



17 May 2019

Dear Chief Executive

## Housing stock-owning local authorities and the Regulator of Social Housing's consumer standards

You may be aware that following the Grenfell Tower fire we wrote to all registered providers of social housing to remind them of their obligations for their tenants' safety under the Regulator of Social Housing's consumer standards. Since issuing that [letter](#) you will have seen that we have issued regulatory notices to two local authorities in respect of compliance with the Home Standard (which is one of our [Consumer standards](#)), and specifically a range of health and safety requirements.

While the Regulator's Governance and Financial Viability and Value for Money standards do not apply to local authorities, the consumer standards do apply. In particular, I draw your attention to part 1.2 (b) of the Home Standard, which requires that registered providers shall:

*meet all applicable statutory requirements that provide for the health and safety of occupants in their homes.*

That obligation remains with the local authority where it is the stock-owning body, even if the management has been contracted to another body such as an ALMO. An extract of the above-mentioned letter is below:

*Meeting health and safety obligations is a primary responsibility for registered providers. Boards and councillors must ensure that they have proper oversight of all health and safety issues (including gas safety, fire safety, asbestos and legionella). Contracting out delivery of services does not contract out responsibility to meet the requirements of legislation or standards, so providers need systems to give boards assurance of compliance.*

*We set out our approach to regulation in [Regulating the Standards](#); in relation to the consumer standards it is illustrated in our annual [Consumer Regulation Review](#). Should any provider find that they have systemic failings in relation to internal control of health and safety, which indicate that they are not in compliance with the Standard, based on our co-regulatory approach, we expect you to notify us as Regulator and resolve the issues immediately. We expect all providers to fully understand all their obligations in relation to tenants' health and safety. You will wish to access professional advice in the event that you are not clear on your statutory obligations.*



This letter is a reminder to local authorities that the consumer standards apply to them and that while we currently only consider information that is referred to us, this does not diminish the obligation on local authorities to comply with the standards. Currently, legislation only permits us to take enforcement action where there has been a breach of a consumer standard, and that breach has, or could, cause serious detriment to current or future tenants. As can be seen from our various Consumer Regulation Review publications, we most commonly find breach and serious detriment in relation to the Home Standard.

You may wish to seek your own assurance that your authority is complying with the consumer standards. I would also be grateful if you could bring this letter to the attention of your elected members.

If it would be helpful to discuss this letter, or the requirements of the consumer standards, please let me know.

Yours faithfully



Fiona MacGregor

Chief Executive  
Regulator of Social Housing