

## **Report to Portfolio Holder for Public Protection**

**Subject:** Damp and mould in rented accommodation progress report

**Date:** 12<sup>th</sup> June 2024

**Author:** Food, Health and Housing Manager

### **Wards Affected**

All wards

### **Purpose**

For the portfolio holder to note the progress on tackling damp and mould and publish the action plan

### **Key Decision**

Not a key decision

### **Recommendation(s)**

**THAT the Portfolio holder:**

- 1) Notes the progress on implementing the damp and mould action plan and approves the publishing of the plan**

## **1 Background**

- 1.1 Following the tragic death of Awaab Ishak after contracting a respiratory condition caused by damp and mould in his home the Government wrote to councils in September 2023 requesting action to address pervasive damp and mould and issued new guidance to local authorities. The guidance to council's included a requirement to produce a damp and mould action plan.
- 1.2 The council produced a damp and mould action plan in October 2023 for Environmental Health and Housing Officers to take steps to address damp and mould improve the performance and management of services to investigate damp and mould hazards in rented accommodation.

- 1.3 This report seeks to update the portfolio holder on progress to deliver the actions set out within the damp and mould action plan.
- 1.4 The Council has a statutory obligation to deal with hazards in Council and private sector properties. The Housing Health and Safety Rating System (HHSRS) states that a dwelling must be free of category one hazards, and the existence of hazards should be a trigger for remedial action. Damp, mould and excess cold may amount to a category one hazard. In the social housing sector, the Decent Homes standard includes a requirement that a property must be free of category one hazards.
- 1.5 The Council takes a pro-active approach in Selective Licensing designated areas, and a reactive approach to deal with unresolved complaints elsewhere. Tenants should first contact their landlord, who has a duty to ensure that properties are fit for human habitation. Tenants can request an inspection by a Environmental Health Officer (EHO) if their landlords have failed to carry out appropriate repairs. Landlords are held to account in relation to any hazards presented by damp and mould.

## **2 Proposal**

- 2.1 That the portfolio holder, notes the progress on implementing the damp and mould action plan and approves the publishing of the plan.

## **3 Alternative Options**

- 3.1 That the portfolio holder does not approve the plan for publishing which would not be inline with the Government guidance.

## **4 Financial Implications**

- 4.1 In 2023 the council's leadership approved a growth bid to increase the private sector housing team and employ an additional Housing Improvement and Enforcement Officer to be funded via housing civil penalty income. Whilst this officer predominantly focusses on increasing selective licensing applications and pursuing landlords for failing to apply for licences this frees up EHO capacity to focus on damp and mould investigations which is funded using existing resources.

## **5 Legal Implications**

- 5.1 There are legislative requirements for keeping social housing and private sector properties in a reasonable state of repair and free from hazards, which are also applicable to damp and mould.
- 5.2 The Social Housing (Regulation) Act received Royal Assent on the 20th July 2023. The Act will introduce "Awaab's law" which will require landlords

to fix reported health and safety hazards within specified timescales

- 5.3 The Social Housing (Regulation) Act also enhances the powers of the Regulator by permitting regular inspections of the largest social housing providers and the power to issue unlimited fines to rogue social landlords, the inspections are expected to commence in April 2024
- 5.4 The Council has a statutory obligation under section 3(1) of the Housing Act 2004 to keep the housing conditions in their area under review with a view to identifying any action that may need to be taken, and at section 4(1) and (2) to inspect properties where Category 1 or 2 Hazards may exist. Section 5 of the Housing Act 2004 places a statutory duty on the Council to take action where Category 1 hazards exist. The council's private sector housing team can utilise the above enforcement powers on both social and private landlords who fail to comply with their legal responsibilities.

## **6 Equalities Implications**

- 6.1 Damp and mould can negatively impact upon the health and wellbeing of children and vulnerable adults. It is therefore imperative that we address and deal with the issue as soon as possible
- 6.2 The presence of mould within homes can disproportionately affect people with protected characteristics including younger children, older adults or someone with a health condition. The presence of mould may also have an impact on an individual's mental health. The private housing service prioritises the response time for anyone with a critical/imminent hazard in the home to enable it to be dealt with sooner.
- 6.3 Tenants have a right to reside in a home which is fit for habitation. An equalities impact assessment is included in appendix B.

## **7 Carbon Reduction/Environmental Sustainability Implications**

- 7.1 Additional visits to properties by EHOs and Improvement Officers to assess damp and mould reports may increase vehicle emissions but the public health benefits are greater in terms of protecting tenants and reducing adverse health impacts. Staff manage their workloads and plan visits to reduce unnecessary car journey. See climate impact assessment in appendix C.

## **8 Appendices**

- 8.1 Appendix A – Damp and Mould Action Plan updated June 2024
- 8.2 Appendix B – damp and mould equalities impact assessment

8.3 Appendix C – damp and mould climate impact assessment

**9 Background Papers**

9.1 None

**10 Reasons for Recommendations**

10.1 To contribute to the ‘Place’ corporate priority and the ‘housing’ objective to ensure “*individuals and families can access high quality, affordable and energy efficient housing to bring to life neighbourhoods*”.

**Statutory Officer approval**

**Approved by:**

**Date:**

**On behalf of the Chief Financial Officer**

**Approved by:**

**Date:**

**On behalf of the Monitoring Officer**