



Homes &
Communities
Agency

The Social Housing Regulator

HCA REGULATORY NOTICE

Registered Provider

Blackpool Council (00EY) (BC)

Regulatory finding

The regulator has concluded that

- a) BC has failed to meet the Home Standard; and
- b) As a consequence of this breach there was the potential for serious detriment to BC's tenants.
- c) The use of its statutory powers of enforcement is not proportionate in the light of the action taken by BC to address the issues.

The case

BC owns 5,300 homes which are managed by Blackpool Coastal Housing (BCH), an ALMO which is unregistered with the social housing regulator. As a Local Authority, BC is required to comply with the consumer standards.

In May 2012 a second floor balcony collapsed in a block of flats managed by BCH on behalf of BC. BCH pleaded guilty to risking the health and safety of tenants in a breach of the Health and Safety at Work Act 1974 in a court action brought by the Health and Safety Executive (HSE). On recording a guilty verdict, the court ordered BCH to pay a £50,000 fine plus court costs.

The regulator was alerted to the case when the verdict was announced and sought and received immediate assurance that there was no continuing risk to the health and safety of tenants. The regulator then sought further assurance from BC that it had taken steps to mitigate the risk of such an event happening again.

Since the balcony collapse all properties of similar construction have been surveyed and a programme of remedial works for all balconies put in place and this is due to be completed by the end of 2014.

Shortly after the incident BC and BCH commissioned a property services review to consider whether the policies and practices in place were fit for purpose and to prevent a recurrence of such an event. A cultural review was also commissioned to ascertain whether the culture of the organisation could have contributed to an environment which allowed the balcony collapse to occur, as the structural flaws within the balconies had been known about for some time but had not been acted upon.

Both reviews highlighted a number of weaknesses which are now being addressed and the regulator has assurance that appropriate action has been taken to mitigate the risk of such an event happening again.

The regulator's findings

The regulator considered the case as a potential breach of the Home Standard, and specifically the regulatory requirement to 'meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes'.

The regulator has received evidence of a breach of the Health and Safety at Work Act 1974 which led to tenants being exposed to the risk of serious harm. The Court concluded that the structural flaws in the balconies were present for a significant period of time and the provider failed to heed multiple warnings. This is clear evidence of a breach of the Home Standard in respect of the requirement to meet all applicable statutory requirements that provide for the health and safety of the occupants in providers' homes. The breach exposed a substantial number of tenants to the potential for serious harm for lengthy periods.

Notwithstanding the actions BC and BCH are now taking, the regulator is of the view that BC has failed to meet the Home Standard.

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 and the regulator thinks that there are 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 that, if no action is taken by the regulator, the failure will result in a serious detriment to the provider's tenants (or potential tenants).

We have assurance that BC and BCH have now taken appropriate steps to identify and rectify any defects with the balconies and to mitigate the risk of a similar event occurring again in the future. We do not propose to take any further regulatory action.

January 2015