



PUBLIC MINUTES
of the Board meeting
on Tuesday 27 September
Microsoft Teams Meeting

6 Remote and virtual participation

6.1 Any member may validly participate in a meeting virtually through the medium of conference telephone, video conferencing or similar form of communication equipment, provided that all persons participating in the meeting are able to hear and speak to each other throughout such meeting, or relevant part thereof. A member so participating shall be deemed to be present in person at the meeting and shall accordingly be counted in a quorum and entitled to vote.

6.2 A meeting shall be deemed to take place where the largest group of those members participating is assembled or, if there is no group which is larger than any other group, where the chair of the meeting is.

Present

Bernadette Conroy (BC)	Chair
Paul Smee (PS)	
Liz Butler (LB)	
Kalpesh Brahmabhatt (KB)	
Deborah Gregory (DG)	
Richard Hughes (RH)	
Sukhvinder Kaur-Stubbs (SK-S)	
Geoff Smyth (GS)	
Jo Boaden (JBo)	
Fiona MacGregor (FM)	Chief Executive and Board Member – present for part of the meeting

In attendance

Jonathan Walters (JW)	Deputy Chief Executive (DCEO)
Harold Brown (HB)	Senior Assistant Director, Investigation and Enforcement (SADI&E)
Richard Peden (RBP)	Director, Finance and Corporate Services (DF&CS)
Emma Tarran (ERT)	Senior Assistant Director, Head of Legal Services and Company
Kate Dodsworth (KD)	Director of Consumer Regulation
Jim Bennett (JB)	Assistant Director, Policy and Communications
Will Perry (WP)	Director, Strategy
Maxine Loftus (ML)	Director, Regulatory Operations
Vicky McDermott (VM)	Assistant Director, Investigation and Enforcement – item 9
Shantel Burbridge (SB)	Solicitor, Minutes

1 Welcome and apologies

01/09/22 There were apologies from one member: Simon Dow (SD).

2 Declarations of Interest

02/09/22 It was confirmed that JBo did not need to excuse herself from the workshop

but that she had declared the new conflict and close connection and would follow the associated rules.

03/09/22 LB confirmed she was on the Kent & Medway Integrated Care Board.

04/09/22 PS said he was no longer part of Board of New Homes Ombudsman, but was now on the Board of Now Pensions.

3 Confidential and Public minutes of the last meetings – 26 July 2022 and 25 August 2022

26 July 2022 minutes

05/09/22 The confidential minutes of the Board meeting on 26 July 2022 were APPROVED.

06/09/22 In relation to the public minutes of 26 July 2022, board members made minor suggestions in relations to paragraphs 11, 18, 27 and 43 which officers would take away and action.

25 August 2022 minutes

07/09/22 It was confirmed that the minutes relating to the Board meeting on 25 August 2022 did not feature in the Board pack, but had been circulated separately. The confidential minutes of the Board meeting on 25 August 2022 were APPROVED.

08/09/22 It was agreed a public set of these minutes should be created and this could be dealt with by way of circulation.

ERT/CK

4 Matters arising – members NOTED the actions.

5 Board forward planer

This was NOTED.

16/09/22

6 Chair's update

18/09/22 The Chair advised that that the rent consultation had been published and RSH had submitted its response to the Levelling Up Housing and Communities Select Committee Inquiry into the regulation of social housing.

19/09/22 The Chair advised that she had met with the Ombudsman.

7 Deputy Chief Executive update

Accounting Officer meeting

20/09/22 This had taken place and covered the various issues facing the sector.

LUHC Select Committee inquiry into the regulation of social housing

21/09/22 RSH had submitted its response and the Ombudsman had submitted theirs.

Carbon monoxide monitors

22/09/22 In accordance with regulations, these must be fitted by 1 October 2022. Unlike other regulations, there is no six-month implementation period. There may be some self-referrals to us if registered providers are not able to meet this deadline. However, good progress is being made by RPs and LAs.

- 23/09/22 Mini budget
This would be reflected on further in the FFR slides
- 24/09/22 New PM and DLUHC Ministers
It was stated that Rt Hon Andrew Stephenson MP may be the minister who has responsibility for RSH on a day-to-day basis, although Lee Rowley MP has taken a close interest as well. Baroness Scott has been appointed as Lords Minister. She led on the Social Housing Bill, which may be helpful as it will ensure there is continuity.
- 25/09/22 Social housing rents consultation
Questions have been raised as to whether Supporting Housing needs to be carved out of the rent cap and there is a debate about shared ownership rents.
- 27/09/22
There was concern that the sovereign rating was coming under pressure and the impact on individual housing association ratings.
- 28/09/22
It was noted that there was a rent-freeze in Scotland. WP said the view was that this rent-freeze was focussed at private sector, but the social sector had been brought into it. WP said that rent setting in Scotland was different to England.
- 29/09/22 Social Housing (Regulation) Bill update
There are some areas of significant interest that are likely to be revisited at the report stage. Amendments may be proposed to:
- 1) Energy efficiency: The fundamental objectives of the regulator may be amended to take into account energy efficiency.
 - 2) Professionalisation: The amendment on the table asks RSH to introduce regulation of professionalisation in the sector. There are ways in which this could be achieved and RSH may be given a role in creating and assuring professional standards in the sector.
 - 3) Homelessness: Depending on what RSH are required to do in relation to this, it could blur the boundaries between the regulator and other agencies. The Government may want housing associations to provide information about homelessness, which may not be too controversial.
 - 4) Inspections: These amendments would give the Secretary of State, the power to direct who RSH inspects and when, which could reduce or remove operational independence.
- 31/09/22
It was mentioned that there had been a professionalisation agenda in the financial services, so it may be worth speaking with the sector to see how they dealt with it. It was noted that Shelter and GU support the amendments which have been tabled. The Chair said we needed to continue to encourage a focus on outcomes rather than prescription.
- 32/09/22 Policy
The Board's attention was drawn to the annex which contained information; of particular note was the Department's reform agenda.

