



## Report to Policy Committee

**Author/Lead Officer of Report:** Dean Butterworth: Head of Housing Investment and Maintenance

**Tel:** 07947701796

**Report of:** *Ajman Ali*

**Report to:** *Housing Policy Committee*

**Date of Decision:** *15 December 2022*

**Subject:** *Damp and Mould Update*

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, what EIA reference number has it been given? <i>(Insert reference number)</i>				
Has appropriate consultation taken place?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Does the report contain confidential or exempt information?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-				
<p><i>“The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended).”</i></p>				

### Purpose of Report:

*Following the tragic death of Awaab Ishak who died two years ago from a respiratory condition caused by damp and mould in his home, both the Secretary of State for The Department of Levelling Up, Housing and Communities (DLHUC) and the Regulator of Social Housing (RSH) have written to Sheffield City Council to seek re-assurances that it is fulfilling its legal and regulatory responsibilities in relation to damp and mould, and if not, to outline how it intends to become full compliant.*

*This report outlines work undertaken to date in responding to DLUHC and the RSH and how SCC is responding to dealing effectively with damp and mould.*

**Recommendations:**

That Members of the Housing Policy Committee

- a) Note the contents of this report and the work being done to address the issues of damp and mould in private rented homes and council housing.

**Background Papers:**

*Appendix A : Letter from the Secretary of State regarding housing standards in rented properties in England*

*Appendix B: Letter from the Regulator of Social Housing to large Registered Providers regarding Damp and Mould.*

*Appendix C: SCC response to the letter from the Secretary of State regarding housing standards in rented properties in England*

Lead Officer to complete:-	
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.
	Finance: <i>Helen Damon</i>
	Legal: <i>Stephen Tonge</i>
	Equalities & Consultation: <i>N/A</i>
	Climate: <i>Nathan Robinson</i>
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>
2	<b>EMT member who approved submission:</b> <i>Ajman Ali</i>
3	<b>Committee Chair consulted:</b> <i>Douglas Johnson</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.
	<b>Lead Officer Name:</b> <i>Dean Butterworth</i>
	<b>Job Title:</b> <i>Head of Housing Investment and Maintenance</i>

**Date:** 6/12/22

## **1. PROPOSAL**

- 1.1 Following the tragic death of Awaab Ishak, who died two years ago from a respiratory condition caused by damp and mould in his home, both the Secretary of State for the Department of Levelling Up, Homes and Communities (DLUHC) and the Regulator of Social Housing (RSH) have written to local authorities and registered housing providers to get reassurances that each landlord and council is meeting its legal and regulatory requirements in relation to damp and mould, and if not, to outline how it intends to become full compliant.
- 1.2 The Letter from DLUHC can be seen as Appendix A and the letter from the RSH can be seen as Appendix B.
- 1.3 Sheffield City Council's response to DLUHC can be seen as Appendix C.
- 1.4 A formal response to the questionnaire within the letter from the RSH will be submitted by the 19<sup>th</sup> December 2022 deadline and will be shared with the Housing Policy Committee in due course.

## **2. Legal and Regulatory Requirements**

- 2.1 In relation to the issue of the existence and management of damp and mould in the cities rented accommodation, the Council has separate responsibilities.

### **1. As regulator of housing standards for private sector rented properties in the city:**

In its capacity as regulator of housing standards the Council has statutory powers and duties of investigation and enforcement under the Housing Act 2004. It is in relation to these that the Secretary of State has written to the Council to seek assurances and information.

### **2. In its role as a social landlord providing rented homes to Council tenants:**

In its capacity as a social landlord the Council is subject to the same legal requirements as private landlords (although it cannot regulate itself) and its obligations to its tenants in relation to damp and mould is set out in the tenancy agreement, Landlord and Tenant Act 1985 and the Homes (Fitness for Human Habitation) Act 2018 (the latter of which is essentially based on the same housing standards required under the Housing Act 2004) and the Defective Property Act 1972.

It is in its capacity as a registered social landlord that the Council has received the letter from the Regulator of Social Housing to seek

assurances and information. As a registered provider of social housing the Council has to comply with the Home Standard set by the Regulator which requires the Council to provide its tenants with a "Decent Home" which essentially means it must comply with the terms of the tenancy agreement and the law referred to above.

2.2 While full details of the numbers of damp and mould cases in council housing will be shared with the Housing and Policy Committee after the 19<sup>th</sup> December 2022, the current number of cases is as follows:-

- 2.3
- 286 outstanding damp and mould cases.
  - 1112 mould cases requiring halophane treatment.

### **3. The Way Forward**

3.1 Following the publicity around Awaab Ishak's death SCC set up a Damp and Mould Task Group to undertake a full review of how the council deals with damp and mould cases and to oversee any changes to working practices. This Group is Chaired by the Director of Housing and Neighbourhoods and is a cross functional team looking at both private rented homes and council housing.

3.2 The terms of reference of the Task Group include: -

- A full review of all current damp and mould cases and to contact customers to provide support and re-assurance.
- A full review of the lessons learned from the Awaab Ishak case at Rochdale Boroughwide Homes.
- A self-assessment against the 26 recommendations within the Housing Ombudsman's October 2021 Spotlight Report on Damp and Mould and to develop an action plan for any areas for improvement.
- In consultation with tenants and residents, develop and seek approval for a Damp and Mould Policy, which will emphasise the importance of dealing with the causes of damp and mould quickly and effectively.
- Review all stock condition data to identify property types where damp and mould is most prevalent and develop an asset strategy to direct investment as appropriate.
- Review the guidance to tenants and residents on minimising condensation in the home, which is the leading cause of damp and mould.
- Review all training and guidance for all staff.
- Where damp and mould is subject to a disrepair claim develop an

access process that allows access to homes to carry out work irrespective of the status of any legal claim.

The first meeting of the Damp and Mould Task Group will take place in December 2022.

#### **4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

##### **4.1 Equality Implications**

4.1.1 A full equalities impact assessment of how SCC deals with damp and mould cases will be reviewed following the allegation that racism was a contributory factor in the Awaab Ishak case,

##### **4.2 Financial and Commercial Implications**

4.2.1 A review of the five-year Capital Programme will need to be undertaken if it is required to invest resources in particular property architype's which are prevalent to damp and mould.

##### **4.3 Legal Implications**

4.3.1 As per Section 2 above

In relation to the issue of the existence and management of damp and mould in the cities rented accommodation, the Council has separate responsibilities.

#### **1. As regulator of housing standards for private sector rented properties in the city:**

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#### **2. In its role as a social landlord providing rented homes to Council tenants:**

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It is in its capacity as a registered social landlord that the Council has received the letter from the Regulator of Social Housing to seek assurances and information. As a registered provider of social housing the Council has to comply with the Home Standard set by the Regulator which requires the Council to provide its tenants with a "Decent Home" which essentially means it must comply with the terms of the tenancy agreement and the law referred to above.

#### 4.4 Climate Implications

4.4.1 Improving the thermal efficiency of homes is one of the main remedies in dealing with damp and mould. SCC will include any recommendations from the Damp and Mould Task Group in the work being undertaken to become Net Zero and the roadmap to decarbonisation.

#### 4.4 Other Implications

4.4.1 None

### **5. ALTERNATIVE OPTIONS CONSIDERED**

5.1 None

### **6. REASONS FOR RECOMMENDATIONS**

6.1 To inform the Housing Policy Committee of the work being undertaken by Officers to respond to the challenges of damp and mould in both private sector housing and council housing in Sheffield.

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