



Housing & Growth Committee

23 March 2023

Title	Damp and Mould Response
Report of	Chair of Housing & Growth Committee
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	Appendix A – Damp and mould action plan update
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Summary

This report provides an update on damp and mould issues in Barnet since the last report to Committee in January, including progress with addressing this in council properties managed by Barnet Homes, and activity in relation to relevant Registered Providers (RPs) and across the private sector housing stock.

Officers Recommendations

That the Committee note the report.

1. Why this report is needed

- 1.1 This report provides an update on damp and mould issues in Barnet since the last report to Housing and Growth Committee in January, including progress across council properties managed by Barnet Homes, and activity in relation to relevant Registered Providers (RPs) and across the private sector housing stock.
- 1.2 Barnet's Housing Strategy is currently being refreshed, and the emerging themes presented to Housing and Growth Committee in October 2022 included a focus on "*ensuring safe, sustainable council housing*", and "*on raising quality and standards in the private rented sector*", which together will include raising awareness of, and where the council has authority to do so, tackling damp and mould issues.
- 1.3 The issue of damp and mould is one consideration in relation to a general assessment of property condition. Within council homes it is addressed in more detail through Barnet Homes' Asset Management Strategy 2022-27. Across the registered providers and within the private rented sector it is a matter that the council engages with as a point of escalation, when issues become an unresolved health and safety hazard.

Key local updates

Council Housing

- 1.4 The Housing and Growth Committee was updated on Barnet Homes' understanding of the condition of the council housing stock in January 2023. Of the retained council stock, 100% of external surveys and 80% of internal surveys to the properties were completed by the end of Q2 2022/23. The remaining 20% of the internal stock remains due to be surveyed in Q1 2023/24, with 20% of the stock surveyed annually thereafter. A programme for completing stock condition surveys of non-secure properties on regeneration sites with a vacant possession date more than five years away, is also well underway, with circa 160 properties on the Grahame Park Estate due to be surveyed by the end of March 2023.
- 1.5 There are often multiple factors involved in cases of damp and mould including inadequate ventilation, property condition issues, property age or construction challenges, potential overcrowding, and cluttering or hoarding. Presence of damp and mould may also be a cause or a symptom of health or social care issues. Whilst the stock condition data provides a programme of work to tackle the issue, incidences of damp and mould can occur anywhere and at anytime, so the initial focus must be on ensuring any reports of damp and mould can be dealt with robustly. To improve service provision in this area Barnet Homes is recruiting to a newly created Healthy Homes team which will provide dedicated resource to deal specifically with reports of and response to damp and mould. The role of Healthy Homes Manager has been appointed to with a highly experienced resource and the rest of the team are currently being recruited.
- 1.6 At present in Barnet Council's retained stock there are 11 cases of 'severe' damp or mould, which is defined as representing a failure to meet the Decent Homes

standard ([A decent home: definition and guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/a-decent-home-definition-and-guidance)). Severe (category 1) hazards are dealt with immediately by Barnet Homes' Repairs Team to maintain compliance with the Decent Homes standard. Of the 11, 5 have remedial works in progress. Despite repeated attempts to arrange inspections with tenants of the remaining 6, at the time of writing access had not been provided. Attempted liaison with these tenants continues and subject to access, Barnet Homes will complete assessments and works as quickly as possible.

- 1.7 There are also 729 cases of 'moderate' damp or mould, and a further 827 properties in the 'slight' category. Both categories are defined as indicating a pass of the Decent Homes Standard but are noted as an issue. Barnet Homes is in the process of developing a programme of work to address the Moderate (category 2, band D) and the Slight (category 2, band E) hazards. This focus requires significant additional investment, which is estimated to be in the region of £2m and which has been allocated within the latest version of the Housing Revenue Account (HRA) business plan.
- 1.8 Complaints regarding damp and mould are monitored, and when residents raise issues regarding this the damp and mould process is triggered. Between 1 June and 28 February 2023, 75 complaints that included an issue regarding damp, mould, or condensation were received (approximately 6.8% of all complaints received); an average of 8 per month in this period; this is a slight reduction from the 10% and 9 complaints per month that was reported to the Committee in January 2023. The majority of damp and mould complaints in this period were received from tenants occupying general needs homes (55), with 8 complaints from those living on regeneration estates with non-secure tenancies, 6 from leasehold properties, and 3 from tenants living in General Fund accommodation.
- 1.9 There are currently 622 live cases of damp/mould being actively managed through Barnet Homes' damp and mould process, inclusive of the 11 'severe' and a large proportion of the 'moderate' stock condition referrals outlined previously. The 622 live cases represent a significant increase from the 142 cases previously reported to the committee and is consistent with the general large increase in repairs-related demand experienced by Barnet Homes since December 2022. It is understood that this large increase in contact from residents is as a result of a heightened awareness around damp and mould, both with council tenants and households in the private rented sector and this has been a feature for many housing providers in recent months.

