

Blaby District Council: Damp and Mould in the Private Rented Sector

Introduction

In 2022 the Government asked all local authorities to review how they deal with damp and mould in rented homes and to produce an action plan on how they intend to deal with matters going forward.

Damp and mould growth are known to have health implications, especially from prolonged exposure to mould. Young children and individuals with existing health conditions such as asthma or immunosuppression are particularly at risk.

Landlords are expected to provide properties that are free from significant damp and mould. Mould growth is most typically associated with condensation damp which is caused by a combination of the structure of a property and how the occupant uses it. Properties need to be warm and well-ventilated to minimise the risk of condensation, and occupants need to use the heating and ventilation effectively.

Housing Act 2004 and the Housing Health and Safety Rating System (HHSRS)

Damp and mould growth is one of the hazards that can be assessed using HHSRS. When a property is assessed, the property is determined to have either a category 1 or a category 2 hazard for mould growth. HHSRS assessments for damp and mould are only carried out where there are signs of damp and/or mould growth present. Based on the HHSRS Operating Guidance and Worked Examples, it is generally only properties with significant mould growth in rooms where occupants spend a lot of time (e.g. bedrooms and living room) that are determined to have a category 1 or a high scoring category 2 hazard. However, each property is assessed on its own merits.

Enforcement Action and Policy

The Housing Act 2004 places a duty on the local authority to take one of the specified actions in section 5 of the Act if there are category 1 hazards. The local authority has the power to take one of the actions in section 7 of the Act if there are category 2 hazards present.

BDC have adopted an Environmental Health, Environmental Services and Community Services Enforcement and Compliance Policy. This policy details how the Council takes enforcement action, and it is based on the Regulators Code. Decisions are based on risk but wherever appropriate the Council will take informal action first to deal with any non-compliance.

Complaints About Damp and Mould

Damp and mould growth is one of the most common housing disrepair complaints that the Council receive from tenants. Between April 2019 and March 2022, damp and mould growth was a factor in 50% of all housing standards complaints received. In approximately one third of damp and mould complaints in the private rented sector the Council took informal or formal action against landlords to secure improvements for tenants. For social housing the equivalent figure was two thirds. This reflects the anecdotal evidence that private sector tenants are less willing for the Council to intervene due to concerns about upsetting the relationship with their landlord.

Blaby District Council's Response to Complaints About Damp and Mould

In response to the Government's request, BDC reviewed its approach to dealing with damp and mould growth complaints. Below details how damp and mould growth complaints will be dealt with.

Social Housing

BDC hold no stock of their own so investigate complaints about housing association and private rented properties. BDC have regular contact with Housing Associations (HA) to raise issues proactively and reactively. In addition, senior officers at the Council meet regularly with the largest stockholder in the District to discuss any current issues and concerns.

Complaints by tenants of HAs are generally resolved by contacting the relevant HA and requesting that they respond directly to their tenants' concerns. Most complaints arise from HA tenants being dissatisfied with the speed of response by the HA to their complaint. If the initial contact does not resolve the issues raised, then complaints about HA properties are investigated as per all private rented sector complaints.

Private Rented Sector

The private rented housing stock in Blaby is generally of a good standard, illustrated by the very low level of complaints received (less than 1% of the total PRS stock between April 2019 and March 2022). Formal enforcement action on any housing disrepair matter is only required in a small number of cases due to the positive responses from landlords.

BDC have the capacity to assess and respond to all housing complaints on the merits of each individual case and our service standard is that all housing disrepair complaints must be responded to within five working days although the response is usually much quicker.

Tenants are given verbal advice on immediate actions they can take to reduce the risks to themselves and the officers request full details of the tenants' concerns, including photos.

Where the information provided by the tenant indicates that a potential damp and mould hazard exists the officer will carry out an advisory visit at the property and there is no waiting list for these visits. If the evidence supplied by the tenant suggests a significant hazard may exist, a full HHSRS assessment can be carried out instead of an advisory visit.

At, and after the advisory visit, officers will provide advice to tenants on the action that they can take to reduce damp and mould, and where improvements are deemed necessary / advisable, the officer will contact the landlord to advise on the works that they should undertake. In accordance with the BDC Enforcement Policy, officers will deal with landlords informally first, unless the risks to health are deemed too severe to take this option.

Some tenants are reluctant for officers to contact their landlords (generally in less severe cases) for fear of upsetting their landlord although this does not occur when the landlord is a housing association. In such cases (unless the risks are determined to be severe) the tenant is given advice, but the landlord only contacted if the tenants consent.

