

<b>LONDON BOROUGH OF CAMDEN</b>	<b>WARDS:</b> All
<b>REPORT TITLE:</b> Regulatory Update Report	
<b>REPORT OF:</b> Director of Property Management	
<b>FOR SUBMISSION TO:</b> Fire Safety & Compliance Advisory Panel	<b>DATE:</b> 17 October 2023
<p><b>SUMMARY OF REPORT:</b> The report updates the Panel on the current stage of implementation and new regulatory requirements arising from the Fire Safety Act 2021, Building Safety Act 2022 and the Social Housing (Regulation) Act 2023.</p> <p><b>LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION:</b> No documents that require listing were used in the preparation of this report.</p> <p><b>CONTACT OFFICER:</b> Melissa Dillon: Resident Safety Engagement &amp; Governance Lead E-mail: <a href="mailto:melissa.dillon@camden.gov.uk">melissa.dillon@camden.gov.uk</a>, Tel. 0207 974 3100</p>	
<p><b>RECOMMENDATIONS:</b></p> <p>The Panel notes:</p> <ul style="list-style-type: none"> <li>i. the on-going publication by Government of secondary fire and building safety legislation and social housing regulations</li> <li>ii. the work the Council is undertaking to prepare to implement new regulations and consumer standards</li> </ul>	

Signature:



Gavin Haynes  
Director Property Management

Date: 4<sup>th</sup> October 2023

## 1. INTRODUCTION

- 1.1 Following the enactment of the Fire Safety Act 2021 and the Building Safety Act 2022, Government has been publishing secondary legislation, regulations and guidance on an incremental basis during a transitional period due to conclude in April 2024.
- 1.2 The regulations have been coming into force at different times during the transitional period, this report updates the Panel on the current stage of implementation and new regulatory requirements arising from the Social Housing (Regulation) Act 2023 and the overlap with fire and building safety legislation.

## 2. NEW LEGISLATION AND REGULATIONS

### *Building Safety Act 2022*

- 2.1 In September 2023, Government published regulations setting out the information that accountable persons for occupied higher-risk buildings need to keep as golden thread information (necessary for Building Safety Case submissions required from April 2024). The regulations also cover the information that accountable persons must share with residents and other people who are involved in ensuring the safety of the building.
- 2.2 The fees and charges that the Council will have to pay to for the assessment by the Building Safety Regulator of Building Safety Cases any investigation the Regulator might opt to carry out, were also published,
- 2.3 At the time of writing the Council is preparing for the following additional new regulations and the Panel will receive reports on progress as they are enacted.

Regulation to be issued	Anticipated requirement
High-Rise Building Registration & Safety Cases	Publication of requirements for the content of Building Safety Case reports for high-rise buildings to be submitted for approval by the Building Safety Regulator from April 2024
Building Control Gateway 2 & 3 Regulations	Requirement for construction and occupation stage approval by Building Safety Regulator to new high-rise buildings and the refurbishment of existing high-rise buildings
Emergency Evacuation Information Sharing	Subject to Government response to public consultation. Landlord duty to residents requiring support to evacuate in event of an emergency
Development Levy	Details of the funding levy and payment regime applied to new developments to fund the remediation of existing high-rise buildings and leaseholder protection
Mandatory Occurrence reporting for safety breaches and incidents	Details of the regime that will apply to the reporting of safety breach and incidents to the Building Safety Regulator
Construction Product Regulation	Details of construction product approval regime and relationship to building control regulations to be published by newly established Construction Products Regulator

- 2.4 High-rise buildings were required to be registered with the Building Safety Regulator (BSR) with key building information submitted by 30 September 2023. The Council met this deadline. Building Safety Managers are also preparing Building Safety Case reports for our high-rise blocks; these must document all relevant construction, management and maintenance information for residential high-rise buildings and will be submitted to the BSR for assessment. Information

on this can be found on the Council's website ([Safety cases for high rise buildings - Camden Council](#)) and on the BSR website at [Building information - Building safety - HSE](#).

