
Committee Stage: Monday 28 November 2022

Social Housing (Regulation) Bill [HL] (Amendment Paper)

This document lists all amendments tabled to the Social Housing (Regulation) Bill [HL]. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

☆ Amendments which will comply with the required notice period at their next appearance.

Dehenna Davison

To move, That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.

Matthew Pennycook

13

Sarah Owen

☆ Clause 1, page 1, line 5, at end insert–

“(aa) after paragraph (a) insert–

(aa) to ensure the provision of care and support services in supported exempt accommodation and in temporary accommodation are adequate, well-managed, safe, and of appropriate quality,””

Member's explanatory statement

This amendment would ensure that support services provided to residents of supported exempt accommodation and temporary accommodation for those properties that already fall within consumer regulation are adequate and of an acceptable quality.

Matthew Pennycook

14

Sarah Owen

☆ Clause 2, page 1, line 18, at end insert—

“(2A) The Panel may provide information and advice to the Secretary of State about, or on matters connected with, the regulator’s functions and wider issues affecting the regulation of social housing (whether or not it is requested to do so by either the regulator or the Secretary of State).”

Member's explanatory statement

This amendment would enable the Panel to provide information and advice and to proactively raise issues affecting social housing regulation more generally directly to the Secretary of State.

Matthew Pennycook

15

Sarah Owen

☆ Clause 2, page 2, line 17, at end insert—

“(8) The Panel must be chaired by a tenant of social housing.

(9) The Chair is responsible for setting Panel meeting agendas.

(10) The majority of persons appointed to the panel must be tenants of social housing.”

Member's explanatory statement

This amendment would ensure that tenant representation on the advisory panel is mandatory and that tenants are able to influence effectively what information and advice is presented to the regulator in respect of issues affecting social housing regulation.

Dehenna Davison

Gov 1

Clause 4, page 3, line 40, leave out “follows” and insert “set out in subsections (2) to (6)”

Member's explanatory statement

This amendment is consequential on Amendment 2.

Dehenna Davison

Gov 2

Clause 4, page 4, line 16, at end insert—

“(7) In section 202 of the Housing and Regeneration Act 2008 (inspections: supplemental) omit subsections (4) to (7).”

Member's explanatory statement

This amendment repeals the provisions of the Housing and Regeneration Act 2008 which provide specific powers to enable the regulator to charge registered providers of social housing fees for inspections.

Dehenna Davison

Gov 3

Page 18, line 29, leave out Clause 24

Member's explanatory statement

This amendment removes Clause 24, which was inserted at Report stage in the Lords.

Dehenna Davison

Gov 4

Clause 28, page 22, leave out lines 3 to 8 and insert—

- “(8) Equipment or materials taken onto premises by virtue of subsection (7) may be left in a place on the premises until the survey has been carried out provided that—
- (a) leaving the equipment or the materials in that place does not significantly impair the ability of an occupier to use the premises, or
 - (b) leaving the equipment or the materials on the premises is necessary for the purposes of carrying out the survey and it is not possible to leave it or them in a place that does not significantly impair the ability of an occupier to use the premises.”

Member's explanatory statement

This adjusts the power to leave equipment etc on premises so that it can only be left in a place that significantly impairs the ability of occupiers to use the premises if there is no other place on the premises it can be left which doesn't impair such use.

Dehenna Davison

Gov 5

Clause 28, page 22, line 8, at end insert—

- “(9) Where the premises include common parts of a building, references in subsection (8) to the ability of an occupier to use the premises include the ability of an occupier of a dwelling that has use of the common parts to use those parts or the dwelling.
- (10) In this section, “common parts”, in relation to a building, includes the structure and exterior of that building and any common facilities provided (whether or not in the building) for persons who occupy the building.”

Member's explanatory statement

Where a survey is carried out on premises which include common parts of a building this amendment requires the effect on the ability of occupiers to use their dwellings and the common parts to be considered in determining whether equipment or materials can be left on the premises while the survey is carried out.

Dehenna Davison

Gov 6

Clause 28, page 22, leave out lines 31 to 36 and insert—

- “(5) Equipment or materials taken onto premises by virtue of subsection (4) may be left in a place on the premises until the survey has been carried out provided that—
- (a) leaving the equipment or the materials in that place does not significantly impair the ability of an occupier to use the premises, or
 - (b) leaving the equipment or the materials on the premises is necessary for the purposes of carrying out the survey and it is not possible to leave it or them in a place that does not significantly impair the ability of an occupier to use the premises.”

