

INSTRUMENT OF DELEGATION

MAYORAL DELEGATION TO HOMES ENGLAND'S ACCOUNTING OFFICER IN RESPECT OF THE 'Help to Build equity loan scheme'

Background

1. The Help to Build (HtBd) equity loan scheme is a programme of equity loans for individual self and custom homebuilders ("the Programme").
2. The Programme will operate and run until 31 July 2030 (assuming the scheme is open for applications until 31 March 2026 and including a maximum drawdown period of three years and four months after the equity loan is approved and an additional one year after that for the necessary end of programme administration) or such commensurately earlier date if the programme budget of £150m is committed prior to 31 March 2026. Due to the long-term nature of holding equity loans, this will also involve Homes England being able to hold such loans until 31 July 2061.
3. By virtue of the Localism Act 2011, Homes England's powers to operate in Greater London ended in 2012 and the GLA is undertaking Homes England's former role in the capital using its general and subsidiary powers under sections 30 and 34 of the Greater London Authority Act 1999 ("the GLA Act", as amended), which are exercisable by the Mayor.
4. Homes England and the GLA have agreed that Homes England should deliver and operate the Programme in Greater London as described above. Homes England is a body to whom the Mayor may authorise to exercise the GLA's powers under section 38 of the GLA Act; and so the Mayor has agreed to delegate his legal powers to Homes England for that purpose.

Delegation

5. 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 Programme in Greater London, including (without limitation) the following:
 - To hold, and administer equity loans for the purposes of the Programme in London.
 - 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 save for the product-specific differences for London e.g., maximum 40 per cent loan for HtBd.
 - Working with the DLUHC, to ensure that the Programme best meets the unique circumstances of the London housing market (noting that high level policy development is a matter for the DLUHC, not Homes England).
 - To procure and contract with as many HtBd Agents as Homes England feels is necessary to provide a pre-sales administration service until 31 July 2030 (or commensurately earlier if the programme budget of £150m is committed before 31 March 2026), and to renew and re-procure that/those contract(s) as and when Homes England feels appropriate.
 - To repay any fees and receipts back to the DLUHC.
 - To procure and contract with a Mortgage Administrator contractor to provide a post-sales administration service post 31 July 2061 and to renew and re-procure that contract as and when Homes England feels appropriate.
 - To contract and manage with a Mortgage Administrator contractor to provide a post-sales administration service for all Programme equity loans until 31 July 2061.
6. The powers conferred by this Delegation are supplemental and without prejudice to any functions the 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) 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.
 - b) That Homes England complies with the requirements of section 31 of the Housing and Regeneration Act 2008, in the circumstances prescribed by that section.
 - c) That Homes England will operate the scheme in a manner agreed with the GLA.
 - 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 report progress on the scheme in London to the GLA on a monthly basis. This will include copies of the standard Management Information pack produced at least quarterly by Homes England, showing progress in (as applicable) new loan sales, redemptions and interest recovery.
 - f) The GLA will use published official statistics to monitor progress at local authority level.
 - g) The delegation relating to the operating of the Programme will end on 31 July 2030 unless it is agreed by the Mayor to terminate the delegation at an earlier date or to extend it to a later date.
 - h) The delegation relating to the holding and any related administration HtBd equity loans will end on 31 July 2061, unless it is agreed by the Mayor to terminate the delegation at an earlier date or to extend it to a later date.
 - i) Homes England will ensure that HtBd is only offered to eligible prospective borrowers in relation to eligible land and property as set out in the published criteria. As part of the London HtBd product GLA, Homes England and the DLUHC will work together to identify other changes that could be made to ensure the product is best suited to the specific circumstances of the London housing market. It is acknowledged that any changes will need the support of main mortgage lenders, and have due regard for protection of prospective borrowers, before they can be considered for implementation.
 - j) No costs incurred in the implementation of this Delegation shall be borne by the GLA.
 - k) 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



Mayor of London

Date

16/2/22