

## Reasons Report

<b>To:</b>	<b>Cabinet Member for Housing, Environment and Economy</b>
<b>From:</b>	<b>Jason Wheble, Housing Improvement Manager</b>
<b>Director:</b>	<b>Eleanor Hoyle, Director of Planning, Housing and Environmental Health</b>

### **BRIEFING NOTE: EXECUTIVE - NON-KEY DECISION**

#### **MHCLG funding to support the remediation of high-rise and mid-rise private sector residential buildings with unsafe cladding.**

**Summary of Issue:** MHCLG has allocated TMBC £50,000 for 2025/26 to support building safety enforcement in our area. TMBC must implement a scheme to use this funding for its intended purpose.

#### **Recommendation:**

(1) Fund a full-time building safety officer using MHCLG funding in partnership with Tunbridge Wells Borough Council (TWBC) for a period of up to 30 weeks, working in both districts.

#### **1 Background**

TMBC are required to act in accordance with the Housing Act 2004 and Building Safety Act 2022 where there are concerns about the safety of a mid- or high-rise building.

TMBC has received £50,000 for 2025/26 to support building safety enforcement in our area. This funding is to support the key role we play in driving the remediation of private sector residential buildings with unsafe cladding in our area.

MHCLG expect TMBC will be working closely with partners and regulators to:

- keep the housing conditions in our area under review and have a clear prioritisation framework.
- investigate relevant buildings in our area and inspect according to our prioritisation framework to determine any fire hazards.
- assess any risks arising and take appropriate action.
- ensure that robust and up-to-date remediation plans are in place for each building.
- upload dates of inspection and enforcement action taken against individual buildings with unsafe cladding onto the collection that is currently live on the Department's DELTA portal by the end of each month, and support the transition to the Cladding Safety Scheme (CSS) platform when appropriate.
- act in line with the Remediation Enforcement Guidance (REG). This will include establishing a partnership working agreement, and agreeing criteria for designating a lead regulator in each case.

A key component of MHCLG's strategy to remediate unsafe cladding involves regulators such as TMBC identifying, monitoring and inspecting buildings and then pursuing appropriate enforcement action.

MHCLG will seek assurances where progress has stalled on a building's plans towards remediating identified risks, that TMBC and the Kent Fire & Rescue Service (KFRS) have decided which partner is best placed to take effective and proportionate action to drive the pace of remediation, using enforcement where needed.

In addition to the current statutory reporting regarding building safety, TMBC are required to report on a quarterly basis how funding is being spent to track progress and inform future grant arrangements. Reporting requirements are likely to increase over time.

MHCLG are developing proposals for multi-year funding, and will monitor the performance of local authorities, taking this into consideration for future funding allocation.

### **Our proposed scheme**

In partnership with TWBC we propose to engage the services of a consultant building safety officer for a period of 30 weeks, to carry out the following:

- Audit Higher Risk Buildings in the Borough ensuring all eligible buildings are registered with the Building Safety Regulator.
- Where buildings are registered with a government remediation scheme, ascertain at what stage of remediation the building is at and update the government Delta return
- Update and maintain DELTA records for the duration of the project using validated data sets.
- Update and maintain DLUHC records for the Borough.
- Liaise with KFRS, sharing information and data sets to enhance/improve information held and joint working to improve fire safety in relevant buildings.
- A review of all relevant data sets held by the authority regarding medium rise (5 storeys / 11m and above) relevant buildings\*.
- An audit of relevant buildings with an increased fire risk potential of external walling.
- Focus on higher risk buildings with combustible cladding or other increased external fire risk, promoting/expediting/facilitating remediation where possible in consultation with legal owners of buildings and other stakeholders.
- Liaison with Private Sector landlords, raising fire safety awareness, compliance and raising the profile of Private Sector Housing authority in ensuring compliance and cooperative working.
- The use of enforcement under the Housing Act 2004, as required, to facilitate the objectives of the project.

- The raising of standards of compliance with landlords and their contractors with regards to Fire Risk Assessments, Electrical testing including fixed installations alarms and emergency lighting, certifications generally.
- Production of comprehensive data set that will have purpose beyond the Fire Safety Project.

\*Relevant buildings are those with 2 or more residential dwellings that share an entrance to the building and common areas and meet the height criteria.

We propose to share this specialist human resource with TWBC, who have already identified an appropriate contractor who has commenced this work in their district.

TWBC have made a significant start with identifying and auditing higher risk buildings within their district and registering eligible buildings with the Building Safety Regulator. In some cases, they have issued the necessary enforcement notices.

Subject to approval, the building safety officer will immediately commence work in our district on a full-time basis to identify, audit higher risk buildings and register eligible buildings, and instigate enforcement actions as necessary.

It's anticipated this initial work will last for a period of 10 weeks, after which, we will share this specialised contractor's time between us and TWBC, with each authority funding work in their districts separately.

## **2 Legal Advice**

The relevant legislation is Housing Act 2004 and Building Safety Act 2022.

## **3 Financial and Value for Money implications**

The recommendation in this report will be funded by external funding provided by MHCLG.

We will use the specialist contractors time dynamically between ourselves and TWBC to maximise use of MHCLG funding, extending the length of this scheme and making more efficient use of the funding.

TWBC will fund work carried out by the building safety officer on their behalf separately to us. TMBC will pay for work carried out by the building safety officer on our behalf directly to the employment agent.

## **4 Risk Assessment**

This work is necessary to identify and enforce the remediation of medium-rise and high-rise buildings with unsafe cladding, to protect residents' health and safety, especially in relation to fire safety.

There is a risk that by carrying out this work we will identify other health and safety issues within subject buildings that require the Council to take enforcement action, potentially increasing pressure to an already stretched service, and other teams such as Building Control.

## **5 Public Sector Equality Duty**

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

## **6 Communications**

There has been discussion at various meetings, including the regular liaison meeting with KFRS and Kent Housing Technical Group, regarding the allocation and use of this MHCLG funding.

We have been liaising with TWBC regarding this joint working opportunity to tackle the safety of medium and high-rise buildings on our districts.

## **7 Conclusion**

The recommendation is as follows:

(1) Fund a full-time building safety officer using MHCLG funding in partnership with Tunbridge Wells Borough Council (TWBC) for a period of up to 30 weeks, working in both districts.