

Report of the Portfolio Holder for Housing**Fire Risk and Asbestos Management Programmes - Leaseholder Consultation and Future Charges****1. Purpose of Report**

To consider the next course of action regarding the utilisation of Section 20 consultation with leaseholders for remedial actions within the Fire risk management and asbestos programmes.

2. Recommendation

Cabinet is asked to RESOLVE that the following be approved:

- 1. The Council's Housing Revenue Account meets the cost of further remedial works aligned to the remaining relevant asbestos and Fire Risk Assessment (FRA) actions identified within the recent batch of inspections, at an estimated total of £142,100**
- 2. A Section 20 consultation commences informally with leaseholders regarding the remaining relevant asbestos and FRA actions (with no charge insisted).**
- 3. A Section 20 consultation commences formally to coincide with the next batch of asbestos and FRA inspections (with charges insisted).**

3. Detail

The Council is currently delivering a significant programme of Fire Risk Assessment (FRA) remedial works across its housing stock (under 2,000 fire safety actions to be completed). These works are essential to ensure resident safety, maintain compliance with fire safety legislation, and support the Council's wider building safety responsibilities. A significant proportion of the actions from the recent batch of FRA inspections consist of the following:

- **Checking (where required):**
 - external wall construction with results being shared with external consultants so that any impact on fire safety can be considered
 - compartmentation within identified roof spaces over common areas to confirm that there is adequate separation
 - that the common area fire alarm systems have been designed and installed to support the Stay Put Strategy
 - electrical intake and meter cupboards to confirm that combustible items are not being kept near ignition sources

- that identified wall and ceiling linings will achieve a surface lining classification aligned to relevant building regulations
 - electrics located within identified common areas are enclosed with relevant fire resisting construction.
- Installing fire resisting glazing where required.
- Updating signs and notices.
- Sealing identified gaps with suitable fire-stopping material.

FRA's have only been completed in General Needs blocks within the current batch of completed assessments. Prior to this, Section 20 was not an issue because there are no leaseholders within Independent Living blocks. Around 3,000 actions have been completed within this current batch of assessments, totalling an estimated unclaimed cost from Leaseholders of £63,000.

With regards to asbestos, annual planned inspections take place across all of the Council's HRA General Needs blocks, with asbestos containing materials (ACMs) being identified within building elements. The presence of ACMs is a latent historic condition of the asset, which the council have been duty bound to manage (e.g. repair, remove or encapsulate) since the introduction of the Control of Asbestos legislation in 2006.

Under normal circumstances, the Council would be entitled to recover an appropriate proportion of fire safety remedial costs from leaseholders in accordance with the provisions of Section 20 of the Landlord and Tenant Act 1985. However, the Council has faced a series of exceptional and unprecedented challenges over the last six years which have significantly impacted its approach to fire safety management and the delivery of remedial works.

Following the Grenfell Tower tragedy in June 2017, there was a fundamental shift in fire safety legislation, regulatory expectations and sector-wide best practice. These changes significantly increased the statutory responsibilities placed on social housing providers, including the scope and complexity of Fire programmes and the volume of associated remedial actions required across housing stock.

While the Council worked to respond to these evolving requirements, the resources, capacity and systems in place at the time were not sufficiently scaled to meet the pace and extent of the increased obligations. As a result, a backlog of identified fire safety actions developed over several years, with outstanding remedial works reaching a peak of approximately 6,000 actions. This position reflected both the substantial growth in compliance requirements across the sector and the challenge of delivering the necessary programme of works within the available resources.

Since then, the Council has strengthened its investment in compliance, governance and delivery capacity, enabling significant progress to be made in reducing the backlog and improving overall regulatory compliance across the housing portfolio.

The tragic fire at The Lilacs in June 2025 further reinforced the importance of addressing fire safety risks promptly and comprehensively, whilst the subsequent inspection and ongoing scrutiny from the Regulator of Social Housing has heightened the need for the Council to demonstrate a proactive and resident-focused approach to building safety.

Training will also be provided to relevant officers to improve awareness of leaseholder consultation requirements, communication expectations and statutory responsibilities. These measures are intended to improve transparency, strengthen relationships with leaseholders and provide greater assurance that fire safety remains a key priority for the Council.

Given these exceptional circumstances experienced, the remarkable pace of implementation required to reduce the number of outstanding FRA actions and the evolving nature of fire and ACM safety requirements, it is recommended that formal Section 20 consultation with leaseholders is not implemented until the next batch of FRA / ACM inspections, anticipated to commence in 2027.

It should be noted that there is the potential to claim an estimated charge of £132,500 to leaseholders for FRA remaining actions and an estimated charge of £9,600 to leaseholders for remaining ACM actions. However, this will immediately increase the administrative burden of the FRA programme and increases the risk of delay in completing remedial actions (a typical Section 20 exercise can take between three to six months to complete)

Also In 2021, Cabinet approved the recommendation of Section 20 exemption aligned to the replacement of entrance doors and windows.

4. Key Decision

This report is a key decision as defined under Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

5. Updates from Scrutiny

This report is not required to be considered by the Policy Overview Working Group or the Overview and Scrutiny Committee.

6. Financial Implications

The comments from the Interim Deputy Chief Executive and Section 151 Officer were as follows:

The Council is delivering the required fire risk assessment, and asbestos remedial works through a mixture of approved revenue and capital budgets. These works will be funded by the Housing Revenue Account (HRA) at significant cost. Although recognising that these works could be costly in some blocks, Members should be mindful that, by awarding an exemption for leaseholders against the cost of these works, the HRA would be effectively subsidising private leaseholders.

7. Legal Implications

The comments from the Head of Legal Services were as follows:

If the Council were to look to recover the cost of the works already undertaken, under Section 20ZA (1) of the Landlord and Tenant Act 1985 the Council would be required to apply for a dispensation from the First Tier Tribunal (Property Chamber). The Tribunal can grant his dispensation if it is satisfied that is 'reasonable' to do so.

To recover costs of any work not yet undertaken would require the Council to follow the appropriate steps for consultation under s20 of the Landlord and Tenant Act 1985.

Legal Services will be assisting with submitting the relevant application if this route taken.

Even if the Council do not intend to recharge leaseholders for any of the works undertaken, consultation may be preferable to prevent prejudice to leaseholders, including loss of opportunity to influence how works are carried out.

8. Human Resources Implications

The comments from the Human Resources Manager were as follows:

9. Union Comments

The Union comments were as follows:

10. Climate Change Implications

Any climate change implications are contained within the report.

11. Data Protection Compliance Implications

This report does not contain any OFFICIAL(SENSITIVE) information and there are no Data Protection issues in relation to this report.

12. Equality Impact Assessment

As this is not a change to or a new policy an equality impact assessment is not required.

13. Background Papers

Nil.