

Housing, Communities and Local Government Committee

House of Commons, London SW1A 0AA

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Rt Hon Robert Jenrick MP
Secretary of State
Ministry of Housing, Communities and Local Government
4th Floor, Fry Building
2 Marsham Street
London
SW1P 4DF

18 January 2021

Dear Robert,

Non-Disclosure Agreements

The Committee is aware of the inclusion of the clause in the MHCLG funding agreements for the private sector ACM fund and the Building Safety Fund (BSF) which restricts applicants to these funds making any communication to the press or any journalist or broadcaster regarding the Project or the Agreement or the performance of it, without the prior written approval of MHCLG and Homes England/GLA.

This obviously raises concerns about applicants, in particular those running Resident Management Companies or Right to Manage companies who could well be volunteer leaseholders, being restricted from raising concerns about building safety. The Clause seemingly also restricts public interest disclosure, without first allowing Homes England/GLA and MHCLG to make representations on such proposed disclosure.

The Ministry has reportedly said that “the terms set out are standard in commercial agreements – to suggest otherwise is misleading. We want a constructive relationship with building owners who apply.” When the matter was raised in the House, the Housing Minister said in response to the issue, “If those leaseholders wish to step forward and make comments themselves, who am I to say that they should not? We live in a free country; let them speak.”

In light of those comments, can you inform the Committee what the exact wording of the clause is and what the purpose of the clause is? We would also like to know how the clause compares to clauses in other funding arrangements managed by the Ministry, whether the Ministry has taken any action against any applicants to the funds that have spoken to the press without permission, and in what circumstances you think you might do so?

If the Ministry has no expectation of using the clause then the Committee suggests its removal from any current or future agreements for these funds.

The Committee wants to ensure as much transparency as possible exists when it comes to issues of building safety and the spending of public money and looks forward to your response.

A handwritten signature in black ink, appearing to read 'Clive Betts', with a stylized 'C' and 'B'.

Clive Betts MP
Chair, Housing, Communities and Local Government Committee