Registered Providers

- 1.10 In November 2022, Barnet Council emailed a damp and mould questionnaire to 40 registered providers in Barnet. As of 7th March 2023, 36 responses (90% response rate) have been received. Below shows the data collected from those responses:
 - The total number of units - 9359
 - Total number of complaints (1st April 2019 – present) - 223
 - Category 1 – 31
 - Category 2 – 44

- 1.11 The RPs that have larger stock in Barnet and have responded to the questionnaire are NHG, Peabody, MTVH, Homegroup, Network Homes and L&Q. They have reviewed their Damp and Mould policy and procedures to ensure that they are supportive and informative to residents at their first point of contact. This includes improvements across customer engagement, repair diagnosis and remediation, complaints, data and responsiveness. Please see below a summary of actions that have been taken:
- Providing specialist damp and mould training to a range of frontline staff and key contractors on damp and mould to increase the awareness. This ensures that everyone can help our residents at their first point of contact.
 - Dedicated teams to provide closer case management and technical support for more complex and escalated cases, proactive work associated with damp and mould prevention and early detection
 - Damp and mould dashboard that covers live jobs and flags high risk properties, blocks and estates
 - Introduced damp and mould specific questions to regular surveys, e.g., from perception and transaction, fuel poverty and completion text surveys which are sent to customers.
 - Damp and Mould communications with residents, including leaflets and websites to ensure they are informative, and resident focused. Advice on damp, mould and condensation and how to report issues

Private Rented Sector

- 1.12 A meeting was held between the Private Sector Housing Team, and Public Health to ensure that the enforcement and public health agenda are fully aligned. Off the back of this all key publicly available information has been through an initial joint review. Work has also been undertaken to align communication to tenants across sectors.
- 1.13 Refresher training is being set up of all staff in relation to damp and mould to ensure that key advice and messages are uniform and up to date.
- 1.14 The use of additional equipment to monitor temperature versus humidity in the home by tenants is being investigated.

Temporary accommodation

- 1.15 To ensure a comprehensive approach to conditions in the private rented sector and try to reduce the number of homelessness applications to the council due to poor housing conditions (including damp and mould), an additional Housing Enforcement Officer is currently being recruited to the Private Sector Housing Team.
- 1.16 This new role should enable the tenants applying for rehousing to be prioritised for an inspection, and more rapid engagement with landlords around improvement, so that the tenancy can be maintained where possible. This resource will also help put

a system in place to audit Temporary Accommodation to try to ensure appropriate minimum standards are being met. This new capacity will be a pilot, and as such the working process/requirements may be flexed, as necessary, over time. The position will be funded from the Housing General Fund.

Communications Plan

- 1.17 A two phased approach to external and internal communications is being taken forward. In the next few months, Barnet Homes will be undertaking communications with tenants and leaseholders about support available, including an article in the Barnet Homes resident magazine. A wider cross-cutting communications campaign supported by Public Health, the Private Sector Housing Team and Barnet Homes around links between health and damp and mould, focused on awareness raising and advice will commence in the spring and the autumn (to combine with the wider Winter Well campaign).

Action Plan

- 1.18 An action plan has been developed to focus the council's response to damp and mould. Updates against the actions are set out in Appendix A.