Member's explanatory statement

This adjusts the power to leave equipment etc on premises so that it can only be left in a place that significantly impairs the ability of occupiers to use the premises if there is no other place on the premises it can be left which doesn't impair such use.

Dehenna Davison

Gov 7

Clause 28, page 22, line 36, at end insert—

- “(5A) Where the premises include common parts of a building (as defined in section 199A), references in subsection (5) to the ability of an occupier to use the premises include the ability of an occupier of a dwelling that has use of the common parts to use those parts or the dwelling.”

Member's explanatory statement

Where a survey is carried out on premises which include common parts of a building this amendment requires the effect on the ability of occupiers to use their dwellings and the common parts to be considered in determining whether equipment or materials can be left on the premises while the survey is carried out.

Matthew Pennycook

16

Sarah Owen

☆ Clause 29, page 23, line 36, leave out lines 36 to 39 and insert—

- “(a) the inspection of every registered provider within four years of the commencement of this Act,
- (b) the inspection of every registered provider at intervals of no longer than four years thereafter, and”

Member's explanatory statement

This amendment would ensure that the regulator is required to carry out regular inspections of every registered provider.

Matthew Pennycook

17

Sarah Owen

☆ Clause 31, page 27, line 28, leave out “may” and insert “must”

Member's explanatory statement

This amendment would ensure that emergency remedial action takes place on every occasion where the conditions in subsections (2) to (4) of section 225B inserted by clause 31, are met rather than being discretionary.

Dehenna Davison

Gov 8

Clause 31, page 29, line 41, leave out from beginning to end of line 6 on page 30 and insert—

- “(5) Equipment or materials taken onto premises by virtue of subsection (4)(b) may be left in a place on the premises until the emergency remedial action has been taken provided that—
- (a) leaving the equipment or the materials in that place does not significantly impair the ability of an occupier to use the premises, or
 - (b) leaving the equipment or the materials on the premises is necessary for the purposes of taking the emergency remedial action and it is not possible to leave it or them in a place that does not significantly impair the ability of an occupier to use the premises.”

Member's explanatory statement

This adjusts the power to leave equipment etc on premises so that it can only be left in a place that significantly impairs the ability of occupiers to use the premises if there is no other place on the premises it can be left which doesn't impair such use.

Dehenna Davison

Gov 9

Clause 31, page 30, line 6, at end insert—

- “(6) Where the premises include common parts of a building (as defined in section 225C), references in subsection (5) to the ability of an occupier to use the premises include the ability of an occupier of a dwelling that has use of the common parts to use those parts or the dwelling.”

Member's explanatory statement

Where emergency remedial action is taken on premises which include common parts of a building this amendment requires the effect on the ability of occupiers to use their dwellings and the common parts to be considered in determining whether equipment or materials can be left on the premises while the work is carried out.

Dehenna Davison

Gov 10

Clause 31, page 30, leave out lines 29 to 36 and insert—

- “(5) Equipment or materials taken onto premises by virtue of subsection (4) may be left in a place on the premises until the emergency remedial action has been taken provided that—
- (a) leaving the equipment or the materials in that place does not significantly impair the ability of an occupier to use the premises, or
 - (b) leaving the equipment or the materials on the premises is necessary for the purposes of taking the emergency remedial action and it is not possible to leave it or them in a place that does not significantly impair the ability of an occupier to use the premises.”

Member's explanatory statement

This adjusts the power to leave equipment etc on premises so that it can only be left in a place that significantly impairs the ability of occupiers to use the premises if there is no other place on the premises it can be left which doesn't impair such use.

Dehenna Davison

Gov 11

Clause 31, page 30, line 36, at end insert—

- “(5A) Where the premises include common parts of a building (as defined in section 225C), references in subsection (5) to the ability of an occupier to use the premises include the ability of an occupier of a dwelling that has use of the common parts to use those parts or the dwelling.”

Member's explanatory statement

Where emergency remedial action is taken on premises which include common parts of a building this amendment requires the effect on the ability of occupiers to use their dwellings and the common parts to be considered in determining whether equipment or materials can be left on the premises while the work is carried out.

Dehenna Davison

Gov 12

Clause 44, page 37, line 10, leave out subsection (2)

Member's explanatory statement

This amendment removes the privilege amendment inserted by the Lords.

