



**Havering**  
LONDON BOROUGH

## Notice of Non-key Executive Decision

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|---|---|
| <b>Subject Heading:</b>                   | Section 31 Grant Determination under the Local Government Act 2003: remediation of unsafe cladding on high-rise private sector residential buildings 18 metres and over (funded by DLUHC)   |
| <b>Decision Maker:</b>                    | Helen Oakerbee, Director of Planning and Public Protection  |
| <b>Cabinet Member:</b>                    | Cllr Barry Mugglestone  |
| <b>SLT Lead:</b>                          | Neil Stubbings, Strategic Director of Place   |
| <b>Report Author and contact details:</b> | Anand Punj x2253<br>Public Protection Manager<br><a href="mailto:Anand.punj@havering.gov.uk">Anand.punj@havering.gov.uk</a>   |
| <b>Policy context:</b>                    | <p>The Local Authority has the power to take enforcement action in accordance with the Building Safety Act 2022 which requires landlords, developers and associated companies to meet costs incurred in remedying specified defects in their building.</p> <p>Local authorities have powers under the Housing Act 2004 to calculate the seriousness of certain hazards and take action against building owners or landlords based on their assessment</p> |
| <b>Financial summary:</b>                 | <p>The total grant of £41,586 was paid across two financial years from 2022-2024. The grant funding was paid in two instalments as follows:</p> <ul style="list-style-type: none"><li>• A payment of £11,871 made December 2022.</li><li>• A payment of £29,715 made April 2023</li></ul>   |

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|  |                                   |
|--|-----------------------------------|
| <b>Relevant OSC:</b>                                 | Places                            |
| <b>Is this decision exempt from being called-in?</b> | Yes, this in a Non- Key Decision. |

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**The subject matter of this report deals with the following Council Objectives**

[x] People - Things that matter for residents

[x] Place - A great place to live, work and enjoy

[x] Resources - A well run Council that delivers for People and Place.

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### Part A – Report seeking decision

#### **DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION**

For the reasons detailed in this report, the Director of Planning and Public Protection is recommended to:

- Accept the Section 31 New Burdens funding from the Department of Levelling Up, Housing and Communities (DLUHC) to support local authority enforcement activity to drive remediation of high-rise residential buildings with unsafe cladding.
- Monitor the grant in accordance of the financial regulations.

#### **AUTHORITY UNDER WHICH DECISION IS MADE**

##### **Part 3 of the Council's Constitution**

##### **3.4 Powers of Second Tier Managers**

##### **General powers**

(a) To take any steps necessary for proper management and administration for their allocated portfolios.

##### **Financial responsibilities**

d) In consultation with the relevant Cabinet Member, to apply for, accept and manage external funding up to a limit of £250,000 per grant in support of any function within their service provided that any financial contributions by the Council are made from within existing budgets.

#### **STATEMENT OF THE REASONS FOR THE DECISION**

New Burdens funding has been allocated for financial years 2022/23 and 2023/24 to support local authority enforcement activity to drive remediation of high-rise residential buildings with unsafe cladding.

The total grant determination for Havering paid across two financial years from 2022-2024 was £41,586. The grant funding has been paid in two instalments as follows:

- A payment for £11,871 was made in December 2022.
- A payment for £29,715 was made in April 2023

Grant determinations to local authorities have been calculated based on an indicative number of high-risk, high-rise residential buildings in local authority areas:

- i) those that have or may have unsafe ACM cladding but remediation work has not begun;
- ii) those in the Building Safety Fund that have interim measures due to a combustible external wall system;

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- iii) those outside the Building Safety Fund that have interim measures but remediation plans are unknown; and
- iv) Buildings notified through DELTA that have potentially high-risk cladding systems.

There may be additional buildings in the borough previously unknown to DLUHC that will require enforcement action.

**OTHER OPTIONS CONSIDERED AND REJECTED**

The other option is not to accept the grant. This option was rejected as no other funding has been allocated to support the cladding remediation of high-rise buildings in Havering which will mean that enforcement costs associated with non-compliant cladding on high-rise buildings would be borne by the Council.

**PRE-DECISION CONSULTATION**

Not applicable.

**NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER**

Name: Anand Punj

Designation: Public Protection Manager – Private Sector Housing

Signature: *Anand Punj*

Date: 12/05/2023

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### Part B - Assessment of implications and risks

#### **LEGAL IMPLICATIONS AND RISKS**

- v) The grant provision from the Department of Levelling Up, Housing and Communities (DLUHC) is made pursuant to Section 31 of the Local Government Act 2003 to make awards of grant funding.
- vi) The local authority is expected to continue taking appropriate enforcement action using the Housing Act 2004, as well as utilising the new powers under Part 5 of the Building Safety Act 2022 to compel owners to remediate their buildings.
- vii) DLUHC encourages close collaboration with the local fire service, which has its own expertise and enforcement powers under both the Fire Safety Order 2005 and the Building Safety Act. Additionally, it encourages proactive development of an effective strategic regulatory partnership, agreeing which organisation and legislation can best be used to take appropriate action in relation to particular buildings that achieve the greatest impact in the shortest timeframe.
- viii) For the reasons set out above, the grant may be accepted.
- ix) Officers will ensure they are cognisant of the funding conditions associated with the grant and agree the Council is able to accept and perform its obligations.

#### **FINANCIAL IMPLICATIONS AND RISKS**

DLUHC have offered Public Protection £41,586, subject to the Council agreeing and complying with the terms and condition of the grant agreement.

The grant must be used solely for the purpose set out in the grant offer letter relating to the cladding remediation of high rise buildings.

The grant offer is the maximum amount of contribution to be made by DLUHC, and this amount will not be increased as a result of any overspend.

Budget monitoring will be regularly carried out by officers throughout delivery to ensure the project is completed within the approved grant allocation.

Public Protection will provide DLUHC at their request such information, explanations and documents as they may reasonably require in order to determine whether the conditions of the grants agreement have been complied with.

If Public Protection were not to accept the grant, Havering would still have a duty to increase the level of enforcement activity to drive robustly, the remediation of unsafe high rise private sector buildings, to enable residents to live in safe homes. This by default would create an additional financial pressure within the service.

As the grant intended, Public Protection increased the level of enforcement and the work is intended to be completed during 2023/2024.

The funding breaks down as follows:

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| <b>Expenditure</b>       | <b>2022/23</b> | <b>2023/24</b> | <b>Grand Total</b> |
|--------------------------|----------------|----------------|--------------------|
| Agency costs for Period  | 0.000          | 0.042          | <b>0.042</b>       |
| <b>Total Expenditure</b> | <b>0.000</b>   | <b>0.042</b>   | <b>0.042</b>       |
| <b>Funding</b>           |                |                |                    |
| DLUHC                    | -0.012         | -0.030         | -0.042             |
| <b>Total Funding</b>     | <b>-0.012</b>  | <b>-0.030</b>  | <b>-0.042</b>      |
| Net financial impact     |                |                | 0.000              |

### **HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

1. The funding will be used to recruit additional contracting staff via Council's framework provider Matrix and access external expertise where necessary to support enforcement activity.
2. The work associated with this grant will be supported by temporary contractors and there are no Council Human Resources implications as a result of this decision.

### **EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS**

There are no Equalities or Social Inclusion implications arising from this decision.

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
  - (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
  - (iii) Foster good relations between those who have protected characteristics and those who do not.
- (l) 'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

The New Burdens funding for cladding remediation of high-rise buildings will help the Council with delivering its equality and diversity commitments by ensuring that residents are living in safe homes.

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**ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS**

There are no environmental and climate change implications of, and risks relating to, the proposed decision.

**BACKGROUND PAPERS**

None

**APPENDICES**

Appendix A – Section 31 New Burdens Grant Determination (2022): No 31/6387

Appendix B – Section 31 New Burdens Grant Determination (2023): No 31/6626

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**Part C – Record of decision**

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

**Decision**

Proposal agreed

**Details of decision maker**

Signed 

Name: Helen Oakerbee, Director of Planning and Public Protection

Date: 31 August 2023

**Lodging this notice**

The signed decision notice must be delivered to Democratic Services, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on \_\_\_\_\_

Signed \_\_\_\_\_