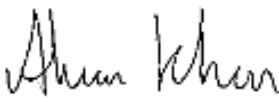


LONDON BOROUGH OF WALTHAM FOREST

Meeting / Date	Cabinet 8 June 2023	
Report Title	The Council's Approach to Damp and Mould	
Cabinet Portfolio	Councillor Ahsan Khan, Deputy Leader (Housing and Regeneration)	
Report Author/ Contact details	Stewart Murray, Strategic Director of Place Tel.: 020 8496 4877 Email: nadia.camporese@walthamforest.gov.uk	
Wards affected	All	
Public Access	Open	
Appendices	Appendix 1 - Task Force Team Structure Appendix 2 - Task Force Operating Model Appendix 3 – Equalities Screening	

1. SUMMARY

- 1.1 This report provides an overview of the Council's approach to managing damp and mould within its own homes and temporary accommodation that it secures on behalf of residents facing homelessness. It also outlines the Council's approach to managing reports of damp and mould in a private rented sector (PRS) properties in Waltham Forest, as well as work that is being undertaken with registered providers (housing associations) to ensure that damp and mould is tackled in homes that they manage in the borough.
- 1.2 Both nationally and within Waltham Forest, there has been an increased focus on the need to effectively address damp and mould. This follows the tragic death of two-year-old Awaab Ishak, who died because of prolonged exposure to mould in his home, which was managed by Rochdale Boroughwide Housing.
- 1.3 The above work will lay the foundations for responding to the Department of Levelling Up, Housing and Communities' (DLUHC) announcement in February 2023 that it will amend the Social Housing Regulation Bill to require social landlords to investigate and fix damp and mould within strict time limits.

2. RECOMMENDATIONS

- 2.1 Cabinet is recommended to note:
 - 2.1.1 The Council's overall response to tackling damp and mould across all housing tenures via a councillor-led Task & Finish Group and a Taskforce made up of specialist officers.
 - 2.1.2 The work that is being undertaken by Regulatory Services to strengthen the Council's response to complaints of damp and mould in privately rented homes.

3. PROPOSALS

Damp and Mould

- 3.1 According to the English Housing Survey, around 904,000 homes in England had damp problems in 2021. This includes around 11% of properties in the private rented sector, 4% in the social-rented sector and 2% of owner-occupied homes.
- 3.2 Damp is caused by water finding its way into a property. There are three different types of damp that can affect homes:
 - **Rising damp** – when moisture is absorbed from the ground into the wall to the height of about one metre. This is the rarest form of damp.
 - **Penetrating damp** – when water penetrates the fabric of a building from outside to inside, such as a leak from a gutter.
 - **Condensation damp** – when moisture in the air meets a cold surface like a window or wall. Condensation can be exacerbated by a lack of insulation, ventilation, or heating, or a combination of all these issues.
- 3.3 Mould is a type of fungi which grows on damp surfaces. Mould can look like a black stain or specks of black, orange, green or brown. Prolonged exposure to mould, including inhaling or touching mould spores, can cause illness. In Waltham Forest approximately 4.3% of housing stock has some level of damp and mould.

National Policy Picture

- 3.4 High-profile national cases and interventions by the Secretary of State for Levelling up, Housing and Communities, the Housing Ombudsman and the Regulator for Social Housing have raised the profile of damp and mould.
- 3.5 In 2022 the coroner at Rochdale coroner's court ruled that the death of two-year-old Awaab Ishak was caused by prolonged exposure to mould in his home. The coroner's report stated that his home had "inadequate ventilation and was not equipped for normal day-to-day living activities which led to excess damp and condensation." The coroner further stated that when Rochdale Boroughwide Housing inspected the property; "Too much emphasis was placed on the cause of the mould being due to parent's lifestyle and did not identify the lack of an adequate ventilation system as a factor in the presence of the mould."

