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Agenda Supplement

Dear Councillor

HOUSING COMMITTEE - MONDAY, 12TH DECEMBER, 2022

I am now able to enclose, for consideration on Monday, 12th December, 2022 meeting of the Housing Committee, the following reports that were unavailable when the agenda was printed.

Agenda No	Item
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| 10. | <u>Damp & Mould Update</u> (Pages 3 - 12) |
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Yours sincerely

Chief Executive

Encs

08/12/22

Committee(s): Housing Committee	Date: 12 December 2022
Subject: Information report on damp and mould in rented homes	Wards Affected: All
Report of: Julian Higson, Director of Housing (interim)	Public
Report Author: Name: Julian Higson, Director of Housing (interim) E-mail: julian.higson@brentwood.gov.uk	For Information

Summary

This report provides an initial update on damp and mould issues in rented housing within the Brentwood Borough Council area, and the council's response(s) to date.

Main Report

Introduction and Background

1. Damp and mould in rented housing has become a national issue following the inquest into the tragic death of young Awaab Ishak as a result of conditions in his home. The Council welcomes the resultant focus on damp and mould from the Government and social housing regulator that this has prompted and shares the hope that this will improve standards in rented housing.
2. On 19th November 2022 the Secretary of State for the Department of Levelling Up Housing and Communities wrote to all councils, requesting information on the prevalence of damp and mould, and data on private sector enforcement activity for the previous three years. Councils were given until 30th November to provide an initial response, and 27th January 2023 to provide detailed data.
3. Subsequently the Regulator of Social Housing has written to all registered providers asking for similar information and data from housing associations.
4. The Secretary of State wishes to know what local authorities are doing to prioritise and tackle housing standards across all tenures, and to ensure that there is adequate resource to do this. The initial focus is on damp and mould, but may be widened at a later date to incorporate other areas.
5. The Council agrees it is vital to review its activities around damp, mould and condensation. All councils and landlords should learn from the events that led to Awaab's death, implementing local and sector wide improvements aimed at preventing a reoccurrence.

The Council's response

6. The Council mobilised resources quickly to review current operations and gather the data required by the Secretary of State (SoS). This involved officers from across housing and environmental health services.
7. A response was sent to the SoS on 30th November (Appx A). This included full details of all enforcement cases for the previous three years, an initial assessment of council housing damp and mould issues, and details of how the Council promotes good conditions in rented housing. The Council was able to provide full details of enforcement cases and actions by the 30th November, rather than by the 27th January extended deadline.
8. The Council will co-operate in any further data and policy requests from DLUHC, and will act promptly to implement any recommendations from either the Government or the Regulator of Social Housing.
9. The Council's performance and actions in respect of damp, mould and condensation are set out in the next section, on a tenure specific basis.

Private rented sector

10. The data for the private rented sector reveals a total of 51 complaints of damp and mould were received in the previous three years. Thirty cases were resolved through enforcement action, comprising advice and/or notices served on landlords. No cases were assessed as warranting prosecutions or penalty notices.
11. Brentwood has a relatively small private rented sector (13.67% of all homes) compared to the national average. There are relatively few houses in multiple occupation, where poorer standards are often concentrated. This may have contributed to the lower number of serious issues.
12. The Council's website has a dedicated section for private renting, offering advice, guidance and signposting to relevant organisations. There are resources and leaflets concerning damp and mould. There are also details of the Council's Affordable Warmth programme.
13. Council finances at Brentwood are under significant pressure. The Environmental Health Service (which includes private housing enforcement) has a vacancies at present which has reduced overall capacity. However the

Council retains the capacity to investigate all complaints of disrepair (including damp) within the private rented sector.

Council housing

14. The council received 250 complaints for council homes relating to damp, mould, water ingress and condensation in the year 2021/22. A further 217 complaints have been received in the 2022/23 year to date (this includes 23 new complaints made since the SoS intervention. This is a considerable quantity, although early benchmarking suggests numbers are within the range expected for councils with stock of similar age and archetypes. It should be noted that some of these complaints will be for roof leaks and flooding from neighbouring property rather than persistent damp and mould cases.
15. All cases are investigated and actioned, with follow up works undertaken, and/or advice given to residents. Works might include: repairs to building fabric; installation of insulation or improved ventilation; redecoration with anti-mould products, or improvements to central heating. The Council is in the process of going through all individual complaints since 2021/22 in detail to ascertain any cases that remain outstanding or unresolved. All these cases will be visited by the housing technical team to identify whether further works or interventions are required. Early indications are that there are 95-125 cases that may warrant a follow up visit (the approach taken is to err on the side of caution and follow up where there is any ambiguity).
16. There are a further six cases where residents are pursuing legal action (or threatening legal action) where the complaint includes damp or mould. All these cases are subject to regular review by the technical team manager, and where works are required, these are authorised. Within the last two years the Council has resolved 12 other legal cases without formal court action. Only one case has reached court hearing stage, and this was determined in the Council's favour by the Court.
17. All historical cases, legal cases, and new cases are being tracked via a dedicated system. This is currently reviewed on a daily basis by the Corporate Repairs Manager, and on a fortnightly basis by the Councils Housing Senior Management Team. The Chair of the Housing Committee will also receive fortnightly progress reports.
18. The Council adopted a formal damp, mould and condensation policy earlier in 2022, which sets out: how to report damp and mould; the council's responsibilities to carry out remedial work; and residents' own responsibilities. This is augmented by a leaflet on tackling mould and condensation, available via web and print. The Council is reviewing the content of these resources, with

