



Ministry of Housing,
Communities &
Local Government

The Rt Hon James Brokenshire MP
*Secretary of State for Housing, Communities and
Local Government*

**Ministry of Housing, Communities and Local
Government**
4th Floor, Fry Building
2 Marsham Street
London SW1P 4DF

Tel: 0303 444 3450

Email:

james.brokenshire@communities.gsi.gov.uk

www.gov.uk/mhclg

17 May 2018

To: Local Authority Chief Executives,

Direction made by the Secretary of State under section 3(3) of the Housing Act 2004 to all local housing authorities in England, 17 May 2018

On 11 August 2017, I wrote to you¹ asking you to identify and then actively ensure all building owners of high-rise residential buildings with potentially unsafe cladding are taking appropriate measures to guarantee their buildings are safe and residents feel safe.

On 5 September 2017, the Ministry of Housing, Communities and Local Government (“the Department or MHCLG”) also published an update² and consolidated advice for building owners³ following large-scale testing, setting out detailed safety advice for owners of high-rise residential buildings.

Local housing authorities⁴ have a duty under the Housing Act 2004 (“the Act”) to keep housing conditions in their area under review with a view to identifying any action that may need to be taken by them under the Act (section 3(1)).

Having considered it necessary and urgent to ensure all high-rise residential buildings with potentially unsafe cladding are quickly identified and interim measures are in place, I now direct all local housing authorities pursuant to powers under section 3(3) of the Act in carrying out their duty to review housing conditions in their area as follows:

- a. to take particular regard, when reviewing housing conditions in their area, to the Department’s consolidated advice⁵ (Reference: MHCLG/BSP/Advice Note/11/280218) and MHCLG’s Independent Expert Advisory Panel’s view that Aluminium Composite Material (ACM) with an unmodified polyethylene filler (category 3 in screening tests) with any type of insulation presents a significant fire hazard on buildings over 18m;
- b. to take all appropriate steps to identify and notify the MHCLG of all high-rise residential buildings over 18m in their area with a view to identifying any action they should take in

¹ <https://www.gov.uk/government/publications/letter-to-local-authority-chief-executives-following-the-grenfell-tower-fire-11-august-2017>

² <https://www.gov.uk/government/publications/letter-to-local-authority-chief-executives-identifying-all-residential-tower-blocks-with-acm-cladding-5-september-2017>

³ <https://www.gov.uk/government/publications/building-safety-programme-update-and-consolidated-advice-for-building-owners-following-large-scale-testing>

⁴ ‘Local housing authority’ is defined in section 261 of the Housing Act 2004.

⁵ <https://www.gov.uk/government/publications/building-safety-programme-update-and-consolidated-advice-for-building-owners-following-large-scale-testing>

accordance with their duties under the Act, including carrying out inspections and assessments of hazards; and

- c. to carry out a review to consider any fire safety hazards arising out of potentially unsafe ACM cladding on high-rise residential buildings in their area.

I would also like to take this opportunity to emphasise that, under the Housing Act 2004, local housing authorities and their officers must:

- a. comply with any directions (section 3(3)(a));
- b. keep such records (and supply them) as the Secretary of State may specify (section 3(3)(b));
- c. have due regard to any guidance issued by the Secretary of State of Housing, Communities and Local Government about exercising their functions under the Housing Act 2004 (section 9(2)); and
- d. to take all necessary enforcement action where appropriate.

Thank you again for your commitment to this important work.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'James Brokenshire', written over a faint horizontal line.

RT HON JAMES BROKESHIRE MP