

Title of meeting: Cabinet Member for Housing and Tackling Homelessness

Date of meeting: 22nd February 2024

Subject: Damp and Mould Policy

Cabinet Member: Councillor Sanders – Cabinet Member for Housing and Tackling Homelessness

Report by: James Hill - Director of Housing, Neighbourhood and Building Services

Report Authors: Steve Groves - Head of Building Maintenance,
Mark Fitch - Head of Local Authority Housing

Wards affected: All

Key decision: Yes

Full Council decision: No

1. Purpose of report

1.1 The purpose of the report is to update members of a review of the Council's Housing Services processes for managing damp and mould in council housing and to seek approval to implement a new damp and mould policy.

2. Recommendations

- 2.1 The Cabinet member for housing and tackling homelessness approves the new damp and mould policy (Appendix A – Damp and Mould Policy, version 1.1) and asks Housing, Neighbourhood and Building Services to implement the new policy with immediate effect
- 2.2 The Cabinet member for Housing and Tackling Homelessness approves the implementation plan set out in section 5.
- 2.3 The Cabinet member for Housing and Tackling Homelessness requests an information only report to be brought back mid-year to update on the progress of the work.

3. Background

- 3.1 The tragic death of toddler Awaab Ishak demonstrates the very serious harm that can come from living with untreated damp and mould. Damp and mould predominantly affect the airways and lungs. The respiratory effects of damp and mould can cause serious illness.
- 3.2 The Council responded to the Regulator of Social Housing enquiries in November 2022 regarding the management of damp and mould in the council owned housing stock, confirming our approach for assessing the extent of damp and mould issues. The government also issued guidance on the management of damp and mould as noted in 3.5.
- 3.3 Alongside Regulator of Social Housing Regulator enquiries and the governments review, Housing, Neighbourhood and Building Services (HNB) initiated several actions to review the management of damp and mould in the council owned housing stock. A damp and mould safety group was set up that meets regularly to oversee the work and implement changes. It has coordinated a review of the HNB damp and mould processes which has resulted in the proposed damp and mould policy that is recommended to be implemented.
- 3.4 The damp and mould safety group has also updated the existing damp and mould leaflets and Council website information regarding advice to residents as well as arranging for a damp and mould video to be produced that can provide advice to residents and used for training staff. The group is also reviewing measures that can be used to evaluate not only the response to damp and mould, but to also enable HNB to proactively inform its plans for addressing issues.
- 3.5 Landlords must ensure that the accommodation they provide is free from serious hazards, including damp and mould, and that homes are fit for habitation. They must treat cases of damp and mould with the utmost seriousness and act promptly to protect their tenants' health. The government issued guidance on understanding and addressing the health risks of damp and mould in the home published 7 September 2023, this has been considered when drafting the policy and guidance.
- 3.6 Damp and mould causes covers three possible problems with distinct causes.
- i. Penetrating Damp - Water penetrating the external structure of the building or internal leaks causing damp, rot and damage to internal surfaces and structure.
 - ii. Rising Damp - The movement of moisture from the ground rising through the structure of the building through capillary action.
 - iii. Condensation - This occurs when humid air comes into contact with a cold surface. The conditions that may increase the risk of condensation are lack of ventilation within the property and/or inadequate heating and/or inadequate insulation.

Mould is a natural organic compound that develops in damp conditions and will only grow on damp surfaces. There is strong research evidence to suggest that health conditions can be exacerbated by damp and mould in housing.

Damp and Mould Policy

- 3.7 The damp and mould policy outlines our responsibilities including to undertake a property inspection within fourteen days of the repair being reported. Legislation regarding damp and mould continues to evolve and the government is continuing to review and consult on proposals to introduce a variety of target timescales to address issues identified. The damp and mould safety group will continue to review and update the policy as government legislation evolves as appropriate.
- 3.8 At the property inspection we will investigate and diagnose the cause of damp and deliver effective solutions dealing with the cause of the damp and not just the symptoms where appropriate by undertaking reasonable improvement works required to assist in the management and control of condensation dampness. The policy also includes a hierarchy of remedial action to assist in the management of an appropriate response to the issue.
- 3.9 We will also promote and provide general advice and guidance on how to minimise damp and condensation, particularly when there are no apparent causes relating to design or construction of the building fabric. This will include resident support if other factors are identified that are contributing to the damp and mould conditions that are influencing health and wellbeing of the occupants.
- 3.10 The policy states that we will follow up each completed damp and mould repair within six months of any damp and mould repair work being carried out to assess if any work and/or advice has been effective.
- 3.11 Residents also have responsibilities stated within the policy that include to immediately report any evidence of rising and penetrating damp and faulty equipment that will affect the management of humidity and moisture in the home, as well as allowing access enable remedial works and servicing of appliances.
- 3.12 Residents are provided with advice (Appendix C – Condensation and Mould - Advice for Portsmouth City Council Tenants) to help reduce the conditions that lead to condensation by maintaining proper ventilation, heating their home, tips to reduce moisture levels in their home to prevent condensation and how to contact us about damp and mould in their home. The information is also available on the Council website and has periodically been published in Housetalk, most recently in the Winter 2023 edition damp and mould article page 22. (Appendix D - Housetalk Winter 2023 Edition)
- 3.13 The policy highlights that we will record all instances of damp and mould on the repairs and maintenance database using appropriate keywords and