Operational updates

33/09/22 **Regulatory Operations**
ML stated that there would be less IDAs as the focus moves to stability checks. In response to the emergency budget, the team are considering obtaining further information about variable rate debts to identify providers that may be most vulnerable.

34/09/22 The Chair asked about the three-way merger involving BPHA. ML said that the three providers would be kept within the same team to assist with the process.

35/09/22 **Performance**
It was noted that there were some amber flags. RBP explained the recruitment for an economist had been unsuccessful, as candidates were not applying. There was a shortage in the profession in the public sector. The plan was to start the recruitment drive again in the new year, as doing so now may drain the resources within the team as they were busy carrying out stability checks. It was confirmed we were considering how we advertise as a regulator. KB said he was helping another regulator recruit economists and they were using a recruitment agent who had put forward some good candidates. It was agreed KB would pass on the details of these agents.

KB

Consumer regulation update

36/09/22 KD presented the paper. KD advised that a regulatory notice for Greenwich Council had been published. It was confirmed that Greenwich Council had accepted their failings.

37/09/22 JBo noted the section in the paper relating to Greenwich Council. The Chair stated that we had to consider whether any timescales put forward by registered providers to deal with health and safety issues were appropriate.

38/09/22 KD stated that even before referrals are made, we begin to liaise with providers; the start of the process involves identifying and working with the provider to ensure they resolve the most serious health and safety concerns to tenants.

39/09/22 KD referred to the case involving Peabody Housing Association. Altair had prepared a report which suggested some improvements around culture at Peabody Housing Association, but acknowledged that this had happened against a backdrop of unusual circumstances.

40/09/22 It was noted that whilst local authorities were making self-referrals, it was hoped there would be more reporting of 'near-miss' cases in the same way we see from PRPs.

41/09/22 It was confirmed that the TSMs had been published.

42/09/22 GS asked if RSH receives any information about when the Ombudsman has completed their review of complaints. It was confirmed that we signpost tenants to the Ombudsman, but are not provided with information from the Ombudsman about when cases are concluded.

44/09/22 All the other updates in the paper were NOTED.

9 Investigation and Enforcement update

VM presented the paper. She provided updates on the key cases including:

45/09/22 *National Community Homes CIC (formerly Larch Housing Association):*

46/09/22 *Highstone Housing Association (HHA):*

47/09/22 *MySpace:*

There are 5 cases where gradings are under review.

49/09/22 All the other updates in the paper were NOTED.

10 Finance and corporate services update

50/09/22 RBP presented the paper. The Board were being asked to approve two recommendations:

51/09/2022 1) Award a new SLA to Homes England for existing services: The initial SLA expires on 30 September 2022. A further SLA was necessary to allow for the orderly transfer of services.

52/09/2022 2) Amendments to the thresholds in the procurement policy, so they align with updated Government guidance.

53/09/2022 The Board APPROVED the award of the new SLA to Homes England.

54/09/2022 The Board APPROVED amending the procurement policy to update the procurement policy thresholds

55/09/2022 The finance update was NOTED.

11 Market Abuse Regulation

56/09/2022 WP presented the paper. The policy had been drafted to take into account the fact RSH are not part of the HCA and cover market abuse issues in a way that was appropriate for the RSH. It was noted that the amount of regulatory information that could constitute inside information was quite small, so we needed to be proportionate in our approach to handling information. Training in relation to this will be provided to staff.

57/09/2022 The Chair asked whether the policy dictates how often training must be refreshed. ERT said these details had not yet been set. ERT said people would have to confirm they had read the policy. ERT said HR would need to share the policy with potential recruits before they join RSH. ERT confirmed that once we had received the training, we will consider if it needs to be refreshed and how often.

58/09/2022 The Board NOTED the paper on market abuse regulation.

12 Review of papers/meeting

59/09/2022 The Chair requested feedback from members.

13 Any other business

60/09/2022 There were no other matters of business.

Date of next meeting: 18 October 2022