



Portsmouth

CITY COUNCIL

HOUSING AND SOCIAL CARE SCRUTINY PANEL

REVIEW INTO 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

Date published: 13 March 2024

Under the terms of the Council's Constitution, reports prepared by a Scrutiny Panel should be considered formally by the Cabinet or the relevant Cabinet Member within a period of eight weeks, as required by Rule 11(a) of the Policy & Review Procedure Rules.

PREFACE

As the Charter for Social Housing Residents: Social Housing White Paper (published in 2020) states, "A home should always be more than just four walls and a roof. A home should provide safety, security and dignity." Everyone should have a decent and safe home to live in.

The council has seen an increase in reported incidents of damp and mould so this could be an opportunity to understand the issue better. Damp and mould has also increasingly come under the spotlight, particularly after the death of a two-year-old boy, Awaab Ishak, in 2020 from a respiratory condition caused by prolonged exposure to mould.

If residents have poor quality housing their quality of life will be severely impacted, affecting their health, wellbeing and daily life. The World Health Organization calls damp and mould a key element of indoor air pollution, and a major cause of illness and death worldwide. In the wake of the Covid pandemic preventing respiratory conditions is even more vital.

Therefore, the main objective of the review was to learn about tenants' experiences of damp and mould and what could be done to provide consistent and good services and improve standards.

The panel would like to thank James Hill (Director of Housing, Neighbourhood & Building Services), Jo Bennett (Assistant Director, Housing Need & Supply), Martyn Collins (Building Repairs Manager), Michael Conway (Senior Housing Regulation Officer), Antonia Craze (Senior Energy Officer), Mark Fitch (Head of Local Authority Housing), Steve Groves (Head of Building Maintenance), Adam Hardwick (Assistant Director, Buildings), Clare Hardwick (Head of Private Sector Housing), Meredydd Hughes (Assistant Director, Buildings), Gemma Moreau (Landlord & Tenant Support Officer), Sally Scattergood (Assistant Director, Housing), the Residents' Consortium, Southern Housing and local landlords for providing information and responding to members' questions.

The Chair would like to record thanks to the panel and in particular to Councillors Graham Heaney and Leo Madden for attending all seven scrutiny meetings this year. The Chair did however note that some members of the panel did not attend the meetings or participate in the review and encourages Democratic Services officers to reach out to councillors with low or no attendance to see how to encourage or assist them in improving their future attendance.

Councillor Raymond Dent
Chair, Housing and Social Care Scrutiny Panel.

Date: 13 March 2024

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Purpose

The purpose of this report is to present the Cabinet with the recommendations of the Housing and Social Care Scrutiny Panel's review into 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.

Objectives

On 15 June 2023 the Housing and Social Care Scrutiny Panel (henceforth referred to in this report as "the panel") met informally with Andy Biddle (Director of Adult Social Care), James Hill (Director of Housing, Neighbourhood & Building Services), Jo Bennett (Assistant Director, Housing Need & Supply) and Sally Scattergood (Assistant Director, Housing), to discuss ideas and topics for a review in the 2023-2024 municipal year. The panel agreed the topic should focus on housing as the previous review was social care related.

On 13 July 2023 the panel met to agree the scoping document and plan a timeline for the review.

The panel agreed on the following objectives:

- Seek to understand the cause and extent of any damp and mould in council owned and socially rented properties in the city
- Examine the current approach that the council and landlords take in preventing and dealing with damp and mould in properties, with a view to making recommendations for improvements, if necessary.
- Assess how effective the council's regulatory framework is in addressing damp and mould issues, with a view to making recommendations for improvements, if necessary
- Calling upon tenants and their experience to inform the scrutiny

Findings from the review could help improve standards and share good practice amongst providers. The review could also show the advantages and disadvantages of different practices amongst different housing sectors.

The topic was formally approved by the Scrutiny Management Panel at its meeting on 26 July 2023.

On 5 October 2023 the panel heard from council tenants, including representatives from the Residents' Consortium.

On 9 November 2023 the panel heard from housing association tenants.

On 7 December 2023 the panel heard from private rented sector tenants.

On 21 February 2024 the panel heard from private rented sector landlords.

On 27 February 2024 the panel heard from a housing association.

The review was started by the Housing and Social Care Scrutiny Panel which comprised:

Councillors Kirsty Mellor (Chair)
 Raymond Dent (Vice-Chair)
 Lewis Gosling
 Graham Heaney
 Leo Madden
 Leonie Oliver

Standing Deputies were Councillors Ryan Brent, Jason Fazackarley, George Fielding, George Madgwick and Daniel Wemyss.

Councillor Mellor stood down as Chair on 11 September 2023. Councillors Dent and Heaney were appointed as Chair and Vice-Chair respectively at Full Council on 17 October 2023.

The minutes of the panel's formal meetings are published on the council's website at

[Browse meetings - Housing & Social Care Scrutiny Panel Portsmouth City Council](#)

Background to damp and mould

What causes damp and mould?

There are four types of damp:

- Rising damp - water rising through ground into home
- Penetrating damp - external walls or ceilings because of external defect
- Defective plumbing - leaks from water and waste pipes
- Condensation - when moist air comes into contact with colder surfaces

With regard to penetrating damp and plumbing as a cause of damp, it is interesting to note that a survey carried out as part of the Housing and Social Care Scrutiny Panel's review in 2021-2022 into "Procedures and performance of PCC and housing associations in relation to response repairs and maintenance" leaks were the most common problem. Sources of leaks were ceilings, taps, showers, toilets, gutters, overflows and roofs. One response was "leaks, leaks and more leaks."

Why is damp and mould dangerous?

