formulae for calculating performance data.

#### **23. Should landlords report performance against these key performance indicators every year?**

- Yes
- No
- Not sure

**24. Should landlords report performance against these key performance indicators to the Regulator?**

√ Yes

No

Not sure

**25. What more can be done to encourage landlords to be more transparent with their residents?**

In order to encourage landlords to be more transparent we feel it's necessary for regulatory standards to be specific on how and when performance is reported so that landlords know clearly how to calculate (as set out in previous points) and then share performance data.

The Regulator already expects landlords to publish information about complaints each year, but approaches vary. We are considering setting out a consistent approach on how landlords should report their complaint handling outcomes, by asking those to report how many complaints were resolved, and how many were resolved after repeated complaints and how many were referred to the Ombudsman.

**26. Do you think that there should be a better way of reporting the outcomes of landlords' complaint handling? How can this be made as clear and accessible as possible for residents?**

Yes

No

√ Not sure

If yes, how can this be made as clear and accessible as possible for residents?

It is very difficult to objectively assess tenants' perceptions of how their complaint has been handled. Residents' perceptions may be influenced by the outcome of a complaints investigation and not the way in which the complaint investigation is handled. This is especially the case where a decision is (legitimately) not made in favour of the resident, because it could be a landlord who doesn't address complaints.

**27. Is the Regulator best placed to prepare key performance indicators in consultation with residents and landlords?**

Yes

No

Unsure

Please explain your answer further below, if you wish to.

**28. What would be the best approach to publishing key performance indicators that would allow residents to make the most effective comparison of performance?**

We think there should be a Government website/ portal, where social landlords can all upload their data. The data can be published in an easy to read format.

We want to consider the role of financial incentives and penalties to promote the best practice and deter the worst performance. For example, whether key performance indicators should help inform or influence the extent to which landlords receive funding and link the Affordable Homes Programme funding to the Regulator's governance rating as well as the viability rating.

**29. Should we introduce a new criterion to the Affordable Homes Programme that reflects residents' experience of their landlord?**

Yes

No

Not sure

Please explain your answer further below, if you wish to.

**30. What other ways could we incentivise best practice and deter the worst, including for those providers that do not use Government funding to build?**

- 1. Publicise social landlords that are not accountable through the new reporting portal.
- 2. Have more robust regulation, introduce the same transparency around governance ratings and financial viability of all social landlords, and ensure interventions from regulator when failings occur.

We want to understand more about whether the regulatory framework is setting the right expectations on how landlords should engage with residents, and how effective current resident scrutiny measures are. Landlords are required to consult residents at least once every three years on the best way of involving them in the governance and scrutiny of the housing management service, and demonstrate how they respond to tenants' needs in the way they provide services and how they communicate.

**31. Are current resident engagement and scrutiny measures effective?**

- Yes
- No
- Not sure

**32 What more can be done to make residents aware of existing ways to engage with landlords and influence how services are delivered?**

Landlords should provide more robust communication on provision and methods for engagement - Training / education and improved information should be available for tenants and landlords should set published targets on residents' involvement in decision making. Landlords should streamline resident's engagement, to avoid complex tenant involvement frameworks, making it simpler for people to get involved.

A number of national tenant and resident organisations in the sector have been exploring the option of an independent platform for tenants, based on widespread engagement with tenants, to enable them to have their voices heard more effectively at a national level.

**33. Is there a need for a stronger representation for residents at a national level?**

- Yes
- No
- Not sure

If you answered yes, how should this best be achieved?

We believe that frameworks should take into account the local context and that costly, national arrangements do not necessarily support residents with local concerns. There should be a resource available to support tenants who need it when engaging with landlords, but not necessarily through a large national arrangement.

We want to offer residents greater opportunity to exercise more choice and influence over the day to day housing services. We are exploring options to demonstrate how community leadership can be embedded in the governance and culture of mainstream landlords.

**34. Would there be interest in a programme to promote the transfer of local authority housing, particularly to community-based housing associations?**

- Yes
- No
- Don't know

If you answered yes, what would it need to make it work?

