

BARNSELY METROPOLITAN BOROUGH COUNCIL

REPORT OF: EXECUTIVE DIRECTOR GROWTH AND SUSTAINABILITY

TITLE: RESPONSE TO HOW DAMP, CONDENSATION AND MOULD ISSUES ARE ADDRESSED BY HOUSING SERVICES

REPORT TO:	CABINET
Date of Meeting	11 January 2023
Cabinet Member Portfolio	Regeneration and Culture
Key Decision	No
Public or Private	Public

Purpose of report:

Issues of damp and mould in social housing have been heavily publicised over the last 12 months following a series of media campaigns and a spotlight report produced by the Housing Ombudsman in October 2021. In November 2022, further to the publication of the circumstances surrounding the tragic death of Awaab Ishak, the Secretary of State for Levelling Up, Housing and Communities and the Regulator of Social Housing has called upon Local Authorities, under powers of the Housing Act 2004, to provide information relating to damp and mould issues within both the social and private housing sectors and details of plans to address them. Barnsley Council has already responded to the Secretary of State to advise that we have received the request and will be working to provide all required information and assurance relating to private rented stock by 27th January 2023 (Appendix C). The Regulator of Social Housing has also requested information relating to our own stock by 19th December 2022.

This report provides Cabinet with a position statement relating to how repairs linked to damp, condensation and mould issues are being addressed within our council homes. Berneslai Homes, who manage and maintain the housing stock on behalf of the Council, have provided a summary of the current numbers of 'in-system' repairs relating to damp, condensation, and mould issues and how these are being addressed.

Berneslai Homes have also produced an Action Plan which includes the work they have done jointly with tenants on damp and mould issues (Appendix B).

The Council provided a full response to the Regulator of Social Housing in advance of the 19th December 2022 deadline.

The report also provides a summary of the response sent to the Secretary of State for Levelling Up Housing and Communities (Rt Hon Michael Gove MP) explaining how the Council will respond to requests under Section 3 (3) of the Housing Act 2004 to supply the department with an assessment of damp and mould issues affecting privately rented properties within the borough and actions which will be taken to address this.

Council Plan priority

Healthy, Growing, Sustainable and Learning Barnsley

Recommendations:

That Cabinet: -

1. Note the current position relating to the management of damp, condensation, and mould repairs within council stock and endorses the action plan (approved by the Berneslai Homes Board on 8th December) which seeks to further enhance the customer experience provided to council tenants who may experience issue with damp, condensation, or mould in their properties.
2. Note the current position relating to the management of damp, condensation, and mould complaints within the private rented sector and actions to be taken to ensure that a full response can be provided to Government by 27th January 2023.

1. INTRODUCTION

- 1.1 The Housing Ombudsman's Spotlight report into Damp and Mould proved a timely insight into the problems faced by some customers when trying to rectify issues surrounding damp, mould, and condensation in their homes. Media coverage has proved that in some areas across the country, significant problems exist, and tenants are not being listened to. The recent tragic death of Awaab Ishaks in Rochdale has shocked and saddened us all, highlighting the importance of having proper processes in place, ensuring tenants are listened to, and that we work with them to find the best resolution.
- 1.2 This report provides Cabinet with a position statement relating to current damp and mould repair issues within our council stock and details the work that Berneslai Homes is doing to ensure that they are addressed as quickly and effectively as possible, working with, and listening to, our tenants.
- 1.3 Berneslai Homes has been working pro-actively with the Tenants Voice Scrutiny Panel to identify additional improvements to customer service delivery in dealing with damp and mould issues and produced a report and action plan in mid-November 2022. These recommendations have been included in the damp and mould action plan approved at the Berneslai Homes Board on 8th December (Appendix B).

Current Position Within the Council's Stock (As at 30/11/22)

Properties with Outstanding Repair Requests

- 1.4 As at 30/11/22, there were 562 live requests from customers relating to damp, mould or condensation which are awaiting inspection. It should be noted that this figure has significantly increased over the last few weeks due to heightened emphasis in the media and Berneslai Homes' proactive campaign to encourage tenants to report issues (on 18/11 this figure was 352). The target to inspect jobs of this nature in line with the Property Repairs and Improvement Programme (PRIP) is 28 days. Following inspection, orders are raised on an emergency (24hr), 3, 7 or 25-day order as part of responsive repair works or as a capital planned programme, depending on the remedy required.
- 1.5 However, to re-assure both our tenants and Members, Berneslai Homes has instigated an immediate inspection regime (7 days moving to 24 hours as resourcing allows); bringing in additional resource to undertake the inspections and an external damp and mould specialist (Qest) to assist further with inspections. The new procedure will ensure that any Category 1 hazard jobs are completed within 24 hours.
- 1.6 Contractor Partners have been asked to hold additional toolbox talks with operatives to ensure that they are speaking with tenants regarding the importance of reporting any concerns regarding damp and mould and that they can identify early signs of damp/mould related issues.

