

Waverley Borough Council

Report to: Landlord Services EWG; Co Portfolio Holder for Housing (Operations & Services)

Date: 20 July 2023

Ward(s) affected: All wards affected

Report of Director: Community Wellbeing

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Report Status: Open

Housing Service: Damp and mould Policy

1. Executive Summary

The Council does not currently have a policy on the management of damp and mould within tenant homes. It is recommended by the Regulator for Social Housing and the Housing Ombudsman Service to have a specific damp and mould policy to ensure cases are managed and dealt with in a timely manner with an understanding of the urgency and importance. The purpose of this damp and mould policy is to direct the management and delivery of a damp and mould service to all Waverley Borough Council properties enabling the Council to provide and maintain, warm and dry healthy homes for tenants.

2. Recommendation to Executive Co Portfolio Holder for Housing

- 2.1 That the Executive Co Portfolio Holder for Housing approves the adoption of the new damp and mould policy for social housing tenants, with immediate effect.

3. Reason(s) for Recommendation:

- 3.1. The Housing Ombudsman Service has recommended all Councils have a damp and mould policy in place.
- 3.2. Waverley Borough Council does not currently have a specific damp and mould policy approved.

4. Purpose of Report

- 4.1. To approve and adopt this new damp and mould policy with immediate effect to ensure clear direction of the management and delivery of a damp and mould service to all Waverley Borough Council homes enabling the Council to provide and maintain, warm and dry healthy homes for tenants.

5. Strategic Priorities

- 5.1. The report supports the Council's Corporate commitment to promote *"Good quality housing for all income levels and age groups"* and aim to *"be the best council landlord in the South East and to be acknowledged so by our tenants."*

6. Background

- 6.1. In May 2022 Waverley commenced a damp and mould management review, in response to a Housing Ombudsman Service Spotlight

report in October 2021. This report in conjunction with the tragic death of Awaab Ishak in 2020 highlights the need for landlords to recognise the ongoing detrimental impact on the health and well-being of the resident living with damp and mould in their homes.

- 6.2. Landlords must take responsibility and must meet their statutory and regulatory obligations, responding within appropriate timescales to reflect the urgency of the case. The ombudsman report has provided useful, achievable recommendations and best-practice examples which we must aim to achieve through the use of this policy development.

7. Consultations

- 7.1. The Co portfolio holder for Housing, Cllr Paul Rivers along with members of the Tenants Panel have been consulted on this policy and were involved with its development. The Landlord Service Advisory Board received a Damp and Mould update report in February 2023, feedback was incorporated in the policy development.

8. Key Risks

- 8.1. There are a number of key risks that could arise should this policy not be adopted:
 - The Council could breach its statutory and regulatory obligations as a landlord
 - Risk to tenants health or worst case threat to life, and
 - Reputation and compensation costs.

9. Financial Implications

- 9.1. There are no direct financial implications from this report. Any costs associated with meeting the requirements of this policy have been

considered and the budgets included when setting the 2023/24 HRA and Capital budgets.

10. Legal Implications (drafted by Jayne La Grua, Interim Deputy Borough Solicitor)

- 10.1 Maintaining homes that are safe and in good condition is a core function of all social landlords.
- 10.2 The Homes (Fitness for Human Habitation) Act 2018 amended the Landlord and Tenant Act 1985 with the aim of ensuring that all rented accommodation is fit for human habitation. While it did not create new obligations for landlords, it required landlords to ensure their properties are fit for human habitation at the beginning of, and throughout, the tenancy. The Landlord and Tenant Act does not define “fit for human habitation” but consideration should clearly be given to freedom from damp. The Act also strengthened tenants’ means of redress where landlords do not fulfil their obligations and gives tenants the right to take their landlord to court. Council tenants may also complain to the Housing Ombudsman, who may make findings of maladministration if there has been a failure to investigate and resolve complaints about damp and mould.
- 10.3 The Housing Ombudsman Service, in a report entitled Spotlight on Damp and Mould, October 2021, recommended that, as a matter of good practice, all councils with housing stock should have in place a policy to address damp and mould, which should include any proactive interventions, its approach to diagnosis, actions it considers appropriate in different circumstances, effective communication and aftercare.
- 10.4 Similarly, the Regulator of Social Housing, in a report entitled Damp and Mould in Social Housing: Learning the Lessons, 28 June 2023, made clear what good governance looks like, with effective organisations having in place a damp and mould policy with effective processes for tenants to raise concerns about damp and mould, and landlords taking clear ownership of the issue.

10.5 This report seeks approval and adoption of a Damp and Mould Policy in respect of Waverley Borough Council homes.

11. Human Resource Implications

11.1. There are no HR implications from this report.

12. Equality and Diversity Implications

12.1. There are no direct equality, diversity or inclusion implications in this report. Equality impact assessments are carried out when necessary across the council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010. This policy is aimed at staff and contractors and does not require a full EqIA.

13. Climate Change/ Sustainability Implications

13.1. There are no direct negative Climate change/ sustainability implications in this report. The Council must use a holistic, whole-house approach, focussing on the fabric of the home when undertaking inspections or considering remedial works. Any reasonable and cost-effective solutions (in line with the Tenancy Agreement see section 8) will be actioned to tackle damp, condensation and mould. Adopting a proactive data led approach and regular monitoring will help to identify property types that are prone to damp and mould. This will enable the Council to better target and direct resources where they are most in need to improve energy efficiency and thermal comfort within homes.

14. Summary of Options

14.1. To adopt this policy with immediate effect.

14.2. To do nothing and be at risk of breaching our statutory and regulatory obligations as a landlord, putting tenants health and lives at risk.

15. Conclusion

- 15.1. Since damp and mould are such important and damaging aspects for tenants, staff and the property asset itself, it is fundamental that the Council has a clear and strict policy specifically directing how damp and mould will be managed and resolved. This will ensure clarity for all staff, stakeholders and tenants as well as managing expectations and meeting best practice.

16. Background Papers

- 16.1. Regulator of Social Housing: Damp and mould in Social Housing: Initial findings (2023)
- 16.2. Housing Ombudsman Report: Spotlight on Damp and mould – It's not lifestyle (2021)
- 16.3. Housing Ombudsman Report: One Year on follow up (2023)

17. Appendices

- 17.1 Damp and Mould Policy

Please ensure the following service areas have signed off your report.
Please complete this box, and do not delete.

| Service | Sign off date |
|----------------------------|----------------------|
| Finance / S.151 Officer | 21/06/2023 |
| Legal / Governance | 12/07/23 |
| HR | n/a |
| Equalities | 14/04/2023 |
| Lead Councillor | 22/06/2023 |
| CMB | 27/06/24 |
| Executive Briefing/Liaison | 11/07/2023 |
| Committee Services | 12/07/2023 |