Our council believes that it is best placed to own and manage its own housing stock. However if the Government took the decisions that councils should transfer their housing asset to a tenant –led association and this was the will of tenants then we believe that the Government would need to re-visit current arrangements in relation to the debts taken by local authorities in relation to self-financing.

**35. Could a programme of trailblazers help to develop and promote options for greater resident-leadership within the sector?**

- Yes
- No
- Not sure

We believe this is much-needed.

**36. Are Tenant Management Organisations delivering positive outcomes for residents and landlords?**

- Yes
- No
- Don't know

Please explain your answer further below if you wish to.

TMOs and ALMOs do not have full autonomy over the housing stock on the basis that they do not own the asset. As such their ability to make truly strategic decisions is greatly reduced and accountability may be confused, being a joint matter for both the management agent (TMO/ALMO) and the landlord (the council).

**37. Are current processes for setting up and disbanding Tenant Management Organisations suitable? Do they achieve the right balance between residents' control and local accountability?**

- Yes – the current processes are suitable and achieve the right balance.
- Yes – the current processes are suitable but do not achieve the right balance
- No – the current processes are not suitable and do not achieve the right balance

√ Not sure

Please explain your answer further below, if you wish to.

It is questionable to what degree tenants are (genuinely) involved in the decision to set up the new organisation or to disband it. There would also be local variance in this, so difficult to give a decisive answer.

There have been schemes, such as Local Management Agreements and Community Cashback (called Give it a Go grants) which have been designed to support social residents to take responsibility for a service within their local community.

**38. Are there any other innovative ways of giving social housing resident's greater choice and control over the services they receive from landlords?**

We believe that a well-designed and managed grant system where tenants bid for local improvements is a good idea and should be encouraged.

**39. Do you think there are benefits to models that support residents to take on some of their own services?**

Yes

No

√ Not sure

If yes, what is needed to make these work?

We accept that in some individual incidences there might be scope for this to work because of a particular set of resident's abilities, qualifications and/or previous experience. However on the whole we have concerns that some residents who would like to take on this role will not necessarily have the skills and expertise to run the services they take on. We also have concerns about potential conflicts of interest. Instead we believe that tenants should be able to influence services through a robust involvement process to which landlords are held accountable,

**40. How can landlords ensure residents have more choice over contractor services, while retaining oversight of quality and value for money?**

We would suggest having tenant representatives on procurement panels, and provide them with some education/training on the principles/regulation of procurement, including the selection of contractors and contract management.

The Government has recently announced a significant programme of leasehold reform which will benefit all leaseholders, both in the private and social sectors.

**41. What more could we do to help leaseholders of a social housing landlord?**

We would suggest improved transparency over roles and responsibilities of landlord and leaseholder. Improved guidance for tenants and future purchasers at the purchase stage in plain English on legalities of entering into the lease, possible outcomes and potential charges they might face in the future.

## A new deal for social housing

### Chapter three continued - Empowering residents, making sure their voices are heard

Parliament has set the Regulator of Social Housing a consumer objective, which is:

- to support the provision of social housing that is well-managed and of appropriate quality;
- to ensure that actual or potential tenants of social housing have an appropriate degree of choice and protection;
- to ensure that tenants of social housing have the opportunity to be involved in its management and to hold their landlords to account; and,
- to encourage registered providers of social housing to contribute to the environmental, social and economic well-being of the areas in which the housing is situated.

#### 42. Does the Regulator have the right objective on consumer regulation?

Yes

√ No

Not sure

We believe the objective needs to be more prescriptive about the rights tenants and landlords' service standards, to reduce any ambiguity. They also need to be well promoted and enforced. More proactive enforcement would be beneficial and as such the requirements would need to be more clearly stated.

