

Annex A

The role and governance of the Regulator

The Regulator of social housing promotes a viable, efficient and well-governed social housing sector able to deliver homes that meet a wide range of needs. Its role is set by Parliament¹.

Landlords are responsible for dealing with their tenants' complaints. Since 2008, the Housing Ombudsman has been responsible for dealing with tenant complaints that are not resolved by social landlords. Nonetheless, where tenants directly approach or are referred to the Regulator (including where we have been contacted directly via social media), it will consider whether there has been a breach of its standards, and if so, whether there has been, or is a risk of 'serious detriment'.

In April 2017, the Regulator updated and published its [Memorandum of Understanding](#) with the Housing Ombudsman that sets out respective roles and how the two organisations work together. The Housing Ombudsman will share information with the Regulator where they have evidence of potential systemic issues relating to a registered provider of social housing.

The Regulator promotes awareness of its functions through regular engagement with national tenant organisations², who update their members and networks. The Regulator regularly publishes information about its role including an annual Consumer Regulation Review which sets out findings in relation to consumer cases in the previous year.

The functions of the Regulator are overseen by a statutory Regulation Committee legally separate from the HCA's board with members appointed independently by the Secretary of State. Only the Chair of the Regulation Committee sits on the HCA Board to appraise the Accounting Officer (Chief Executive) of any matters that could present resource or administrative challenge to the HCA. Mr Preiskel was a member of the main HCA Board and not the Regulation Committee. Mr Preiskel was removed from the HCA Board in October 2017

Grenfell Tower

In regard to the tragic fire at Grenfell Tower, the Regulator can only regulate providers of social housing who are registered with the regulator. As a stock-owning local authority the Royal Borough of Kensington and Chelsea (RBK&C) is registered. RBK&C retains responsibility for meeting the requirements of legislation and regulatory standards regardless of the fact that they contracted out their housing services to K&CTMO, which is not a registered provider and therefore not regulated.

The Regulator received 6 complaints from tenants in RBK&C between 2010 and 2013 (none related to Grenfell Tower or amounted to a breach of our standards) and has received none further since 2013. Once the investigation led by the Metropolitan Police into the cause of the fire has concluded, the Regulator will take a decision about whether RBK&C has breached the consumer standards.

¹ Housing and Regeneration Act 2008, Localism Act 2011 and [Review of Social Housing Regulation](#)
² Tenants Participation Advisory Service, Tenants and Resident Organisations of England (TAROE Trust), Confederation of Cooperative Housing and National Federation of Tenant Management Organisations

Following the fire, the Regulator wrote to all 1,630 registered providers of social housing reminding them of their responsibility to ensure that they comply with health and safety legislation. It also wrote a letter to national tenant organisations explaining its role and the action that it had taken following the fire, which they undertook to disseminate to social housing tenants. The letters were published on gov.uk and reported in the housing press. Immediately after the Grenfell Tower Fire, the Director of Regulation declared her friendship with Nicholas Holgate, and has taken no part in consideration of the case. The declaration is recorded in the public minutes, of the Regulation Committee meeting of 26 June. To remove any conflict of interest the relevant Deputy Director will oversee consideration of whether RBK&C have breached the Regulator's standards.

Orchard Village

The Orchard Village case relates to the regeneration of the estate and the re-provision of new homes. In December 2016 the Regulator issued a regulatory notice setting out its finding that Circle had failed to provide a cost effective repairs service. Circle merged with Affinity Sutton on 29 November 2016 to become Clarion, and Clarion is now responsible for addressing the issues set out in the regulatory notice. The Regulator holds meetings every two months with Clarion to monitor delivery of their action plan which sets out how they will address the issues identified in the Notice.

The regulator held a constructive meeting with Mr Cruddas on 23 November 2016, and maintained contact thereafter to update him on the outcome of its consideration of the case.

Appointments

Sir Edward Lister was appointed by the Department for Communities and Local Government to the role of HCA Chairman. HCA public appointments are made on the basis of open competition in line with guidance set by the Cabinet Office and regulated by the Commissioner for Public Appointments.

Social rent

In 2011, the government introduced an Affordable Rent grant product to enable housing associations to deliver more affordable homes, offered to tenants at a rent of up to a maximum of 80% of the market, and it continues to invest in affordable housing. The delivery and trends in affordable housing delivery can be seen in the national statistics, with updated figures for 2016/17 published on 9 November^[1] showing that the number of affordable homes delivered in England during the last year has increased by more than a quarter (27 per cent).

^[1] <https://www.gov.uk/government/statistical-data-sets/live-tables-on-affordable-housing-supply>

Land acquisition, development and disposal

The HCA disposes of its own land and other surplus public sector sites in support of the following government policy objectives: releasing land with housing capacity; supporting growth; and contributing to the government-wide receipts target of £5bn. We are guided by value for money considerations and procurement legislation. There are specific requirements that prevent us from selling public land at less than its market value.

We make our land suitable for development through investing in remediation and infrastructure, and typically this can involve securing outline planning permission. Before we apply for planning we hold discussions with the local planning authority and other partners to determine the best mix of uses for the land in line with local plans, as well as national planning guidance.

The Eastway site you refer to is part of the Preston, South Ribble and Lancashire City Deal, which is increasing housing supply across the region. It is one of 11 sites the HCA owns in the area where disposal proceeds are re-invested locally in housing developments and associated infrastructure, such as the recently-opened Broughton by-pass. As a result of our investment, the previously unviable Eastway site is now being developed to provide up to 300 homes, including 45 affordable homes on site, with an additional substantial payment provided to increase affordable housing provision across the city where Preston City Council has identified a need, in consultation with local people. The scheme is compliant with local planning policy.