As explained in an article on the BBC News website (15 November 2022) about the death of Awaab Ishak, moulds are caused by too much moisture in a building and they emit spores which can cause a variety of health effects. Inhaling or touching mould spores may cause an allergic reaction such as sneezing, a runny nose, red eyes and a skin rash. Some people are particularly sensitive to spores, such as babies, young children, older people, those with allergies, asthma, skin problems or a weakened immune system. It can worsen musculoskeletal conditions such as arthritis. It affects mental health, with depression and anxiety more common among people living in these conditions. For those with allergies, breathing in or touching mould spores can cause severe reactions, including asthma attacks, fever and shortness of breath. This is why respiratory problems, infections or asthma are more likely if there is damp or mould in homes and why the World Health Organization calls it a key element of indoor air pollution, and a major cause of illness and death worldwide.

[Awaab Ishak: Mould in Rochdale flat caused boy's death, coroner rules - BBC News](#)

According to the "Health inequalities report: Cold or damp homes" from the House of Commons Library (published in February 2023), the NHS spends an estimated £1.4 billion annually on treating illnesses associated with living in cold or damp housing. When wider societal costs are considered, such as healthcare, that figure rises to £15.4 billion. According to [the English Housing Survey](#), around 904,000 homes in England had damp problems in 2021. Of these, around 11% in the private rented sector had damp problems compared with 4% in the social-rented sector and 2% of owner-occupied homes.

[CBP-9696.pdf \(parliament.uk\)](#)

Background to review

At its meeting on 13 July 2023 the panel heard from Housing, Neighbourhood and Building Services officers. The following information was given to the panel in advance of the meeting (included in the report as appendices):

- Letter from Secretary of State on rented property standards
- Letter to CEOs of large registered social housing providers
- Initial response to Department for Levelling Up, Housing & Communities
- Local authority returns for damp and mould in private rented sector
- Registered Social Landlord damp and mould return
- PCC Housing staff bulletin
- Damp and mould leaflet for PCC tenants

Officers explained damp and mould is not a new phenomenon in UK homes but following the coroner's November 2022 report into the death of two-year old Awaab Ishak in Rochdale in 2020, which made a direct link between the damp conditions in his home and his death, the issue has been given more focus both nationally and locally.

As a local authority PCC's responsibilities to manage damp and mould varies dependent on the tenure type of the property concerned:

- Local Authority Housing role of the landlord.
- Private Rented Sector supporting landlords and tenants and where necessary taking enforcement action.
- Housing Association working collaboratively to ensure consistent approaches across the city.

In November 2022 DLUHC (Department for Levelling, Housing & Communities) asked all larger registered providers of social housing to submit evidence to them about the extent of damp and mould in tenants' homes and their approach to tackling it. As the largest provider of social housing in the city PCC has always investigated and responded to incidents of damp and mould where they have come to attention. As a landlord PCC was already reviewing how it responded to these incidents and had made improvements to the process which allowed it to provide a more robust response with the intention that residents feel more supported to get damp and mould incidents in their homes resolved.

The panel could assist Housing, Neighbourhood & Building Services in its approach and response to damp and mould in its own housing stock. It could suggest changes

in approach to other registered social landlords and the private rented sector but needed to be mindful that the government were scrutinising how landlords deal with damp and mould and further guidance may follow.

In response to a query about truncating training on regulating non-compliance with housing standards in the private rented sector so that staff could be trained sooner, officers explained half the team were currently studying and due to complete shortly and then more of the team would be do the course from September 2023. All regulation team members undergo Housing Health and Safety Rating System (HHSRS) and enforcement training as part of their induction and receive specific training in damp and mould and enforcing on this in line with the HHSRS.

Meetings with tenants

The panel thought it sensible to have separate meetings for each category of tenants as the processes for dealing with damp and mould were very different in different sectors. All tenants were offered the opportunity to submit written comments if they were unable to or preferred not to attend a meeting. The meeting for PCC tenants was publicised through the Residents' Consortium. Meetings for housing association and private rented sector tenants were publicised through posts on the council's Facebook page, direct contact with a private tenants' forum, and tenants who had participated in informal meetings for the Repairs review. The panel had mentioned the meetings to residents but found some non-PCC tenants were reluctant to attend as they were wary it could affect their tenancies even though the meetings were not public and participants would remain anonymous.

Meeting with PCC tenants

On 5 October 2023 four PCC tenants attended an informal meeting together with Martyn Collins (Building Repairs Manager), Mark Fitch (Head of Local Authority Housing), Steve Groves (Head of Building Maintenance), Adam Hardwick (Assistant Director, Buildings), James Hill (Director of Housing, Neighbourhood & Building Services) and Sally Scattergood (Assistant Director, Housing). The tenants lived in the central, south and north of Portsmouth so there was good geographical representation of the city.

Experiences with damp and mould

Tenants shared their experiences of damp and mould. Square-ended guttering was a problem when it got blocked. Officers said PCC could clean it out if details were provided. PCC wanted to resolve and prevent damp penetration, especially where there were trees, and wanted tenants to say when there were problems. Another tenant had problems with guttering which was screwed together so "drips like mad" when it rains. When some work was done (not by PCC) four to five years ago scaffolding was not used and created holes in the roof tiles. Officers said it was rare for a PCC property to have damp and mould because of a neighbouring non-PCC property but in such cases Housing would speak to the owner as it would probably be very bad in their property. Guttering and water services were the most likely causes in such situations.

