



REPORT TO:	Cllr T Carter, Portfolio Holder for Communities and Operational Housing
REPORT OF:	Jason King, Assistant Director - Housing
REPORT AUTHOR:	Vikki Cherry, Housing Transformation Manager
SUBJECT:	New Social Housing Regulatory Functions and Nominees to Adopt
PURPOSE:	To endorse nominated Council Officers to take on responsibilities that have derived from changes to social housing, fire safety and health and safety regulations
KEY DECISION:	No
WARD(S) AFFECTED:	All Wards
EXEMPT REPORT?	No.

SUMMARY

The Regulator of Social Housing’s reshaped consumer regulation began on 1 April 2024 following changes introduced by the Social Housing (Regulation) Act 2023. As part of these changes, landlords are required to be more transparent by making information available to tenants about the relevant roles and responsibilities of senior level employees or officers.

The roles around responsibility for compliance with the consumer standards and a lead person for health and safety are new, and so it is necessary for the Executive to appoint to these roles.

RECOMMENDATIONS

That:

1. the Assistant Director – Housing is designated as the “Responsible Person for compliance with the consumer standards”.
2. the Housing Property Services Manager is designated as the “Health and Safety Lead”, responsible for compliance with landlord health and safety on behalf of the Council.
3. the Portfolio Holder for Communities and Operational Housing delegates responsibility to the Assistant Director - Housing to allow this role to be delegated to another Housing Manager on a temporary basis, in situations such as absence or where the post becomes vacant.

4. the Chief Executive of South Holland District Council is designated as the “Responsible Person for fire safety”.
5. the “Responsible Person for fire safety” delegates the duties and actions associated to fire safety within the Housing Landlord Service to Assistant Director – Housing. The Assistant Director is responsible for utilising recourses available to them to fulfil this function.
6. the Assistant Director - Housing is designated as the Accountable Person for Higher-Risk Residential Buildings.
7. the Business Support Manager is designated as the Lead Officer for Housing Complaints.
8. the Portfolio Holder – Communities and Operational Housing is designated as the Member Responsible for (Housing) Complaints.

REASONS FOR RECOMMENDATIONS

It is necessary to appoint individuals to these roles in order to be compliant with the Regulator of Social Housing’s consumer standards, Housing and Regeneration Act 2008, Building Safety Act 2022, the Regulatory Reform (Fire Safety) Order 2005 (RRFSO 2005) and Fire Safety (England) Regulations 2022 as well as the Housing Ombudsman Complaint Handling Code 2024.

Registered Providers must submit the name of the Health and Safety Lead to the Regulator of Social Housing by 31 May 2024.

OTHER OPTIONS CONSIDERED

Not to appoint individuals to these roles, in which case the Council will be non-compliant with the Consumer Standards, risking a non-compliant grading from the Regulator of Social Housing.

1. BACKGROUND

- 1.1 The Regulator of Social Housing’s reshaped approach to consumer regulation began on 1 April 2024 following changes introduced by the Social Housing (Regulation) Act 2023. As part of the changes, the regulator will assess landlords against four new consumer standards and hold them to account by carrying out regular inspections and scrutinising data on tenant satisfaction and repairs.
- 1.2 The Transparency, Influence, and Accountability Standard requires landlords to be transparent with tenants, treat them fairly and respectfully so they can access services. Tenants must be able to voice concerns where necessary, influence decisions, and hold the landlord accountable.

2. REPORT

- 2.1 Person Responsible for Compliance with the Consumer Standards
- 2.2 The Transparency, Influence, and Accountability Standard requires registered providers to make information available to tenants about the relevant roles and responsibilities of senior level employees or officers, including who has responsibility for compliance with the consumer standards.

- 2.3 Section 194 of the 2008 Housing and Regeneration Act (amended by Social Housing (Regulation) Act 2023), explains that the role of the Responsible Person is to:
- a. monitor the Council’s compliance with the consumer standards (in its role as a social landlord); and
 - b. inform the Regulator of Social Housing if the Council has failed, or there is a risk they will fail, to meet any the consumer standards.
- 2.4 It is recommended that the Assistant Director – Housing is designated as the Person Responsible for Compliance with the Consumer Standards.
- 2.5 Health and Safety Lead
- 2.6 Section 126 of the Housing and Regeneration Act 2008 (amended by Social Housing (Regulation) Act 2023) requires a registered provider to designate an individual as a health and safety lead. Their role is to:
- a. monitor the provider’s compliance with health and safety requirements;
 - b. assess risks of failure to comply with health and safety requirements;
 - c. notify the responsible body of the provider of—
 - i. risks assessed under paragraph (b) of material failures by the provider to comply with health and safety requirements;
 - ii. material failures by the provider to comply with health and safety requirements;
 - d. provide advice to the responsible body as to how the provider should address risks and failures notified to the responsible body under paragraph c. for the purpose of ensuring that the provider complies with health and safety requirements.
- 2.7 A registered provider must:
- a. ensure that the health and safety lead—
 - i. has sufficient authority (including, in particular, authority to obtain information) within the provider’s organisation, and
 - ii. can devote sufficient time to the functions of the health and safety lead, to perform the role of health and safety lead effectively;
 - b. provide the health and safety lead with the resources needed to carry out those functions.
- 2.8 A registered provider must:
- a. notify the Regulator of Social Housing of the name and contact details of the Health and Safety Lead, and
 - b. publish that information.
- 2.9 It is recommended that the Housing Property Services Manager is designated as the Health and Safety Lead.
- 2.10 Responsible Person for Fire Safety
- 2.11 The Regulatory Reform (Fire Safety) Order 2005 (RRFSO 2005) applies to all non-domestic premises, including communal areas of residential buildings with multiple homes. RRFSO 2005 designates those in control of premises as the responsible person for fire safety and they have a duty to undertake assessments and manage risks. RRFSO 2005 is enforced by the Fire and Rescue Authorities.