2. Reasons for recommendations

- 2.1 In November 2022, the committee asked for a report about the handling of complaints and issues by Barnet Homes and Social Housing Providers.
- 2.2 Further to the tragic death of Awaab Ishak, and the publication of the coroner's report on 15th November 2022, there have been several communications from government, regulators and the ombudsman with directions and advice for landlords and local authorities. These are captured below for reference.
- 2.3 On 19th November 2022, the Secretary of State wrote to local housing authorities to remind of the duty under the Housing Act 2004 ("the Act") to 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 (section 3(1)).
- 2.4 The Secretary of State has directed, under section 3(3) of the Act, that all local housing authorities in carrying out their duty to review housing conditions in their area must:
- have particular regard to high scoring (bands D and E) category 2 damp and mould hazards, as outlined in the guidance 'Housing health and safety rating system (HHSRS) enforcement guidance: housing conditions.'
 - supply the department with an assessment of damp and mould issues affecting privately rented properties in the authority's area, including the prevalence of categories 1 and 2 damp and mould hazards; and

- supply the department with an assessment of action the authority has identified that may need to be taken in relation to damp and mould issues affecting privately rented properties in the authority's area.

In addition, pursuant to the duties under section 3(3) of the Act, the SoS asked for the following data covering the last three 12-monthly reporting periods for privately rented properties in the authority's area:

- how many damp and mould hazards the authority has remediated, compared to your assessment of the prevalence of these hazards;
- how many times the authority has taken enforcement action to remedy damp and mould hazards and the form this has taken;
- 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.

Furthermore, the SoS asked local housing authorities to set out how they are prioritising enforcement of housing standards generally, across all tenures, including the plans in place to ensure adequate enforcement capacity to drive up standards in the private rented sector.

- 2.5 On 19th November 2022, the Secretary of State also wrote to Social Housing Providers to ask them to make an assessment of the prevalence of category 1 and 2 damp and mould issues in their properties, and to identify required actions; and to request they self-refer to the housing regulator if they are in breach of standards. The council has issued a survey to social landlords to gather such data from across the sector, in order to understand the scale of damp and mould issues locally.
- 2.6 On 29th November 2022, the Housing Ombudsman wrote to landlords to remind them about the Spotlight report from 2021 and its 26 recommendations. Two key elements were highlighted in this letter: (1) a recommendation for landlords to take a zero-tolerance approach to damp and mould, with dedicated policy for decisions and an urgent, proactive, approach; and (2) to remind landlords that inferring blame for damp and mould on tenants 'lifestyle choices' and 'behaviours' is deemed heavy-handed and may lay the landlord open to a potential finding of maladministration. The ombudsman also reminded landlords of the importance of having an accessible complaints procedure in place.
- 2.7 On 24th February 2023, The Regulator for Social Housing wrote to the council to advise that following the information provided in December 2022, the London Borough of Barnet's housing stock has a significantly above average prevalence of Category 2 damp and mould cases. The letter confirmed that the Regulator will follow up on this as part of their future planned regulatory engagement with the council.
- 2.8 This report captures the current status of services and casework relating to damp and mould.

3. Alternative options considered and not recommended

- 3.1 The instructions from the SoS are directives under the Housing Act, and therefore it is a requirement for the council to respond appropriately.
- 3.2 The action plan includes some steps that have been taken and completed, some that are in progress, and some future recommendations that are not implemented yet.

4. Post decision implementation

- 4.1 The council will coordinate delivery of the agreed action plan set out in Appendix A.
- 4.2 Barnet Homes will continue to progress the programme of works set out in in this report.
- 4.3 The council's Private Sector Housing team will continue to identify and classify damp and mould hazards in rented properties and arrange enforcement action where this is required to ensure compliance and remediation by landlords.
- 4.4 The council will ensure that the awareness of links between health and damp and mould is escalated through the Director of Public Health engaging with wider stakeholders, including local health care providers.

5. Implications of decision

5.1 Corporate Priorities and Performance

- 5.1.1 Barnet's Housing Strategy is currently being refreshed, and the emerging themes presented to the Housing and Growth Committee in October 2022 included a focus on ensuring safe, sustainable council housing, and on raising quality and standards in the private rented sector, which will include raising awareness of and, where the council has the authority to do so, tackling damp and mould issues.
- 5.1.2 The Barnet Homes Annual Delivery Plan 2022/23 sets out the framework for the delivery of Housing Management, Homelessness and Development services to be provided by Barnet Homes. It relates to the seventh year of the ten-year Management Agreement with Barnet Homes and commenced on the 1 April 2022. The Delivery Plan 2023/24 is due to be considered by Cabinet in June 2023 and will include a new performance indication in relation to the inspection of damp and mould cases.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 Barnet Homes are recruiting additional and immediate resources to manage the current caseload of damp and mould. This will consist of 2 technical staff, 1 resident liaison officer and administrative resource, who will make up a 'Healthy Homes Team'. This is at a cost of circa. £0.200m per annum. The cost for 22/23 is approximately £0.035m and will be funded by the Housing Revenue Account revenue repairs budget. The ongoing cost has been factored into the latest update of the HRA business plan.