- 3.6 The Housing Ombudsman published its spotlight report on damp and mould in October 2021. The report reviewed 1,595 complaints across the country regarding damp and mould made to the Ombudsman between April 2019 and March 2021. Of these, 410 complaints were formally investigated because the resident was dissatisfied with their landlord's response. 56% of the cases investigated resulted in a finding of maladministration. The spotlight report made 26 recommendations, including that landlords should adopt a zero-tolerance approach to damp and mould, as well as ensuring they treat residents reporting the problem with respect and empathy.
- 3.7 In February 2023, the Housing Ombudsman published a follow up report to examine how landlords had responded to its original recommendations. This report found that, between 2020/21 and 2021/22, there had been a 77% increase in the number of enquires and complaints received about leaks, damp, and mould.
- 3.8 The Regulator for Social Housing (RSH) wrote to all social landlords, including the Council, in November 2022 requiring them to outline how they were dealing with damp and mould and has since published its initial findings. The Regulator found that most people living in social housing have homes that are free from damp and mould. RSH's best estimate is that less than 0.2% of social homes have the most serious damp and mould problems, 1-2% have serious damp and mould problems, and a further 3-4% have notable damp and mould. RSH found whilst most social landlords take action to tackle damp and mould in tenant's homes, they could strengthen their approach.
- 3.9 In February 2023, DLUHC announced that it would be amending the Social Housing Regulation Bill to require social landlords to investigate and fix damp and mould within strict time limits. The Government's plans to tighten the regulation of social landlords in respect of damp and mould are detailed further in paragraph 7.2.1 of this report.

Coordination of the Council Response

- 3.10 The Council has implemented a coordinated strategic and operational response to damp and mould. A **Damp and Mould Task & Finish Group**, chaired by the Deputy Leader and Portfolio Holder for Housing and Regeneration, was set up in December 2022. The Group initially met every two weeks and, since April 2023, has been meeting monthly. The Group is made up of lead officers from Housing, as well as other Council services, including Public Health, Early Intervention and Regulatory Services. The Group receives operational updates, performance reports and coordinates communications with tenants and residents regarding damp and mould.
- 3.11 Funding for a Damp and Mould Task Force was agreed in December 2022 and the Task Force was mobilised in January 2023. This is a specialist team that responds swiftly and effectively to reports of damp and mould in council owned and managed properties. The Task Force's

team structure can be found at Appendix 1 and its operating model is included at Appendix 2.

- 3.12 To support a whole-council focus on tackling damp and mould, performance dashboards have been developed. These cover both councillor enquiries and contractor performance with respect to damp and mould. The communication plan included a refresh of the damp and mould content contained in relevant sections (Housing and Property Licencing) pages of the Council's website. An FAQ document for councillors was produced and shared with all councillors at the beginning of May 2023. A new advice leaflet for tenants on condensation, damp and mould is being produced.

Approach to Council Homes, including Smart Sensor Pilot

- 3.13 The **Damp and Mould Task Force** is responsible for improving the Council's response to issues with damp and mould in tenant's homes. The task force monitors reports of damp and mould and works proactively with Morgan Sindall Property Services to ensure that these reports are prioritised and responded to within agreed timescales. Priority is given to residents who are either vulnerable, have children under 10 years of age, have medical issues or are overcrowded. The task force manages complaints made regarding damp and mould to ensure that lessons are learnt, and practice continually improves. The team have also been reviewing historical cases dating back 18 months as well as taking measures to prevent damp and mould from re-occurring. There is a strong focus on resident communication and guidance and contacts have been made with other organisations to seek best practice.
- 3.14 A pilot of smart sensors for damp and mould will be launched in summer 2023, which will involve installing sensors in up to 100 council homes for an initial six-month period. Where temperature, humidity or carbon dioxide thresholds are breached, the sensor will automatically send an alert. The response to alerts will be managed by the Damp and Mould Task Force and Morgan Sindall Property Services. Detection will trigger a call to the tenant to discuss how to resolve the problem, a potential surveyor's visit and, if needed, a repair or advice and guidance. Tenants will have the option to download an app so that they receive an alert directly. Data from the sensors will be monitored in real-time by the Damp and Mould Task Force via a dashboard. If the pilot is successful, there is the opportunity to rollout future investment in this smart technology to more council homes.

