

PUBLIC MINUTES
of the Regulation Committee meeting
held on 16 September 2014, 10.00am
Crown Room, QEII Centre

Present

Julian Ashby	Chairman
Richard Moriarty	
Jonathan Adlington	
Inge Kettner	
Piers Williamson	(agenda items 1 – 12 only)
Ceri Richards	
Sarah Wall	

In attendance

Andrew Rose	Chief Executive (items 1 – 10 only)
Matthew Bailes	Director of Regulation
Jonathan Walters	Deputy Director Strategy and Performance
Bronwen Rapley	Deputy Director Investigation and Enforcement
Mick Warner	Deputy Director Regulatory Operations
Isabella Freeman	Head of Legal Services and Company Secretary
John O'Mahony	Assistant Director Regulatory Framework and Performance (items 8 & 9 only)
Anna Simpson	Head of Regulatory Framework (item 8 only)
Sandy Pacek	Head of Performance Management (item 9 only)
Jim Bennett	Assistant Director for Regulatory Strategy (item 10 only)
Ros Poulson	Registrar (items 11 & 12 only)
Michelle Tucker	Assistant Board Secretary

1 Welcome and apologies

01/09/14 The Chairman welcomed everyone to the meeting. Introductions were made to the two new Regulation Committee members.

2 Declarations of Interest

02/09/14 No further interests were declared.

3 Minutes of the meeting held on 17 July 2014

03/09/14 The minutes of the meeting were AGREED as an accurate record of the meeting subject to minor amendments.

MT

04/09/14	The Committee AGREED the proposed public minutes.	MT
4	Matters Arising	
05/09/14	Members NOTED the matters arising.	
5	Committee forward look	
06/09/14	Members reviewed the forward planner. It was agreed to add a workshop on the Legislation Review in either December / January.	MT
07/09/14	Members NOTED the contents.	
6	Regulation Director's update on key issues	
10/09/14	The Director of Regulation updated Committee on key developments since the last Committee meeting.	
7	Major Financial Failure (MFF) – Project update	
18/09/14	The Deputy Director Investigation and Enforcement provided Members with the quarterly update on progress with the MFF project including the key issues which have arisen.	
21/09/14	Committee NOTED the report.	
8	Format of the Regulatory Framework	
22/09/14	The Head of Regulatory Framework provided a summary of the feedback on the consultation regarding changes to the framework.	
23/09/14	She confirmed that the responses had in the main been positive. However there had been some push back on the Code of Practice from the NHF and some of the larger registered providers who were concerned about 'regulatory creep'. Other areas of feedback focussed on some of the language used, suggestions that the bar for the Registration criteria was too high and Category 6 consent.	
23/09/14	She then outlined the proposals for the presentation of the Regulatory Framework with the proposal that it would be split into two parts. The first part would be the requirements on registered providers and the second part would be guidance. This was welcomed by the Committee.	
24/09/14	Members requested a comprehensive discussion at the next meeting of Regulation Committee on the <i>Disposals regime, registration criteria and rent standard</i> .	AS
25/09/14	Committee NOTED the report.	
9	Strategic Risk Register	

- 26/09/14 The Assistant Director Regulatory Performance and Framework introduced the strategic risk register and asked Members to AGREE the revised presentation format, the proposed revisions and review its risk appetite for each of the risks.
- 27/09/14 He confirmed that the changes to the strategic risk register had been discussed with the corporate HCA risk team. The main changes to the presentation of the strategic risk register were the re-ordering of the risks so that the risks which had the highest residual rating were at the top.
- 28/09/14 The main issues to highlight were that 3 risks had been added, at 10, 13 and 17.
- 31/09/14 Committee AGREED the new risks and revised presentation format.

10 HCA Regulation Statutory Powers

- 32/09/14 The Assistant Director Regulatory Strategy introduced the paper which set out the initial scope for the project to review the HCA's regulatory powers following on from the work of the Major Financial Failures project and the lessons learned review of the Cosmopolitan review.
- 33/09/14 He gave an explanation of the factors governing the approach and the parameters the project team were working to. This included the drivers for the legislation, the legislative process and priorities and resourcing constraints which may impact on what can be delivered.
- 34/09/14 The Director of Regulation suggested that the next steps in the process included having discussions with relevant stakeholders and would ensure that the channels of communication were effectively managed.
- 37/09/14 Committee NOTED the report.

11 Disposal at less than best consideration

- 38/09/14 The Registrar sought Committee's agreement to the approach on the "best consideration" for the disposal of social housing.
- 43/09/14 Committee AGREED with the Registrar's interpretation of "best consideration", with the approach to the consent in the two outstanding cases and the principles to be adopted.

12 Decisions of the Registrar

- 44/09/14 The Registrar advised the Committee of the decisions taken in accordance with the delegation to the Registrar on registrations, de-registrations and

restructurings since July 2014.

46/09/14 Committee NOTED the report.

13 Regulatory Judgements

47/09/14 The Deputy Director Regulatory Operations gave a brief explanation of the aim of the paper, which was to inform Committee of the current position in relation to published regulatory judgements and current themes within regulatory engagement. He sought Committee's views on the content and presentation of the report and attached annex.

50/09/14 Committee NOTED the report.

14 Investigation and Enforcement update

51/09/14 The Deputy Director of Investigation and Enforcement updated Members on registered providers where a significant measure of under-performance had been identified during regulatory engagement and provided a detailed briefing on those cases which are of most concern currently.

55/09/14 Committee NOTED the report.

15 Any Other Business

56/09/14 There was no further business.

Date of Next Meeting

The next meeting would take place on Tuesday 14 October 2014