a view to updating as best practice in the sector emerges. The Council's Communications Team is developing a publicity campaign to highlight damp and mould, including how to report and deal with cases in the home.

19. The Council's repairs contractor (Axis) has delivered updated training and toolbox talks to their Rochford team. This ensures that all surveying staff and operatives can identify damp and its causes, and make sure that any works are delivered as a priority. Axis also work with an expert damp and mould subcontractor, who is deployed to assess and remediate more complex cases.
20. The Council adopts a fabric first approach to planned programmes, which aims to tackle all components of affordable warmth in each property. This is the most effective way to deliver warm, energy efficient homes. However the authority is also investigating whether interim solutions can be installed to resolve some damp and mould issues in high risk cases, for instance positive input ventilation.
21. In November 2002 the Council submitted a bid to the Department of Business, Enterprise, Industry and Skills (BEIS) as part of the Social Housing Decarbonisation Fund (SHDF). The bid, valued at £3.8 million, targets 152 of the Council's poorest performing council homes making them warm, energy efficient and free from damp. The Council has earmarked £1.9 million in 2023/24 to tackle damp and affordable warmth in its homes.

Other social housing

22. Nationally all registered providers (housing associations) have been contacted by the Regulator of Social Housing and asked to provide data about damp and mould prevalence within their stock.
23. The Council has formally contacted all registered providers operating within the Borough. They have been asked for information on all damp and mould cases, and how these have been dealt with, plus how they will be prioritising damp and mould cases in Brentwood homes. There has been an early positive response from a number of providers. All have stressed their commitment to improving outcomes for residents, ensuring that all damp and mould cases are prioritised and monitored at a senior level within their organisations.
24. The Council will work with registered providers to share best practice that emerges both locally and nationally.

Temporary accommodation (TA)

25. The Council uses a small number of homes as temporary accommodation (TA). Four cases of damp and mould were recorded in TA for the last three financial

years (up to and including the current year) Two of these were remediated by works to the property, and two were successfully remedied following advice to the residents.

Reasons for Recommendation

26. Given the importance of the national issue of damp and mould in rented property, the Council feels it is important that Housing Committee receives an update report on the Brentwood position at the earliest opportunity.
27. The Council does keep records of all damp and mould complaints in the private rented sector and council housing. All complaints are investigated with actions ensuing. The Council also publicises how to report damp, mould and condensation, and what to do in the case of an outbreak.
28. The Council will be following up all unresolved cases of damp and mould, and has implemented a tracker system for all existing and new cases. The Council's contractor Axis, will notify the Council immediately of all new cases.
29. The Council will continue to review how it tackles damp and mould complaints. If there are lessons to be learned from the review and/or from historical cases, these will be implemented without delay.
30. The Council will follow and adopt emerging guidance, legislation and best practice that emerges from government, regulators and the wider rented housing sector.

Consultation

31. Due to the urgent nature of this item, consultation has not been possible.

References to Corporate Plan

32. Provide decent, safe and affordable homes for local people.
33. Drive continuous improvement for our housing services.
34. Develop a 5-year planned maintenance programme for Council housing.

Implications

Financial Implications

Name/Title: Sam Wood, Corporate Manager for Finance
Sam.wood@brentwood.gov.uk

There are no new financial implications arising as a result of this report. The £1.9 million planned HRA expenditure for energy efficiency and affordable warmth is already assumed in the 2023/24 programme.

Legal Implications

Name & Title: Steve Summers, Strategic Director and Monitoring Officer

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The legal implications are set out within the report.

Economic Implications

Name/Title: Phil Drane, Director of Place

Tel/Email: 01277 312610/phil.drane@brentwood.rochford.gov.uk

There are no direct economic implications.

