

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
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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

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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

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The legal implications are set out within the report.

Economic Implications

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There are no direct economic implications.

Equality and Diversity Implications

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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