Approach to Temporary Accommodation

- 3.15 The Temporary Accommodation team has reviewed all of its processes for managing complaints of damp and mould to ensure they meet the highest standards. The current process is as follows:
- Before procuring a unit of temporary accommodation, an inspection is undertaken by the relevant Procurement Officer.

- A specification of any works necessary to bring the property to the required standard is drawn up and agreed with the provider / agent, along with an appropriate timescale.
- After the works are completed, a Procurement Officer re-inspects the property to check the works have been undertaken to the Council's satisfaction.
- Once the property is let, a visit will take place within the first six weeks to confirm occupancy and check if any further repairs are required. Periodic visits will then happen once every six months.
- Providers are also required to inspect their properties regularly and submit formal reports after they have done so.

Approach to the Private Rented Sector

- 3.16 The Property Licensing team has received 169 new service requests since 15 November 2022 relating to tenant concerns of damp and mould in PRS properties. 93 properties have been inspected and 55 properties improved as a direct result of intervention by the team. This is a significant increase on previous periods and is almost exclusively related to PRS, with a small number of homes managed by registered providers inspected. Damp and mould cases are prioritised by the team and flagged for an early site visit and inspection when necessary.

In addition to an inspection-led approach, the Property Licensing team is actively engaged in broader interventions to address damp and mould issues in the PRS. A series of measures are being taken, including:

- Targeting grant funding for energy efficiency improvements.
- Work with HEET, a voluntary sector organisation that works to make the homes of residents safe and healthy, with affordable fuel bills and low carbon emissions, targeting households in fuel poverty.
- Reviewing and improving communication and publicity materials.

Work with Registered Providers

- 3.17 Waltham Forest has strong engagement with Registered Providers in the borough through the Waltham Forest Housing Compact. Damp and mould is now a standing agenda item in the strategic and operational liaison meetings that are conducted twice per year with individual providers. The Damp and Mould Task Force are holding a workshop on 23 May to share information and best practice with providers.

Summary of Next Steps

3.18 The Council is continuing to work to improve our response to Damp and Mould. There are a number of key next steps:

- The launch of the environmental sensors pilot in summer 2023
- A refreshed leaflet to advise residents on damp, mould and condensation which will be available from June 2023
- Damp and Mould awareness training is currently being arranged for frontline housing officers and relevant staff in other departments
- Continued engagement with NHS partners, for example, via the GPs forum.

4. OPTIONS & ALTERNATIVES CONSIDERED

4.1 The Council has statutory duties to keep its homes in good repair and to regulate standards in the private rented sector. The actions outlined in this paper are necessary to meet these statutory requirements. There are currently no alternative proposals to be considered.

5. COUNCIL STRATEGIC PRIORITIES (AND OTHER NATIONAL OR LOCAL POLICIES OR STRATEGIES)

5.1 A key objective of the Waltham Forest Housing Strategy, Housing Futures: A Decent Roof for All is ensuring decent, safe, and healthy homes. The Council's approach to damp and mould supports this objective by investing in our own stock and seeking to improve standards in the PRS.

6. CONSULTATION

6.1 It was not necessary to consult on the work being undertaken to tackle damp and mould because the Council has statutory duties to keep its homes in good repair and to regulate standards in the private rented sector. There has, however, been significant engagement and discussion around damp and mould with councillors and a comprehensive FAQ document has been produced.

7. IMPLICATIONS

7.1 Finance, Value for Money and Risk

7.1.1 The cost of the Task Force is funded from the Housing Revenue Account (HRA). The cost of the team, for the fourth quarter of last financial year (2022/23) and the whole of 2023/24 has been calculated as £433k. The need for the team beyond March 2024 will be reviewed by September 2023.

- 7.1.2 The cost of completing repairs and remedial work to treat damp and mould in council homes is funded from the Housing Revenue Account (HRA) Assets Team. Within the HRA revenue budgets there is a repairs and maintenance budget of £7.42m and a capital programme of £35.74m in 2023/24.