appointments. The damp and mould safety group will continue to have oversight of the process by reviewing performance measures and feedback from complaints to monitor that we are responding to damp and mould instances appropriately in accordance with the policy.

- 3.14 We will periodically evaluate repairs and stock data to identify property archetypes that are more prone to damp and mould to inform its asset management strategy. This proactive approach will either inform future planned programmes or identify properties to be targeted that require regular stock condition surveys.
- 3.15 There will be reviews of stock data that will include properties that have a lower energy performance certificate (EPC) rating, blocks of flats where damp has been reported to multiple properties or where certain archetypes of properties are more prone to historical or repeated damp and mould issues.
- 3.16 This approach will identify properties to be targeted that require regular stock condition surveys. This enables us to plan to proactively inspect properties and engage with residents where it has been identified that the properties are more prone to damp and mould issues.
- 3.17 The evaluations will also inform our asset management strategy and future planned programmes as appropriate that address any building construction causes of damp and mould.
- 3.18 We will also utilise all opportunities when inside residents' homes to identify damp and mould issues, such as repairs and stock condition inspections by surveyors, tenancy update visits by housing officers and contractor visits. These property visits will ensure damp and mould issues are reported as appropriate and investigated.

4. Consultation and Engagement

- 4.1 As part of a review of the processes and development of the policy and its guidance, all HNB services have been represented as part of the damp and mould safety group including the building repairs team, local authority housing teams and private sector housing management, the energy team including those involved in Switched on Portsmouth and the housing assessment and advice team.
- 4.2 The Assistant Director of Public Health has been consulted regarding the policy and provided feedback including offering support with training for staff on the health impacts of damp homes and advice on respiratory symptoms that residents should be aware of.

- 4.3 The resident consortium has been consulted about the damp and mould policy at a meeting on 5 October 2023. The resident repairs and maintenance sub-group were also provided with the draft policy and a briefing document.
- 4.4 Internal Audit undertook an audit in November 2023 which focused on the HNBs management of damp and mould in residential properties. Internal Audit identified some exceptions including no policy with standardised process or templates enabling standardised recording of information and actions. Internal Audit acknowledged that the service was already addressing the issues to further align processes with the industry and government guidance, which is continually being developed. The approval of the policy will address the issues identified by Internal Audit.
- 4.5 The Housing and Social Care Scrutiny Panel is reviewing the "Response of the Local Authority and Landlords in the city to the issue of damp and mould in social housing and private rented housing". On 13 July 2023 the panel heard residents' perspectives and were provided with HNB information regarding its approach to damp and mould.
- 4.6 Initial feedback is for HNB to continue widely promoting and raising awareness regarding damp and mould as well to proactively review energy performance data so that properties can be targeted to prevent damp and mould. The scrutiny report has not been completed at the time of the writing of this report, however the initial feedback has been incorporated into the policy and this report, it will be further reviewed when the final scrutiny panel report is published.

5. Implementation Plan

- 5.1 If approved, the policy will start to be implemented immediately, the policy will continue to be communicated to residents through articles in Housetalk, social media and the Council website will be updated.
- 5.2 The draft policy and guidance has been shared with the Repairs team surveyors who have already been using the guidance and templates this winter season, keywords and appointments have been set up to record damp and mould instances.
- 5.3 Damp and mould measures and dashboards (Appendix E - Damp & Mould PowerBI Dashboard) are being established and will be published quarterly as part of the HNB reporting. Up to 25 January 2024 there have been 403 instances of damp and mould have been recorded on the R&M database since August 2023, with 307 attributed to condensation, 77 to external water penetration, 16 to internal water penetration and 3 to rising damp. The Repairs team surveyors have attended 83.7% within fourteen days in Q3 and 97.7% in Q4 to date, with an average of 9.3 days from first contact to first surveyor appointment.

