

# Birmingham City Council

## Homes Overview and Scrutiny Committee

18 April 2024



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**Subject:** Regulatory Compliance: Regulator of Social Housing  
**Report of:** Paul Langford, Strategic Director of City Housing  
**Report author:** Naomi Morris, Head of Strategic Enabling

### 1 Purpose

- 1.1 The purpose of this report is to provide quarterly oversight to Overview & Scrutiny Committee in relation to the Council's position around landlord compliance, including areas of regulatory breach.
- 1.2 The report also provides an update to Overview & Scrutiny Committee on preparation for the Social Housing Regulation Act and the likelihood of a potential regulatory inspection against the new Consumer Standards.

### 2 Recommendations

- 2.1 That the Committee:
  - Considers the most recent report to the Regulator of Social Housing (Appendix 1), including the response to the question regarding the changes to Repairs & Maintenance contracts following the Housing Ombudsman Paragraph 49 report, and provides any comments.
  - Notes the status of each activity in the Consumer Standards action plan (Appendix 2) and provides any comments.
  - Notes the updated Voluntary Undertaking (Appendix 3) and provides any comments.
  - Notes the Council's consultation response to Awaab's Law (Appendix 4) and provides any comments.

### 3 Any Finance Implications

- 3.1 There are no specific implications at this stage. However, it is important to note that the Regulator of Social Housing has the power to impose unlimited fines where there are continued areas of non-compliance.

- 3.2 The Council continues to make compensation payments to households where the service may not have managed a complaint appropriately, or where there has been a service failure that warrants this. Compensation is awarded in line with the Housing Ombudsman financial redress guidance and there is budgeted provision in the Housing Revenue Account Business Plan to support this.

#### **4 Any Legal Implications**

- 4.1 The Council are currently under a formal engagement process with the Regulator of Social Housing, based on a breach of the Consumer Standards (Home Standard and Tenant Involvement and Empowerment Standard). There are no legal ramifications at this stage, but the engagement is formal in nature and there are risks of legal ramifications should the Council fail to progress at the required pace.
- 4.2 The Housing Ombudsman have formally ended their intervention with the Council, following the Paragraph 49 report issued in January 2023. This was confirmed in February 2024. The Ombudsman will continue to make determinations on both historic and current cases where things have gone wrong, in the same way as any other authority but formal engagement has ceased.

#### **5 Any Equalities Implications**

- 5.1 There are no equality implications to note.

#### **6 Appendices**

- 6.1 Appendix 1 sets out the most recent report to the Regulator of Social Housing as part of the formal monthly monitoring meetings. This includes a response to the Committee's question regarding the changes made to Repairs & Maintenance contracts following the Housing Ombudsman Paragraph 49 report.
- 6.2 Appendix 2 sets out the Consumer Standards action plan which shows the detailed work being undertaken against all of the four new Consumer Standards, in order to prepare for an inspection. This demonstrates the status of each activity.
- 6.3 Appendix 3 sets out the updated Voluntary Undertaking document, setting out our commitments formally to the Regulator. We are awaiting the Regulator's comments prior to sign off.
- 6.4 Appendix 4 sets out the Council's consultation response to Awaab's Law which is currently being formally consulted upon. It is important that the Overview & Scrutiny Committee are sighted on this response given the significant financial and operational implications on the Council if this is to progress as proposed.