

INSTRUMENT OF DELEGATION

MAYORAL DELEGATION TO HOMES ENGLAND'S ACCOUNTING OFFICER IN RESPECT OF GOVERNMENT'S FUND FOR THE REMEDIATION OF SOCIAL SECTOR BUILDINGS OVER 18 METRES IN HEIGHT WITH UNSAFE CLADDING IN GREATER LONDON

Background:

1. The Government's Remediation Acceleration Plan (December 2024) outlines its aim to streamline delivery of cladding remediation. There are 5,025 residential buildings over 11 metres nationally with unsafe cladding where remediation is progressing as part of the Government's remediation portfolio. The Ministry for Housing, Communities and Local Government (**MHCLG**) has requested that the Homes and Communities Agency (which trades as Home England) (**Homes England**) assumes responsibility for delivering unsafe cladding remediation funding for the defined list of 53 social sector buildings over 18 metres in height in Greater London that have not yet signed a grant funding agreement with MHCLG, in addition to any further social sector buildings over 18 metres in height in Greater London that might apply for support under the conditions of the existing fund administered by MHCLG (referred to in this instrument of delegation as the **Social Sector Building Safety Fund**).
2. From 1 April 2012 Homes England's powers to operate in Greater London ceased, by virtue of the Localism Act 2011. As a consequence, Homes England no longer has the legal power to operate in Greater London.
3. Section 38 of the Greater London Authority Act 1999 (as amended) (the **GLA Act**) allows the Mayor to authorise Homes England to exercise his functions under the GLA Act. Accordingly, the Mayor has decided to delegate his functions to Homes England until 31 December 2035 for the purposes identified above. Homes England has consented to this delegation from the GLA.

Delegation:

4. Accordingly, under section 38 (1) of the GLA Act, I authorise Homes England to exercise such of the GLA's powers under sections 30 and 34 of the GLA Act as it considers necessary or expedient for the purpose of undertaking or continuing all or any of the activities required for the delivery of the Social Sector Building Safety Fund in Greater London, including (without limitation) the following:
 - I. To administer the funds for the purposes of the Social Sector Building Safety Fund in Greater London.
 - II. To manage the Social Sector Building Safety Fund in Greater London in accordance with Homes England's standard agreements, contracts and guides, etc, used for the national (England) programme.
 - III. To administer the eligibility criteria for the Social Sector Building Safety Fund and approval of grant funding in accordance with such criteria that has been published by MHCLG, and in accordance with any guidance or instructions issued by MHCLG, and ensure that the conditions of the funding agreements with grant applicants are adhered to until the completion of the respective projects within the Social Sector Building Safety Fund.
 - IV. To work with MHCLG to ensure that the Social Sector Building Safety Fund meets circumstances specific to administering the fund in Greater London, noting that high level policy development is a matter for the MHCLG, not Homes England.

- V. To recruit and contract staff as is reasonably necessary at Homes England's absolute discretion to administer the Social Sector Building Safety Fund and its conditions and put in place checks and balances to maintain a clear audit trail of condition fulfilment and deliverables.
 - VI. To act in all ways with respect to MHCLG as the GLA would be required to in administering the Social Sector Building Safety Fund, absent this delegation.
 - VII. To, at the end of the Social Sector Building Safety Fund, undertake a handover of the project to MHCLG according to the project closure requirements determined by the MHCLG.
5. The powers conferred by this delegation are supplemental and without prejudice to any of the functions Homes England otherwise has at common law or under any relevant legislation.

Conditions

6. The authorisation conferred by paragraph 4 above to Homes England is made subject to the following conditions:

- a) MHCLG confirming the final Commission to Homes England (including funding envelope, eligibility criteria, policy and guidance)
- b) Homes England accepting the Commission from MHCLG.
- c) Insofar as it is permissible in law to do so, Homes England must arrange for its Accounting Officer to be responsible, under Delegated authority from Homes England, for exercising all of the functions specified in and conferred by this delegation.
- d) Homes England will carry out its activities under this delegation in compliance with the Public Sector Equality Duty, contained in section 149 of the Equality Act 2010.
- e) Homes England will include a Greater London breakdown of the fund in all public facing reports on programme progress or provide a Greater London breakdown in any reporting to MHCLG which would in turn enable MHCLG to make London performance data publicly available.
- f) The delegation relating to the operating of the Social Sector Building Safety Fund will end on 31 December 2035 (MHCLG's current estimated completion date for remediation of buildings under the fund) unless it is agreed by the Mayor to terminate the delegation at an earlier date or, with Homes England's consent, to extend it to a later date.
- g) Homes England will put in place systems for undertaking appropriate checks to ensure that remediation funding is only offered to eligible prospective applicants in relation to eligible buildings as set out in the published criteria.
- h) No costs incurred in the implementation of this Delegation shall be borne by the GLA.
- i) Homes England shall at all reasonable times afford the member of staff designated from time to time as the GLA's Monitoring Officer all reasonable cooperation and access to documents and facilities as may be required from time to time in respect of that person's duties as Monitoring Officer under section 5(2) of the Local Government and Housing Act 1989 (as substituted by section 73(6) of the GLA Act).

Signed:



Mayor of London