Helen Hayes

NC1

Charlotte Nichols
 Tony Lloyd
 Jess Phillips
 Rosie Cooper
 Derek Twigg

Rosie Duffield
 Andy Slaughter
 Mr Virendra Sharma

Kim Johnson
 Kerry McCarthy

Caroline Lucas
 Alex Cunningham

To move the following Clause—

“Regulator duty to ensure continuity of secure tenancy in cases of threat to safety

- (1) The Housing and Regeneration Act 2008 is amended as follows.
- (2) After section 92K insert—

“92KA Duty to ensure continuity of secure tenancy in cases of threat to safety

- (1) This section applies where—
 - (a) a registered provider of social housing has granted a secure tenancy of a dwelling-house in England to a person (whether as the sole tenant or a joint tenant), and
 - (b) the registered provider is satisfied that there is a threat to the personal safety of that person or of a member of that person’s household which means there is a risk to their personal safety unless they move.
- (2) When subsection (1) applies, the regulator must ensure that the registered provider grants the tenant a new secure tenancy which is—
 - (a) on terms at least equivalent to the existing tenancy; and
 - (b) in a dwelling where the threat to the tenant’s personal safety does not apply.
- (3) In this section, a “threat to personal safety” means any threat of violence, including in circumstances of—
 - (a) domestic abuse where the perpetrator does not live at the same address as the victim;
 - (b) an escalating neighbour dispute;
 - (c) a threat of targeted youth or gang violence.
- (4) In assessing the threat under subsection (1)(b), the registered provider must act in accordance with any relevant police advice provided to—
 - (a) the registered provider,
 - (b) the tenant, or
 - (c) any member of the tenant’s household.
- (5) In the event that a registered provider is unable to ensure the provision of an appropriate new secure tenancy pursuant to subsection (2), the regulator must ensure that the registered provider concerned co-operates with other registered

providers to ensure an appropriate new secure tenancy is provided in a timely manner.””

Member's explanatory statement

This new clause would require the regulator to ensure that tenants whose safety is threatened are granted alternative accommodation by their housing provider on equivalent terms to their existing tenancy. It also requires the regulator to ensure that a provider which is unable to provide appropriate alternative accommodation co-operates with other providers to do so.

Matthew Pennycook

NC2

Sarah Owen

☆ To move the following Clause—

“Regulator duty to report on safety defects

- (1) In fulfilling its consumer regulation objective under section 92K of the Housing and Regeneration Act 2008, the regulator must report to the Secretary of State on actions taken by registered providers to remediate unsafe external wall systems and other historic fire safety defects in social housing.
- (2) A report produced under this section may make recommendations to the Secretary of State on further action required to sufficiently address identified issues.”

Member's explanatory statement

This new clause would ensure that in meeting its fundamental objective to support the provision of social housing that is well-managed and of appropriate quality, the regulator would be required to report to the government on the progress of building safety remediation.

Matthew Pennycook

NC3

Sarah Owen

☆ To move the following Clause—

“Regulator duty to support provision of social housing

- (1) In fulfilling its economic regulation objective under section 92K of the Housing and Regeneration Act 2008, the regulator must—
 - (a) within six months of this Act receiving Royal Assent, and
 - (b) at intervals of no more than three years thereafter
 provide a report to the Secretary of State on whether the supply of social housing in England and Wales is sufficient to meet reasonable demands.
- (2) A report produced under this section may make recommendations relating to how to ensure that the provision of social housing in England and Wales is sufficient to meet reasonable demands.”

Member's explanatory statement

This new clause would ensure that in meeting its fundamental objective to support the provision of social housing sufficient to meet reasonable demands the regulator would be required to report to the government on adequacy of social housing supply.

Matthew Pennycook

NC4

Sarah Owen

☆ To move the following Clause—

“Persons engaged in the management of social housing to have relevant professional qualifications

After section 217 of the Housing and Regeneration Act 2008 (accreditation) insert—

“217A Professional qualifications and other requirements

- (1) The Secretary of State may, by regulations, provide that a person may not engage in the management of social housing or in specified work in relation to the provision of social housing unless he or she—
 - (a) has appropriate professional qualifications, or
 - (b) satisfies specified requirements.
- (2) Regulations specifying work for the purpose of subsection (1) may make provision by reference to—
 - (a) one or more specified activities, or
 - (b) the circumstances in which activities are carried out.
- (3) Regulations made under this section may, in particular, require—
 - (a) the possession of a specified qualification or experience of a specified kind,
 - (b) participation in or completion of a specified programme or course of training, or
 - (c) compliance with a specified condition.
- (4) Regulations may make provision for any of the following matters—
 - (a) the establishment and continuance of a regulatory body;
 - (b) the keeping of a register of qualified social housing practitioners;
 - (c) requirements relating to education and training before and after qualification;
 - (d) standards of conduct and performance;
 - (e) discipline and fitness to practise;
 - (f) removal or suspension from registration or the imposition of conditions on registration;
 - (g) investigation and enforcement by or on behalf of the regulatory body, and appeals against the decisions or actions of the regulatory body.””