Equality and Diversity Implications

Name/Title: Kim Anderson, Corporate Manager Community Leisure and Health

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People with protected characteristics are disproportionately represented in social housing and the private rented sector. The actions within the report will help to improve the housing conditions of residents in these tenures, and are therefore welcomed.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

Background Papers

Appendices to this report

Appendix A: Response to SoS 30th November

Rt Hon Michael Gove MP
Secretary of State for Levelling Up, Housing And Communities
House of Commons
London
SW1A 0AA

30th November 2022

Dear Secretary of State

HOUSING STANDARDS IN RENTED PROPERTIES

This is Brentwood Borough Council’s initial response to your letter of 19th November asking for information from local authorities about damp/mould issues.

Brentwood has relatively small private rented (PRS) and social rented housing sectors. 13.67% of the District’s homes are in the PRS and 10.3% are social housing, mainly council housing but with a smaller percentage owned by registered providers. Within the PRS only a small minority is comprised of homes in multiple occupation.

The council’s enforcement service investigates all complaints of disrepair in the PRS (including damp and mould). Our statistics for the last three reporting periods (as requested), are as follows:

Year	No of damp/mould complaints	No of cases remediated	Enforcement action taken	No of civil penalty notices	No of prosecutions
2021/22	15	11	Hazard Awareness Notice (x2) Consultation Notice (x1)	0	0
2020/21	15	6	N/a	0	0
2019/20	21	13	Abatement Notice (x1)	0	0

As can be seen, the Council received a relatively small number of complaints in respect of the PRS. We have a record of remediating a majority of damp and mould in the PRS, relying on guidance and advice, or issuing Notices to landlords. We intend to follow up on recent unremediated cases, to review whether they have subsequently been resolved, or whether further action is needed.

As a local authority we use a small number of homes as temporary accommodation (TA). We have recorded four cases of damp and mould in TA for the last three recording periods (up to and including the current year) Two of these were remediated by works to the property, and two were successfully remedied following advice to the residents. Brentwood retains a council housing stock of approximately 2,500 homes. We have received significant number of disrepair featuring cold, damp and mould complaints for the last three years:

Year	Number of complaints
2022/23 (ytd)	194
2021/22	250
2020/21	200

All cases are investigated and actioned, with follow up works undertaken, and/or advice given to residents. We are in the process of going through the individual records in detail to ascertain any cases that remain outstanding or unresolved. All these cases will be visited by our technical team to identify whether further works or interventions are required. We are reviewing our responsive and planned maintenance programmes to make sure that damp and mould is prioritised. We have adopted a fabric first approach to our planned programmes, where we aim to tackle all components of affordable warmth in each property. However we are also investigating whether interim solutions can be installed to resolve some damp and mould issues in high risk cases, for instance positive input ventilation.

Within the last four financial years we have received 19 formal legal actions from council tenants for disrepair involving damp and mould. All of these are reviewed by the technical management team on a regular basis. Eight of these cases have subsequently been closed to the satisfaction of the tenants. There are seven ongoing cases where the Council has agreed to carry out remedial works. One case reached court last month, where the judge found in favour of the council, finding that we had discharged our responsibilities satisfactorily.

The Council has contacted all registered providers operating within our area. We have asked for data on all damp and mould cases, and how these have been dealt with. We have also asked for their policies and tenant information about damp, mould and disrepair. Council finances at Brentwood are under significant pressure. The Environmental Health Service (which includes private housing enforcement) has a number of vacancies at present which has reduced overall capacity. However the Council retains the capacity to investigate all complaints of disrepair (including damp) within the private rented sector. The Council's and help on damp on mould includes:

- The Council's website provides information to tenants on how to report disrepair
- Advice on damp and mould is provided in the form of an information leaflet (web based and in print)
- Earlier this year the Council produced a new damp and mould policy (multitenure) which received Housing Committee approval

- We have a dedicated private sector section of the Council's website, offering help and support to private tenants and landlords
- Jointly with other Essex Councils we hold regular landlord forums
- We offer additional help through an Affordable Warmth Programme
- We have submitted bids for additional insulation programmes
- We publicise our cost of living support programmes (in partnership with a range of local organisations).

We will be reviewing our tenant information and damp/mould information leaflet, to ensure they reflect best practice. Our communications team is ensuring that damp and mould reporting is highlighted and easily accessible on the Council website and other media. We will shortly be taking a report to the Council's Housing Committee on damp/mould in residential homes, reporting our performance, capacity, communication and areas for improvement.

Finally, through the "One Team" partnership with Rochford District Council, our two councils are reviewing our full range of services, including enforcement/environmental health. We are evaluating the best delivery models for our customers and whether sharing knowledge, experience and creating shared services can improve outcomes. I trust this response addresses the request in your recent letter. Please get in touch if you need any clarification or further information.

Yours Sincerely



Jonathan Stephenson

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