Properties with Gas Capped Off

- 1.7 There are currently 156 properties where customers have had their gas supply capped off at the meter, the majority being the individual tenants' choice. It is anticipated that this number may increase due to the cost-of-living crises. As per the table below, 156 properties equate to 0.86% of the Council's stock.

Domestic Stock	No.	%
Properties Capped Off	156	0.86%
Total Domestic Stock November	18,043	

- 1.8 Given that a lack of sufficient or central heating to a property can be detrimental to both the condition of our properties and the health of our tenants, Housing Management Officers and the Gas Servicing Team already undertake frequent visits to these properties to undertake gas safety checks and to offer advice and other financial/health and well-being support.
- 1.9 In addition, Berneslai Homes has instigated urgent inspections to all 156 properties to ascertain if there are any outstanding damp, mould or condensation concerns which require attention.

- 1.10 Officers from the Council’s Warm Homes Service have linked up with the Housing Management Teams to offer support and financial assistance to any resident wishing to have pre-payment meters removed and gas meters reinstalled.

Complaints

- 1.11 There are currently 16 informal & formal complaints relating to damp, mould, and condensation. Berneslai Homes teams are working with the customers to find resolutions and works orders will be raised, where required. As per the table below, 16 complaints equate to 0.08% of all tenancies.

Complaints (Current)	No.	%
Informal	9	
Formal Stage 1	6	
Formal Stage 2	1	
Total	16	0.08%
Total Domestic Stock November	18,043	

- 1.12 In their review, the Tenant Scrutiny Panel identified that there was a lack of aftercare offered to tenants who had experienced damp and mould issues once the repair had been completed. To improve customer service, and mitigate against future repair issues, Berneslai Homes will inspect all properties which have received works to ensure that the works solution has rectified the problem.

Disrepair

- 1.13 There are currently 55 disrepairs cases, 48 of which relate to damp, mould, and condensation in some way. Irrespective of the legal process, Berneslai Homes always seek to arrange access to the property to engage with tenants and to complete any outstanding works, as required. Unfortunately, there are some instances where tenants take advice from their solicitors and do not allow access. In these cases, injunctions can be used to allow access. As per the table below, 48 claims equate to 0.27% of all tenancies.

Live Disrepair Claims (Current)	No.	%
Total	55	
<i>Relating to Damp, Mould & Condensation</i>	48	0.27%
Total Domestic Stock November	18,043	

- 1.14 To summarise, the immediate response of Berneslai Homes includes:

- Instigating an enhanced inspection regime for any damp and mould requests: accelerating inspections and removal of any mould.
- Briefing all staff at Berneslai Homes on signs of damp and mould and the reporting of issues including the new dedicated email address for staff
- Briefing partner organisations and Council members on what to do if they become aware of damp and mould problems in tenant’s homes.

- Continued joint work to address the cost-of-living crisis with support offered to tenants including the use of a hardship fund, financial support and advice and tenancy support. A range of support measures have been put in place to assist tenants this winter as part of the cost-of-living crisis. Berneslai Homes are also signatories to the “Affordable Warmth Charter”.
- Implementing the Damp and Mould Action Plan (agreed at Berneslai Homes Board on 8th December 2022 – Appendix B).
- Launching the Damp and Mould STAR campaign on 5th December – Spot the signs, Try our Tips, Act fast and Report it. Information will be available via the BH website, social media campaign and information in letters to tenants. As a result, reports of damp and mould will be expected to increase.

