



## Report to Policy Committee

**Author/Lead Officer of Report:** Darryl Smedley:  
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**Tel:** 07825072954

**Report of:** Janet Sharpe  
**Report to:** Housing Policy Committee  
**Date of Decision:** 2 February 2023  
**Subject:** Damp and Mould Update – Private Rented Sector

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 <b>(report/appendix)</b> is not for publication because it contains exempt information under Paragraph <b>(insert relevant paragraph number)</b> 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, the Secretary of State for The Department of Levelling Up, Housing and Communities (DLUHC) 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 provides an update to the additional work undertaken to respond to DLUHC following the initial response provided on 30 November 2022. This report provides detail of the secondary ask from DLUHC which was provided on 27 January 2023. The response outlines our previous actions to deal with damp and mould in the Private Rented Sector and what we need to effectively tackle it in the future.*

**Recommendations:**

*That Members of the Housing Policy Committee note the contents of this report and the work being done to address the issues of damp and mould in private rented homes.*

**Background Papers:**

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

*Appendix B: Letter from the Directors of Private Rented Sector and Leasehold regarding housing standards in rented properties in England*

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

*Appendix D: Letter from the Deputy Director of Private Rented Sector regarding housing standards in rented properties in England*

*Appendix E: SCC electronic submitted response to the Deputy Director of Private Standards regarding housing standards in rented properties in England*

<b>Lead Officer to complete:-</b>									
1	<table border="1"> <tr> <td>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.</td> <td>Finance: <i>Helen Damon</i></td> </tr> <tr> <td></td> <td>Legal: <i>Stephen Tonge</i></td> </tr> <tr> <td></td> <td>Equalities &amp; Consultation: <i>N/A</i></td> </tr> <tr> <td></td> <td>Climate: <i>Nathan Robinson</i></td> </tr> </table>	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>
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	<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	<table border="1"> <tr> <td colspan="2">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.</td> </tr> <tr> <td><b>Lead Officer Name:</b> <i>Darryl Smedley</i></td> <td><b>Job Title:</b> <i>Neighbourhood Intervention and Tenant Support</i></td> </tr> <tr> <td colspan="2"><b>Date:</b> <i>30 January 2023</i></td> </tr> </table>	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>Darryl Smedley</i>	<b>Job Title:</b> <i>Neighbourhood Intervention and Tenant Support</i>	<b>Date:</b> <i>30 January 2023</i>			
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<b>Date:</b> <i>30 January 2023</i>									

## **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) have written to local authorities to get reassurances that each 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 the Secretary of State regarding housing standards in rented properties in England can be seen as Appendix A.
- 1.3 The Letter from the Directors of Private Rented Sector and leasehold regarding housing standards in rented properties in England can be seen as Appendix B.
- 1.4 Sheffield City Council's response on 30 November 2022 to the Secretary of State regarding housing standards in rented properties in England can be seen as Appendix C.
- 1.5 The Letter from the Deputy Director of Private Rented Sector regarding housing standards in rented properties in England can be seen as Appendix D.
- 1.6 Sheffield City Council's response on 27 January 2023 to the Secretary of State regarding housing standards in rented properties in England can be seen as Appendix E.

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

- 2.1 Under the Housing Act 2004 Local authorities have a duty to act regarding Category 1 hazards and a power to act regarding Category 2 hazards. By "act" it means enforcement action under the Housing Act 2004 which is applied where informal action has failed. This applies to both private sector and social housing.  
Action includes:
  - I. Hazard awareness notice (usually appropriate for Cat 2)
  - II. Improvement notice (usually appropriate for Cat 1)
  - III. Emergency remedial action (the Council has power to do this but it's not a duty)
  - IV. Prohibition order (including Emergency Prohibition Order) when council thinks people should leave building
  - V. The Council also has a duty keep housing conditions in their area

under review with a view to identifying any action that may need to be taken by them under the Act.

### **3. Our Response to DLUHC**

#### **3.1 What was the ask?**

3.1.1 Responses have now been provided to DLUHC most recently on 27 January 2023 regarding private rented sector housing standards in properties in Sheffield. The main themes of the data collection ask to all Councils is set out below:

- I. Provide core data including the scale of the private rented sector in your area, what data sources you use to inform your opinion on quality and condition of stock, what resources you have to deploy and any selective or additional licensing schemes that you operate.
- II. An assessment of damp and mould issues affecting the private rented sector. Including the prevalence of Category 1 and 2 damp and mould hazards and what data sources you use to come to this assessment.
- III. Your approach when receiving complaints from private rented sector tenants, the numbers received over a three-year period and how many have resulted in inspections. Of those inspections what was the prevalence of Category 1 and 2 hazards found relating to the prevalence of damp and mould.
- IV. Your enforcement action over the last three years relating to damp and mould including improvement notices issued, civil penalty issues noticed, prosecutions pursued and successful prosecutions.

#### **3.2 Our response**

3.2.1 In our response we have provided answers to questions wherever possible. Where we are unable to provide specific statistics, we have fully explained the reasons why. There are some cases where we have not been able to provide full data as part of our return due to current IT system limitations. We are unable to report on historical cases with damp and mould hazards specifically. Although this data is captured in our system it is embedded within individual electronic case files and the system does not have the ability to generate reports that would have enabled us to provide the statistics in our response.

3.2.2 We have taken action to resolve this issue in the short term to allow better reporting of damp and mould complaints and hazards. Longer term the implementation of the new Housing System will resolve this issue and we have members of the Private Housing Standards team working with

the project team to ensure the new product is fit for purpose to meet our current and future needs.

- 3.2.3 Our response sets our assessment of the current challenges we face and what would help us to better prioritise addressing housing enforcement issues such as damp and mould. This includes our commitment to further engage Government in relation to this issue and to raise our concerns about dedicated resource and funds to upscale proactive enforcement to tackle and reduce the prevalence of damp and mould in Sheffield.

The full Sheffield City Council's response on 27 January 2023 to the Secretary of State regarding housing standards in rented properties in England can be seen as Appendix E.

- 3.3 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.
- 3.4 The first meetings of the Damp and Mould Task Group have now taken place and are scheduled monthly. The Housing Policy Committee will receive updates on progress from this Task Group with the next report in March 2023 and this will include updates related to this response and future actions relating to the Private Rented Sector.

## **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 None

### **4.3 Legal Implications**

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

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 also has a statutory duty to keep housing conditions under review, and this report sets out matters relating to how the Council is meeting that duty. It is in relation to these duties (including relevant data) that the Secretary of State has written to the Council to seek assurances and information as to how the Council is meeting its duty.

Whether the Council is meeting its duty generally, or in specific cases, is a matter which may be the subject of dispute, complaint, or legal claim.

#### 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 and communication and support to the Private Rented Sector.

#### 4.5 Other Implications

- 4.5.1 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.