Another tenant had damp in his property since 2014 and mould but his neighbour did not. When he had a wet room installed in 2015 the plumber did not make the connections very well so it was leaking. In 2020 it was ripped out and then a very good plumber fixed it. PCC had told him that with a north-facing bathroom wall he would always get damp and condensation unless the windows were open or the

heating on. A pine chest of drawers in a bedroom and pouches for a laminating machine have got damp and mould and he has complained many times. He was told he was putting damp clothes in a wardrobe. Water has poured through a light fitting and come through walls. He had been given a voucher for cleaning and painting. The property was built on a marsh. Officers said damp in a south-facing room could be due to several factors, for example, less thermal heat from the sun.

Another tenant had a severe reaction to dry heat so cannot use radiators. Advice on heating properties was usually to have a low constant heat rather than full blast all day. When there was a bath there was mould all the time but not since having a shower installed 2.5 years ago so the tenant wondered what made the difference. The mechanical extraction system had not been upgraded. The maisonette was very old and the property underneath had damp and mould. She had been there for 34 years and if she saw mould she would spray and scrub it with watered down bleach, as advised. There was a leak at the front of the property and the bathroom ceiling fell into the bath of the flat beneath. Something like mould is a continual thing. The tenant had heard it was a priority but not always now and sometimes got the feeling that if tenants mention damp and mould they were being a pain. PCC should tell residents how to deal with it and not have the attitude "that woman's phoned about mould." In his working life one of the officers had come across the "it's your problem" attitude but PCC has taken steps to improve as it has a duty of care. Condensation mould was the most difficult type to fix and eradicate and for residents to manage. Every case was different so Housing had to work with residents and contractors.

One tenant had spoken to residents and scheme managers in the Somerstown area who reported no problems with damp and mould in the high-rise blocks. Officers said there have been incidences in high-rise blocks but the construction was noticeably different from other buildings.

Processes

With regard to reporting damp and mould, officers explained the service was demand led but Housing always emphasised to staff, including Estate Service Officers, to notice the conditions of properties when they did block inspections. Some problems like guttering might only be noticed when it was raining but all staff should go around with their eyes open. Even if there were no obvious repairs Housing could add more ventilation or an extra radiator.

Housing staff have had additional briefings so even if a resident did not mention damp and mould but staff noticed it they would act. Housing were talking to colleagues and were keen to share their training across Directorates via the Health & Wellbeing Board so people like social workers or midwives could act if they saw it when they visited homes. Steve Groves and his team were creating a new damp and mould policy which the scrutiny process would feed into. Housing would continue to take feedback and could learn from what the panel reported works and what does not so it relies on councillors and residents to keep officers informed. Housing will consult with the Residents' Consortium on the policy.

Officers were learning from the increased reporting of damp and mould in the last year. Housing always send a surveyor to do an initial diagnosis and to test humidity, not just ventilation, as the problem could be rising damp or a roof leak. Surveyors arrange any necessary repairs, provide advice to residents and offer support,

especially bearing in mind the cost of living crisis. LEAP referrals are offered to Switched On Portsmouth as officers recognise that heating properties is difficult. Housing was increasing the surveys it was doing on damp and mould rather than waiting for residents to notify them. It carried out surveys as part of the decision making process when buying properties.

Within a six-month period officers contact the resident again to ensure the situation has not recurred. A whole raft of reasons like construction and maintenance can cause damp and mould; there was not one answer. The surveyors try to give quick tools to resolve it; they can instal data loggers in more extreme situations. A difference this year is a more robust survey form, for example, what caused it, taking photos so after six months other staff can see what was done. Traditionally Housing had been more reactive but it was being more proactive to resolve issues, for example, surveys on the type of properties affected. Energy Performance Certificates sometimes indicate problems with damp and mould so Housing could examine energy performance data to target issues.

Martyn Collins said PCC had a duty of care and wanted to work with residents, at least until the mould was at a manageable level. The new policy had a hierarchy of engagement with the first level being low level advice, for example, easy washdowns. The next stage might be upgrading existing mechanical ventilation, warming up surfaces or a desk study. Issues would not go to the bottom of the hierarchy but could skip stages.

Communications

Housing had a new leaflet explaining how to prevent and treat damp and mould but they were not hand delivered; they are given to tenants where officers see a problem in a property. House Talk (the council's quarterly magazine for tenants and leaseholders) had regular items on damp and mould. The panel suggested giving supplies of leaflets to councillors, especially in areas with higher levels of social housing, to give to tenants who might need or benefit from them.

A tenant asked if community leaders could be given leaflets as residents might be more likely to listen to them than people from the council. She is a community champion and trustee of the Urbond charity which works with refugees, unaccompanied minors, City of Sanctuary so could help disseminate information. Other organisations like mosques or groups such as Chinese residents have their own support groups. A bugbear was forms, leaflets, House Talk etc giving advice about getting versions in braille or another language in English which people might not understand. Officers agreed it was difficult trying to reach tenants but leaflets are published in different languages with mainly pictorial content. Housing was constantly working on communication needs with residents and are seeing if particular needs could be put on record. Housing was thinking of short, sharp videos as dealing with multiple languages was easier on video than printing lots of leaflets, though they appreciate residents need access to social media. Tenants thought some residents would benefit so the idea should proceed. The panel asked if councillors could have copies of House Talk so they could be aware of advice given to PCC tenants and leaseholders.

With existing and new tenants the biggest issue was that Housing sent letters, had posters in Community Centres and articles in House Talk and still residents say they do not know how to contact Housing so PCC needs to pause and listen carefully on

how to reach them. A resident at the surgery of one of the panel members could not find information on the council's website on how to report it. A tenant suggested noticeboards in stairwells could have information in addition to how to contact councillors. She realised it was hard for PCC and it was not a failure on PCC's part to use people like her to get messages out on what residents and PCC do with damp and mould.

Responsibilities

A tenant noted that with all dealings with PCC tenants have obligations to know what is down to them and what is down to PCC. With mould what is the residents' responsibility to deal with it and when does PCC come into it? It was really hard to differentiate where the residents' and PCC's responsibility ended. It has to be treated on a case-by-case basis. Officers totally agreed every case was slightly different with regards to who does what or where the problem is occurring which is why PCC was tracking reports on how often it was happening. Either messaging on how to prevent it was not getting through or was not working. New tenants receive the damp and mould leaflet as Housing wants people to report it as soon as possible. Housing could remind them of the full advice in the leaflet or suggest Switched On Portsmouth. The burden was on PCC to get residents to tell them rather than deal it with themselves. Some residents will call to report problems but others do not so Housing has a responsibility to be pro-active.

With regard to decoration, Housing would decorate at the same time as doing repairs if the tenant was part of a special decoration scheme, for instance, they had a disability. However, if a room needed painting, Housing would probably do it, particularly in bathrooms where there was not usually much wall space. Housing does not use anti-mould paint; over time the anti-mould agent disappears so the paint becomes like an ordinary emulsion.

Collecting data

Housing has collected data for the last three to four years so they could learn demand and find out how quickly it had reacted. This year complaints are being recorded slightly differently in order to learn more, for example, the types of property which get the most condensation, the causes of damp and how to be more pro-active. These were usually properties PCC had bought but not built with pre-war terraced housing comprising the highest percentage, followed by those with concrete ring beams, especially where the beams were not insulated. PCC had given a submission to central government as requested describing how it dealt with damp and mould (included in the background information for the panel). However, the process was not perfect and Housing could consider and implement ideas from residents and councillors. The panel's recommendations were about PCC as a landlord and PCC had to be consistent across all its housing stock in Portsmouth and Havant. Housing wanted to return to residents to see if policies were working.

Housing Associations (HA) collected data and many had written to PCC setting out their approach which was often similar. HAs also had to provide data to central government and some were creating special damp and mould teams. HAs were consulting with tenants and although they would take on their views, writing policies and processes was usually done at quite a high level in HAs. PCC had 14,700 rented properties and 1,700 leasehold properties. Leaseholders who lived in flats received the same services as tenants so Housing would inspect to see if it was rising damp, penetrating damp or condensation. Housing has not been

inundated with damp and mould problems and there was no significant cause for concern but in the light of the Rochdale case it was an opportunity to review its processes. The number of complaints about damp and mould is very low. Only 11 applications to the Housing Needs & Advice Service to move cited it as a reason and that was alongside other reasons. It was not the same situation as Rochdale where perhaps there was a one-size-fits-all approach to treating damp and mould and it was seen as a lifestyle issue. However, occasionally it is caused by a lifestyle issue or could have been hidden for several years.

Meeting with Housing Association tenants

On 9 November 2023 one Housing Association (HA) tenant and an observer attended an informal meeting together with Antonia Craze (Senior Energy Officer), Clare Hardwick (Head of Private Sector Housing) and Sally Scattergood (Assistant Director, Housing).

Processes

Officers outlined the process for housing association (HA) tenants if they have problems with damp and mould. The first port of call was their landlord who should advise, support and rectify the matter. If that route fails then tenants should follow the HA's internal complaints procedure and if that was unsuccessful then go to the Housing Ombudsman. If there is no support and a risk to health tenants can contact the Private Sector Housing (PSH) Team, who will ask if the steps outlined above have been taken. The PSH Team will inspect the property using the Housing Health and Safety Rating System (HHSRS) criteria which identifies potential hazards. The HHSRS is a statutory government policy, not the council's own policy. However, damp and mould does not always score highly on the HHSRS framework. Operating guidance for the HHSRS had not changed in a number of years but the government recognises it needs updating so as a result of their review hazards may be higher scoring. Officers assess how much exposure there is to damp and mould, for example, there is less exposure by a front door than in a bedroom. They look at "harm outcomes" and the likely consequences. Unless it is particularly severe it is unlikely to score as category 1 (the most severe) where PCC has a legal duty to deal with it. However, PCC's local policy is to take action when there are risks. PCC does not step away completely and would tell the landlord what they would expect them to do to address the situation in the property.

Officers will see if damp and mould is connected to repairs as that is where landlords are expected to act. However, PCC would still step in to help. At the end of 2022 some providers had provided information on how they support and advise tenants. When officers visit properties for any reason they may notice issues with heating, for example, someone worried about using it because of the cost, but officers are trained to refer them to Switched On who can help advise with reducing fuel costs. Switched On has a free phone advice line. Qualified energy engineers could do home visits and carry out small improvements such as providing LED light bulbs and installing draught proofing. If someone is struggling to pay bills Switched On can refer them to funded schemes, for example, for more energy efficient white goods. The energy advisors are from LEAP with whom the council works in partnership. It is a nationwide organisation but impartial so not part of the government.

Complaints

A panel member had a case where the HA said it needed the tenant's permission to become involved in a complaint. Housing providers were responsible for protecting

tenants' data and had to be mindful of GDPR requirements. Damp and mould sometimes involved personal information as it affected health. The requirements could perhaps be by-passed if there was some sort of standing agreement. HAs would have to agree how to deal with such complaints where there was no explicit consent. However, permission is assumed when the tenant is included in an email trail. The point could potentially go on the agenda of the regular forum meetings with registered social housing providers.

