

Report for: Homes Policy Development Group

Date of Meeting:	21 st November 2023
Subject:	DAMP AND MOULD REVIEW 2023
Cabinet Member:	Cllr Simon Clist Cabinet Member for Housing and Property
Responsible Officer:	Simon Newcombe - Corporate Manager for Public Health, Regulation and Housing
Exempt:	No which are Exempt from publication under paragraph 3, Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information)
Wards Affected:	All
Enclosures:	Annex A – Damp & Mould Review 2023

Section 1 – Summary and Recommendation(s)

This report summarises the findings of a review of the prevalence, causes and effects of damp and mould affecting Mid Devon Housing (MDH) council housing stock and is a follow up to the MDH Damp and Mould Review 2022 and the introduction of a new Damp and Mould Policy 2023.

Recommendation:

That the Homes PDG notes the contents of the report.

Section 2 – Report

1 Introduction

- 1.1 This report explores the outcomes of the latest in-depth internal review into MDH performance responding to damp and mould including lessons learnt, key successes, next steps and key targets moving forward.
- 1.2 The 2023 review focusses on learning for short and medium-term solutions to damp and mould issues, normally carried out by the in-house responsive teams or contractors. MDH has a programme of whole house retrofitting which has much more established good practice.
- 1.3. Tenants are at the heart of what we do at MDH and are the most complex factor in understanding and managing damp and mould prevalence in homes. There is a dedicated section within the report, however, considerations and observations are also included under each section, where applicable.
- 1.4 The findings of this review support the same conclusions as the 2022 review, that rather than looking at whether it is possible for a home to be mould free if managed by the ‘ideal tenant’, we should be looking at setting a benchmark for assessing whether a property can reasonably and practicably be kept mould free by the average tenant. This would involve holistically looking at the property’s history as well as tenant activity.

2 Technical Considerations

- 2.1 In relation to the link between Energy Performance Certificate (EPC) rating and damp/mould reports, ‘A’ rated properties are low, as expected. However, after this and contrary to perception, our lowest EPC performing ‘F’ rated properties are actually the next least likely to be affected by damp/mould due to excess ventilation, followed closely by ‘C’ rated properties. Consequently, it is ‘B’, ‘D’ and ‘E’ rated properties that the most likely to be affected by damp and mould.
- 2.2 The EPC system is mainly focused on energy efficiency, heating, and insulation, which is an influence on just one part of the ‘mould triangle’ of heat-moisture-ventilation. The system has also not caught up with technological changes such as high efficiency electric storage heaters or Air Source Heat Pumps, which still rate poorly. Some of the measures needed to increase EPC ratings can reduce the natural flow of air needed to prevent mould, reduce air quality, and can lead to bridges for moisture to make its way into a building (for example retrofitting cavity wall insulation).
- 2.3 Non-traditional constructions such as Cornish, Hawksley, Wimpey No Fines and Woolaway units (post-WWII mass production houses) are often criticised and are assumed to be prone to damp or mould on the basis given they are on the defective house list for mortgaging purposes. Whilst they do have their shortcomings, the review identifies that damp and mould is variable and not as significant as might be expected across these construction types. MDH tend to find the biggest risks in Cornish units, notably in areas which relate to the first floor and are simply remediated during re-roofing works. Conversely, our data

clearly shows that Wimpey No Fines and Woolaway units in our stock are less likely to suffer damp and mould compared to some of our traditionally constructed buildings.

3 Key Changes

3.1 The last 12-months research has helped to form our view of the effectiveness of various short and medium term improvement works, and how this will form our responsive short and medium term improvement programmes. In practical terms, this means that, except loft insulation and replacement of defective cavity wall insulation, MDH will move away from isolated thermal improvement works, for example, thermal boarding. Remedial and improvement works will focus on addressing the most obvious causes, which are often poor ventilation, ineffective heating, or both.

3.2 Additional improvements or changes made are:

- Damp and mould check box added to void checklist
- Project 'ditch the damp, manage the mould'
- Interactive and e-learning damp and mould training rolled out for all housing and customer service staff.
- Damp and Mould Policy has been approved by Cabinet and recommended to full Council
- Damp and Mould Procedure and summary created for housing staff
- Self-assessment completion against the 26 national recommendations from the Housing Ombudsman Service.

4 Tenant Feedback and Involvement

4.1 There has been tenant involvement in the review, notably on a more case by case basis, such as the example set out in paragraph 12.31 of the review. Additional examples include tenant input into the new format damp and mould advice leaflet, as well as into template letters for improvement offers.

4.2 More will be needed in future to continue this progress, with a view to having damp and mould tenant champions who may already have an active role in their community. We often come across scepticism from our tenants in relation to our findings, however, positive feedback from tenants who have seen success can be invaluable.

4.3 We have also been able to get indirect tenant feedback through the environmental monitoring programme. Rolling this out to a selection of homes without damp or mould will further help us to understand the factoring impacting upon risk factors, and to get feedback from tenants who are able to maintain a healthy home, finding out what healthy habits they may have, which we can share with others.

