



Regulatory Notice November 2019

Registered Provider

London Borough of Lambeth (LB Lambeth) (00AY)

Regulatory Finding

The Regulator has concluded that:

- a) The LB Lambeth has breached the Home Standard.
- b) As a consequence of this breach, there was the potential for serious detriment to LB Lambeth's tenants.

The Regulator will work with LB Lambeth as it seeks to remedy this breach and will continue to consider what further action should be taken, including whether to exercise any of its powers.

The Case

LB Lambeth owns and manages around 22,500 homes. As a local authority, LB Lambeth is required to comply with the consumer standards. The Regulator received information which caused it to investigate LB Lambeth's compliance with the Home Standard. Information collected during engagement with the provider demonstrated that LB Lambeth has failed to meet statutory health and safety requirements relating to fire safety, gas safety and asbestos management.

In terms of fire safety, LB Lambeth has a statutory duty under the Regulatory Reform (Fire Safety) Order 2005, to regularly assess the risk of fire in properties where it has responsibility for maintenance. Having identified the hazards and people at risk, it is also required to take precautions to prevent the risk of fire. The Regulator has ascertained that LB Lambeth has, over a number of years, had a significant number of overdue remedial actions arising from Fire Risk Assessments (FRAs) including some for FRAs considered (based on LB Lambeth's own classification system) to be Intolerable or Substantial. LB Lambeth have reported they have no Intolerable or Substantial remedial actions outstanding.

Alongside specific statutory duties for asbestos management and gas safety, LB Lambeth also has a duty under the Health and Safety at Work Act 1974 to conduct its undertakings in such a way that third parties (including tenants) are not exposed to risks to their health and safety. Through our engagement with LB Lambeth the Regulator has concluded that there have also been failings across these areas of health and safety compliance. For asbestos, over 180 surveys of communal areas had not been carried out. These included high and medium risk properties. Asbestos surveys for some of these properties have been outstanding for a number of years. LB Lambeth have reported that these surveys are now complete. With regard to gas safety, we found that over 40 properties were without valid safety certificates for up to 24 months. LB Lambeth have made significant improvements in ensuring all properties have a valid gas safety certificate. While there is evidence that in the past LB Lambeth's response to health and safety matters has been slow, we have assurance that it is now addressing the issues identified. It has put in place additional capacity and resources, including use of external advice, to develop an action plan to prioritise and address specific areas of non-compliance, as well as the underlying weaknesses in its systems. We will continue to engage with LB Lambeth to ensure the pace of remedial work for all areas of health and safety continues.

The Regulator's Findings

The Regulator considered this case as a breach part 1.2(b) of the Home Standard which requires registered providers to meet all applicable statutory requirements that provide for the health and safety of occupants in their homes. The Regulator has concluded that LB Lambeth did not have an effective system in place to allow it to manage the risk of tenant safety and meet its statutory health and safety responsibilities across a range of areas.

Historic information showed an overall weak position in terms of landlord health and safety compliance. The Regulator noted significant changes have recently taken place at LB Lambeth with a change in senior leadership, a restructure of the compliance function and increased resources. There is evidence of an increased

pace in the work being delivered to address the issues although there is still work to do, particularly on implementing a robust system to deliver, monitor and oversee the management of health and safety compliance.

Taking into account the breadth and scale of the failure with particular regard to fire, asbestos and gas safety, and the longstanding nature of the issues, the Regulator has determined that it is proportionate to find a breach of the Home standard in this case.

Complying with statutory health and safety requirements is a fundamental responsibility of all registered providers because of the potential for serious harm to tenants. In this case the Regulator has concluded that the risk of serious harm has been demonstrated because a significant number of LB Lambeth tenants have been potentially exposed to risk over a period of time. Therefore, the risk of serious detriment has existed.

Section 198A of the Housing and Regeneration Act 2008 (as amended), states that the Regulator's regulatory and enforcement powers may be used if a registered provider has failed to meet a consumer standard. In order to use regulatory or enforcement powers, as well as the failure to meet the standard there should also be reasonable grounds to suspect that the failure has resulted in a serious detriment to the provider's tenants (or potential tenants) or that there is a significant risk if no action is taken by the regulator, the failure will result in a serious detriment to the provider's tenants (or potential tenants).

There is evidence to show that improvements have been made over the last six months with significant increase in resources being applied by LB Lambeth. The position on compliance continues to change with LB Lambeth having significantly accelerated the pace with which it is progressing on remedial works.

The Regulator will work with LB Lambeth as it seeks to address the issues which have led to this situation, and will consider what, if any, further action to take in relation to the breach of the Home Standard.