- 5.4 Initial analysis indicates that the older acquired (pre-war non-council-built properties) and concrete ring beam properties are more prone to damp and mould reported as the proportion of housing stock for each construction type. Further analysis of the data together with evaluation of energy performance certificates (EPCs) will further inform actions that can be undertaken by HNB to proactively manage damp and mould, by targeting properties to prevent damp and mould occurring.
- 5.5 The damp and mould safety group will continue to have oversight of the process. The group will review performance measures and feedback from complaints to monitor that we are responding to damp and mould instances appropriately in accordance with the policy. It will also periodically evaluate repairs and stock data to identify property types that are more prone to damp and mould to inform either future planned programmes or targeted regular stock condition surveys.
- 5.6 Final amendments to the video that provides advice on damp and mould to HNB residents is being finalised and will be shared with the resident consortium for feedback prior to publishing on the Council website. The plan is that the video will also be amended as appropriate to provide appropriate advice to other stakeholders such as HNB staff, other Council staff that visit properties and private sector residents.
- 5.7 Periodically further articles will be published in Housetalk providing advice to residents of how and when to report damp and mould as well as advice to reduce condensation.
- 5.8 The leaflets (Appendix C – Condensation and Mould - Advice for Portsmouth City Council Tenants) will continue to be made widely available to residents by all staff and stakeholders that visit or interact with our residents such as surveyors, housing officers, estate services officers, Councillors and community leaders. It will be ensured that the leaflets are accessible and translated as appropriate.
- 5.9 Posters with condensation and mould information such as advice of how to reduce condensation and report damp and mould will also be made available in notice boards in our housing offices and at targeted specific blocks of flats.
- 5.10 All surveyors will be trained and competent in the diagnosis of damp, condensation and mould issues. Staff visiting residents in their homes (service provider operatives and housing officers) will be trained to be aware and identify damp and mould issues. They will be provided with knowledge to provide residents with advice to minimise condensation as well as directing residents to sources of information and support on managing energy costs. Public Health have stated that they will provide additional training for staff on the health impacts of damp and mould and respiratory symptoms.

- 5.11 There are likely to be further legislative changes including requirements to address hazards, powers for Ombudsman and new Decent Homes standards. The damp and mould safety group will continue to review new guidance and any changes to legislation that require processes or measures to be updated.

6. Reasons for recommendations

- 6.1 It is recommended that the damp and mould policy is implemented and will ensure that HNB are complying with current government guidance and addresses exceptions raised in the Internal Audit report dated 6 November 2023.

7. Integrated impact assessment

An Integrated Impact Assessment has been completed and submitted and is shown in Appendix B.

8. Legal implications

- 8.1 The Council's obligations as landlord to repair and maintain Council properties are set out in the tenancy agreement. In addition, section 11 of the Landlord and Tenant Act 1985 sets out statutory obligations on a landlord to make repairs to the structure and exterior of a property, as well as to installations such as boilers, pipes and electrics. The Landlord and Tenant Act 1985 as amended by the Housing (Fitness for Human Habitation) Act 2018 also requires a property to be fit for human habitation at the beginning of the tenancy and for the duration of the tenancy. A property might be unfit if there are risks to health and safety. To address this duty, the Council needs to have a planned maintenance programme with periodic inspections and an effective responsive repairs service.
- 8.2 The Social Housing (Regulation) Act 2023 (when in force) will require landlords to fix reported health and safety hazards within specified timescales and will strengthen the powers of the Regulator in respect of inspections and powers to issue unlimited fines.
- 8.3 The Decent Homes Standard is currently a non-statutory standard which must be met by registered providers of social housing. Consultation has been taking place to extend the standard to cover the private rented sector and more recently a review has been launched to look at changes to the standard and at proposals to place a statutory duty on landlords to meet the standard.
- 8.4 In making the recommendations set out in this report the Council will reduce risks of legal challenge or enforcement by the Regulator in the future as well as ensure it is in a good position to implement the anticipated legislative changes when these are in force.
- 8.5 It is within the Cabinet Member's powers as set out in the Council's constitution to make the recommendations proposed.



9. Director of Finance's comments

9.1 There are no financial implications that result directly from the approval of the recommendations in this report. Adopting the policy and implementation plan does not directly change the cost of the related activity. The Housing Revenue Account has both revenue and capital budgets that can be used to deal with the issues identified.

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Signed by:
James Hill
Director of Housing, Neighbourhood and Building Services

Appendices:

Appendix A – Damp and Mould Policy (version 1.1)

Appendix B - Integrated Impact Assessment

Appendix C - Damp and Mould Leaflet

Appendix D - Housetalk Winter 2023 Edition

Appendix E - Damp & Mould PowerBI Dashboard

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Guidance Understanding and addressing the health risks of damp and mould in the home Published 7 September 2023	Understanding and addressing the health risks of damp and mould in the home - GOV.UK (www.gov.uk)

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

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Signed by:

