Local authority returns form: damp and mould in private rented properties

Overview
Why your views matter
We are requesting information on damp and mould in privately rented homes. Thank you for taking the time to respond.

Introduction
This form is to collect information on damp and mould in privately rented homes from local authorities. It follows a **letter**
<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1118877/SoS_letter_to_local_authority_chief_executive_and_council_le
from the Secretary of State dated 19 November 2022.

Local authorities play a vital role in enforcing standards in the private rented sector, supporting tenants and tackling rogue landlords. The tragic death of Awaab Ishak has highlighted the importance of ensuring that tenants do not have to live with unsafe damp and mould in their homes.

The information provided through this form will enable us to better understand the issues surrounding damp and mould and will inform future on policy in this space, including how we support local authorities. We will also share this data with the LGA to inform their work. In collecting this data, we are aware that the figures over the pandemic period may not be representative of usual times, and this will be taken into account.

We also recognise that data collection systems and practices will vary from council to council, and that precise data may not be available for all of the questions listed below. Some questions have been marked as optional: however, where there is enough information available to allow a relatively robust estimate, we would welcome your support in providing as detailed a picture as possible.

We thank you very much in advance for your help to address this important issue.

If you have any queries, please email us at housingstandards@levellingup.gov.uk

Details:

1 Please provide the full name of your local authority:

Answer *(Required)*

Portsmouth City Council

2 Please provide an email address of a named person we can contact with any further queries:

Answer *(Required)*

Samuel.rickeard@portsmouthcc.gov.uk

Clare.hardwick@portsmouthcc.gov.uk

Sally.Scattergood@portsmouthcc.gov.uk

3 Approximately how many private rented sector properties are in your area currently?

Answer. Please provide a number. If you cannot answer, please write 'NA' *(Required)*

24,000

4 What data sources do you normally use to inform your knowledge of the quality and condition of the privately rented stock in your area?

(Required)
Please select all that apply

☐ a) Stock condition survey

☑ b) Stock modelling

☑ c) Estimate based on contact with landlords/tenants

☑ d) Estimate based on general knowledge of local housing stock

☑ e) Housing census

☑ f) Other: e.g. licensing schemes(s), council tax, please provide details (below)

Answer (option - f)

We have a number of sources of information regarding the PRS. This includes our current Mandatory HMO Licensing Scheme, our reactive property inspection findings, as well as working with stakeholders. We have a PRS governance board, we engage with the local university and students union, the local landlord association, and have set up a local tenant group consisting of over 80 local tenants to hear their views and experiences. We have also conducted several surveys with residents and landlords of the city to better understand the PRS, the property conditions, and the challenges stakeholders face. We also use other sources of local data such as Council Tax, Land Registry, Planning and building control, information from the local fire and rescue service, and deposit protection schemes. In 2020 we also commissioned some stock modelling with the BRE. We also use national data such as the ONS.

5 Approximately what number of full-time equivalent (FTE) do you have in your housing enforcement team? In answering, please provide the number of all staff working on private rented sector standards, enforcement and licensing, including how many FTE Environmental Health Officers are carrying out enforcement, plus those that work in administrative and managerial roles, but not including legal resource. Also please do not include staff who only work on MEES. Where a staff member works on MEES alongside other housing enforcement, please include them in your FTE numbers.

Optional

11 FTE (1 Manager, 2 team leaders, 5.8 Housing Regulations officers, 1 landlord and tenant support officer, 1.2 Admin officers)

6 Do you run any Selective and/or Additional Licensing schemes in your area?

(Required)
Please select all that apply

☐ Selective

☑ Additional

☐ Neither

Portsmouth City Council have made an Additional Licensing Scheme designation which will commence on 1st September 2023.

7 If you do run any licensing schemes, approximately how many properties are covered by your scheme(s)? Please break down by each individual Selective/Additional licensing scheme

Optional

Portsmouth City Council currently operates a Mandatory Licensing Scheme, which covers 1200 HMO properties. A designation for a city wide Additional Licensing scheme has been made and will commence from 1st September 2023. This scheme is estimated to cover 4800 HMO properties.

Prevalence of damp and mould

The following questions relate to your assessment of damp and mould issues in your local authority area. If you are not able to provide a response to any of the following questions, please respond with 'n/a'.

8 Based on your assessment of damp and mould issues affecting private rented sector properties in your area, approximately what proportion do you currently estimate to have category 1 damp and mould hazards?

% *(Required)*

1%

9 What data sources do you normally use to come to the assessment provided in question 8?

(Required)
Please select all that apply

☐ a) Stock condition survey

☐ b) Stock modelling

☑ c) Estimate based on contact with landlords/tenants

☑ d) Estimate based on general knowledge of local housing stock

☑ e) Other e.g. licensing schemes(s), council tax etc.: (please specify below)

Other please specify

An estimate based on HHSRS assessment data carried out between 2019 - 2022 by the Housing Regulations team, where an average of 4% of the reactive HHSRS inspections, and 0.56% of the proactive HMO Licensing inspections identified Category 1 Damp & Mould hazards, and taking into account that this is a minority of the overall PRS in the city and comparing it to previous stock modelling undertaken by the BRE.

Comparing this to the English housing survey 2020-21 where it is estimated that 6.4% of PRS properties in the South East of England have damp present (either Cat 1 or Cat 2), that nationally 10% of pre-1919 properties or 9% of converted flats have damp present (which represent a large proportion of the PRS in Portsmouth), then an estimate of 1% Category 1 hazards appears a reasonable estimate.

10 Based on your assessment of damp and mould issues affecting private rented sector properties in your area, approximately what proportion do you currently estimate to have category 2 damp and mould hazards?

% *(Required)*

20%

11 What data sources do you normally use to come to the assessment provided in question 10?

(Required)

Please select only one item

☐ a) Stock condition survey

☐ b) Stock modelling

☒ c) Estimate based on contact with landlords/tenants

☒ d) Estimate based on general knowledge of local housing stock

☒ e) Other e.g. licensing schemes(s), council tax etc.: (please specify below)

Other please specify

An estimate based on HHSRS assessment data carried out between 2019 - 2022 by the Housing Regulations team, where an average of 57% of the reactive HHSRS inspections, and 38% of the proactive HMO Licensing inspections identified Category 2 Damp & Mould hazards, and taking into account that this is not true sample of the overall PRS in the city (it is made up predominantly of properties where the tenant has contact us to complain about their living conditions, or licensed HMOs) and comparing it to previous stock modelling undertaken by the BRE.

Comparing this to the English housing survey 2020-21 where it is estimated that 6.4% of PRS properties in the South East of England have damp present (either Cat 1 or Cat 2), that nationally 10% of pre-1919 properties or 9% of converted flats have damp present (which represent a large proportion of the PRS in Portsmouth), then an estimate of 1% Category 1 hazards appears a reasonable estimate.

12 If you have not collected the information requested or are not able to provide information in this way, please can you tell us why? Please put n/a if you have provided the above data.

Answer *(Required)*

N/A

Enforcement Questions: complaints

The following questions relate to damp and mould complaints and inspections in your local authority area. If you are not able to provide a response to any of the following questions, please respond with 'n/a'.

13 Please tell us what steps you take when you receive a complaint about damp and mould from a private rented sector tenant. Where relevant, please refer to or provide links to any enforcement policies you have in place (e.g. on enforcing category 2 hazards) and any guidance you might provide for tenants experiencing damp and mould issues.

Officers assessing properties in the Private Rented Sector do so through two approaches; a reactive approach responding to a complaint (service request) received concerning hazards in the home, and a proactive approach through mandatory licensing of houses in multiple occupation (HMO) which is due to be expanded to a city wide additional licensing scheme from 1st September 2023.

Reactive complaints are often received directly from the tenant themselves, where the landlord has failed to resolve the matter the tenant can seek support via the local authority to inspect the property and where appropriate take steps to ensure hazards are remediated.

Officers will carry out inspections following a request for service from a tenant or referral from a partner or enforcement agency concerning unsatisfactory housing or overcrowded conditions. Tenants making requests for service will be asked to confirm that they have informed their Landlord of the disrepair and they have failed to act in a reasonable timescale. Inspections will take place where initial communications between this service and the landlord, agent or owner have not successfully resolved the issues for the customer.

There will be circumstances where an inspection may be undertaken in the first instance, for example where:

- there appears to be significant risks to the health and safety of occupiers and/or visitors

- the tenant or prospective occupier is vulnerable

- the issues are complex or involve neighbouring properties

- there is a poor history of compliance with legal requirements for housing conditions and/or management practices

- the property is empty

Where an inspection is undertaken, officers will assess compliance with all enforceable legal requirements, including a risk assessment under the Housing Health and Safety Rating System (HHSRS) and also licence conditions if applicable. This may involve referrals to other agencies or local authority service areas.

It is the council's aim to action requests for service promptly. Requests for service are typically received from:

- tenants/occupiers

- the general public

- property letting and managing agents

- referrals from other council services

- referrals from agencies

Details of the source of the service request will not be divulged when dealing with Landlords or agents.

The Housing Regulations team have a housing regulations officer "on duty" taking phone calls and emails regarding new complaints each day, who will speak to the complainant or referrer at the point of contact. They will book in an inspection appointment during this initial contact where it is identified as necessary, and will usually notify the relevant parties (tenant and landlord) of the inspection date, time and purpose (in accordance with section 239 of the Housing Act 2004). The inspection is undertaken as a HHSRS assessment, and any hazards identified are dealt with in accordance with the Private Sector Housing enforcement policy. This policy outlines that we will try to work with landlords or agents in our first interactions with them to educate them on their obligations, and deal with hazards informally through work schedules with clear timescales for compliance (which will be escalated to formal enforcement if not complied with). For landlords or agents that we have a history of interaction with regarding poor property conditions or management practices; or in situations where the property conditions are extremely poor, we will consider formal enforcement action in the first instance. The Council will take action where Category 1 hazards are identified, or higher scoring Category 2 hazards.

The Council's Private Sector Housing enforcement policy was recently updated, to include updates in legislation and give a clear view on the Council's approach regarding enforcement. The updated policy explains what steps Officers will take towards effective regulation and enforcement of the Private Rented Sector, including the use of Civil Penalty Notices and Prosecutions, and gives clarity on when a punitive approach will be taken by the team. Appendix-3-Private-Sector-Housing-Enforcement-Policy-2022.pdf (portsmouth.gov.uk)

Portsmouth City Council's Private Rented Sector Strategy 2021-2026 provides detail on how the Council aims to both regulate and work with the sector to achieve positive outcomes for tenants and landlords. The strategy outlines the approach towards compliance in the sector, with the council supporting good landlords whilst taking enforcement action against those bad landlords who flout or dismiss their responsibilities and put tenants at risk. Private Rental Sector Strategy for Portsmouth 2021- 2026

Several non-enforcement activities also contribute toward the Council's approach to support both tenants and landlords. The Council employs a dedicated landlord and tenant support Officer who, as part of their role, deliver workshops, produce educational materials, and operate a tenant group. We also provide information, advise and support through the council's website with a view to assisting tenants and landlords, and are in the process of reviewing and developing this further.

Many of these activities have been aimed at damp and mould within the home, with specific workshops and material being provided for tenants, especially where these issues are linked to fuel poverty, lifestyle and/ or cost of living. Through the Council's "Switched on Portsmouth" program, tenants and landlords are able to seek out grants and other financial incentives to improve the thermal efficiency of their homes or find assistance with the costs of heating.

All staff at the council are encouraged to make every contact count with members of the community, and recently launched an online tool to support people struggling with cost of living, which often contributes to the prevalence of damp and mould due to fuel poverty. This was recently recognized by the Local Government Association (LGA) who have published the format as an example of good practice Portsmouth City Council: New cost of living tool for frontline staff and residents | Local Government Association

14 Overall, how many complaints relating to housing standards have you received in the last three financial years that reference or relate to damp and mould issues in the private rented sector?

The below data is based on analysis of the authorities' case management

system, where keywords "damp" and "mould" have been found within the correspondence information or Officer notes. As a result, this can only be used as an indicator of complaints relating to damp and mould.

Answer - 2019/2020 *(Required)*

191

Answer - 2020/2021 *(Required)*

110

Answer - 2021/2022 *(Required)*

135

15 Of the complaints you received that reference damp and mould in the last three financial years, approximately how many resulted in inspections?

Answer - 2019/2020 *(Required)*

96

Answer - 2020/2021 *(Required)*

17

Answer - 2021/2022 *(Required)*

61

16 If you have not collected the information requested or are not able to provide information in this way, please can you tell us why? Please put n/a if you have provided the above data.

answer *(Required)*

N/A

Enforcement Questions: category 1 damp and mould hazards

The following questions ask for the number of category 1 damp and mould hazards identified broken down by inspections resulting from complaints, licensing, stock modelling and other reasons. If you are not able to provide a response to any of the following questions, please respond with 'n/a'.

17 Approximately how many inspections have you undertaken overall in the last three financial years?

The below data is a combined figure of HHSRS assessments carried out on both licensed HMO properties and in response to complaints received of hazards present in the home. This includes inspections to check that required works have been completed, and inspections under Part 2 Housing Act 2004 to verify if a property is suitable to be used as a licensable HMO, and if any special conditions of the licence are required.

Portsmouth currently licenses 1200 HMOs through its mandatory licensing scheme, with approximately 80 per year of these requiring a visit prior to licence due to concerns of suitability, such as size of the property or availability of amenities, based on the requirement set out in our local HMO space and amenity standards document.

Answer - 2019/2020 *(Required)*

706

Answer - 2020/2021 *(Required)*

254

Answer - 2021/2022 *(Required)*

504

18 Thinking now ONLY about all of the inspections that you undertook as a result of complaints, approximately how many have identified a category 1 damp and mould hazard?

Answer - 2019/2020 *(Required)*

3

Answer - 2020/2021 *(Required)*

1

Answer - 2021/2022 *(Required)*

7

19 Thinking now ONLY about all the inspections that you undertook as a result of licensing, approximately how many have identified a category 1 damp and mould hazard?

Answer - 2019/2020 *(Required)*

2

Answer - 2020/2021 *(Required)*

0

Answer - 2021/2022 *(Required)*

0

20 Thinking now ONLY about all the inspections that you undertook as a result of stock modelling, approximately how many have identified a category 1 damp and mould hazard? **N/A**

Answer - 2019/2020 *(Required)*

Answer - 2020/2021 *(Required)*

Answer - 2021/2022 *(Required)*

21 Thinking now ONLY about all the inspections that you undertook for reasons other than complaints, licensing or stock modelling, approximately how many have identified a category 1 damp and mould hazard? **N/A**

Answer - 2019/2020 *(Required)*

Answer - 2020/2021 *(Required)*

Answer - 2021/2022 *(Required)*

22 If you have not collected the information requested above or are not able to provide information in this way, please can you tell us why? Please put n/a if you have provided the above data.

answer *(Required)*

Portsmouth City Council carry out property inspections either in response to complaints received, or proactively through its mandatory licensing scheme (Additional licensing will be introduced on 01/09/2023. Inspections were not undertaken for the stock modelling exercise undertaken by the BRE for the city council in 2020, nor did that stock modelling specifically identify the prevalence of damp and mould hazards in properties (it looked at the prevalence of HHSRS hazards generically, as well as specifically excess cold).

Enforcement Questions: category 2 damp and mould hazards

The following questions ask for the number of category 2 damp and mould hazards identified broken down by inspections resulting from complaints, licensing, stock modelling and other reasons. If you are not able to provide a response to any of the following questions, please respond with 'n/a'.

23 Thinking now ONLY about all the inspections that you undertook as a result of complaints, approximately how many have identified a category 2 damp and mould hazard?

Answer - 2019/2020 *(Required)*

91

Answer - 2020/2021 *(Required)*

17

Answer - 2021/2022 *(Required)*

60

24 Thinking now ONLY about all the inspections that you undertook as a result of licensing, approximately how many have identified a category 2 damp and mould hazard?

Answer - 2019/2020 *(Required)*

98

Answer - 2020/2021 *(Required)*

35

Answer - 2021/2022 *(Required)*

66

25 Thinking now ONLY about all the inspections that you undertook as a result of stock modelling, approximately how many have identified a category 2 damp and mould hazard? **N/A**

Answer - 2019/2020 *(Required)*

Answer - 2020/2021 *(Required)*

Answer - 2021/2022 *(Required)*

26 Thinking now ONLY about all the inspections that you undertook for reasons other than complaints, licensing or stock modelling, approximately how many have identified a category 2 damp and mould hazard? **N/A**

Answer - 2019/2020 *(Required)*

Answer - 2020/2021 *(Required)*

Answer - 2021/2022 *(Required)*

27 If you have not collected the information requested above or are not able to provide information in this way, please can you tell us why? Please put n/a if you have provided the above data.

answer *(Required)*

Portsmouth City Council carry out property inspection either in response to complaints received, or proactively through its mandatory licensing scheme. Inspections are not completed as a result of stock modelling or any other means.

Enforcement action

The following questions ask for figures on enforcement action taken in relation damp and mould hazards, including the number of improvement notices and civil penalty notices issued and the number of prosecutions. If you are not able to provide a response to any of the following questions, please respond with 'n/a'.

28 Please provide the figures for all formal and informal enforcement action taken on damp and mould hazards:

Answer - 2019/2020 *(Required)*

2 Formal enforcement / 192 informal enforcement

Answer - 2020/2021 *(Required)*

3 Formal enforcement / 50 informal enforcement

Answer - 2021/2022 *(Required)*

7 Formal enforcement / 126 informal enforcement

29 Please provide the figures for improvement notices issued in relation to damp and mould hazards:

Answer - 2019/2020 *(Required)*

2

Answer - 2020/2021 *(Required)*

3

Answer - 2021/2022 *(Required)*

7

30 Please provide the figures for civil penalty notices issued in relation to damp and mould hazards:

Answer - 2019/2020 *(Required)*

0

Answer - 2020/2021 *(Required)*

0

Answer - 2021/2022 *(Required)*

0

31 Please provide the figures for prosecutions pursued in relation to damp and mould hazards:

Answer - 2019/2020 *(Required)*

0

Answer - 2020/2021 *(Required)*

0

Answer - 2021/2022 *(Required)*

0

32 Please provide the figures for successful prosecutions in relation to damp and mould hazards:

Answer - 2019/2020 *(Required)*

0

Answer - 2020/2021 *(Required)*

0

Answer - 2021/2022 *(Required)*

0

Wider context

33 Please rank in priority order (1 - the highest impact / 6 - the least impact) how the following have had an impact on enforcement action relating to damp and mould in your area

	1	2	3	4	5	6
a) Capacity of your local authority. i.e. resource and funding hindering capacity to take enforcement action relating to damp and mould. *Please select only one item*	○	○	○	●	○	○
b) Experience and expertise in the local authority. i.e. a lack of officers with experience, for example, experience pursuing prosecutions or expertise within the team including, for example, legal expertise. *Please select only one item*	○	○	●	○	○	○
c) Strategic prioritisation of private rented sector enforcement. i.e. competing priorities leading to relatively lower prioritisation of enforcement action or proactively enforce. *Please select only one item*	○	○	○	○	○	●
d) The regulatory/ legal framework for enforcement activity. i.e. too much complexity in legislation. *Please select only one item*	●	○	○	○	○	○
e) Issues with gathering or providing evidence. i.e. tenants reluctant to provide statements or difficulties gathering the requisite evidence for issuing a fine or prosecuting. *Please select only one item*	○	○	○	○	●	○
f) Limited data on the private rented stock. i.e. difficulties identifying private rented properties or insufficient resource to map out private rented stock. *Please select only one item*	○	●	○	○	○	○

34 Please say why you have ranked the items on question 31 in this orderIM

The current HHSRS framework results in damp and mould hazards typically scoring as low Category 2 hazards. Very few damp and mould hazards are scored as Category 1, or even high scoring category 2, and therefore often difficult to justify formal enforcement action.

We have limited data on the prevelance of damp and mould in the local PRS. Stock modelling and stock condition surveys are costly, have limitations on their accuracy, and as the PRS is a rapidly changing become outdated quickly. It would help to have visibility of where all of the PRS properties are in the city, as well as the landlords. Landlord registration would be helpful with this.

The majority of our inspections are reactive to service requests, or where we become alerted to a potential issue through other agencies, or on proactive inspection as a result of identifying issues with a specific landlord or building. There are many tenants who do not wish to access the support of the Housing regulations service because of fear of repercussions (eviction, increased rents etc).

There has been a high turnover of staff in recent years in the Housing Regulations team, who are relatively inexperienced regarding enforcement activity, which impacts the capacity to progress enforcement action at pace, without the need for

management support. However, the team are receiving Level 5 training through the University of Middlesex intended to improve this issue and in time Officers will have stronger knowledge and experience to confidently take enforcement action.

Less impact is felt locally regarding the prioritization of enforcement, with clear local policies outlining how formal enforcement action will take place. Whilst there are some complexities within the legal framework of Officers work, the team are supported by the internal Legal Services department who can provide support and advice. Generally, customers are willing to engage in the enforcement process to support their housing circumstances and make those responsible accountable, however there are situations where customers may fear retaliation from their landlord which can impact on enforcement activity.

35 Does the Housing Health and Safety Rating System (HHSRS) allow for an effective assessment of how serious and dangerous damp and mould is in people's homes?

Please select only one item

◯ Yes

⬤ No

◯ Not sure

36 If not, what changes should be made to the HHSRS, to the system for categorising hazards or to enforcement powers under the Housing Act 2004?

The current HHSRS operating guidance is reflective of health data obtained before February 2006, and provides guidance towards the vulnerable age group based on statistical averages at the time. However, more recent data may suggest that further consideration should be given towards the spread of harm outcomes with the vulnerable age group (Class 1 - Class IV) which generally scores very low on average. In its current form, likelihood would need to be significantly increased to establish a category 1 or high category 2 hazard and thus become "actionable" in terms of enforcement.

Data obtained through the introduction of Minimum Energy Efficiency Standards could be incorporated into the guidance as a consideration to increase likelihood of harm where a property fails to meet the standard, as poor thermal efficiency is known to contribute towards the prevalence of category 1 hazards regarding damp and mould and excess cold.

37 What other measures would help you to better prioritise addressing housing enforcement issues such as damp and mould?

The introduction of a landlord register, as currently being considered under government consultation through the Renters Reform Bill, would give further information to support proactive enforcement, which would over time effectively reduce demand on local services by focusing enforcement on the most non-compliant landlords. This visibility would also support tenants know who they are renting from and trusting to follow the law.

Portsmouth City Council regulates HMO's through its mandatory licensing scheme, which applies to all shared houses with 5 or more tenants forming 2 or more households. Council Officers will assess properties utilizing the Housing Health and Safety Rating System (HHSRS) risk assessment tool. In addition to this assessment, Portsmouth City Council also publish a set of standards to be applied to all licensable HMOs to ensure the space and amenity standards are appropriate and safe for occupants. These standards were recently updated to provide additional detail and clarity regarding the standards expected within HMOs, and how these will be applied.

The Council plans to extend its licensing scheme for HMOs, with

a recent designation being made for the introduction of a city wide additional licensing scheme. The scheme will commence on 1st September 2023. HMOs in the Portsmouth area are estimated to make up nearly 25% of local PRS so this scheme will ensure that a much higher proportion of the local PRS are being proactively inspected.