

Committee	Date	Classification	Report No.	Agenda Item No.
Overview and Scrutiny Committee	4 th June 2013	Unrestricted		
Report of: Service Head, Corporate Strategy & Equality Originating Officer(s): Shibbir Ahmed, Strategy, Policy & Performance Officer		Title: Co-regulation and accountability of Registered Housing Providers (RP's) Ward(s) affected: All		

1. Summary

- 1.1 This report submits the report and recommendations of the review on co-regulation and accountability of Registered Housing Providers (RP's) for consideration by the Overview and Scrutiny Committee.

2. Recommendations

It is recommended that Overview and Scrutiny Committee:

- 2.1 Agree the draft report and the recommendations contained in it.
- 2.2 Authorise the Service Head for Strategy & Equality to amend the draft report before submission to Cabinet, after consultation with the scrutiny review group.

LOCAL GOVERNMENT ACT, 1972 (AS AMENDED) SECTION 100D LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT	
Background paper	Name and telephone number of and address where open to inspection
None	

N/A

3. Background

- 3.1 The Localism Act 2011 significantly amends parts of the Housing and Regeneration Act 2008 which established the objectives and certain powers of the social housing regulator. The provisions of the Localism Act that make these changes came into effect on 1st April 2012.
- 3.2 The new framework retains the 6 main headings that spearheaded the performance standards that Registered Providers (RPs) were obliged to meet under the original 2010 framework, and new “economic” and “consumer” standards have been created.
- 3.3 The Tenant Involvement and Empowerment standard falls within the scope of the new Consumer standard. This where one of the more significant changes within the Localism Act are outlined.
- 3.4 With effect from April 2013 the role of the Independent Housing Ombudsman will be extended to include complaints from Local Authority tenants, formally the jurisdiction of the Local Government Ombudsman.
- 3.5 An additional stage has been incorporated in the formal complaints escalation process to include referrals to a “designated person” BEFORE a complaint can be considered by the Housing Ombudsman.
- 3.6 This additional requirement places new responsibilities on Councillors that will impact on the way they handle some complaints received from social housing tenants in future.
- 3.5 The report with recommendations is attached at Appendix A.
- 3.6 Once agreed, the Working Groups report will be submitted to Cabinet for a response to the recommendations.

4. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL)

- 4.1 The Council is required by section 9F of the Local Government Act 2000 to have an Overview and Scrutiny Committee and to have executive arrangements that ensure the committee has specified powers. Consistent with this obligation, Article 6 of the Council’s Constitution provides that the Overview and Scrutiny Committee may consider any matter affecting the area or its inhabitants and may make reports and recommendations to the Full Council or the Executive in connection with the discharge of any functions. It is consistent with the Constitution and the statutory framework for the Executive to provide a response.
- 4.2 The Tower Hamlets Community Plan contains the Council’s sustainable community strategy within the meaning of section 4 of the Local Government Act 2000. The Partnership seeks to tackle inequality and promote inclusion under the theme of One Tower

Hamlets. It also makes affordable housing and housing quality priorities under the theme of A Great Place to Live. A number of the recommendations arising from the review are for the Council to work with its registered provider partners to promote management standards and co-regulation. Provided that the limits of the Council's powers are respected, the recommendations may be capable of being carried out within the Council's statutory functions.

- 4.3 Section 51 and Schedule 2 of the Housing Act 1996 prescribe a framework for the handling of housing complaints from the social rented sector. Amendments made by the Localism Act 2011 took effect from 1 April 2013, shifting responsibility for local authority housing complaints to the Housing Ombudsman (registered provider complaints had already been going to the Housing Ombudsman).
- 4.4 Tenants and other individuals may have complaints against social landlords investigated by a housing ombudsman pursuant to a scheme approved by the Secretary of State. Under an approved housing complaints scheme, it is the duty of the relevant housing ombudsman to investigate any complaint duly made and not withdrawn. The housing ombudsman must determine a complaint by reference to what the ombudsman considers fair in all the circumstances of the case.
- 4.5 A complaint against a social landlord will not generally be "duly made" to a housing ombudsman under an approved scheme unless it is referred on to the ombudsman in writing by a designated person. This requirement has been referred to as the "democratic filter". A designated person who can refer a housing complaint to the housing ombudsman is –
- a member of the House of Commons,
 - a member of the local housing authority for the area, or
 - a designated tenant panel.
- 4.6 A designated tenant panel is a group of tenants which is recognized by a social landlord for the purpose of referring complaints against the social landlord. The social landlord is required to keep its housing ombudsman informed of any tenant panels which it recognizes. The Council may work to support the establishment of one or more tenant panels to deal with complaints against the Council as landlord.

5. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 5.1 This report describes the outcome of the report and recommendations of the review on co-regulation and accountability of Registered Housing Providers (RP's) by the Overview and Scrutiny Committee.
- 5.3 There are no specific financial implications emanating from this report but in the event that the Council agrees further action in response to this report's recommendations then officers will be obliged to seek the appropriate financial approval before further financial commitments are made.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 Co-regulatory principles and localism underpin the regulatory approach with tenants at the heart of the decision making processes.
- 6.2 The new frameworks seeks to capture the need to be as inclusive as possible by providing the opportunity for all tenants to play a role in ensuring that RPs manage to the highest possible standard in Tower Hamlets.
- 6.3 More than a quarter of all affordable housing stock in the borough is managed by Registered Providers (RPs) hence they are absolutely key to the successful implementation of the Council's housing strategy.
- 6.4 This report aims to highlight the close partnership that is needed between the Council and RP's and puts forward a set of recommendations to ensure the success of the co-regulatory approach; the protection of consumer standards; and the drive for continuous service improvement.

7. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 7.1 There are no direct environmental implications arising from the report or recommendations.

8. RISK MANAGEMENT IMPLICATIONS

- 8.1 There are no direct risk management implications arising from the report or recommendations.

9. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 9.1 There are no direct crime and disorder reduction implications arising from the report or recommendations.