



Department for
Communities and
Local Government

Tamara Finkelstein

Director General - Building Safety Programme

**Department for Communities and Local
Government**

2 Marsham Street
London SW1P 4DF

Tel: 0303 444 0115

5 September 2017

To: Local Authority Chief Executives,

Identifying all residential tower blocks with Aluminium Composite Material (ACM) cladding: Follow up guidance

The Secretary of State wrote to you on 11 August to ask you to actively ensure all building owners of residential tower blocks are taking measures to ensure their residents are safe and feel safe, particularly where buildings have been found to have cladding systems which have failed the combustibility tests.

Since then we have been considering the best way of working with you on collecting information to ensure that any necessary remedial work on these buildings is being carried out. I am now writing to provide guidance on how this information should be collected and provided to DCLG. As the Secretary of State's previous letter stated, it is a building owner's responsibility to ensure their buildings are safe, but local housing authorities have a statutory duty to keep local housing conditions under review, and we would like your help to ensure the safety of all residents.

Data Sharing

The letter also said that we would share information we hold on high rise private residential buildings¹ in your area. If our data shows that you have any such buildings, you will find a spreadsheet attached to this email which contains a list of all privately owned residential buildings over 18m that we are aware of from the Homes and Communities Agency (HCA). We expect that there may be some gaps in our data so you should not expect this to be a completely comprehensive list. The list also includes information on whether the building has already had cladding confirmed as ACM through the Government's testing at the Building Research Establishment (BRE). We have endeavoured to remove all public buildings, and social housing buildings owned by Housing Associations. Please be assured that we

¹ This includes hotels, private student accommodation and private residential buildings. It does not include publicly owned buildings i.e. schools, hospitals and social housing buildings owned by housing associations.

are not asking you to send information back to us about these buildings as part of the exercise below.

A second list is also attached of high-rise residential buildings in your area where the local authority is recorded as the freeholder. We have not been able to match all of these to a record from our initial request for information about the social housing towers in your area. If you are aware that these blocks are leased to a private landlord then please incorporate these blocks in our request regarding the private sector blocks in your area. If social housing tenants live in these blocks then please confirm to housingchecks@communities.gsi.gov.uk that these blocks are owned by you but do not have ACM cladding on them.

Data Collection

We would like you to use these lists as a basis for contacting the owners of those buildings to ensure that you have records of the buildings in your area that may have ACM cladding on their exterior. In those cases, we ask you to encourage the building owner to send their sample to the free BRE testing process facilitated by Government to confirm the type of ACM cladding. They will then receive advice from the Department on ensuring the building is safe. Advice on this testing process can be found here: <https://www.gov.uk/government/news/latest-government-large-scale-fire-safety-test-results-published>. The Secretary of State is today making a statement encouraging private building owners again to submit their samples for testing and to engage with you on their plans. We are also continuing to communicate this message through industry bodies and working with specific sectors. We also encourage you to make contact with the Fire and Rescue Service (FRS) in your area which have been carrying out checks on buildings and which may share information with you.

We will ask you for data you have collected on the buildings in your area. The data we will be asking for, which you should be working with private building owners to collect is:

1. Confirmation of which buildings do not have ACM
2. For those buildings where we have received a BRE test result confirming ACM is present, confirmation of whether the building owner has a satisfactory plan for remedial action and has implemented interim fire safety measures recommended by the FRS
3. For those buildings where you are aware of ACM cladding which has not been tested by the BRE, confirmation of whether:
 - a. The building has been tested elsewhere, and if so the results of that test including the type of insulation found, either foam, stonewool (a commonly used form of mineral wool) or a specified other type.
 - b. The building has not been tested, and the reason for that

For both a and b we will request assurance from you that a remedial plan and interim fire safety measures recommended by the FRS are in place

4. For those where you are not able to confirm whether the building has ACM or not, the reason that this has not been possible to date.

We are currently developing a secure online data collection tool that will enable you to easily submit the information you have gathered about these buildings. We will confirm closer to the time when the data collection will be open. We currently anticipate this to be towards the end of October. This is the point at which we will request that the data is returned. We therefore request that no data is returned to us via email at this stage. The collection will be open for two weeks for you to input your data. We will also request regular updates going forward regarding the buildings falling into categories 2, 3 and 4 above and will provide more information on frequency. We will share any further test results from the BRE for private residential buildings in your area when we receive them. We understand that for some local authorities this will be a larger task than for others.

While the data which we are sharing with you has been obtained from information in the public domain, you will of course appreciate the need to treat information of this kind with care and to store it securely. In addition, we ask that information about proprietor names from Land Registry is handled in accordance with the normal data protection principles.

If your authority uses Planning Portal to host planning permission information, we would like to match this into the data we are compiling. We expect that local authority planning data will help supplement the information we already hold, specifically if the planning application indicates that there may be cladding. If you do not want us to ask Idox to collate the information from the Planning Portal for your area, please respond to this email to say so.

Legal Powers

Since the letter of 11 August, the Department has been speaking to the LGA and several local authorities to better understand how we can work together. Some have raised questions about the legal powers under which they can act. As highlighted in the original letter, local housing authorities do have enforcement powers, under the Housing Act, to direct landlords to take action and can ultimately step in to undertake remedial work where necessary, and then reclaim the cost from the owner. You may be aware of guidance issued by the Department to Local Authorities, including on inspections and assessments of hazards and enforcement guidance:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/15810/142631.pdf and

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7853/safetyratingsystem.pdf. In particular, in the latter you may wish to refer to Part 4:

Action Following Hazard Assessment. You may also wish to take your own legal advice. The LGA have also raised a number of questions and have said they will update the FAQs on their website as further information becomes available. We are aware that some local authorities have already unblocked progress with some private sector buildings by exploring using these powers.

We will continue to assess the cost implications to you of implementing these duties, in line with the Government's New Burdens Doctrine and will provide further clarification in due course.

Best Practice

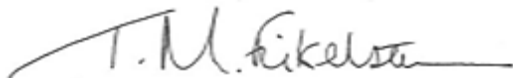
Some local authorities have also told us about the great work they have already been doing in their own areas to better understand the scale of the problem in respect of privately owned buildings. Some have worked closely with their local Fire and Rescue Service to good effect to map all buildings and to understand what type of cladding is on them. Other authorities have done their own building surveys by looking at building regulation records and building applications.

I would like to reiterate the Secretary of State's thanks in his letter to you for your continuing commitment to ensuring the safety of residents in your area. By working together we can ensure that the likes of Grenfell Tower never happen again.

I would also like to highlight that we will be writing to you separately today regarding the safety of large panel system buildings. Your Head of Building Control will also be receiving a letter regarding cladding wind loading and we will be publishing consolidated advice on the complete set of system tests.

If you have any further questions, please contact housingchecks@communities.gsi.gov.uk

Yours sincerely,

A handwritten signature in black ink, appearing to read 'T.M. Finkelstein', with a long horizontal flourish extending to the right.

Tamara Finkelstein
Director General for the Building Safety Programme