1.15 Alongside, the existing procedures in place to address issues of damp and mould, Berneslai Homes, working with the Council, has implemented additional measures to improve the information that we hold on our assets, the delivery of the repairs and maintenance programmes, the information, advice and support that is given to tenants relating to property maintenance and the involvement of tenants in ensuring their health and safety within the home. This includes:

- Collating improved stock condition & energy performance data to make informed decisions through trend analysis (Condition Surveys and EPC's).
- New IT systems to improve the ways customers can report & track repairs which will be launched in the new year.
- Utilising capital investment to install preventative measures including insulation & ventilation (Fabric First Approach) on over 1,200 properties per annum to achieve EPC C by 2030 across our stock. This includes investment in A-rated boiler installations, pointing & roofing repairs.
- Trialling 'Internet of Things' (IOT) humidity monitoring technology (sensors and automated vents).
- Introduction of surveys post damp, mould & condensation works including disrepair.
- Enhanced surveying of neighbouring properties where damp, mould & condensation issues are reported.
- Enhanced training for surveyors.
- Carrying out options appraisals of stock with known issues.
- Introducing joint visits with Housing Management & Maintenance Surveyors on mutual exchanges.
- Compensation Policy review.
- Quarterly meetings to discuss and learn from complaints through journey maps, services improvements and promises log.
- Commissioning of external specialist Qest Mould to assist with faster turnaround and a 2-year guarantee on works.
- #MoreMoneyInYourPocket Media Campaign

- 1.16 To ensure that the Council has effective governance, Berneslai Homes will provide a tracker report on damp and mould repair cases as part of the Compliance Dashboard which is updated monthly. This should include a detailed programme of proactive planned inspections to properties which may be at greater risk of damp and mould issues and KPI's. Berneslai Homes will also launch a Task Force in January 2023 to oversee and monitor the approach and actions in relation to damp and mould. The Task Force will report directly to the Berneslai Homes Executive Management Team and Customer Services Committee (which includes representatives of the Tenants Voice Panel as well as Board Members).

Damp and Mould Issues Within the Private Rented Sector

- 1.17 On 19th November 2022, The Secretary of State for Levelling Up, Housing and Communities (Rt Hon Michael Gove MP) wrote to all Local Authorities across the country requesting immediate action under the Housing Act 2004, for Local Authorities to supply the department with an assessment of damp and mould issues affecting privately rented properties in our area, including the prevalence of categories 1 and 2 damp and mould hazards and an assessment of actions which may need to be taken to address these issues. Specifically, the request is to provide data over the last 3 years which shows:

- how many damp and mould hazards have been remediated following Council enforcement intervention, compared to our assessed prevalence of these hazards.
- how many times the Council has taken enforcement action to remedy damp and mould hazards.
- how many civil penalty notices have been issued in relation to non-compliance with enforcement action over damp and mould hazards; and,
- how many prosecutions have been successfully pursued in relation to damp and mould hazards.

Current Position

- 1.18 The Private Sector Housing Plan 2030 sets out the Council's commitment to ensuring that our residents can live in good quality homes that provide safe, warm, and healthy environments and meet acceptable energy efficiency and safety standards. It provides a framework for the council's approach to regulating the sector.
- 1.19 The Private Sector Housing Team includes 20 Officers qualified to conduct property inspections using the Housing Health and Safety Rating System (HHSRS), as part of a much broader role in housing management and regulation. HHSRS is a method used to assess the condition of a property and calculate the likelihood of an occurrence, against a range of probable harms to rate and score the risk to the health, and/or safety of its occupants. The assessment takes into consideration 29 prescribed hazards (of which, damp and mould growth is just 1). Where a category 1 hazard is identified, the authority has a duty to act, whereas discretion can be exercised where a

category 2 hazard exists. Damp, and spores released from mould, is likely to adversely affect mental and physical health and can exacerbate existing conditions including asthma, allergies lung disease, respiratory disease and those with suppressed immune systems. The risk is increased considerably for the very young and old.

1.20 During an inspection, a visual check is made, and findings are confirmed by the use of damp meters to assess the severity of the risk and decide upon the most appropriate remedial action and timescales. The officer will also consider potential causes and contributing factors such as poor ventilation, ill-fitting windows/doors, leaks, blocked or defective guttering, missing roof tiles or pointing, excess clutter or lack of heating. Where the tenant is deemed to be contributing towards the presence of condensation, damp or mould, suitable advice will be given. Where the responsibility lies with the Landlord, action will be taken on the tenant's behalf.

1.21 The below table shows the number of damp and mould complaints received by the PSH Team by month, over a 12-month period. It should be noted that the figures shown reflect only the cases referred into service as damp and mould, or where it is the most prevalent concern. Many further cases are likely to have been recorded as leaking pipework, defective guttering, or excess cold. A further 191 records have been categorised as general disrepair, though on initial checks, do not specifically state they include damp and mould. Of those cases, the current recording system (Civica) does not allow interrogation to narrow down to whether a category 1 or category 2 hazard was identified. To produce this data with any degree of accuracy will require a manual trawl of each action diary (around 270 per year) to reflect the total number of cases, actions, and outcomes.