If the landlord fails to act within a specified timescale on the informal advice and the officer believes that the level of damp and mould could be serious enough to warrant formal action, a HHSRS assessment is conducted to confirm this or otherwise.

There are many cases where damp and mould growth is just one of the hazards in the property so the relevant works that may help remedy damp and mould may be included in action dealing with a different hazard (e.g. insulation or heating works under the hazard of excess cold).

Officers are instructed that high scoring category 2 hazards as well as category 1 hazards can be tackled using the powers in the Housing Act 2004. The enforcement

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policy does not specify which bands of category 2 hazards should / must be dealt with – this is left to officer’s professional judgement and overseen by the Lead Housing Officer / Environmental Health Manager. Even if the HHSRS assessment confirms a lower scoring category 2 hazard that would not warrant the service of a formal notice, the Council may recommend that landlords undertake works that improve the property.

Blaby District Council

Damp and Mould Action Plan

Summary of action areas:

Proactive approach to raising tenant awareness of damp and mould, and the support available.

Proactive approach to raising landlord awareness of damp and mould, HHSRS / housing and health and associated responsibilities and holding landlords to account.

On track code / risk level

Colour	Action
Green	Completed
Orange	On track, in progress, some issues
Red	Concerns about delivery/performance

Thematic Area	Action	Update	On Track Code
Responses to DLUHC and RSH	Initial response to DLUHC (letter from Michael Gove)	Complete	Green
Proactive approach to raising tenant awareness of damp and mould growth, and the support available to them.	The Council do provide information on their website to provide support to tenants and explain how to make a complaint about damp and mould.	Complete	Green

Thematic Area	Action	Update	On Track Code
<p>Proactive approach to raising tenant awareness of damp and mould growth, and the support available to them.</p>	<p>An advisory leaflet on damp and mould growth for tenants is being produced for all Leicestershire authorities. This will be made available on the Council's website.</p>	<p>Final proof reading by all participating local authorities is in progress.</p>	<p>Orange</p>
<p>Proactive approach to raising landlord awareness of damp and mould, HHSRS / housing and health and associated responsibilities</p>	<p>The Council will arrange and host a landlord forum in 2023. This will include information, advice, and guidance on:</p> <ol style="list-style-type: none"> 1. Damp and mould, and landlord responsibilities 2. Housing and Health / HHSRS, and landlord responsibilities 3. Cost of Living – information, support and referral pathways 4. Grant schemes 5. Minimum Energy Efficiency Standards (MEES) 	<p>Completed – forum held on 12/09/23</p>	<p>Green</p>

Thematic Area	Action	Update	On Track Code
<p>Operating transparently, and to be accountable holding landlords to account</p>	<p>There are a number of Registered Providers with properties in the District. Each provider is required to respond to the Regulator of Social Housing on their assessment, approach and response.</p> <p>The Council will also seek assurance that the social housing being provided by Registered Providers is safe, and that the Council understand any actions or improvements required.</p>	<p>On going regular engagement with local registered providers.</p> <p>A meeting with the main stockholder (East Midlands Housing) took place in September 2023.</p>	<p>Green</p>
<p>Energy Efficiency improvement work</p>	<p>Support the delivery of funding available to improve the energy efficiency in rented accommodation.</p>	<p>Advice is available via the Environmental Health team on support and grant schemes available. This is in conjunction with the Climate Change work that the Environmental Services team are involved in, and the support offered by the Lightbulb team.</p>	<p>Green</p>
<p>Effective Enforcement</p>	<p>Adoption of Environmental Health, Environmental Services and Community Services Enforcement and Compliance Policy.</p> <p>Adoption of a Private Sector Housing Civil Penalties Policy.</p>	<p>The latest Enforcement and Civil Penalty Policies were adopted in 2021 and are available on the Council's website.</p>	<p>Green</p>

Thematic Area	Action	Update	On Track Code
Effective Enforcement	Adoption of a policy for enforcement of Minimum Energy Efficiency Standards (MEES).	A policy on enforcement of MEES is scheduled to be taken through the democratic process in 2023/24.	Orange
Effective Enforcement	<p>There are currently 9 HHSRS trained practitioners in the Council's Environmental Health team. We are committed to ensure officers remain competent and any new members of staff will receive the necessary training.</p> <p>The Council respond to ALL complaints of damp and mould in both Housing Association and private rented properties.</p>	<p>All officers available for housing enforcement work have completed the HHSRS competency training.</p> <p>There is a documented procedure detailing how officers must deal with housing disrepair complaints</p>	Green