

Report to	Partnerships Scrutiny Committee
Date of meeting	18th May 2023
Lead Member / Officer	Councillor Rhys Thomas, Lead Member for Housing & Communities/Gareth Roberts/Angela Loftus/Geoff Davies
Head of Service	Emlyn Jones Head of Planning, Public Protection and Countryside Services
Report author	Geoff Davies – Lead Officer - Community Housing
Title	Mould & Condensation in Housing Association (RSL) Housing Stock and Private Rented Sector Properties

What is the report about?

- 1.1. The Coroner's report following the tragic death of 8-year-old Awaab Ishak in Rochdale was released on 15th November 2022.
- 1.2. The report concluded that Awaab died from prolonged exposure to mould in his family's housing association flat. The Coroner said this should be a "defining moment" for the housing sector.
- 1.3. Welsh Government subsequently wrote to all social landlords in Wales (This is Councils with retained housing stock and Registered Social Landlords (RSLs)), on 15th December 2022 asking for assurance on how landlords are responding to the case. A response was required by 20th January 2023.

2. What is the reason for making this report?

- 2.1. Welsh Government is currently reviewing all the responses and will provide summary feedback in due course. As part of the responses, social landlords

were asked to confirm how they will scrutinise this issue within their own governance structures.

- 2.2. Denbighshire's Community Housing service presented a report to Performance Scrutiny Committee on 16th March 2023 to detail action taken to prevent and tackle mould and condensation in council homes.
- 2.3. The separate matter of the response of RSL's operating in Denbighshire to this issue, has been requested as an agenda item by Scrutiny.
- 2.4. It should be noted that Registered Social Landlords are responsible to their own individual Boards of Management and Welsh Government. The Council is not able to formally scrutinise the delivery of their service to their tenants.
- 2.5. The involvement of the Council would only be required if a tenant of the one of the RSL's made a complaint about the condition of their home to the Housing Enforcement Team within Planning, Public Protection and Countryside Service. This is dealt with in the report.

3. What are the Recommendations?

- 3.1. That the Committee confirms that it has read and understood the report and comments accordingly.

4. Report details

- 4.1. Following national media coverage of the tragic death of Awaab Ishak there has understandably been a focus on mould and condensation in social housing.
- 4.2. The causes of mould and condensation are complex. In many cases the appearance of mould and condensation does not mean there is a building defect that can be fixed, however this can be impacted by the energy performance of the building as well as how heating and ventilation is managed within a home.
- 4.3. This increased focus on mould and condensation came at a time of rising energy prices when adequate heating is vital to ensure there is a constant and moderate temperature maintained within a home.

- 4.4. All tenants in the Private Rented Sector (PRS), which for this purpose includes RSL's, are able to report matters of disrepair in their home to the Councils housing enforcement team. Complaints in relation to private sector housing have remained fairly constant in recent years. Although damp & mould complaints have become more high profile recently, numbers of general complaints in the PRS have remained unchanged.
- 4.5. Housing Enforcement actions are taken under the Housing Health and Safety Rating System (HHSRS) of the Housing Act 2004. The statute limits what action can be taken and therefore damp & mould complaints are not categorised as emergencies. The legislation allows for the landlord sufficient time to investigate and carry out repair as part of any enforcement action that can be taken.
- 4.6. The Housing Enforcement team hold records relating to enforcement action carried out after property housing health and safety rating system inspections (HHSRS) have been carried out. One of the hazards looked for and risk rated on a visit is damp & mould.
- 4.7. In summary, enforcement action has reduced over recent years for damp & mould complaints –

Date:	No. of premises inspections carried out where hazards identified & enforcement action taken:	No. of these inspections where damp & mould hazard identified & enforcement taken:	Percentage:
01/04/2018– 31/03/2019	299	105	35.2%
01/04/2019 – 31/03/2020	257	115	44.8%
01/04/2021 – 31/03/2022	104	41	39.4%
01/04/2022 – 31/03/2023	185	54	29.2%

- 4.8. In conjunction with the commencement of the Renting Homes (Wales) Act 2016 earlier this year, Housing Enforcement team have made a change to the complaint investigation process to ensure that the landlord is made aware of any complaint made by their tenants, in order to give them the opportunity to address the disrepair issues, before becoming formally involved. If after 21 days, the problems still exist, or significant progress hasn't been made, then Housing Enforcement will arrange to carry out an inspection. The new process

applies to all complaints received except for emergencies which are prioritised and inspected as soon as practicable

4.9. In respect of RSL's, very few complaints have been received. Where such complaints are received, Housing Enforcement would advise the tenant in the first instance to contact their housing provider so that their landlord has the opportunity to address their concerns directly. No cases with RSL's have required any further escalation or involvement.

4.10. In terms of their response to Welsh Government, two of the six local RSL's have kindly provided a copy of their response. These are not public documents and are therefore summarised below to reassure the Committee that RSL's, as responsible landlords, have responded to the issue. If any further intervention is required with regards to their responses, this will be a matter for WG and their individual boards of management.

4.11. The responses outline positive action in the following areas –

- All reports of damp, mould and condensation are recorded, inspected and the case load monitored by a senior officer with reports to senior leadership teams and boards of management.
- Clear processes are in place to manage all reports from households to ensure prompt action is taken.
- There are clear escalation processes for households that are dissatisfied with the response.
- The data provided shows a clear understanding of the extent of the issue.
- The most at risk households and properties have been targeted for intervention and support.
- All front line staff have received training and awareness to be able to identify and report any issues with mould and condensation.
- There has been significant activity with communication campaigns and within tenant engagement structures.
- Partnerships to deliver advice to households on energy efficiency and household finances are in place.

- North Wales Disrepair Action group of all North Wales RSL's and TPAS is working to seek to reduce disrepair claims and jointly improve responses to claims.
- There is significant investment and innovation in homes to improve energy efficiency measures.
- Use of technology to identify and prevent where mould may occur and improve inspection processes.

5. How does the decision contribute to the Corporate Plan 2022 to 2027: The Denbighshire We Want?

5.1. This report outlines the RSL's approach to ensure that homes are "safe, secure and well maintained".

6. What will it cost and how will it affect other services?

6.1. The costs of supporting tenants and managing investment in their housing stock lies with the RSL's.

7. What are the main conclusions of the Well-being Impact Assessment?

7.1. No well-being impact assessment has been completed as this is not a request for decision on a proposal or change in policy.

8. What consultations have been carried out with Scrutiny and others?

8.1. This is a matter for the RSL's and their own governance and tenant engagement structures.

9. Chief Finance Officer Statement

9.1. There are no costs to the Council incurred with this report

10. What risks are there and is there anything we can do to reduce them?

10.1. The risk with failure to properly respond effectively to reports from tenants about mould and condensation is the responsibility of each individual RSL.

11. Power to make the decision

11.1. Section 21 of the Local Government Act 2000 and Section 7.2.3 of the Council's Constitution.