- 5.2.2 Around £2.200m is required to address the known issues of HHSRS category 2 damp and mould across the stock. This includes an additional £1.200m of revenue costs and £1m of capital works which have been factored into the latest update of the HRA business plan.
- 5.2.3 A Housing Enforcement Officer is being recruited to the Private Sector Housing Team. This should enable tenants applying for rehousing to be prioritised for an inspection and the tenancy maintained where possible. A system will also be put in place to audit Temporary Accommodation to try and ensure that appropriate minimum standards are provided. This will be a pilot post and as such working process/requirements will be flexed as necessary. The position is being funded from the Housing General Fund.
- 5.2.3 As part of the service delivery review into this area consideration is being given to the use of additional equipment for example hygrometers which may require some additional resource.

5.3 Legal and Constitutional References

5.3.1 The council's Constitution, Article 7.5 Committees, Forums, Working Groups and Partnerships, sets out the functions of the Housing & Growth Committee:

(1) Responsibility for:

- Housing (including housing strategy; homelessness; social housing and housing grants; private sector housing and leasing; housing licensing and enforcement; HRA Revenue Account and Capital Programme)
- Regeneration Strategy and Overseeing Major Regeneration Schemes
- Asset Management
- Development of Council Land
- Fire Safety
- Economic Development including Employment Strategy; Business Support and Engagement; and Town Centres

(2) To submit to the Policy and Resources Committee proposals relating to the Committee's budget (including fees and charges) for the following year in accordance with the budget timetable.

(3) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.

(4) To receive reports on relevant revenue and capital expenditure, contracts, performance information and risk on the services under the remit of the Committee.

5.3.2 The Housing Act 2004 (sections 3 and 4) require local authorities to keep the housing conditions in their area under review and to inspect the same with a view to identifying any action that may need to be taken under the Housing Act 2004 and other legislation, and if it considers a Category 1 or 2 hazard (as defined by the Act) exists. The Act gives (a) powers to intervene where they consider housing conditions to be in breach

of the same and (b) under section 5, imposes a duty to take action where the authority considers that a Category 1 hazard exists on premises.

5.4 Insight

5.4.1 As set out in the report to Housing and Growth Committee in January 2023.

5.5 Social Value

5.5.1 Closer monitoring of damp and mould complaints should lead to a reduction in the incidence of properties that constitute a hazard to health and improve the social and wellbeing outcomes for residents that are currently living in unsafe properties.

5.6 Risk Management

5.6.1 The council has an established approach to risk management, which is set out in the Risk Management Framework. There is a risk that limited engagement with the housing sector could lead to their lack of compliance with government legislation/regulations resulting in potentially unsafe housing and harm to residents. There are controls/mitigations in place to manage the risk.

5.7 Equalities and Diversity

5.7.1 The Equality Act, 2010 outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.
- Advance equality of opportunity between people of different groups.
- Foster good relations between people from different groups.

5.7.2 Relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

5.7.3 There is high representation of some protected characteristics within the profile of Barnet Council tenants, and this is reasonably expected to be repeated within the demographic profiles of tenants living within social housing across the borough. Within homes rented from the council, those most likely to be disproportionately affected by damp and mould due to their high prevalence within the population compared to that of the borough (2021 Census results) include women, people from an ethnic minority background (particularly those from a Black or Black British background), and individuals aged over 45. It might reasonably be expected that those with a disability and those affected by socio-economic factors may also be disproportionately impacted, as these groups are more likely to be in need of social housing. In delivering the activities outlined within this paper to reduce the impact of and manage damp and mould within its properties, the council is observing its Public Sector Equality Duty.

5.8 Corporate Parenting

5.8.1 In line with Children and Social Work Act 2017, the council has a duty to consider Corporate Parenting Principles in decision-making across the council. There are no adverse implications for Corporate Parenting in relation to this report.