The Regulator has published four outcome-based consumer standards to deliver the consumer regulation objective. These are:

1. The Tenant Involvement and Empowerment Standard (July 2017) which includes a requirement for landlords to provide choices and effective communication of information for residents on the delivery of all standards, and to have a clear, simple and accessible complaints procedure.
2. The Home Standard (April 2012) which requires homes to be safe, decent and kept in a good state of repair.
3. The Tenancy Standard (April 2012) which requires registered providers to let their home in a fair, transparent and efficient way, and enable tenants to gain access to opportunities to exchange their tenancy.
4. The Neighbourhood and Community Standard (April 2012) which requires registered providers to keep the neighbourhood and communal areas

associated with the homes that they own clean and safe; help promote social, environmental and economic well-being in areas where they own homes; and work in partnership with others to tackle anti-social behaviour in neighbourhoods where they own homes.

**43. Should any of the consumer standards change to ensure that landlords provide a better service for residents in line with the new key performance indicators proposed?**

- Yes  
 No  
 Not sure

If yes, how?

There should be a revised framework, bringing together all the various elements as listed above. The new consumer standards would need to align with the new performance indicators. We also want to know whether landlords and residents would benefit from further guidance on what good looks like, without being overly prescriptive.

**44. Should the Regulator be given powers to produce other documents, such as a Code of Practice, to provide further clarity about what is expected from the consumer standards?**

- Yes  
 No  
 Not sure

Where a landlord breaches a consumer standard, the Regulator can only use its regulatory and enforcement powers if there is or may be a “serious detriment” to existing or potential residents. The Regulator interprets this as meaning where there is “serious actual harm or serious potential harm to tenants.”

**45. Is “serious detriment” the appropriate threshold for intervention by the Regulator for a breach of consumer standards?**

- Yes  
 No

Not sure

If no, what would be an appropriate threshold for intervention?

We believe the appropriate threshold for intervention would be when a landlord persistently fails to meet consumer standards, to include wider areas of performance.

To support a more proactive approach to enforcing the consumer standards we are considering arming residents with information through the introduction of a number of key performance indicators and for landlord performance to be published. Our current thinking is that the Regulator should monitor the key performance indicators to identify where there may be issues of concern with performance. The Regulator would then be able to make a risk-based assessment of how and where to intervene, including through more regular or phased interventions.

**46. Should the Regulator adopt a more proactive approach to regulation of consumer standards?**

✓ Yes

No

Not sure

**47. Should the Regulator use key performance indicators and phased interventions as a means to identify and tackle poor performance against these consumer standards?**

✓ Yes

No

Not sure

If yes, how should this be targeted?

More proactive assessment of landlords' management of performance, with interventions where KPIs are not met. Risk-based intervention would be ideal, depending on the service area where performance targets are consistently not met.

We want to make sure that regardless of whether someone is a resident of a housing association or a local authority, the same minimum standards of service apply. The

Government respects the democratic mandate of local authorities, but this must be balanced against the need to ensure that residents are protected.

**48. Should the Regulator have greater ability to scrutinise the performance and arrangements of local authority landlords?**

Yes

No

Not sure

If yes, what measures would be appropriate?

Where a breach of the consumer standards meets the “serious detriment” test, the Regulator will publish a regulatory notice and consider the most appropriate course of action.

The Regulator is able to use a number of regulatory and enforcement powers where necessary to ensure compliance with the standards. The Regulator has different tools available depending on the landlord, and has published guidance setting out how it will use its powers. The key powers include:

Powers applicable to all landlords :

- Survey to assess the condition of stock
- Inspection to establish compliance with the regulatory requirements
- Hold an Inquiry where it suspects landlord mismanagement
- Issue an Enforcement Notice
- Requirement to tender some or all of its management functions
- Requirement to transfer management of housing to a specified provider

Powers applicable only to private registered providers:

- Issue Fines
- Order payment of compensation to a resident
- Appointment of manager to improve performance of the landlord
- Transfer land to another provider to improve management of land (following an Inquiry)
- Suspension and removal of officers in cases of mismanagement (during or after Inquiry)
- Appoint a new officer to address service failure and improve management of company

Power applicable only to local authority landlords:

- Appoint an adviser to improve performance

**49. Are the existing enforcement measures described above adequate?**

- Yes
- No
- Not sure

If you answered no, what other enforcement powers should be considered?