Member's explanatory statement

This new clause would require managers of social housing to have appropriate qualifications and expertise.

Matthew Pennycook

NC5

Sarah Owen

☆ To move the following Clause—

“Arrangements for boards of registered providers

- (1) Section 193 of the Housing and Regeneration Act 2008 is amended as follows.
- (2) In subsection (2)—
 - (a) after paragraph (f) insert—
 - “(fa) methods for having direct tenant representation and participation in boards and other decision-making functions of registered providers,
 - (fb) methods for participation in boards within providers of an elected councillor of one or more strategic housing authorities where the provider conducts business”

Member's explanatory statement

This new clause would allow the regulator to set standards in relation to the representation of tenants and councillors on boards of registered providers.

Matthew Pennycook

NC6

Sarah Owen

☆ To move the following Clause—

“Standards relating to consumer matters

- (1) Section 193 of the Housing and Regeneration Act 2008 is amended as follows.
- (2) In subsection (2)—
 - (a) after paragraph (d) insert—
 - “(da) major repair or improvement works,
 - (db) estate regeneration,
 - (dc) service charges,”
 - (b) after paragraph (ga) insert—
 - “(gb) advice and assistance in relation to the prevention of homelessness,”

(c) after paragraph (h) insert—

“(ha) provision for urgent transfer of tenancies in relation to tenants affected by domestic abuse or other violence”

Member's explanatory statement

This new clause would allow the regulator to set standards in relation to major repair or improvement works, estate regeneration, service charges, homelessness prevention, and urgent moves for residents at risk of violence.

Matthew Pennycook

NC7

Sarah Owen

☆ To move the following Clause—

“Vacant higher value local authority housing

- (1) The Housing and Planning Act 2016 is amended as follows.
- (2) Leave out Chapter 2 of Part 4 (Vacant higher value local authority housing).”

Member's explanatory statement

This new clause would implement the decision set out in the 2018 social housing green paper to not require local authorities to make a payment in respect of their vacant higher value council homes as provided for by the Housing and Planning Act 2016.

Matthew Pennycook

NC8

Sarah Owen

☆ To move the following Clause—

“Standards relating to supported and temporary accommodation

- (1) The Housing and Regeneration Act 2008 is amended as follows.
- (2) In section 192 (Overview)—
 - (a) in paragraph (a), after “social housing” insert “, supported exempt accommodation and temporary accommodation”
- (3) In section 193 (Standards relating to consumer matters)—
 - (a) in subsection (1), after “social housing” insert “or accommodation to which subsections (1A) to (1D) applies”
 - (b) after subsection (1) insert—

“(1A) The Secretary of State, after consultation with the regulator, may by order bring into consumer regulation accommodation managed or in the control of a registered provider that falls within subsection (1C) or subsection (1D).

- (1B) An order under subsection (1A) may apply to either subsection (1C) or (1D) only or to both and orders commencing either can be made separately at different times and for any part of England.
- (1C) The accommodation to which this subsection applies is supported exempt accommodation as defined by regulations under subsection (1E).
- (1D) The accommodation to which this subsection applies is temporary accommodation as defined by regulations under subsection (1E).
- (1E) The Secretary of State may by regulations set out the classes of accommodation that fall within subsection (1C) or subsection (1D) and may define each class by reference to the Housing Benefit Regulations 2006 or the Universal Credit Regulations 2013."

(c) in subsection (2), after paragraph (2)(d) insert—

"(da) standards relating to supported exempt accommodation or temporary accommodation,""

Member's explanatory statement

This new clause would ensure that providers of supported exempt accommodation and temporary accommodation who are registered with the regulator and charge market rents covered by housing benefit are brought within the scope of the new consumer regulatory regime.

Matthew Pennycook

NC9

Sarah Owen

☆ To move the following Clause—

"Application of Freedom of Information Act 2000 to registered providers

Within six months of this Act receiving Royal Assent, the Secretary of State must by order designate registered providers of social housing as public authorities for the purposes of the Freedom of Information Act 2000."

Member's explanatory statement

This new clause would bring registered providers of social housing within the scope of the Freedom of Information Act 2000.

Order of the House

[7 November 2022]

That the following provisions shall apply to the Social Housing (Regulation) Bill [Lords]—

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 13 December 2022.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and on Third Reading

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill may be programmed.