Month	Private Rented	Unknown Tenure
Oct-21	8	-
Nov-21	9	2
Dec-21	8	2
Jan-22	4	-
Feb-22	7	2
Mar-22	8	3
Apr-22	7	1
May-22	4	1
Jun-22	4	1
Jul-22	3	1
Aug-22	2	-
Sep-22	4	3
Oct-22	4	-
Nov-22 (To 20/11/22)	8	1
Grand Total	80	17

1.22 The vast majority of all housing disrepair cases, including damp and mould are successfully resolved informally by requesting repairs or improvements of

the Landlord or Letting Agent. Where this has not produced improvements within an acceptable timescale, officers have moved to more formal enforcement approaches in line with the Enforcement Concordat and in accordance with the powers and duties contained within the Housing Act 2004. We recognise that our most vulnerable residents are those least likely to reach out and approach the council for support and are more likely to accept substandard living conditions. This highlights the importance of having a proactive housing team, rather than a solely reactive one.

Private Sector Stock Condition Data & Proactive Work

- 1.23 Working with BRE, the Council undertook a Private Sector Stock Condition Survey which was completed in October 2020. The survey showed that around 19% of stock within the private rented sector (just over 4100) has a category 1 Hazard, with 2% of these relating to excess cold. This is slightly better than the national average. However, when we look at those households anticipated to be living in fuel poverty, Barnsley is above average due to a higher prevalence of those on low incomes and the way in which the indicator is calculated. It is currently estimated that around 1/3 of households in Barnsley are in fuel poverty, which equates to around 37,000 households across all tenures. Damp, condensation, and mould issues are most prevalent in homes where heating, insulation and ventilation is inadequate.
- 1.24 Alongside the targeted and responsive work of the Council's Private Rented Sector and Enforcement Teams, the Council has a Warm Homes Service which has been established to provide across tenure advice and assistance relating to warm homes, energy debt, home improvements and retrofit and signposting to income maximisation. The Council has been successful in its bids to the BEIS Local Authority Delivery (LAD) housing retrofit programmes and has, to date, secured over £7M to offer housing retrofit measures to improve the thermal and energy efficiency of homes. This funding is targeted at households in fuel poverty (using BRE and other business intelligence data), taking a fabric first approach to adequately insulating homes and reducing energy usage and carbon emissions. All works must meet PAS2035 standards which ensures that the whole house is considered when installing retrofit measures. This ensures that there are no unintended consequences in under/over-insulation which could cause/contribute to damp, mould, and condensation issues. A communication campaign to promote the grant funding has been running over the last 9 months and has sought to encourage private rented sector landlords and tenants to apply for the grant, where they qualify.
- 1.25 It should be noted, however, that current government funding allocations are not currently sufficient to address/improve thermal and energy efficiency in either the Council's own stock, or that in the private sector. Across South Yorkshire, there are 620,000 homes with an EPC below C (60% of all stock); requiring c.£4bn of retrofit investment to address thermal efficiency and increase SAP ratings. There are also almost 20% of our households living in fuel poverty and we believe that this figure may well double this winter given the current energy and wider cost-of-living crisis.

- 1.26 The South Yorkshire Authorities have already taken advantage of the BEIS retrofit programmes, with over £50M secured via LAD2 across our local Net Zero Hub, £6M via LAD3 (across Barnsley and Sheffield) and c.£6M via SHDF. However, there are delivery issues within these programmes nationally (as well as locally), and local authorities and other providers have been unable to maximise the opportunities of this investment. Regionally, we are working closely to understand how we can overcome barriers to funding maximisation and delivery and there is an urgent need for market development to provide a supplier base in South Yorkshire.
- 1.27 As part of the Council's wider commitment to assisting the residents of our borough through the current cost-of living crisis, the Council has committed £3M via the Affordable Warmth Programme (and Household Support Grant) to assist households in need of first time or replacement boilers and property insulation. This funding, again targeted at those experiencing fuel poverty in the private sector, provides a permanent solution to increasing property standards and seeks to improve the financial circumstances of those disproportionately impacted by the increased costs-of-living.
- 1.28 The Council responded to the Secretary of State's initial request on 30th November 2022. A copy of the response and the Action Plan to respond in full by 27th January 2023 is attached at Appendix C.