As part of examining the scope of the Regulator's role we want to consider the case for extending its remit to other organisations that manage social housing. The Regulator will hold the local authority landlord to account for the way services are delivered so it is vital that the local authority has good oversight arrangements in place to ensure that management organisations provide a good service.

**50. Is the current framework for local authorities to hold management organisations such as Tenant Management Organisations and Arm's Length Management Organisations to account sufficiently robust?**

- Yes
- No
- Not sure

If you answered no, what more is needed to provide effective oversight of these organisations?

This is difficult to answer because there is likely to be variation in approaches. Accountability could be strengthened if the regulator proactively monitored the way in which local authorities manage the contract with ALMOs and TMOs.

We want to be clear and transparent about how the Regulator is accountable to Parliament for meeting its statutory objectives. Upcoming legislative changes will

shortly establish it as a standalone Non-Departmental Public Body. As such it will be accountable to Parliament in the same way as other Non-Departmental Bodies.

**51. What further steps, if any, should Government take to make the Regulator more accountable to Parliament?**

We do not have a specific view on this.

## A New Deal for Social Housing

### Chapter Four - Tackling stigma and celebrating thriving communities

We want to celebrate residents' role in shaping fantastic places by recognising the best neighbourhoods.

#### 52. How could we support or deliver a best neighbourhood competition?

Provide adequate resourcing. Develop a framework. Promote funding and incentivise.

#### 53. In addition to sharing positive stories of social housing residents and their neighbourhoods, what more could be done to tackle stigma?

1. Funding for delivery of new social homes is key; social housing is currently in such short supply councils have had to prioritise it for the most in need / vulnerable, if there was more available and it was accessible to more people, increasingly diverse communities would be created and stigmatisation would naturally abate.
2. Providing the funding necessary to enable regeneration and modernisation of social housing.
3. Acknowledging the fact many social landlords have been fighting the phenomenon of stigmatisation for years, and it doesn't come from one source alone, there are many contributing factors e.g. housing policy promoting homeownership above all other tenure, use of language (which has been criticised in the past) as well as media portrayals/stereotyping, there needs to be a complete culture change, it's not something social landlords are the most guilty of or can resolve alone, it needs to be led from the top (Government) down.

We want to embed a customer service culture and attract, retain and develop the right people with the right behaviours for the challenging and rewarding range of roles offered by the sector.

#### 54. What is needed to further encourage the professionalisation of housing management to ensure all staff delivers a good quality of service?

CIH and NHF have high profiles within the housing sector, there is a need for Government to increase funding for education to facilitate the provision of sponsored qualifications from these organisation, as used to be the case a few decades ago

We are minded to introduce a key performance indicator that will capture how well landlords undertake their neighbourhood management responsibilities.

**55. What key performance indicator should be used to measure whether landlords are providing good neighbourhood management?**

We believe the Government standards proposed are sufficient alongside the engagement standards that are being put forward in this consultation. So many other factors influence peoples' perceptions it may be very difficult to obtain a consistent measure

**56. What evidence is there of the impact of the important role that many landlords are playing beyond their key responsibilities?**

Landlord recognition and awards are a positive way to acknowledge and promote good practise and give recognition to the good work of the sector.

**57. Should landlords report on the social value they deliver?**

- ✓ Yes
- No
- Not sure

Please explain your answer further below, if you wish to.

This would help demonstrate how the use of resources can help deliver real value for residents and landlords. It would help recognise how residents are involved and can make a difference.

We are proposing to introduce a key performance indicator to help tackle anti-social behaviour, but we will want to consider how this could impact on areas, and whether it could lead to some people feeling more stigmatised.