- 2.5 The BSR will issue Building Assessment Certificates for each block and we expect that they will be valid for 5 years. Building Safety Cases must be kept up date, and re-submitted for assessment if the management, maintenance, use and occupation of a building or its construction or structure changes. The Council's safety cases will be submitted to the BSR in tranches over five years from April 2024. The submission criteria for each tranche is based on the height and complexity of buildings and the tranches are detailed in Appendix 1. Timelines for submission and progress made will be submitted to future panel meetings.

#### *Social Housing (Regulation) Act 2023*

- 2.6 In addition to the new fire and building safety acts, the Social Housing (Regulation) Act received Royal Assent in July 2023. This legislation will set up a proactive approach to the regulation of Council and housing association landlords on consumer issues such as safety and tenant engagement. The Act provides new enforcement powers for the Regulator of Social Housing (RSH) to tackle landlords who are failing to meet their consumer standards.
- 2.7 The Regulator of Social Housing monitors housing providers and sets standards for the homes they provide. On 25<sup>th</sup> July 2023 the RSH opened public consultation on revisions to their regulatory consumer standards. [Consultation on the consumer standards - GOV.UK \(www.gov.uk\)](#). The new consumer standards give tenants greater power to hold their landlords to account.
- 2.8 The standards are listed below and more detail is included in Appendix 2.
- Safety and Quality Standard
  - Transparency, Influence and Accountability Standard
  - Neighbourhood and Community Standard
  - Tenancy Standard
- 2.9 To prepare for the introduction of the new Consumer Standards, a Housing Safety and Regulatory Board, chaired by the Executive Director Supporting Communities, has been established. This board will assess the Council's position against the standards and determine any changes need to policy and practice.
- 2.10 In terms of the safety and quality standard, many requirements are aligned with the Council's approach to compliance under its [Fire and Building Safety Charter](#) developed with the support of this panel. With regards to the decent homes standard, the 2023 stock condition survey is nearing completion and will support a review of our asset management strategy and planned housing capital programme.
- 2.11 The regulatory survey of tenant satisfaction has been commissioned from HouseMark, who are experts in this field and work on the survey started in September 2023. A third-party specialist has also been appointed to assist the Council in a self-assessment against the Consumer Standards. This will assess

compliance against each of the standards and identify action where this is needed and updates will be submitted to the Panel.

### *Conclusion*

- 2.12 Remaining secondary fire and building safety legislation is due to be published by April 2024 and consultation on the draft consumer standards covering specific expectations and outcomes that the Council will be expected to achieve closes 17 October 2023. Final versions of the consumer standards are expected to be in force from April 2024. Officers will bring a further report to the Panel on the final requirements of both standards and secondary legislation after the transitional period concludes in April 2024.

## **3. COMMENTS OF THE DIRECTOR OF FINANCE**

- 3.1 The report asks the Fire Safety Advisory Panel to note the on-going publication by Government of secondary fire and building safety legislation and social housing regulation and the work the Council is undertaking to prepare to implement new regulations and consumer standards.
- 3.2 It is estimated that the requirements of the fire safety and building safety legislation will cost the Council £4.5m a year from its revenue budgets. No new burdens funding has been provided by Government for these revenue costs.

## **4. COMMENTS OF THE BOROUGH SOLICITOR**

- 4.1 The Borough Solicitor has been consulted and has no additional comments.

## **5. ENVIROMENTAL IMPLICATIONS**

- 5.1 There are no specific environmental implications for this report.

## **6. APPENDICES**

- 6.1 Appendices to this report are:

- Appendix 1– Building Safety Case submission tranches
- Appendix 2 – Regulator of Social Housing Consumer Standards