Tenants might contact councillors if they had spent a lot of time trying to get help or perhaps were afraid to complain. They cannot complain anonymously as the landlord needs to know which property to go to in order to assess it. HA tenants have assured tenancies and from officers' experience of working in HAs would be surprised if there was any push back with complaints. Where situations become entrenched Housing can step in, not so much to enforce but to see what the landlord has done already.

The tenant said they may have exhausted all other options and be infuriated or have communication problems or no trust in the landlord. PCC should get involved earlier as tenants could get fobbed off trying to get a result from the HA. He asked what they can do if they run into a complete dead stop. Officers said it was not a black and white process of going to formal complaints and then the Ombudsman. Complaints should have been resolved before going to the Ombudsman. PCC's involvement is around the severity of the issue and mostly deals with the private rented sector where there is no other clear procedure. Its role is to intervene to ensure the landlord meets their legal obligation of providing a safe property to live in. PCC can advise on how to report the issue and maintain an auditable trail. It will always triage enquiries and go out to assess properties and make contact directly. Sometimes the issue is a breakdown in communications and it is surprising how often that happens. If the landlord ultimately refuses to do anything or ignores emails and phone calls from the tenant, PCC has an enforcement policy so can escalate matters if there is no progress. It can serve notices (quite a lot had been served in the last ten years) with financial penalties and apply sanctions including prosecution and hefty fines. If "works in default" were needed PCC would do the work and charge them back to the landlord.

Communication

As to how tenants know help from PCC exists in the first place, there were various communications with information on the website, workshops and tenants' forums.

The tenant said with his HA the only source of information was one result on the website, leading to a condescending leaflet which put all the blame on the tenant and their lifestyle choices. It suggested using chemicals and bleaches which could be a significant cost or dangerous. It contained stereotypical information such as too many people in the property or wiping down the shower after use. It is case of "do these things and then we'll come out" whereas it should be "probably our fault, we'll come and look but in the meantime do this." There is a lot of information on what tenants can do but not what the HA can do.

The tenant's HA had carried out their own review into damp and mould as part of greater engagement with tenants and one finding was that information about work was not passed on or appointments were missed with no explanation. The panel

noted some HAs did not always have dedicated phone lines and have to go through a contact centre and repeat their story. Contact centres can create barriers.

One tenant had five missed appointments. Having had to tell a white lie to their employer why they could not come to work they could not then go when the appointment was missed. It was not so much negligent work but communication problems. The panel noted communications were a major problem and asked if there was anything PCC could do. Officers could raise the issues at the forum. Communication is an issue which comes up all the time, including at PCC. Sometimes there is too much focus on doing the work and parts of the communication loop are missed.

Responsibilities

With regard to tenants' liability, officers said that under tenancy agreements they had a responsibility to keep the property in good order. Repairs are the landlords' responsibility. If there were no extenuating circumstances like illness the landlord could take action against a tenant and end the tenancy, more so in the private rented sector. Managing damp and mould is for everyone so tenants need to manage it, for example, by managing moisture levels.

As to tenants being liable if they could not afford to heat their homes, for example, a large Victorian house, officers said they would not. They would be advised to contact Switched On who could help see if there was any income they could receive which they were not already, for example, benefits they were entitled to, and if any modifications could be done to the property. There may be a time when the property is not right for the person so Housing Need & Supply could support them meet their needs. One of the surprising findings from the HA's review was that a house can be too warm; it sometimes needs an extractor fan.

The tenant asked where the carrot and stick were when landlords use contractors as it seems the former blame the latter. It seems there is a lot of slack so landlords get away with it. Officers said the contractor is ultimately there on behalf of the HA, who should investigate any problems. With missed appointments or poor repairs the HA could award compensation to the tenant and then make the contractor reimburse the costs. Managing contracts involves managing performance data, for example, missed appointments and key performance indicators. PCC usually meets contractors monthly. Some contracts have clauses for poor performance. It was important for tenants to log complaints. Often with call centres tenants press the repairs button and keep getting the contractor. Tenants need to step out of the loop and use the complaints route if they are not getting service.

Meeting with Private Rented Sector tenants

On 7 December 2023 two private rented sector (PRS) tenants attended an informal meeting together with Clare Hardwick (Head of Private Sector Housing) and Sally Scattergood (Assistant Director, Housing).

Experiences with damp and mould

The tenants and their young child lived in a two-bedroom terraced house with no garden. There was a garage on one side and a house on the other. The property had been recently painted when they moved in so the damp and mould was not immediately apparent. There was a whole wall that drips so they cannot put anything by it. Their bedroom has damp and mould and clothes in a chest-of-

drawers had to be moved because mould was on them. There is mould on their child's cot. They had sent photos to the landlord and letting agency. The bathroom window is rotting. The landlord had told them to say when it has fallen through but it could fall in the bath at any time. They have a humidifier but cannot afford to keep the gas and electricity on all the time. The external wall stone is stone cold when the heating goes off; the house does not retain heat. The letting agent tells them to open the windows (not practical in cold weather) and put the heating on which they cannot afford.

Although the boiler was serviced annually there were non-stop problems and the plumber said it should be replaced; it was so old it did not have a thermostat. There was a yearly gas safety check with a piece of paper confirming it had been done, plus a carbon monoxide monitor. The Chair said gas safety checks should be done within 13 months maximum. Officers said the team could talk through options and ensure access to Switched On Portsmouth, which the tenants had not heard of.

The rent is £880 per month. The property was not their forever home but the rent is a worry for moving somewhere else so they feel they have to stick it out. They had heard that they could not rent privately unless they were earning at least £32k pa. Some properties are now over £1k per month rent. They had to pay £5k upfront (five months' rent) for their current property which they could not afford even though they work. Extra Universal Credit money goes on rent and food; they are constantly having to manage money.

