

# EXECUTIVE DECISION

made by a Cabinet Member



## REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL CABINET MEMBER

Executive Decision Reference Number – SPHC03 22/23

Decision	
1	<b>Title of decision:</b> Approval of High Rise Buildings Team Policy
2	<b>Decision maker (Cabinet member name and portfolio title):</b> Councillor Rebecca Smith (Cabinet Member for Homes & Communities)
3	<b>Report author and contact details:</b> Mark Chubb 01752 308989
4	<b>Decision to be taken:</b> To approve the High Rise Buildings Team Policy.
5	<p><b>Reasons for decision:</b></p> <p>There has been a significant amount of time that has passed since the Grenfell tragedy and there are still a significant amount of buildings that have unsafe-cladding on them, throughout the country and here in Plymouth. The Government has expressed, in a series of letters (see Appendix B), its continued desire for local authorities to work closely with local fire services and utilise their powers for expediting cladding remediation and improvements to fire safety, through service of notices <u>if necessary and appropriate</u>.</p> <p>For existing high-rise/higher-risk buildings the significant timescale limitations of Building Control and Planning departments' legislative enforcement powers, means that the enduring powers of the Housing Act 2004 and The Regulatory Reform (Fire Safety) Act 2005 will often be the most appropriate legislative tools for enforcement. At Plymouth we have formed a strong professional working partnership with Devon and Somerset Fire and Rescue Service to agree a joint service approach to these buildings.</p> <p>The work of the High Rise Buildings Team needs to be supported by a strong Policy and set of procedures to support a fair and consistent approach, as well as set reasonable expectations of what to expect for the end service users. The draft policy has been shared with colleagues at Plymouth City Council, Devon and Somerset Fire and Rescue Service, and national colleagues at the Local Government Association. All have responded positively and the LGA have requested it be used to share with other local authorities via a freely accessible forum, for local authorities, called Knowledge Hub.</p>

6	<p><b>Alternative options considered and rejected:</b></p> <p>There are no reasonable other options available for consideration, as operating without a policy would make the organisation susceptible to legal challenges at Tribunal, in respect of formal enforcement action taken (e.g. service of formal notices, and prosecution or imposition of a financial penalty as an alternative for non-compliance with a formal notice).</p>																				
7	<p><b>Financial implications:</b></p> <p>The High Rise Buildings Team received internal endorsement in May 2022 with the HRBT Manager commencing work from September 2022 to build the team. The financial costs of the team have been agreed previously and have not changed. The HRBT policy does not create any additional cost considerations.</p>																				
8	<table border="1"> <thead> <tr> <th data-bbox="231 678 753 1227">Is the decision a Key Decision? (please contact <a href="#">Democratic Support</a> for further advice)</th> <th data-bbox="753 678 842 768">Yes</th> <th data-bbox="842 678 954 768">No</th> <th data-bbox="954 678 1501 768">Per the Constitution, a key decision is one which:</th> </tr> </thead> <tbody> <tr> <td data-bbox="231 768 753 936"></td> <td data-bbox="753 768 842 936"></td> <td data-bbox="842 768 954 936">X</td> <td data-bbox="954 768 1501 936">in the case of <b>capital</b> projects and contract awards, results in a new commitment to spend and/or save in excess of <b>£3million</b> in total</td> </tr> <tr> <td data-bbox="231 936 753 1081"></td> <td data-bbox="753 936 842 1081"></td> <td data-bbox="842 936 954 1081">X</td> <td data-bbox="954 936 1501 1081">in the case of <b>revenue</b> projects when the decision involves entering into new commitments and/or making new savings in excess of <b>£1 million</b></td> </tr> <tr> <td data-bbox="231 1081 753 1227"></td> <td data-bbox="753 1081 842 1227"></td> <td data-bbox="842 1081 954 1227">X</td> <td data-bbox="954 1081 1501 1227">is <b>significant</b> in terms of its effect on communities living or working in an area comprising <b>two or more</b> wards in the area of the local authority.</td> </tr> <tr> <td data-bbox="231 1227 753 1361">If yes, date of publication of the notice in the <a href="#">Forward Plan of Key Decisions</a></td> <td colspan="3" data-bbox="753 1227 1501 1361">N/A</td> </tr> </tbody> </table>	Is the decision a Key Decision? (please contact <a href="#">Democratic Support</a> for further advice)	Yes	No	Per the Constitution, a key decision is one which:			X	in the case of <b>capital</b> projects and contract awards, results in a new commitment to spend and/or save in excess of <b>£3million</b> in total			X	in the case of <b>revenue</b> projects when the decision involves entering into new commitments and/or making new savings in excess of <b>£1 million</b>			X	is <b>significant</b> in terms of its effect on communities living or working in an area comprising <b>two or more</b> wards in the area of the local authority.	If yes, date of publication of the notice in the <a href="#">Forward Plan of Key Decisions</a>	N/A		
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9	<p><b>Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:</b></p> <p><b><u>Corporate Plan</u></b>  <b><u>Values – Fairness</u></b> – Introducing the HRBT policy creates a consistent approach to tackling safety concerns. Prioritisation of inspections is based on building safety information, and resulting action is determined by the findings. The policy will be accessible from our website so service users and communities can understand what to expect from the High Rise Building Team.</p> <p><b><u>Values – Collaborative</u></b> – The HRBT policy demonstrates the collaborative approach, with joint authority partnership working between Plymouth City Council and Devon and Somerset Fire and Rescue Service.</p> <p><b><u>Priorities - Caring for People and Communities</u></b> – Improving safety conditions in High Rise Buildings helps</p>																				

