

# Brighton & Hove City Council

## Place Overview & Scrutiny Committee

## Agenda Item 12

**Subject:** Housing Regulator Judgement: Report for Place Overview & Scrutiny Committee

**Date of meeting:** 23 September 2024

**Report of:** Chair of the Place Overview & Scrutiny Committee

**Contact Officer:** Name: Giles Rossington, Policy, Partnerships & Scrutiny Team Manager  
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**Ward(s) affected:** All wards

**Key Decision:** No

**For general release**

### 1. Purpose of the report and policy context

- 1.1 The Regulator of Social Housing published a judgement on Brighton & Hove City Council's performance as a landlord on 09 August 2024. The Council was graded C3, with significant improvements needed.
- 1.2 Cabinet will consider a report at its 26 September meeting which sets out the Council's response to the regulator's judgement and outlines plans and progress toward addressing the issues identified by the regulator.
- 1.3 In order to give non-executive members the opportunity to consider and comment on this matter, a special meeting of Place Overview & Scrutiny Committee has been called in advance of the Cabinet meeting. An excerpt from the draft minutes of the Place meeting will be shared with Cabinet members before their 26 September Cabinet meeting.
- 1.4 The Cabinet report recommends agreement to Overview & Scrutiny oversight arrangements set out in the report in order to engage with Scrutiny and provide oversight of planning and progress toward regulatory compliance. Comments on these proposed arrangements from Overview & Scrutiny Committee would be welcome.

### 2. Recommendations

- 2.1 That Place Overview & Scrutiny Committee note the contents of the Cabinet report on the Social Housing Regulator Judgement (Appendix 1).

- 2.2 That Place Overview & Scrutiny Committee consider and comment upon the proposed Overview & Scrutiny oversight recommendations as set out in section 6 the Cabinet report and outlined below. Comments or recommendations on these arrangements to be shared with Cabinet members ahead of the Cabinet meeting on 26 September.

### **3. Context and background information**

- 3.1 The Regulator of Social Housing (RSH) was given enhanced powers to carry out regulatory inspections of social landlords from 01 April 2024. The Regulator began to engage with the Council in October 2023, following a September 2023 Committee report seeking to address a backlog of repairs. The RSH judgement considered the information provided by the Council on our backlog of routine repairs and our Housing, Health & Safety Compliance Review. Detail of the Council's ongoing engagement with the Regulator was regularly reported to Housing & New Homes Committee.
- 3.2 On 9 August 2024 the Regulator published a judgement of the Council's performance as a social landlord having considered the information shared in line with their new consumer regulation process. The judgement identified serious failings in the Safety and Quality compliance category in the areas of health & safety and the routine repairs backlog.
- 3.3 The Council's response to the Regulator's judgement will be considered by Cabinet at its 26 September 2024 meeting and is attached as Appendix 1 to this report. The Cabinet report provides information on progress in addressing areas of concern raised by RSH and work that remains to meet regulatory requirements. This includes in areas of: electrical safety; provision of smoke detection; water safety; fire safety remediation actions and the backlog in routine repairs. The report also provides information on other areas of Safety and Quality (gas & fuel, asbestos, lifts and lifting equipment) and other areas of compliance.

#### **Recommendations for Overview & Scrutiny involvement & oversight.**

- 3.4 The Cabinet report sets out recommendations around proposed engagement with Overview & Scrutiny following the Regulatory Judgement in order to provide oversight of planning and progress toward regulatory compliance.
- 3.5 There are elements contained in the Cabinet report which relate to the Housing remits of both Place and People Overview & Scrutiny Committees. However, most of the actions that the Council will take in response to the Regulator's judgement will be focused on issues of maintenance and repair, which sit within the Terms of Reference for Place Overview & Scrutiny Committee.
- 3.6 The Cabinet report sets out proposals to include the work on planning and progress toward regulatory compliance as a regular item on the agenda for the Place Overview & Scrutiny Committee to ensure cross party scrutiny of the Council's actions in response to the Regulator's findings. We propose to

invite People Overview & Scrutiny members to attend for this item, as there are important areas of work which sit within the remit of People Overview & Scrutiny Committee, particularly around tenant engagement. This will ensure transparent and focused overview and scrutiny of the Council's response to the Judgement.

- 3.7 Consideration of and comment on these proposed arrangements from the special meeting of Place Overview & Scrutiny Committee would be welcome ahead of Cabinet on 26<sup>th</sup> September.

#### **4. Analysis and consideration of alternative options**

- 4.1 Place Overview & Scrutiny Committee members may wish to support the recommendations for actions detailed in the Cabinet Report, and/or to recommend alternative actions.

#### **5. Community engagement and consultation**

- 5.1 None directly to this report.

#### **6. Financial implications**

- 6.1 There are no financial implications as a result of this report. The committee is referred to the finance comments in the cabinet report referred to.

Name of finance officer consulted: Craig Garoghan      Date consulted:  
17/09/2024

#### **7. Legal implications**

- 7.1 The committee is referred to the legal comments in the Cabinet report referred to.
- 7.2 The Social Housing Regulation Act came into effect from 1 April 2024 and requires social landlords to comply with the standards set by the Regulator of Social Housing (RSH). On 9 August 2024 the Regulator of Social Housing issued a C3 regulatory judgment that there are serious failings in the Council as landlord delivering the outcomes of the consumer standards and significant improvement is needed specifically in relation to outcomes for the national Safety and Quality Standard.
- 7.3 The Regulator expects the Council as landlord to develop a plan that will drive significant change and to share that with tenants. The Regulator's engagement with the landlord will be intensive and require evidence that sufficient change and improvement is being made.
- 7.4 The Regulator has very substantial powers of enforcement available but is not proposing to use enforcement powers at this stage, provided Brighton and Hove CC continues to seek to resolve these issues.

- 7.5 The Cabinet report recommends further oversight of planning and progress towards achieving compliance. The full engagement of the Council in driving progress to meeting all requirements is a corporate priority.

Name of lawyer consulted: Natasha Watson Date consulted 6/9/24

## **8. Equalities implications**

- 8.1 We are focused on understanding and meeting the needs of vulnerable and marginalised groups, such as older adults, people with disabilities, and minority communities. The Council will continue to apply an equity-focused approach to all housing compliance and safety initiatives, ensuring that no group is disproportionately affected by past shortcomings or future actions.

## **9. Sustainability implications**

- 9.1 Enhancing safety and compliance measures presents an opportunity to incorporate sustainable practices, such as improved insulation and energy-efficient heating systems. These initiatives will not only improve the safety and comfort of residents but also advance the Council's commitment to reducing carbon emissions and promoting environmental responsibility within the community.

## **10. Health and Wellbeing Implications:**

- 10.1 The quality and safety of housing is closely tied to the health and wellbeing of our residents. By focusing on areas such as fire safety, electrical compliance, the Council aims to create safer, healthier living environments. These efforts will also help reduce health inequalities, especially for those dealing with issues like fuel poverty or chronic health conditions.

## **13. Conclusion**

- 13.1 The Scrutiny Committee is asked to consider the Cabinet report in response to the Social Housing Regulator judgement. In particular, to consider and comment upon recommendations to engage with Overview & Scrutiny in order to provide oversight of planning and progress toward regulatory compliance. Members comments or recommendations will be circulated to Cabinet members ahead of the Cabinet decision.

## **Supporting Documentation**

### **1. Appendices**

1. Cabinet Report on Housing Regulator Judgement (and Cabinet report appendices)