2. PROPOSAL

2.1 It is proposed that Cabinet:

- Note the current position relating to the management of damp, condensation, and mould repairs within the Council's stock and endorses the action plan which seeks to further enhance the customer experience provided to council tenants who may experience issue with damp, condensation, or mould in their properties.
- Note the current position relating to damp and mould issues being addressed by the Private Rented Enforcement Team and the initial response sent to Government which sets out the approach to provide a full response to the request for information by 27th January 2022, the limitations in our data and resources which will be required to complete this task and the proactive measures which have been implemented as an immediate response.

3. IMPLICATIONS OF THE DECISION

3.1 Financial

Consultations have taken place with representatives of the Service Director – Finance (S151 Officer).

The associated costs in relation to the delivery of the Damp and Mould Action Plan will be managed and contained within the existing Housing Revenue Account and Capital and Revenue budgets via the PRIP contract.

Berneslai Homes have the flexibility within their delegated powers, to prioritise associated emergency works and reallocate resources from the “business as usual” programmes, with support of the Council.

Both the Council and Berneslai Homes will jointly maintain a track of all damp / mould related expenditure which will allow further analysis, which will be particularly useful should a significant damp / mould programme be required in the future.

Risk & Legal

- 3.2 There are financial and reputational risks for the council in failing to address instances of damp and mould linked to repairs, complaints, and litigation. It is essential that the Council is assured that everything is being done to remedy repairs of this nature efficiently and effectively and to the satisfaction of our tenants. The changes to the remits and powers of the Regulator of Social Housing means that the Council will be subject to additional performance indicators, inspection, and scrutiny regarding the services that it provides to tenants and the condition of stock, going forward.

Under the Housing Act 2004, the Council has been asked to provide information to the department of levelling up, housing and communities in relation to how it is addressing instances of damp, condensation, and mould in both our social housing stock and under our housing enforcement powers within the private rented sector. This report provides a brief position statement to members regarding the information provided in response to the request and the activities and actions being put in place to strengthen processes and response.

3.3 Equality

An Equalities Impact Assessment is not required for this report which provides a position statement relating to the handling of damp, condensation, and mould repair issues across housing stock within the borough. Separate EIA's are already in place relating to the delivery of the Council's repairs and maintenance programme, access to funding and access to enforcement and PRS support.

3.4 Sustainability

A decision-making wheel has not been completed for this report which provides a position statement for members.

3.5 Employee

There are no direct employee implications relating to this report.

3.6 Communications

A communications plan has been developed which will respond to requests

for additional information from the press/media as required. Most importantly, a comms campaign has been launched by Berneslai Homes to encourage tenants to find out more regarding how they can prevent/report repairs relating to damp and mould and the services that they can expect to receive. National stories of this nature are upsetting and distressing, proactive communication to our tenants is key to reassurance.

4. CONSULTATION

- 4.1 As part of their review, the Tenant's Scrutiny Panel have consulted with tenants who had both reported issues of damp / mould and had received works to remedy the problem. This information has informed a service and customer journey re-design and the actions within the improvement plan.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 There are no other options to consider currently. The Council has been asked to provide information relating to how it seeks to address issues of damp, condensation, and mould in households across the borough in line with statutory requirements within the Housing Act. Further to the Housing Ombudsman report published last year, Berneslai Homes, working with the Council, had already taken proactive steps to review existing processes and procedures relating to the handling of damp, condensation, and mould issues and have developed an action plan to initiate further service improvement. Officers within the PRS and Housing Enforcement Teams have provided information relating to the handling of enforcement matters within the private rented sector in line with statutory duties.

6. REASONS FOR RECOMMENDATIONS

- 6.1 As referenced, this report provides a position statement to update members regarding the actions taken by housing service across the Council to address instances of damp, mould and condensation in properties across the borough in line with statutory responsibilities.

7. GLOSSARY

BEIS – Department for Business, Energy, and Industrial Strategy

LAD – Local Authority Delivery

SHDF – Social Housing Decarbonisation Fund

8. LIST OF APPENDICES

No Appendix A

Appendix B: Berneslai Homes Action Plan

Appendix C: Interim Response sent to the Secretary of State and Action Plan

9. BACKGROUND PAPERS

[Details of background papers **MUST** be included]

If you would like to inspect background papers for this report, please email governance@barnsley.gov.uk so that appropriate arrangements can be made

10. REPORT SIGN OFF

Financial consultation & sign off	Senior Financial Services officer consulted and date Phil Danforth, 8/12/22
Legal consultation & sign off	 Jason Field 8/12/22

Report Author: Sarah Cartwright
Post: Head of Service, Housing, Sustainability and Climate Change
Date: 07/12/2022