**Report Ends**

## Appendix 1 – Building Safety Case submission tranches

### Tranches 1 & 2

Tranche 1	Ward	Tranche 2	Ward
1-80 Dalehead	St. Pancras & Somers Town	1-72 Park View (4 blocks)	St. Pancras & Somers Town
1-80 Gilfoot	St. Pancras & Somers Town	1-44 Englefield	Regents Park
1-80 Oxenholme	St. Pancras & Somers Town	1-44 Swallowfield	Regents Park
1-114 Godwin Court	St. Pancras & Somers Town	1-56 Cayford	Gospel Oak
1-70 Bucklebury	Regents Park	1-56 Palgrave	Gospel Oak
1-70 The Combe	Regents Park	1-90 Templar (5 blocks)	Fortune Green
1-120 Bacton	Gospel Oak	1-120 Vesage Court	Holborn & Covent Garden
1-91 Denton	Haverstock	1-56 Chancellors Court	Holborn & Covent Garden
1-50 Monmouth House	Kentish Town South	1-56 Babington Court	Holborn & Covent Garden
1-160 Southfleet	Haverstock	1-54 Jeygrove Court	Holborn & Covent Garden
1-102 Mary Green	Kilburn	1-107 Woodhall	Regents Park
1-102 Casterbridge	Kilburn	1-64 Hardington	Haverstock
1-102 Snowman	Kilburn	1-32 Ellerton	Fortune Green
1-137 Lulworth	Camden Square	30/40 Grafton Way	Bloomsbury
9A York Way	Camden Square	25 Gresse St (flats 1-92)	Bloomsbury
1-72 Blashford	Primrose Hill	11-84 Medway Court	Bloomsbury
1-3, 5, & 7-161 Bray	Primrose Hill	1-62 Winter Garden House	Holborn & Covent Garden
1-161 Burnham	Primrose Hill		
1-158 Dorney	Primrose Hill		
1-161 Taplow	Primrose Hill		
1-166 Cavendish Mansions	Holborn & Covent Garden		
1-187A O'Donnell Court	Bloomsbury		
2-212A Foundling Court	Bloomsbury		

### Tranches 3 & 4

Tranche 3	Ward	Tranche 4	Ward
1-59 Crowndale Court	St. Pancras & Somers Town	1-42 Holmrook	St. Pancras & Somers Town
1-67 Cartmel	Regents Park	1-29 Faversham House	St. Pancras & Somers Town
1-60 Langdale	Regents Park	1-32 The Chenies	St. Pancras & Somers Town
1-60 Harrington	Regents Park	Mayford	St. Pancras & Somers Town
1-60 Hawkshead	Regents Park	1 -32 Waterhead 1-28 The Tarns	Regents Park
1-60 Mackworth	Regents Park	1-34 Winchester Apartments	Regents Park
1-44 Grassmere (2 blocks)	Regents Park	1-35 Heybridge 1-32 Widford	Camden Town
1-44 Borrowdale	Regents Park	1-32 Mead Close	Haverstock
1-44 Patterdale	Regents Park	1-32 Rugmere	Haverstock
1-23 Grisedale	Regents Park	1-27 Hazel House	Haverstock
1-16 Ennerdale	Regents Park	1-27 Rowan House	Haverstock
1-44 Derwent	Regents Park	1-42 Campden House	South Hampstead
1-44 Rydal Water	Regents Park	1-43 Hickee House	South Hampstead
1-71 Fairfield	Regents Park	1-26 Noel House	South Hampstead
1-32 Lindale	Regents Park	1-37 Warnham	Kings Cross
1-62 Candida Court	Camden Town	1-42 Windmill	Holborn & Covent Garden
1-62 Lorraine Court	Camden Town	1-40 Haddo House	Highgate
1-56 Torbay Court	Camden Town	1-43 Grangemill	Kentish Town North
13-62 Barrington Court	Gospel Oak	1-36 Bridge House	Haverstock
1-48 Wendling	Gospel Oak	Boswell and Richbell	Holborn & Covent Garden
1-54 Emminster	Kilburn	1-42 Falcon	Holborn & Covent Garden
1-56 Langhorne Court	South Hampstead	1-75 Gordon Mansions	Bloomsbury
1-52 Tayler Court	South Hampstead	1-35 Hunter House	Bloomsbury
1-54 Farjeon Court	South Hampstead		
1-48 Glynde Reach	Kings Cross		
1-50 Blemundsby	Holborn & Covent Garden		
1-51 Aborfield	Kentish Town South		
1-59 Greatfield	Kentish Town South		
1-60 Augustus House	Regents Park		
1-44 Langdon House	Holborn & Covent Garden		
1-30 Laystall Court	Holborn & Covent Garden		
1-33 Mullen Tower	Holborn & Covent Garden		

