



Home comfort The Tenant Services Authority will provide a new regulatory framework for social housing in England

The new regulatory framework for social housing in England will come into full effect on 1 April 2010.

The Tenant Services Authority (TSA) has published its statutory consultation document on the proposed regime. For the first time, there will be a single regulator for all social hous-

● 'honest and robust self-assessment' by providers

● intervention and enforcement from the TSA only where providers cannot resolve problems.

There has been much debate about what the term 'local' means, but the TSA will not prescribe a definition of 'local'.

meet, or plan to meet, each of the national standards and their plans for developing local standards.

The value-for-money standard will apply to local authorities as well as other RPs, and the consultation document states that the TSA will work closely with the Audit Commission in

and the LGA. This has yet to be published.

The TSA will have significant intervention and enforcement powers. The powers intended to be given to the TSA, in respect of local authority RPs, are:

● power to appoint advisers – this will

A new era in housing regulation

ing, so-called 'Cross domain' regulation.

Regulation by the TSA is determined by the registration of a provider. All providers who are on the TSA's existing register – ie, registered social landlords – will automatically transfer to the new register on 1 April 2010 to become known as registered providers (RPs).

Local authorities will automatically become RPs, if they retain housing stock. Arm's length management organisations will not be registered as providers in their own right – unless they own stock. The sponsoring local authority will hold the registration.

The TSA is committed to co-regulation, ie, self regulation by RPs – involving their tenants – subject to intervention by the regulator on a 'by exception' basis. The key elements of co-regulation are:

● national standards focusing on outcomes, supplemented by 'local' standards agreed between tenants and providers

A new regulatory framework for social housing in England begins in April, and consultation on it closes early next month. **Scott Dorling** examines what it means for local authorities

The six broad themes for national standards are:

- tenant involvement and empowerment
- home
- tenancy
- neighbourhood and community
- value for money
- governance and financial viability.

All RPs, including local authorities, with more than 1,000 units, need to publish, as soon as possible after 1 April 2010 and not later than 1 October 2010, a report setting out how they

setting and monitoring this standard, to minimise the burden on local authorities.

The governance and financial viability standard will not apply to local authorities – the principal reason being the different financing and governance structures within local authority.

There have been concerns raised about the extent to which regulation by the TSA might impose additional regulatory burdens on local authorities, which are already subject to significant regulation and inspection by other agencies.

To that end, the TSA has confirmed that the regulation of local authorities should support the existing local performance framework, and that the best providers should be able to get on with the job without unnecessary intervention or interference.

How the authority will support the principles of the local performance framework will be set out in a memorandum of understanding between it

not apply to other RPs

- issuing an enforcement notice
- censuring a local authority
- directing a tender or transfer of management.

However, there are further powers which are proposed to be available to the TSA in respect of non-local authority RPs. Some of these are not relevant to the local authority sector, such as the power to remove a board director and appoint new officers. However, the power to award compensation and issue a penalty fine will not be available to the TSA in respect of local authority RPs, and many local authority tenants may ask why not.

There is much work to be done in the TSA and Audit Commission to prepare for the new regulatory regime but also, local authorities need to be ready, since early preparation is always the key to success. The consultation closes on 5 February. ■

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