**58. How are landlords working with local partners to tackle anti-social behaviour?**

We have a strategic responsible authorities group (RAG) to ensure partnership work is in place (Emergency services, probation, health service etc.) Regular meetings are held on a three monthly basis to review the strategic Community Safety Partnership action plan where preventing ASB is a strategic priority. We also have a joint agency group (JAG) which has operational responsibility for delivering the Action Plan and solving problems.

**59. What key performance indicator could be used to measure this work?**

PI could be "feeling safe"

We want to ensure that the revised National Planning Policy Framework is applied to social housing in the right way. In particular we will:

- Strengthen planning guidance to take into account the principles of Secured by Design: to ensure that external spaces, parks, streets and courts are well-lit and well maintained so they are safe from crime and the fear of crime.
- Strengthen guidance to encourage healthy and active communities: building on the NPPF's healthy and safe communities' chapter.
- Strengthen guidance to encourage new affordable homes to be designed to the same high-quality as other tenures and well-integrated within developments.
- Encourage design that reflects changing needs: for example, inclusive design for an ageing population and family housing at higher densities for effective use of land.

## **60. What other ways can planning guidance support good design in the social sector?**

From a planning perspective, we would consider the requirement for high quality design to apply equally to all development proposals regardless of whether they propose social housing or market housing, the same principles will still apply. On this basis, we do not think that there is anything in particular that is required beyond the myriad of existing local and national guidance on high quality design.

Neighbourhood planning gives communities power to agree and implement a shared vision for their neighbourhood. However, we are aware that too often local people hear about schemes after a planning application has been submitted.

## **61. How can we encourage social housing residents to be involved in the planning and design of new developments?**

1. From a statutory planning perspective, we would always consult with local residents on any planning application, be that directly with those who share a boundary, or by way of press and/or site notices. Beyond this, the National Planning Policy Framework (NPPF) encourages developers to consult with residents and local communities when they are proposing new development, and this is something that the Council as Local Planning Authority would also encourage.

2. In housing we engage with the local community and future residents
  - a. We hold resident consultation planning events – which includes residents in social housing – consultation outcomes are fed into architects design and can result in changes to original planning application
  - b. New social housing residents are offered the opportunity to influence fixtures and fittings colour schemes etc. to personalise e.g. tiling, kitchen units, floor coverings
  - c. In the redevelopment programme for Minster Close sheltered housing scheme, residents who wish to return to the new development have been invited to be part of the design team through inclusive resident workshops
3. It may also be relevant to find a way to include those awaiting an offer of social housing (i.e. on the housing needs register) in the planning consultation process.

## A new deal for social housing

### Chapter Five: Expanding supply and supporting home ownership

#### **62. Recognising the need for fiscal responsibility, this Green Paper seeks views on whether the government’s current arrangements strike the right balance between providing grant funding for Housing Associations and Housing Revenue Account borrowing for Local Authorities**

- Yes, current arrangements strike the right balance
- No, they don’t strike the right balance
- Not sure

Please explain your answer further below if you wish to.

We think it would be appropriate for the government to provide grant funding for RPs and councils and increase the amounts of grant funding for both. Both housing associations and local authorities are equipped to deliver more and this should be facilitated across both types of organisation.

#### **63. How we can boost community led housing and overcome the barriers communities experience to developing new community owned homes?**

We want to give housing associations and others the certainty they require to develop ambitious plans to deliver the affordable homes this country desperately needs

It would be necessary to promote this more widely and showcase previous successes. Reassurance would need to be given that communities could obtain the right type of practical support and advice.

**64. What level of additional affordable housing, over existing investment plans, could be delivered by social housing providers if they were given longer term certainty over funding?**

Unable to answer this in detail as we are currently developing a new business plan and this will now take into account the recent good news that the HRA borrowing cap will be lifted. However, in general it is felt that considerable numbers of new housing could be provided across councils and our authority will certainly be developing as much housing as is viable for us to do so.

We are determined to remove the barriers that many shared owners face. We want everyone who enters shared ownership to have the opportunity to increase equity in their home.