7.2 Legal

- 7.2.1 The Government has approved amendments to the Social Housing Regulation Bill to introduce 'Awaab's Law', which when passed will require landlords to fix reported health hazards within specified timeframes.
- 7.2.2 A consultation will be launched later this year to set the timeframes within which landlords will have to act to investigate hazards and make repairs. The Government's intention is to pass secondary legislation as soon as parliamentary time allows.
- 7.2.3 The report to Cabinet asked Cabinet to note the Council's response to the Department of Levelling Up, Housing and communities (DLUHC) announced on 9 February 2023 and the Social Housing Regulation Bill.

7.3 Equalities and Diversity

- 7.3.1 Living in a home with damp and mould problems for a prolonged period can have a detrimental impact on both physical and mental health. Children, the elderly, and people with pre-existing respiratory conditions are particularly vulnerable. Therefore, the delivery of maintenance services which do not meet agreed performance measures will impact residents with vulnerabilities more acutely.
- 7.3.2 An Equalities Analysis screening has been completed and there are no negative or adverse impacts identified (see Appendix 3). An improved service around damp and mould in properties is likely to be a benefit for all residents.
- 7.3.3 Households reporting damp and mould with children aged 10 and under are flagged and our response to damp and mould is closely tracked. Priority for works to be completed is given to vulnerable households with disability, health issues or pregnancy.

7.4 Sustainability (including climate change, health, crime, and disorder)

- 7.4.1 The Council's Climate Action Plan includes a committed to reach net zero greenhouse gas emissions by 2030. Currently 51% of the borough's carbon emissions are generated by residential homes. Improving the energy efficiency of residential housing across the Borough is a key to tenant in improving sustainability and reducing carbon emissions.
- 7.4.2 HEET is a not-for-profit fuel poverty charity that have been commissioned by the Council to run a project to reduce fuel poverty in the borough. The project is targeted at fuel poor households to provide free energy saving advice and fit energy saving measures where needed. Energy saving measures include low energy light bulbs, radiator reflector panels, draught proof doors and insulation. These measures will

help to reduce energy usage in the home and therefore reduce the household carbon footprint.

- 7.4.3 The Council is committed to tackling health inequality in the Waltham Forest. In January 2022 Waltham Forest Council commissioned Professor Michael Marmot and the UCL Institute of Health Equity (IHE) to assess health inequalities in the borough. Their report “A fairer and healthier Waltham Forest” stated that poor quality housing, including damp and cold homes, increase mortality and ill-health. Damp and cold housing have been shown to have a direct impact on residents’ health, for example an increased risk of cardiovascular and respiratory disease for residents living in cold and damp properties. Poor quality housing is a significant driver of health inequalities in the borough.
- 7.4.4 The English Housing Survey 2021 found that damp and mould are most prevalent in privately rented accommodation. The number of people renting private properties in Waltham Forest has increased steadily over the last decade and there are currently estimated to be 39,000 privately rented properties in the borough. This represents over 37% of homes in Waltham Forest. Ensuring healthier homes for tenants across all tenures has been identified as a key part of the Council’s response to the Marmot Report.
- 7.4.5 The Healthier Homes Accelerator Programme is focused on improving the Council’s offer to tenants in the PRS. The programme is reviewing options including a strengthened comprehensive housing advice offer to ensure tenants are aware of their rights, housing options and how to access support.
- 7.4.6 The Waltham Forest Housing Strategy 2019-2024 supports wider Council priorities with a focus on a healthy, safe, green, and more equal Waltham Forest.

7.5 Council Infrastructure

- 7.5.1 IT systems such as the ability for tenants/leaseholders to report and monitor the status of works orders to support the delivery of efficient maintenance services are being developed.
- 7.5.2 Tablets will be issued to surveyors so that they can check the status of works required and place orders whilst on site.

BACKGROUND INFORMATION (as defined by Local Government (Access to Information) Act 1985)

None