The landlord told them to move out, deal with it or he would end the tenancy. They had nowhere else to go so they have to put up with it. They were scared of reprisals (risking "making the landlord mad") and eviction and were just "sucking it up." They had three months' notice with a month's roll-over. They had lived with a parent but after their child was born it was overcrowded and they do not have any other relatives here. They were not on the housing register as the last time they asked they were told it would be eight years.

The tenants had not been in touch with the Private Sector Housing (PSH) Team as they did not know about it so they thought they would come to the meeting to share what it was like living with damp and mould. They did not know they could get any help with it and were not sure if PCC could help them. It was very hard to find information online. They were between a rock and a hard place and constantly chasing up to investigate long-winded options. It was a very difficult road ahead for their little family.

Communication

The tenants had never met the landlord; all contact was by text message, WhatsApp or phone. They have records of emails with him on WhatsApp. He was not local and had other properties in Portsmouth. The letting agent was local but all they say is that "it's a seaside problem" which everyone has, told them to open the windows and were rude. They were shocked at how they were treated.

Processes

Officers explained the PSH Team could look at properties to check they are safe to live in; they deal with landlords informally but can also enforce them to act. They can help if the heating was not working properly. The landlord should be doing something to address the damp and mould. Officers understood people were afraid of retaliation evictions. It was a common concern but landlords gained nothing by

that taking approach. The Team can serve notices that the landlord cannot evict during a certain period. There is also a mediation service.

With regard to assessing the property without the landlord's knowledge, officers explained the Team can informally assess a property and if there are issues they have to give the landlord 24 hours' notice of an inspection so they tend to give 24 hours' in the first place. If the Team inspects without telling the landlord and then serves a notice they have to inspect and assess again so it doubles the work and drags out the process. As with the process outlined in the meeting with HA tenants, Housing use the Housing Health & Safety Rating System (HHSRS) to inspect a number of criteria but it does not cover factors the landlord is not influenced by. Housing also assess the severity of the issue and risk. If it is really severe (category 1), Housing has a legal duty to deal with it but most damp and mould scores less than severe because of the way the HHSRS works. It was very rare to find a problem where the landlord does not take action with a severe problem. A hazard awareness notice is issued to all parties. However, even if a hazard is identified as not an issue Housing can advise and monitor.

Legislation

Officers explained the process was driven by legislation and Housing had to assess in line with the HHSRS. The idea behind the legislation was that there must be a relationship between the landlord and tenant and the expectation is that they communicate. Housing have to give notice as there is an assumption that the landlord knows there is an issue and has a reasonable opportunity to address it. Repairs are entirely the landlord's responsibility and all obligation for repairs is theirs. A key element of the Renters' Reform Bill is the end of no-fault evictions for any and every reason but the devil is in the detail. A panel member thought the focus of legislation should be on residents as the system seems to think it is an equal balance. Tenants should be put first, not the landlord.

Eviction and re-housing

Officers confirmed that if the landlord gave notice the council did not necessarily have to re-house them as the landlord's responsibility ends when the tenancy ends. The tenants could talk to the Housing Needs, Advice & Supply (HNAS) team. People often do not meet criteria when they are evicted but HNAS could help find something in the private sector. The landlord should provide alternative accommodation if they had to be decanted because the property was unfit. If appropriate, while an assessment took place the council may provide temporary accommodation whilst assessing any duty to re-house.

The panel said it was a really depressing and sad situation and people are being encouraged to stay in unsuitable accommodation. The legal frameworks were so weak they did not allow the council to take action. The bureaucracy was problematic. It was an appalling situation where people were afraid to say anything. The panel and officers advised the tenants to go on the housing register and get all the advice they could, particularly if they were worried about repercussions. Officers urged them to contact Housing for advice, to engage with the Team, provide photos, talk to HNAS about costs and the financial situation; there may be schemes to help find a deposit. They could ask Advice Portsmouth or Citizens Advice about making a claim as the property does not meet the fitness for habitation standards; they might be able to make landlords take action and / or pay compensation. The tenants said they would go on the housing register even if it meant they were waiting years.

Meeting with private rented sector landlords

Twelve landlords and a representative from a letting agency attended the meeting. It was a welcome forum and useful to share information with others as in the words of the letting agent, damp and mould was "the bane of our lives" and probably was for all agents and landlords. It is difficult to deal with even with the latest legislation and if it can be proved whose fault it is. The situation can vary between tenants. One landlord has had a property since 2004 but when new tenants moved in within a month the bedroom suffered damp and mould. The landlord tried different measures and then new tenants moved in and there were no problems. Sometimes there are no problems for years if the property is heated and ventilated correctly. The letting agent agreed that there are sometimes situations where problems are not entirely related to the property and some issues that they cannot do much about it. Lifestyle issues happen a lot.

With regard to identifying damp and mould, one landlord said that with student lets it was him rather than tenants who spotted it as he could spot discoloration on capping and flashing on walls.

Causes of damp and mould

- Drying laundry inside was a common problem. One landlord provided washer/dryers but some tenants still dried clothes inside. The letting agency can see signs of laundry being dried inside even when tenants deny it. They had a visual of how much moisture was produced when drying clothes and never ceased to be amazed at how much moisture was removed from dehumidifiers.
- However, some thought it was unreasonable to stop tenants from drying clothes inside when other people probably did it.
- Air flow and the directions rooms face could be a problem, particularly if they face north.
- Keeping too much furniture and other possessions rammed next to walls and closing trickle vents causes problems.
- Bathrooms are often a cause of problems. One landlord had problems with them as when the windows were open all the time they got very cold and developed condensation.