		<p>to keep children, young people and adults protected. It enables people to feel safer in their homes and also helps to reduce health inequalities across the city.</p> <p><b><u>Plymouth Plan for Homes 3</u></b>  <b><u>Improving Housing Conditions in PRS</u></b> – The assessment of housing conditions and taking formal action in respect of severe hazards helps to raise the standard of accommodation. As standards improve across the city, we should see a decrease in health inequalities. Improvements to accommodation can be physical in terms of the building but can also be in the management of the property.</p>
<b>10</b>	<b>Please specify any direct environmental implications of the decision (carbon impact)</b>	<p><b><u>Limited to None.</u></b></p> <p><b><u>Inspections</u></b> do require travel but many locations are walkable and we will prioritise, wherever possible, the use of the electric pool cars. This is not seen to be an increase as we get to inspect anything up to 100+ dwellings with one property visit and element of travel. This compares favourably against standard housing inspections which consist predominantly of 1-6 dwellings per property.</p> <p><b><u>Paper usage</u></b> inspections of high-rise buildings will generate a significant amount of notes and reports. However, comparable to standard housing inspections, it is not an increase if you consider the paperwork per dwelling. Furthermore, most documentation will be stored and transferred digitally which has no effect.</p>


### Urgent decisions

<b>11</b>	<b>Is the decision urgent and to be implemented immediately in the interests of the Council or the public?</b>	<b>Yes</b>		(If yes, please contact Democratic Support ( <a href="mailto:democraticsupport@plymouth.gov.uk">democraticsupport@plymouth.gov.uk</a> ) for advice)
		<b>No</b>	X	<b>(If no, go to section 13a)</b>

<b>12a</b>	<b>Reason for urgency:</b>			
<b>12b</b>	<b>Scrutiny Chair Signature:</b>		<b>Date</b>	
	<b>Scrutiny Committee name:</b>			
	<b>Print Name:</b>			

### Consultation

13a	<b>Are any other Cabinet members' portfolios affected by the decision?</b>	<b>Yes</b>		
		<b>No</b>	X	<b>(If no go to section 14)</b>
13b	<b>Which other Cabinet member's portfolio is affected by the decision?</b>	N/A		
13c	<b>Date Cabinet member consulted</b>	N/A		
14	<b>Has any Cabinet member declared a conflict of interest in relation to the decision?</b>	<b>Yes</b>		If yes, please discuss with the Monitoring Officer
		<b>No</b>	X	
15	<b>Which Corporate Management Team member has been consulted?</b>	<b>Name</b>	Anna Coles	
		<b>Job title</b>	Strategic Director for People, Strategic Co-operative Commissioning.	
		<b>Date consulted</b>	16 January 2023	
<b>Sign-off</b>				
16	<b>Sign off codes from the relevant departments consulted:</b>	<b>Democratic Support (mandatory)</b>	DS92 22/23	
		<b>Finance (mandatory)</b>	DJN.22.23.340	
		<b>Legal (mandatory)</b>	LS/39634/HM	
		<b>Human Resources (if applicable)</b>	N/A	
		<b>Corporate property (if applicable)</b>	N/A	
		<b>Procurement (if applicable)</b>	N/A	
<b>Appendices</b>				
17	<b>Ref.</b>	<b>Title of appendix</b>		
	A	Briefing report for publication ( <i>mandatory</i> )		
	B	HRBT Policy document		
	C	Letters From Government		
	D	Financial Consideration		
	E	HRBT Proactive Inspection + Enforcement Processes		
	F	Equalities Impact Assessment		

<b>Confidential/exempt information</b>								
<b>18a</b>	<b>Do you need to include any confidential/exempt information?</b>	<b>Yes</b>		If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in <b>18b</b> below.  (Keep as much information as possible in the briefing report that will be in the public domain)				
		<b>No</b>	X					
		<b>Exemption Paragraph Number</b>						
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
<b>18b</b>	<b>Confidential/exempt briefing report title:</b>							
<b>Background Papers</b>								
<b>19</b>	Please list all unpublished, background papers relevant to the decision in the table below.  Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.							
<b>Title of background paper(s)</b>		<b>Exemption Paragraph Number</b>						
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
<b>Cabinet Member Signature</b>								
<b>20</b>	I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act (2010) and those who do not. For further details please see the EIA attached.							
<b>Signature</b>			<b>Date of decision</b>	25 January 2023				
<b>Print Name</b>	Cllr Rebecca Smith							