**65. How can we best support providers to develop new shared ownership products that enable people to build up more equity in their homes?**

To best support providers to develop new shared ownership products to enable people to build up more equity in their homes we think:

1. The government should put in place a realistic and achievable framework that is deliverable, won't create un-necessary burdens on the resident and is viable for landlords.
2. Consideration should be given to the way in which valuations are timed, so that there is not an inflated price by the time of the sale.

**THANK YOU FOR TAKING THE TIME TO SHARE YOUR THOUGHTS**

# About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, , may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the EU General Data Protection Regulation, and the Environmental Information Regulations 2004.

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the Freedom of Information Act and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Ministry of Housing, Communities and Local Government will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included at Annex A.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the complaints procedure at <https://www.gov.uk/government/organisations/department-for-communities-and-local-government/about/complaints-procedure>.

# Annex A

## Personal data

The following is to explain your rights and give you the information you are entitled to under the Data Protection Act 2018.

Note that this section only refers to your personal data (your name, address and anything that could be used to identify you personally) not the content of your response to the consultation.

### **1. The identity of the data controller and contact details of our Data Protection Officer**

The Ministry of Housing, Communities and Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at [dataprotection@communities.gsi.gov.uk](mailto:dataprotection@communities.gsi.gov.uk)

### **2. Why we are collecting your personal data**

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

### **3. Our legal basis for processing your personal data**

The Data Protection Act 2018 states that, as a government department, MHCLG may process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation.

### **3. With whom we will be sharing your personal data**

Your data will not be shared with anyone outside MHCLG.

### **4. For how long we will keep your personal data, or criteria used to determine the retention period.**

Your personal data will be held for two years from the closure of the consultation

### **5. Your rights, e.g. access, rectification, erasure**

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have all or some of your data deleted or corrected
- d. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.

**6. Your personal data will not be used for any automated decision making.**

7. The data you provide will be directly stored by Survey Monkey on their servers in the United States. We have taken all necessary precautions to ensure that your rights in terms of data protection will not be compromised by this. Your data will also be stored in a secure government IT system.

**CABINET HOUSING PANEL WORK PROGRAMME 2018/19 (As at 9 October 2018)**

<b>DATE OF MEETING</b>	<b>REPORTS</b>	<b>REPORT AUTHORS SERVICE AREAS</b>
25 October 2018	<ul style="list-style-type: none"> <li>• Scrutiny Panel – review of Repairs Call Centre</li> <li>• Changes to government policy regarding the lifting of the HRC cap</li> <li>• Update on housing delivery project *Simone to introduce – update on progress and to include HRA cap</li> <li>• Better Care Fund/Disabled Facilities Grant</li> <li>• Social Housing Green Paper Consultation – Draft Response</li> <li>• Update on Queensway</li> </ul>	<p>Rose Read</p> <p>All</p> <p>Presentation by Steve Partridge, Savill's</p> <p>Sian Chambers</p> <p>Sian Chambers</p> <p>Peter Gray</p>
10 December 2018	<ul style="list-style-type: none"> <li>• QTR 2 KPIs</li> <li>• Presentation by Simon Kiff on managing the impact of welfare benefits inc. UC</li> <li>• Rent arrears policy for approval</li> <li>• Former tenant arrears policy for approval</li> <li>• Affordable Housing Programme monitoring report</li> <li>• Update on housing delivery project/intro to Housing Revenue Account Business Plan (Invite Red Loft)</li> </ul>	

16 January 2019	<ul style="list-style-type: none"> <li>• Housing Operations Transformation Programme Update</li> <li>• Update on housing delivery project</li> </ul>	<p>Stuart Pearson</p> <p>Simone Russell (verbal update)</p>
11 March 2019	<ul style="list-style-type: none"> <li>• End of year report for housing property and operations - a sort of 'review of the year'. It will be a presentation and report. Please can you put on the forward plan for April/May (whenever the meeting falls after year end).</li> <li>• Update on housing delivery project</li> <li>• Quarter 3 KPIs 2018/19</li> </ul>	<p>Simone Russell (verbal update)</p> <p>Lucy Aston</p>