8 Newton St, Flats 1-50	Holborn & Covent Garden		
1-70 Seymour House	Bloomsbury		
1-32 Somerton House	Bloomsbury		

#### Tranche 5

Tranche 5	Ward
1-24 Mardale	Regents Park
24-82a Castle Court	Camden Town
1-24 Tottenham	Haverstock
1-32 Beauvale	Haverstock
2 Vicars Road, Flats 1-21	Gospel Oak
1-24 Glover House	South Hampstead
131 - 143 Belsize Road, Flats 1-47	South Hampstead
2 Greville Street, Flats 1-10	Holborn & Covent Garden
6 Greville Street, Flats 1-10	Holborn & Covent Garden
14-16 Wrotham Road	Camden Square
1-29 Chalford	South Hampstead
1-24 Falcon House	Kilburn
1-14 Beaconsfield	Holborn & Covent Garden
1-14 Springwater	Holborn & Covent Garden
1-38 Bramber	Kings Cross
1-23 Trentishoe Mansions	Holborn & Covent Garden

## Appendix 2 – Regulator of Social Housing Consumer Standards

This Appendix provides an update on new legislation which brings with it significant changes to the regulatory landscape for social housing. In November 2020, the Government published the Social Housing White Paper which was widely consulted upon and became the Social Housing (Regulation) Act 2023, receiving Royal Assent in July 2023. It aims to offer greater protection against serious hazards, and better-quality homes and services to social housing tenants. The Act introduces enhanced responsibilities and powers for the Regulator of Social Housing (RSH); revised consumer standards and Code of Practice for registered social landlords; and the requirement for social landlords to carry out a regulatory annual tenant satisfaction survey starting from this financial year, 2023/24.

On 25 July 2023 the RSH opened public consultation on their strengthened draft consumer standards, and a Code of Practice to accompany them [Consultation on the consumer standards - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/social-housing-consumer-standards). The changes to the current consumer standards are designed to make a meaningful difference to tenants, be achievable by landlords, and be able to be regulated. The consultation closes on 17 October 2023, with the standards coming into force from April 2024.

### *Tenant satisfaction measures*

The RSH is introducing 12 tenant satisfaction measures which were finalised in September 2022. They are a key part of the new regulatory regime where landlords need to collect the satisfaction data from tenants via an annual survey (regulatory survey) and submit results, along with data on 10 performance areas, to the regulator prior to April 2024. The 22 performance areas, listed in the table below, will be submitted to the regulator, benchmarked against other registered social landlords, and will be available for scrutiny by tenants.

Tenant satisfaction measures	Source
<b>Overall satisfaction</b> 1. Overall satisfaction with the service provided by the landlord.	Survey
<b>Keeping properties in good repair</b> 2. Satisfaction with repairs 3. Satisfaction with time taken to complete most recent repair 4. Satisfaction that the home is well-maintained 5. Homes that do not meet the Decent Homes Standard 6. Repairs completed within target timescale	Survey Survey Survey Landlord data Landlord data
<b>Maintaining building safety</b> 7. Satisfaction that the home is safe	Survey
<b>Safety checks</b> 8. Gas safety 9. Fire safety 10. Asbestos safety 11. Water safety 12. Lift safety	Landlord data Landlord data Landlord data Landlord data Landlord data

Tenant satisfaction measures	Source
<b>Respectful and helpful engagement</b> 13. Satisfaction that the landlord listens to tenant views and acts upon them 14. Satisfaction that the landlord keeps tenants informed about things that matter to them 15. Agreement that the landlord treats tenants fairly and with respect	Survey Survey Survey
<b>Effective handling of complaints</b> 16. Satisfaction with the landlord's approach to handling of complaints 17. Complaints relative to the size of the landlord 18. Complaints responded to within Complaint Handling Code timescales	Survey Landlord data Landlord data
<b>Responsible neighbourhood management</b> 19. Satisfaction that the landlord keeps communal areas clean and well-maintained 20. Satisfaction that the landlord makes a positive contribution to neighbourhoods 21. Satisfaction with the landlord's approach to handling anti-social behaviour 22. Anti-social behaviour cases relative to the size of the landlord	Survey Survey Survey Landlord data

Camden has commissioned Housemark, a data insight company jointly owned by the National Housing Federation and the Chartered Institute of Housing, to conduct the survey on our behalf. The field work will start in September and is anticipated to be completed by December, with results available to the Council by February, ahead of the submission deadline of 31 March 2024.