5 Safeguarding and Vulnerable Tenants

5.1 A range of socio-economic issues are significant factors in the presence of damp and mould, and can lead to dampness where there is no building defect

or be contributory factors. We have seen these issues, such as fuel poverty or poor mental health, worsen over the past few years. Our approach will be tailored to accommodate this where possible, however, MDH tenants will need increased support from other health and social care public services. Our processes may need to change to ensure that safeguarding referrals or requests for care/support are treated with the correct level of urgency where the risk to health is significant.

6 Conclusions, targets and next steps

- 6.1 Section 18 of the review sets out progress against the recommendations made in the 2022 document with many actions either completed in full or significantly in progress. Where further work is needed this is clearly identified and will be taken forward alongside new approaches and learning arising from this most recent review.
- 6.2 In conclusion, the findings of this review support the conclusion of the 2022 review, that rather than looking at whether it is possible for a home to be mould free if managed by the 'ideal tenant', MDH should be looking at setting a benchmark for assessing whether a property can reasonably and practicably be kept mould free by the average tenant. This involves holistically looking at the property's history as well as the tenants. This review has also set out a new target to reduce the percentage of our stock where mould is experienced at some stage from 19% to 11% over a 5-year period.
- 6.3 In terms of mould treatments, the review reinforces that our general advice remains to use a professional where possible, and if not, to avoid using bleach. Any fungicidal treatment appears to be beneficial, with household mould sprays seemingly being more effective than some industry recommended products, and vinegar being the most recommended non-toxic or non-proprietary treatment.
- 6.4 In respect of building interventions, the last 12-months research has helped to form our view of the effectiveness of various short and medium term improvement works, and how this will shape our responsive short and medium-term improvement programmes. In practical terms, this means that, except loft insulation and replacement of defective cavity wall insulation, MDH will move away from isolated thermal improvement works, for example, thermal boarding. Remedial and improvement works will instead focus on addressing the most obvious causes, which are often poor ventilation, ineffective heating, or both.
- 6.5 The review also highlights that by implementing best practice approaches MDH is likely to continue to help not only our tenants but also help the Council to manage the financial risk arising from disrepair claims. In turn, this will enable more resources to be invested into our stock. Nonetheless, further investment in staff inspection resource in relation to claims may be required in the near future to manage an increase in claims driven by third-party 'no-win no-fee' companies and a general sustained media coverage and increased tenant awareness.

- 6.6 Overall, this means ongoing evaluation of our practice alongside a continued zero-tolerance approach to significant and persistent damp and mould, especially where there is a likelihood of long-term environmental exposure that may impact on the health of tenants. Consequently, MDH will therefore carry on working in line with legislation, statutory/contractual obligations and best practice under the intensive management methodology set out in its new Damp and Mould policy.
- 6.7 A further annual review will follow in 2024 as MDH continues with its proactive approach to damp and mould management to ensure we continue to be a responsible landlord that supports and safeguards the well-being of our tenants.

Financial Implications

This report on its own does not directly give rise to any financial implication but implementation of the activities set out in the review and associated policy will have cost implications.

However, these will either be met from existing resources and funding or require separate business cases and appropriate approval to progress as part of the regular budget determination and approval process.

The Council's HRA revenue and capital budget/MTFP 2023-28 supports the activities required to legally maintain the Council's housing stock.

Legal Implications

Aside from general compliance with all aspect of social housing regulation including the new consumer regulation regime, the council has specific statutory responsibilities under the Landlord and Tenant Act 1985, the Decent Homes Standard, the Defective Premises Act and the Housing Health and Safety Rating System (HHSRS). Overall, these requirements set out that MDH should ensure that its properties are adequately maintained, meet the Decent Homes Standard and that, where appropriate, properties are assessed and steps taken with a view to avoiding or minimising the risk of recurrence of damp and mould.

Risk Assessment

Failure to have adequate arrangements in place for addressing damp and mould could result in the Council failing to meet its statutory and contractual obligations.

Depending on the specific circumstances and the causes of damp or mould, where the council fails to comply with its statutory or contractual obligations, the tenant or lessee may have a right to take legal action for the damp and mould problems to be remedied and also possibly to claim compensation.

The Council received 31 legal disrepair claims between January 2019 and May 2023, of which, the majority include reference to damp and mould.

Impact on Climate Change

None directly relevant to this report.

Equalities Impact Assessment

Mid Devon Housing collects data on the diversity of tenants and endeavours to tailor services to meet the needs of all tenants. Our housing estates must be accessible to those with disabilities and we have in place a regular schedule of inspections to ensure that all defects are identified and rectified as soon as possible. Information provided by MDH is available in alternative formats, upon request, in order to ensure that all those living on our estates understand the rights and responsibilities of the Council as a landlord, and tenants and other residents, individually.

A specific EIA accompanied the recent adoption of the new MDH Damp and Mould policy (subject to final full Council approval).

Relationship to Corporate Plan

A stated aim of the Council is to seek opportunities to address public health issues and disparities to improve the health and wellbeing of everyone in Mid Devon.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 7 Nov 2023

Statutory Officer: Maria de Leiburne

Agreed on behalf of the Monitoring Officer

Date: 7 Nov 2023

Chief Officer: Simon Newcombe

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 30 October 2023

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 07/11/2023

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Rosie Wills Technical Support & Repairs Manager or Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing.

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Background papers:

Damp and Mould review 2022:

<https://www.middevon.gov.uk/media/354391/damp-mould-review-2022.pdf>