5.9 Consultation and Engagement

5.9.1 As noted in paragraph 1.10, a survey of registered social landlords operating in the borough was undertaken and this has secured a 90% response rate as of 7th March 2023.

5.9.2 There is ongoing engagement with the wider housing sector and landlords to monitor issues of damp and mould.

5.9.3 A new communications plan is being developed to ensure that the profile of this area is raised and appropriately targeted for maximum effect. This includes a cross sector campaign in the spring and autumn.

5.9.4 The Director of Public Health will increase engagement with other partners including local health care providers.

5.10 Environmental Impact

5.10.1 There are no direct environmental implications in relation to this report, however some of the works to properties may also support the journey to Net Zero.

6. Background papers

6.1 13th June 2022, Housing and Growth Committee, item 9, Barnet Homes Delivery Plan 2022/23, [Agenda for Housing and Growth Committee on Monday 13th June, 2022, 7.00 pm \(moderngov.co.uk\)](#)

6.2 17th January 2023, Housing and Growth Committee, item 8, Damp and Mould, [Agenda for Housing and Growth Committee on Tuesday 17th January, 2023, 7.00 pm \(moderngov.co.uk\)](#)

Appendix A: Mould and Damp Action Plan (March 2023)

1.1 The table below captures only actions in relation to damp and mould

Action	Status	March 23 update
Council housing stock		
Barnet Homes to deliver training on damp and mould to all operational frontline teams that visit residents in properties, including all repairs operatives, gas engineers, housing officers, and resident liaison staff. This will be done to ensure they understand the impact damp and mould can have on residents' health and ensure we are providing compassionate advice as well as promptly and routinely reporting cases to the relevant teams where there is a need to do so.	In progress	A training provider has been identified and training of all staff as relevant is scheduled for Q1 2023/24.
Barnet Homes to incorporate an assessment of any current respiratory illness present in any household member that may be taken into consideration when assessments are undertaken for decants.	In progress	All initial assessments include screening on tenant household health issues, including respiratory illnesses. In depth medical assessment process is currently being developed.
Barnet Homes to re-survey and put together a schedule of works for all properties that displayed 'moderate' damp and mould (assuming money can be allocated from the HRA to do this work)	In progress	Healthy Homes Manager has been recruited and the procurement process for surveying and remedial works is in progress. A strategic asset management analysis of stock condition is in progress and scheduled for completion by end of March.
Barnet Homes to work with LBB provide additional advice to residents about how to avoid damp and mould and how to deal with 'slight' cases of damp and mould	In progress	Barnet Homes communication plan is in place, including digital, text and print to all residents. Wider Public Health led campaign to

Action	Status	March 23 update
		commence in the summer.
Barnet Homes to devise a set of measures to record cases of damp and mould and KPI's to demonstrate performance with dealing with those cases	Quarter 4 2022/23	KPI measures developed, IT system development in progress.
Registered Providers		
As part of the Annual Review of Registered Providers, the council will review and assess Registered Providers to ensure that they are appropriately capturing the rectification of issues relating to housing conditions.	Q3 2023/24	
Private Sector Residential		
Review data recording on data management system to specifically flag service requests linked to Damp and Mould.	In progress	
Liaise with the Barnet Group and Public Health to investigate opportunities for closer working in relation to housing disrepair, including Damp and Mould cases.	In progress	Initial meeting held, and Damp and Mould communications working group established.
Review documents, web pages and advice relating to condensation to ensure that it is appropriately worded	In progress	
To ensure a comprehensive approach to conditions in the private rented sector and try and reduce the number of homelessness applications due to poor housing conditions including those relating to Damp and Mould, a Housing Enforcement Officer is to be recruited to the Private Sector Housing Team. This should enable tenants applying for rehousing to be prioritised for an inspection and the tenancy maintained where possible. A system will also be put in place to audit Temporary Accommodation to try and ensure that appropriate minimum standards are provided. This will be a pilot post.	In progress	JD has been agreed and is being evaluated. Interim resource will be procured while the recruitment process takes place
Communications		

Action	Status	March 23 update
Cross sector council campaign raising awareness of the causes of damp and mould and providing advice to residents.	New	Spring 2023
Cross sector council campaign on damp and mould to link in with the seasonal vaccination programme	New	September 2023