



# Report to Growth, Infrastructure and Housing Select Committee

<b>Date:</b>	February 2023
<b>Title:</b>	<b>Housing Standards in particular to address issues pertaining to Damp and Mould across Buckinghamshire</b>
<b>Cabinet Member(s):</b>	Cllr Mark Winn – Cabinet Member for Homelessness and Regulatory Service
<b>Contact officer:</b>	Jacqui Bromilow, Head of Environmental Health & Trading Standards
<b>Ward(s) affected:</b>	None specific
<b>Recommendations:</b>	<b>That the Committee note content of this report</b>

## 1. Executive summary

- 1.1 Following the tragic death of 2-year-old Awaab Ishak in Rochdale, the Government wrote to all local authorities directing them to provide information concerning matters pertaining to damp and mould in rented housing accommodation. The Council has undertaken an array of activities to ensure we reviewed our own processes and enforcement arrangements. Moreover, we also prepared and subsequently sent a response to the Government outlining what we currently have in place, along with relevant data.

## 2. Background

- 2.1 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.

2.2 Following this devastating news, the Council reviewed the arrangements in place to ensure the correct safeguarding procedures have been implemented locally.

2.3 Buckinghamshire Council holds no social sector accommodation but does have a small portfolio of residential properties. This report does not specifically address conditions within these properties however Property Services have been made aware of the raised profile of damp and mould and our responsibilities as landlord where accommodation is in use.

### **3. Risks Associated with Damp & Mould and Enforcement Options**

3.1 For a variety of reasons, including insufficient ventilation, sources of accumulating water (such as a leak) and/or humid and damp weather conditions, excess moisture can accumulate in residential properties. If this moisture stays in place for a period of time, mould can develop. In certain cases, this mould can let off spores and other particles into the air which can create adverse health conditions for occupants, and children are particularly susceptible.

3.2 The Environmental Health Service at the Council has a statutory responsibility to provide a route to remedy through enforcement where these hazards are identified in residential properties. Powers within the Housing Act 2004 enable the Service to inspect and have enforcement provisions to require corrective action where appropriate.

3.3 It is not unusual to get an increased demand assistance during the winter period concerning issues of damp and mould and this has increased significantly since the coroner's judgment relating to the case in Rochdale. In the 2 weeks prior to the coroner's judgment, the council received 5 requests for assistance. In the following 2 weeks, 17 requests were received, and we have continued to receive requests for assistance.

3.4 Detailed data analysis needs to be undertaken. Between 7 November 2021 and 21 January 2022 the council's systems indicate there were 59 requests for service made to the environmental health service relating to housing standards, 29% (17) related to damp and mould. The same period 12 months later indicated 142 requests for service and 58% (83) relate to damp and mould. It is believed that this is an underrepresentation of the demand due to the methods used to record housing complaints.

3.5 Data remains a challenge as each legacy council recorded information in different ways. There are data harmonising activities in place and a new system has been procured and is in the early stages of development.

- 3.6 The service has secured funding to increase capacity in the team to respond to this increased demand over the winter period and will do analysis regarding the resourcing of the team in the future. We also need to consider other growing demands on the horizon for the service. These include the emerging introduction of the Decent Homes Standard for all rented accommodation.
- 3.7 The Decent Homes Standard was introduced in the early 2000's and sets the minimum standards that social housing is required to meet. It means that properties must not have any category one hazards, it must be in a reasonable state of repair and have reasonably modern facilities and services and provide a reasonable degree of thermal comfort. In the Queen's Speech delivered in May 2022, it was announced that the standard for social housing would be expanded to the private rented sector. No detailed information has yet been provided regarding when it will be implemented.
- 3.8 In addition the Supported Housing (Regulatory Oversight) Bill is going through parliament and contains provisions for regulation of supported exempt accommodation. Exempt accommodation is defined as being a resettlement place or accommodation which provides the claimant (resident) with care, support or supervision. Tenants tend to come from vulnerable groups.
- 3.9 Data on this remains a challenge as each legacy council recorded information in different ways. There are data harmonising activities in place and a new system has been procured and is in the early stages of development.
- 3.10 The environmental health service deals with matters on a reactive basis to assist tenants who are experiencing issues during the winter months when problems regarding damp and mould are more prevalent. Innovative approaches have been adopted, such as the work undertaken to aid hospital discharges and the grant assistance given to vulnerable people to improve issues associated with cold and damp homes.

#### **4. Raising Awareness and local approach**

- 4.1 A further role that the Council plays is in terms of raising awareness of what residents are able to do and information around what causes mould to form in properties. It is important to note that the Council does not have open access to private homes for inspections, and in the majority of cases needs to be undertaken by invitation (in contrast to the environmental health inspections that happen with respect to food hygiene inspection within food businesses). There is a heavy reliance on intelligence which primarily is from residents' reporting of these issues or other reporting from those other partners with access to private homes (such as health, fire service etc.).
- 4.2 It is recognised that the management of moisture within properties is very important, and the Council's website has been updated to ensure that there is useful

information for residents on simple things which can be done to reduce moisture in their homes.