Possible solutions

Those present discussed possible solutions.

- Anti-mould paint - this has had been around for a few years and lasts for about three to four years though it is expensive. The letting agency has only recently started using it. One landlord said it made no difference. Another has used "damp and seal" but not anti-mould paint as he would rather minimise its use and find the causes of damp and mould earlier.
- Humidifiers - one landlord has tried them but the students stopped using them as they were expensive to run. Some models are cheaper to run but the bigger problem is getting students to empty the wells of collected water. Another landlord has used humidifiers with limited success. Moisture absorbers with some sort of granular tray seem to work OK. There are devices that measure moisture.
- Ventilation and temperature - asking tenants to open windows occasionally is helpful. Having the heating on for two hours in the morning and between 12 to 4 pm made a huge difference but the students have to be convinced to open the windows. The secret is to ventilate each room for 10 to 15 minutes twice a day.

Trickle vents and a high vent near the ceiling are helpful. The panel noted that in Scandinavian countries the Scandinavian climate was different and houses had mechanical ventilation so it was difficult to compare them with the UK. In Germany, which has a similar climate, the secret was ventilating each room twice a day.

- Furniture placement - for example, keeping large wardrobes away from exterior walls.
- Cleaning products - using bleach based products can help.
- Structure and maintenance - Lightweight coving in bedrooms, especially when high up, helped air flow and meant less mould near the ceiling. Eaves trays under gutters are good and inexpensive. Clearing guttering annually helps.

With regard to keeping the heating on, especially when a property was unoccupied during the day, members noted that the cost of energy bills could be a deterrent. Officers mentioned Switched On Portsmouth as they can do more than just help tenants get assistance with energy bills or see if they are on the right tariff.

Information

The letting agent said education was the first step and gave out leaflets. However, one landlord asks tenants if they have read the guidance then it turns out later that they have not. It would be nice to have downloadable leaflets from PCC's website that could be put in tenancy packs. Good information, for example on condensation, was getting harder to find on the web. Landlords try to disseminate as much as information as possible and in the best possible way and tenants are grateful for information but currently the landlord has to compile it. Officers said a video giving information on damp and mould would be ready quite soon. Videos were helpful in showing how much moisture was produced from different activities. The version for PCC tenants was almost identical to the one for landlords. Officers use leaflets but also attend student housing events.

Complaints and relationship with PCC

The letting agent said sometimes they dealt with them complaints and highlighted them to landlords. They had a very positive experience of PCC. One landlord was not worried about PCC visiting. Another said PCC was reasonable and fair and any matters came to a satisfactory outcome. One landlord had problems resolving problems as being a leaseholder he was caught in the middle between the freeholder and the tenants.

Meeting with housing association

Carl Dewey, Director of Repair & Estate Transformation, outlined the background to the Southern Housing Group's approach to damp and mould. Southern had merged with Optivo in December 2022. Altogether it has about 78,000 properties, mainly in the south of England but some in Birmingham and other locations. Mr Dewey is in charge of the dedicated damp and mould team which was created just after the merger.

Damp and mould team

The damp and mould team is in its infancy as before the merger with Optivo there was not a dedicated team. Having zero tolerance towards building safety was identified as part of the merger, which was a catalyst to create the team. It currently has four case handlers, seven specialist surveyors and a senior surveyor. More surveyors have recently been recruited to populate across the stock profile.

Southern wants to take a proactive not reactive stance and stop damp and mould in the first place. It would be easy to do a mould wash but staff would end up having to do it again. Southern want to focus on long-term solutions. Most other housing associations, including the rest of the G15 members (a group of the UK's largest housing associations), have gone down the route of having dedicated D & M teams. It can be more complex where contractors are involved as they are a third party.

Process for dealing with damp and mould

The framework is that a resident phones and mentions damp and mould or it is noticed as part of an inspection or stock condition survey. Southern works out what it needs to do and then visits the property within five working days. Staff install data loggers which record humidity, temperature and ambient dew point every six hours (6 am, noon, 6 pm, midnight). Two weeks later staff download the data together with the resident to look at the results and see what the cause might be. For example, if there was high humidity at night it could be that the several occupants were having showers at the same time. Staff can see if moisture is affecting the whole property so could consider measures like extractors. Actions are discussed and agreed with the resident. Communications are maintained with residents. There is a six-week intervention period so after six weeks unresolved issues are escalated to CD as director.

Conversations with residents can be confrontational, for example, telling them drying washing inside is a problem, whereas the data loggers are more impartial and everyone can see where the problems are. They enable easier and more meaningful conversations. If residents say, for example, that extractor fans are too expensive Southern can work with them to find a solution that suits them.

Southern has four categories for damp and mould:

- Category 1 - staff act as fourth emergency service and drop everything to deal with it and mitigate risks.
- Category 2 - not significant issue, element of mould perhaps in bathrooms but not in rooms used more frequently like bedrooms or living rooms; aim to deal with in 20 working days.
- Category 3 - might be signs of damp and mould around window seals.
- Category 4 - no sign of damp and mould.

For a Category 1 hazard the resident is visited within five days; for Category 2 within ten days. The response times also depend on any vulnerabilities that residents have but generally the team aims to visit within five days.

Southern does not want to lose sight of properties where there has been damp and mould before. A classic example is if there is moisture in a property where the heating is kept at 16° so Southern could work with the residents and refer them to their financial inclusion team so they can have the heating on higher.

Sometimes there is no easy fix; it is very difficult where there is overcrowding. 100% of Southern's nominations are with the local authority. Where families have outgrown their property Southern works with them to keep them safe while looking for alternative accommodation.