- 2.12 The Fire Safety (England) Regulations 2022 defines the responsible person as:
- a. in relation to a workplace, the employer, if the workplace is to any extent under his control;
 - b. in relation to any premises not falling within paragraph (a)—
 - i. (i)the person who has control of the premises (as occupier or otherwise) in connection with the carrying on by him of a trade, business or other undertaking (for profit or not); or
 - ii. (ii)the owner, where the person in control of the premises does not have control in connection with the carrying on by that person of a trade, business or other undertaking.
- 2.13 Home Office Guidance: Check your fire safety responsibilities under the Fire Safety (England) Regulations 2022 states the following:
- For all practical purposes, in the case of a block of flats, the Responsible Person will be the person who has control of the premises in connection with carrying on a business. This will, typically, be the freeholder or the managing agents for the block, or, for example, a residents' management company. Sometimes, confusion arises from the term "Person", because it might be expected that the "Responsible Person" is an individual living person (or what, in law, is described as a "natural person"). However, commonly, the Responsible Person will be an organisation, such as a property company or firm of managing agents (or what, in law, is described as a "legal person").*
- 2.14 The Council as a Landlord/Owner is a Responsible Person for the purpose of the legislation and therefore must comply with the legal duties imposed. It is the responsibility of the Responsible Person and those they appoint to assist them, to comply with the fire safety legislation.
- 2.15 The statutory role of Responsible Person is considered to be held by the Chief Executive of South Holland District Council. The Chief Executive has overall and final responsibility for fire safety across the Council.
- 2.16 Whilst the Chief Executive has overall and final responsibility for fire safety, it is proposed that duties and actions associated to fire safety within the Housing Landlord Service are delegated to Assistant Director – Housing. The Assistant Director is responsible for utilising resources available to them to fulfil this function.
- 2.17 Accountable Person for Higher-Risk Residential Buildings
- 2.18 The Building Safety Act 2022 identifies the need to appoint an 'Accountable Person' for residential higher-risk residential buildings. Higher-risk buildings are defined as a building in England that—
- a. is at least 18 metres in height or has at least 7 storeys, and
 - b. contains at least 2 residential units.
- 2.19 The Building Safety Act 2022 sets out requirements for building owners to demonstrate that they have effective measures in place to identify and manage safety risks. The Act also

enables residents in higher-risk buildings to have a say in the management of their building and raise concerns directly with the Accountable Person who will have a duty to listen to them.

- 2.20 The core duties of an Accountable Person revolve around the assessment and management of building safety risks in their higher-risk buildings. The Accountable Person has a duty to take all reasonable steps to:
- prevent a building safety risk (the risk of a fire spreading or a structural failure) from happening; and
 - reduce the seriousness of any risk that arises.
- 2.21 The Council does not currently manage any higher-risk buildings as defined by the Building Safety Act 2022; however it is prudent to assign an individual to this role in case the definition of 'higher-risk' changes or the Council acquires a higher-risk building in the future.
- 2.22 It is recommended that the Assistant Director - Housing is designated as the Accountable Person for Higher-Risk Residential Buildings.
- 2.23 Lead Officer for Housing Complaints
- 2.24 The Housing Ombudsman Complaint Handling Code 2024 requires landlords to appoint a suitably senior lead person as accountable for their complaint handling. This person must assess any themes or trends to identify potential systemic issues, serious risks, or policies and procedures that require revision. It is a statutory requirement to adopt the outcomes of the Code, with a self-assessment submitted to the Ombudsman on an annual basis.
- 2.25 It is recommended that the Business Support Manager is designated as the Lead Officer for Housing Complaints.
- 2.26 Member Responsible for Complaints
- 2.27 The Housing Ombudsman Complaint Handling Code 2024 requires landlords to have a Member Responsible for Complaints (MRC) on their governing body to provide assurance to the governing body on the effectiveness of its complaints system, including challenging the data and information provided to the Board or equivalent body.
- 2.28 The MRC will be responsible for ensuring the governing body receives regular information on complaints that provides insight on the landlord's complaint handling performance. This person must have access to suitable information and staff to perform this role and report on their findings. For Councils, this individual should be a lead Member or a Councillor who has oversight in the cabinet for housing.
- 2.29 It is recommended that the Portfolio Holder – Communities and Operational Housing is designated as the Member Responsible for (Housing) Complaints.

3. CONCLUSION

- 3.1 It is necessary to appoint individuals to roles in order to be compliant with the consumer standards, Housing and Regeneration Act 2008, Building Safety Act 2022, the Regulatory Reform (Fire Safety) Order 2005 (RRFSO 2005) and Fire Safety (England) Regulations 2022 and the Housing Ombudsman Complaint Handling Code 2024.

4. EXPECTED BENEFITS TO THE PARTNERSHIP

4.1 The Council will be compliant with the Consumer Standards, tenants will be informed and able to voice concerns where necessary and hold the landlord to account.

5. IMPLICATIONS

5.1 SOUTH AND EAST LINCOLNSHIRE COUNCIL'S PARTNERSHIP

5.1.1 None.

5.2 CORPORATE PRIORITIES

5.2.1 None.

5.3 STAFFING

5.3.1 The Head of Human Resources and Operational Development has been consulted.

5.3.2 Staff with new designated roles have agreed to support the extension of their responsibilities.

5.4 WORKFORCE CAPACITY IMPLICATIONS

5.4.1 None.

5.5 CONSTITUTIONAL AND LEGAL IMPLICATIONS

5.5.1 All roles are required by statute:

- Responsible Person for compliance with the consumer standards and Health and Safety Lead - Housing and Regeneration Act 2008,
- Accountable Person for Higher-Risk Residential Buildings - Building Safety Act 2022
- Responsible Person for Fire Safety - Regulatory Reform (Fire Safety) Order 2005 (RRFSO 2005) and Fire Safety (England) Regulations 2022
- Lead Officer for Complaints and Member Responsible for Complaints - Housing Ombudsman Complaint Handling Code 2024

5.5.2 As a social landlord, the Council is required to publish these roles with tenants. Non-compliance with the consumer standards puts the Council at risk of a non-compliant grading following an inspection by the Regulator of Social Housing and breaches the consumer standards.

5.6 DATA PROTECTION

5.6.1 None.

5.7 FINANCIAL

5.7.1 None.

5.8 RISK MANAGEMENT

5.8.1 None.

5.9 STAKEHOLDER / CONSULTATION / TIMESCALES

5.9.1 Consultation has taken place with:

- Chief Executive of South Holland District Council
- Deputy Chief Executive (Corporate) and s151
- Head of Human Resources and Operational Development for PSPS Ltd
- Assistant Director – Housing
- Housing Repairs Manager
- Assistant Director – Regulation (Lead Officer for Corporate Health and Safety)
- Partnership Strategic Health and Safety Group
- Monitoring Officer
- Portfolio Holder for Communities and Operational Housing
- Portfolio Holder for Corporate, Governance and Communications
- Business Support Manager
- Housing Property Services Manager.

5.10 REPUTATION

5.10.1 None.

5.11 CONTRACTS

5.11.1 None.

5.12 CRIME AND DISORDER

5.12.1 None.

5.13 EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING

5.13.1 None.

5.14 HEALTH AND WELL BEING

5.14.1 None.

5.15 CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

5.15.1 None.

5.16 LINKS TO 12 MISSIONS IN THE LEVELLING UP WHITE PAPER

5.16.1 This paper contributes to the Housing Mission outlined in the Government’s Levelling Up White paper:

“By 2030, renters will have a secure path to ownership with the number of first-time buyers increasing in all areas; and the government’s ambition is for the number of non-decent rented homes to have fallen by 50%, with the biggest improvements in the lowest performing areas.”

6. ACRONYMS

6.1 None.

<p>APPENDICES</p> <p>None</p>

BACKGROUND PAPERS

Background papers used in the production of this report are listed below: -

Document title	Where the document can be viewed
Guidance: Check your fire safety responsibilities under the Fire Safety (England) Regulations 2022	https://www.gov.uk/government/publications/check-your-fire-safety-responsibilities-under-the-fire-safety-england-regulations-2022/check-your-fire-safety-responsibilities-under-the-fire-safety-england-regulations-2022
Regulatory standards for landlords	https://www.gov.uk/government/collections/regulatory-standards-for-landlords
The charter for social housing residents: Social Housing White Paper	https://www.gov.uk/government/publications/the-charter-for-social-housing-residents-social-housing-white-paper
Housing Ombudsman Complaint Handling Code April 2024	https://www.housing-ombudsman.org.uk/landlords-info/complaint-handling-code/the-code-2024/

CHRONOLOGICAL HISTORY OF THIS REPORT

A report on this item has not been previously considered by a Council body.

REPORT APPROVAL

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