<https://www.buckinghamshire.gov.uk/housing-and-benefits/housing/housing-conditions/report-poor-housing-conditions/keep-your-home-free-from-damp-and-mould/>

- 4.3 Advice is also available on the website which informs residents the steps they need to take if they wish to report issues. They must contact their landlord in writing first and give them an opportunity to put things right. If they do not respond or take appropriate steps the matter can be raised with the Environmental Health Service at the Council. They will assess the issue and determine if the matter requires an enforcement intervention. In addition, if a person is in social housing they are able to report matters through their housing association formal complaints process and can then escalate to the Housing Ombudsman. There is an indication that the role of the Ombudsman maybe expanded to cover private rented accommodation in the future. <https://www.buckinghamshire.gov.uk/housing-and-benefits/housing/housing-conditions/report-poor-housing-conditions/>

- 4.4 In July 2022, “Opportunity Bucks” was launched under a local levelling up agenda, one of its 5 key themes is “Standards of Living.” It is hoped that this will also play a significant part in improving housing standards – especially in the most deprived areas of the country. Opportunity Bucks is a partnership approach to dealing with issues initially within 10 wards across the county.

## **5. National Response**

- 5.1 On the 19<sup>th</sup> November 2022, Michael Gove, Secretary of State for Levelling Up, Housing & Communities wrote to all local authorities regarding housing standards in rented properties in England (Appendix 1). The letter contained directions made under the Housing Act 2004 which required an initial response to be sent by the 30<sup>th</sup> of November 2022 (Appendix 2), and a full response (appendix 3) to be received by the 27<sup>th</sup> January 2023. A separate letter was sent to providers of social housing.
- 5.2 The letter from Michael Gove recognised that to raise housing standards, multiple agencies, including DLUHC, needed to be involved. He requested that local authorities “do everything in your power to prioritise the improvement of housing conditions for the millions of private and social tenants, in line with existing duties in the Housing Act 2004.”
- 5.3 The letter contains 3 directions for information and specifically asks how the council is prioritising the enforcement of standards and the plans to ensure we have adequate enforcement capacity. These are addressed within the response (Appendix 3).

- 5.4 The full response has outlined current arrangements that are in place to ensure the safeguarding of Buckinghamshire residents, along with planned reviews and actions to ensure current and future demands are met.
- 5.5 The letter from Michael Gove focuses upon actions undertaken under the Housing Act 2004, however the service uses other legislative tools to achieve the same goal – remove hazards and improve standards.

## **6. Recent engagement with Registered Social Landlords (RSL)**

- 6.1 The majority of Registered Social Landlords (RSL) who operate in the county were invited to a meeting by Cllr Mark Winn to discuss the approach that they are taking following Awaab's death. It is clear that there are many challenges, especially regarding the growing economic pressures on households. The purpose of the meeting was to engage and open channels of communication.
- 6.2 Key themes which emerged from that conversation include:
- Communications – Registered Providers undertake surveying activities and there had been increased communications with residents, with efforts being made to engage with those who are not generally engaging with their landlord. They understand that there may be other reasons for avoidance of contact, such as concerns over rent.
  - Additional Training – Registered Providers have also increased training for staff around a 'Make Every Contact Count' approach ensuring that all staff are able to spot the warning signs of potential issues eg if a visit is being undertaken with respect to undertaking routine maintenance, the maintenance operative should actively look for other issues related to damp and mould/condition of property.
  - Additional Staff – Some Registered Providers have also hired additional staff such as surveyors to enable increased checks.
  - Many of the key activities are in place, so it isn't an issue of major new initiatives, but to build upon what is already in place.
- 6.3 Responding to this issue has already begun with many of the registered providers reviewing procedures following the coroner's judgment and the decision by the Housing Ombudsman. They have also been written to by the Secretary of State and their regulator.
- 6.4 That engagement with Registered Providers also highlighted that this issue is bigger than just housing conditions, some of which are outside of the control of the Registered Providers and the Local Authority. Contributing factors include:

- Cost of Living – if people could afford to heat and eat then that would go a long way to addressing this.
- Lack of Available Housing Stock – There is a known issue with the lack of larger family homes (which are affordable).
- New Housing is slow to come forward – Some of the new development of regeneration sites are not able to come forward with sufficient affordable accommodation which is exacerbating the issue. Investment in stock is part of the long-term solution – but this is difficult and will not have an impact in the short-term.
- There is a need to take care not to oversimplify this down to a single issue to the detriment of wider issues This is not always a landlord repairs issue, but a total stock and system issue
- Spotting trends is difficult, mostly down to individual properties, evidence suggests that this can be an issue, but not necessarily an endemic issue. It could be that improved data sharing (across RPs, the Council, and NHS) may help identify and predict issues.

## **7. Next Steps**

7.1 The council will continue to focus on this pertinent issue and will:

- Continue to engage on next steps for this and possible new national policy which may emerge, having responded to the Government request for data collection on this issue.
- Continue to raise awareness of this issue with residents so they are supported to identify issues and to make the public aware of the services the council offers when it comes to addressing issues pertaining to damp and mould. It has become apparent that some residents were unaware they could report issues to the Council where their landlord as failed to address issues when approached.
- Review resources with respect to housing standards, ensuring we meet current and future demands – whilst also working with residents and landlords to make sure they have access to the right information when it comes to such an important issue.