### *Regulatory consumer standards and Code of Practice*

The Social Housing (Regulation) Act 2023 introduces revised consumer standards for the social housing sector, against which the RSH has increased powers to proactively scrutinise and monitor landlords' performance from April 2024. The Act also gives the regulator power to issue a Code of Practice to support landlords understand how to achieve compliance with the proposed new standards.

The regulator has recently opened a 12-week consultation with tenants, landlords and other stakeholders on the revised outcome-focused consumer standards, and associated Code of Practice. The consultation ends on 17 October 2023. The four draft consumer standards are:

1. **The Safety and Quality Standard** – ensures landlords provide tenants with safe, good quality homes and effective landlord services. It is expanded to explicitly include safety and minimise risks to tenants, requiring that landlords have accurate stock condition records at an individual property level that are kept up-to-date and based on a physical assessment of all homes. The proposals also include provision for ensuring all actions arising from health and safety assessments are carried out within appropriate timescales; that tenants can report issues easily; that tenants are kept informed of completion timescales and of progress; and that support for adaptations is clearly communicated to tenants and facilitated.
2. **The Transparency, Influence and Accountability Standard** – ensures landlords treat tenants with fairness and respect, that tenants can influence landlord decision-making,



hold their landlord to account and make complaints when necessary. Landlords also need to use data to consider tenants' diverse needs; ensure fair access to and equitable outcomes from services; provide clear communications and information on service standards and performance; conduct early, meaningful consultations on any major changes; offer a wide range of meaningful opportunities to influence and scrutinise services; and carry out and report findings of the regulatory annual tenant satisfaction survey.

3. **The Neighbourhood and Community Standard** – ensures landlords work with others to make sure tenants live in safe and well-maintained neighbourhoods where environmental and economic well-being is promoted and where anti-social behaviour and hate incidents are deterred and tackled effectively (ensuring they are easy to report, responded to promptly and tenants are kept informed on the progress of their case). Regarding domestic abuse, landlords need to have an effective policy in place and strategies for supporting victims and their children.
4. **The Tenancy Standard** – ensures landlords let homes in a fair and transparent way taking account of the needs of tenants and prospective tenants; support tenancy sustainment - including for licensees; support and provide good information on mutual exchanges; and end tenancies properly – giving good and timely information on alternative housing options as necessary.

#### *Inspections and increased enforcement powers*

The RSH is developing a new approach for carrying out inspections for all large registered social landlords against the above consumer standards at least every four years. The regulator has stronger powers to reduce notice of inspection from 28 days to 48 hours. Also, the 'serious detriment test' which set a high bar for regulator intervention has been scrapped. Inspections will be modelled on the current in-depth assessment process that the regulator uses to assess housing association performance against their economic standards. The regulator advises that where it has uncovered poor economic performance, it has taken action that has involved changes in leadership and restructuring the way that the landlord is organised and run; and that its approach to consumer regulation would be equally robust.

The RSH will publish the conclusions of individual consumer inspections and has new powers to issue performance improvement plan notices (PIPNS) where landlords fail, or are at risk of failing, to meet the necessary standards or providing information to the regulator. The PIPNS will require landlords to produce performance improvement plans which will be made available to tenants; and there will be penalties (fines and/or compensation) for landlords that do not meet the standards or requirements. Fines for non-compliance with the standards are unlimited. The RSH will have the right to undertake surveys of properties directly, obtain warrants to access properties, and undertake emergency repairs where there is a serious risk - recharging the cost to landlords.

Where the RSH meets unreasonable resistance it will have increased powers to remove officers. They also have the power to set standards on the competence and conduct of all staff 'involved in the provision of housing management services'. Mandatory qualification requirements for senior housing managers and executives will be set and will apply equally to tenant management organisations (TMOs). The specific qualification requirements are yet to be decided upon.

**END**