

INSTRUMENT OF DELEGATION

MAYORAL DELEGATION TO HOMES ENGLAND'S ACCOUNTING OFFICER IN RESPECT OF GOVERNMENT'S FUND FOR THE REMEDIATION OF BUILDINGS 11-18 METRES WITH UNSAFE CLADDING IN LONDON

Background:

1. In January 2022, the Secretary of State for Levelling Up, Housing and Communities, Rt Hon Michael Gove announced that government would be launching a c. £4bn grant funding scheme for the remediation of residential buildings of 11 – 18 metres in height with unsafe cladding ('the Programme').
2. The Programme is expected to run for up to ten years.
3. Eligibility criteria for the Programme is yet to be finalised and will be determined by the Department for Levelling Up, Housing and Communities (DLUHC). However, it is estimated that the Programme would fund at approximately 7,500 buildings, of which c. 50 per cent are expected to be in London.
4. In accordance with its legal powers, the GLA has decided to delegate the administration and delivery of the Programme in London to the Homes and Communities Agency (which trades as Homes England) (**Homes England**), who will also be performing this role for the rest of England. Homes England has consented to this delegation from the GLA.

Delegation:

5. Accordingly, under section 38 (1) of the Greater London Authority Act 1999 (as amended) (**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 Programme in Greater London, including (without limitation) the following:
 - I. To administer the funds for the purposes of the Programme in London.
 - II. To manage the Programme in London in accordance with the Homes England's standard agreements, contracts and guides, etc, used for the national (England) programme.
 - III. To administer the eligibility criteria for the fund and approval of grant funding in accordance with such criteria that will be determined by DLUHC, and in accordance with any guidance or instructions issued by DLUHC, and ensure that the conditions of the funding agreement are adhered to until the completion of the projects within the Programme.
 - IV. To work with DLUHC to ensure that the Programme meets circumstances specific to administering the fund in London, noting that high level policy development is a matter for the DLUHC, not Homes England.
 - V. To recruit and contract staff as is reasonably necessary to properly administer the 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 DLUHC as GLA would be required to in administering the scheme, absent this delegation.
 - VII. To, at the end of the Programme, undertake a handover of the project to the DLUHC according to the project closure requirements determined by the DLUHC.

6. 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

7. The authorisation conferred by paragraph 5 above to Homes England is made subject to the following conditions:
- a) DLUHC finalising the details of the Programme and providing the full Commission for the Programme to Homes England (including funding envelope, eligibility criteria, policy and guidance).
 - b) Homes England accepting the Commission from DLUHC.
 - 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 London breakdown of the scheme in all public facing reports on programme progress or provide a London breakdown in any reporting to DLUHC which would in turn enable DLUHC to make London performance data publicly available.
 - f) The delegation relating to the operating of the Programme will end on 1 June 2032 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 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



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Mayor of London