



Report to Growth, Infrastructure and Housing Select Committee

Date:	7 September 2023
Title:	Update report regarding Housing Standards in particular to address issues pertaining to Damp and Mould across Buckinghamshire
Cabinet Member(s):	Cllr Mark Winn – Cabinet Member for Homelessness and Regulatory
Service Contact officer:	Jacqui Bromilow, Head of Environmental Health & Trading Standards
Ward(s) affected:	All
Recommendations:	That the Committee note content of this report

1. Background

- 1.1 In November 2022, a coroner published a judgment that outlined that a 2-year-old boy, Awaab Ishak, died from a respiratory condition caused by exposure to mould in the family home in Rochdale, which was rented accommodation. The Council was saddened to hear of what happened in Rochdale. It is recognised that the judgment of the coroner was unusually specific in the fact that the causative factor for the death was outlined to be damp and mould within the property.
- 1.2 In February 2023, a report was presented to the Growth, Infrastructure and Housing Select Committee outlining the known issues within Buckinghamshire along with the approach the council was taking in respect to housing standards, particularly highlighting the work regarding damp and mould.
- 1.3 The committee requested an update report be brought back to the September meeting. This paper provides a review of the volume of cases that occurred during the winter period 2022/2023 and works that have been undertaken in preparation for the upcoming winter period.

2. Review of Issues Winter 2022/2023

- 2.1 The Environmental Health service receives and responds to residents' concerns regarding domestic dwelling condition issues. Demand for the service usually sees cyclical variations which are seasonally dependent, in particular over the winter months where there are increases in reports of issues relating to damp and mould and/or heating systems.
- 2.2 Following last year's Coroner's Judgment in Rochdale, there were high levels of media interest concerning housing standards nationally and the Government launched a number of media campaigns raising awareness about housing conditions and the danger of mould. Many of these campaigns focused on providing information to social housing tenants and explaining the routes for redress that were open to them.
- 2.3 In 2022/23 there were 211 requests for service which related to issues concerning the hazards of damp and mould and/or excess cold (usually absent or broken heating systems). The previous year there were 99. This is an increase of over 100% in demand.
- 2.4 As part of the investigation process in many cases an assessment will be undertaken as per the Housing Health and Safety Rating Scheme as outlined in the Housing Act 2004. The outcome of this assessment provides a number of enforcement options which include providing advice, serving a hazard awareness notice, an Improvement Notice or a Prohibition Order (which gives a period of time for the property or part of the property not to be used) or in cases where a property may present imminent harm an Emergency Prohibition Order.
- 2.5 Where formal enforcement action is instigated, there is a period of time for compliance and the Council will monitor the works after the compliance period has passed. The time period for improvement notices must be reasonable for the works which are required. If the enforcement requirements are not met then we will consider an escalation in line with the Enforcement Policy which may involve the issuing of a Civil Penalty Notice or prosecution in court. Where works are not completed the council will consider doing the works and charging the recipient of the notice for the costs incurred. The case officer will keep the resident informed. Any formal action may be appealed by the recipient of the notice or order which may cause delays until the issue is remedied.
- 2.6 With respect to enforcement activity, in 2022/23 there were 82 Improvement Notices served and 4 Prohibition Orders made. This included 44 Improvement Notices (54% of the total issued) and 3 of the Prohibition Orders (75% of the total) citing damp and mould and/or excess cold.

- 2.7 Of the 82 Improvement Notices served last year, 7 were served on social landlords (8.5% of the total) as well as two of the three Prohibition Orders. All of this activity, except one improvement notice, related to the same social housing provider. The Council is actively engaged with that organisation to address these critical issues and improve housing standards. The organisation has provided officers with direct contact details for a number of people to improve lines of communication. There are also updates being received on outstanding cases.

3. Preparations for Winter 2023/24

- 3.1 Opportunity Bucks is the Council's flagship programme to improve opportunities for people in Buckinghamshire. It is the local response to the Government's Levelling Up White Paper which was published in February 2022.
- 3.2 The programme focuses on 10 Wards in Buckinghamshire where people are experiencing the most hardship (3 in Aylesbury, 1 in Chesham and 6 in High Wycombe)
- 3.3 One of the workstreams regarding the programme addresses 'Standard of Living' which includes projects concerning housing standards and conditions.
- 3.4 In most cases, issues concerning the standard of rented accommodation can generally only be reported by the tenant themselves, although there may be any number of other professionals who may identify possible issues in a residence. For these public sector and other partners who may identify an issue (health visitor, someone from the police or fire service etc.), a new reporting system is under development so that these issues can be actioned and appropriately followed up by enforcement officers. This reporting system is not designed to replace existing processes such as those concerning homelessness or safeguarding.
- 3.5 The Energy Doctor is a scheme funded by the Government through the UK Shared Prosperity Fund and delivered by the Council. Households need to meet certain criteria where they are owner occupied or privately rented, have an income of £30,000 or less, and be in receipt of a qualifying means tested benefit to qualify. Where these households are in a property which has an Energy Performance Certificate of D or below (or does not legally require a certificate for example an HMO) they are eligible for a home visit, will be provided with energy efficiency advice and can receive new low-cost energy efficiency measures/devices. Priority is given to those in Opportunity Bucks wards.
- 3.6 Communication Campaign – It has been recognised that the media attention that came about following Awaab Ishak's death raised awareness of the issues associated with damp and mould and poor housing standards in general.

- 3.7 The Council runs social media campaigns over the winter months providing self-help advice for energy and information for those in rented accommodation on reporting mechanisms where they have concerns on the conditions in their homes. There will be a specific press release in the autumn advising residents on how to report issues (mould) and advice for households on measures they can take themselves to manage moisture in their homes. Where landlords fail to address issues, the Council has an enforcement role through environmental health which may legally require improvement or other remedies. The Council is mindful of ensuring that the most vulnerable households across the county have access to the appropriate information, support and access to our services.
- 3.8 In addition to social media channels, materials in 'hard-copy' will be developed which can be distributed to residents who require that format.
- 3.9 Where Councillors or other community leaders become aware of a potential issue, they are advised to refer these the Council's Environmental Health Service. This will entail a contact from an officer, additional evidence gathering. If necessary, an officer may carry out an investigation/inspection and take action as is necessary.
- 3.10 It's likely that the Government will run national campaigns on these home condition issues as took place last year but the Council does not have any current information on that. Where necessary local media campaigns would be aligned to any national ones.
- 3.11 Landlords Forum –The Council plays a role in supporting and encouraging landlords in the private sector to ensure their housing stock is of good quality and is well maintained. In conjunction with the National Residential Landlords Association, a landlord forum is scheduled to take place this autumn. At this forum, the Council will be raising the critical issue of damp and mould with landlords directly to support them to meet their property standard responsibilities.

4. Next Steps

- 4.1 The Council will continue to focus on this critical issue as it is recognised that there are clear links between housing and health.
- 4.2 The Council is tracking new legislation as it emerges from Government regarding housing conditions and enforcement.
- 4.3 The Council will continue to carefully monitor trends on volume of new reported issues and service requests and respond accordingly within resources available.