Older properties are less thermally efficient and sometimes have building defects but newer properties can have problems. Some of the older properties are lived in differently than they were 10 to 15 years ago.

Information and training

Southern gives new tenants useful tips on dealing with damp and mould. It has just been audited by Mazars and by its own scrutiny panel as the new team is a new concept. Residents need to clean damp and mould as soon as they see it but that approach does not take into account vulnerabilities. If residents tell Southern about any difficulties they can deal with it. Southern is still in limbo with two different systems for dealing with repairs but they want to deliver a consistent service.

With regard to staff training, a repairs app has been rolled out to all colleagues. An e-learning module has just been developed by learning and development for all colleagues so if they are out and about they can identify damp and mould and know what to do about it. Call handling staff have had Property Care Association training and it will be rolled out to other parts of Southern including surveyors so they can diagnose issues.

Officers noted other providers have similar systems though sometimes damp and mould data is not always identified as an individual data set. It is often linked into asset management. Some providers have damp and mould groups. PCC has a similar approach to Southern and other providers in that it installs data sensors in certain properties. Surveyors carry out the initial inspections, however mild the case is to see what is right for the property. The key is following up actions.

Conclusions

Based on the evidence and views it received during the review process the panel has come to the following conclusions:

1. Noted with concern that housing association and private sector tenants are afraid to speak out about problems.
2. Noted that damp and mould should not automatically be assumed to be the tenants' fault.
3. Noted that having a telephone menu option where callers can speak directly to repairs is good practice as it removes unnecessary stages in communication and reduces fragmentation.
4. Noted there is help and support available from PCC for tenants from all sectors but they are not always aware of it.
5. Noted that PCC produces information that is useful for landlords.
6. Noted that the cost of heating properties at a certain level can be a deterrent because of the cost of energy bills.
7. Noted that it is pleasing that all sectors are taking the approach of trying to prevent damp and mould in the first place and making prevention and treatment everyone's responsibility.

Recommendations

The panel made the following recommendations:

1. To request the Leader and the Chief Executive to thank James Hill, Jo Bennett, Martyn Collins, Michael Conway, Antonia Craze, Mark Fitch, Steve Groves, Adam Hardwick, Clare Hardwick, Meredydd Hughes, Gemma Moreau and Sally Scattergood for their work in supporting the review.
2. To continue promoting the approach of damp and mould being everyone's responsibility and check energy performance data to target and prevent possible damp and mould problems.
3. To put copies of House Talk in all councillors' pigeonholes so they are aware of the advice PCC gives tenants and leaseholders on damp and mould.
4. To put information and advice on damp and mould in stairwells of PCC properties.
5. To give leaflets on damp and mould to councillors in areas with more social housing so they can give them to tenants who might need or benefit from them and to community leaders so they can disseminate information to residents who might be hard to reach, ensuring that leaflets and communications are accessible to residents who do not have English as a first language or have visual impairments.
6. To raise awareness of what PCC can do to help housing association and private sector tenants, for example, Switched On Portsmouth, LEAP, HNAS.
7. To put information on PCC's website that landlords can use in tenancy packs.
8. To raise or suggest at the regular forum with RSL providers some sort of standing agreement on getting consent to share information from tenants to help speed up dealing with complaints.
9. To suggest providers have a dedicated phone line to deal with complaints rather than contact centres.
10. To lobby for damp and mould to score more highly on the Housing Health & Safety Rating System and for more protection for private tenants, for example, an end to no-fault evictions.

Integrated Impact Assessment

An integrated impact assessment would be carried out when the Cabinet makes its decisions based on the recommendations set out in this report.

Budget and policy implications of the recommendations

The following table highlights the budgetary and policy implications of the recommendations being presented by the panel:

	Recommendation	Action By	Budget & Policy Framework	Resource Implications
1	To request the Leader and the Chief Executive to thank James Hill, Jo Bennett, Martyn Collins, Michael Conway, Antonia Craze, Mark Fitch, Steve Groves, Adam Hardwick, Clare Hardwick, Meredydd Hughes, Gemma Moreau and Sally Scattergood, the Residents' Consortium and Southern Housing for their work in supporting the review.	Councillor Raymond Dent	Within existing framework	None
2	To continue promoting the approach of damp and mould being everyone's responsibility and check energy performance data to target and prevent possible damp and mould problems.	Director of Housing, Neighbourhood & Building Services (HNBS)	Within existing framework	None
3	To put copies of House Talk in all councillors' pigeonholes so they are aware of the advice PCC gives tenants and leaseholders on damp and mould.	Director of HNBS	Within existing framework	None
4	To put information and advice on damp and mould in stairwells of PCC properties.	Director of HNBS	Within existing framework	None
5	To give leaflets on damp and mould to councillors in areas with more social housing so they can give them to tenants who might need or benefit from them and to community leaders so they can disseminate information to residents who might be hard to reach, ensuring that leaflets and communications are accessible to residents who do not have English as a first language or have visual impairments.	Director of HNBS	Within existing framework	None

	Recommendation	Action By	Budget & Policy Framework	Resource Implications
6	To raise awareness of what PCC can do to help housing association and private sector tenants, for example, Switched On Portsmouth, LEAP, HNAS.	Director of HNBS	Within existing framework	None
7	To put information on PCC's website that landlords can use in tenancy packs.	Director of HNBS	Within existing framework	None
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9	To suggest providers have a dedicated phone line to deal with complaints rather than contact centres.	Director of HNBS	Within existing framework	None
10	To lobby for damp and mould to score more highly on the Housing Health & Safety Rating System and for more protection for private tenants, for example, an end to no-fault evictions.	Director of HNBS	Within existing framework	None