

## Report of the Portfolio Holder for Housing

**DAMP AND MOULD UPDATE**1. Purpose of Report

To update Cabinet on the progress of the Damp and Mould Action Plan approved by in February 2023.

2. Recommendation

**Cabinet is asked to NOTE the progress of the Damp and Mould Action Plan and to RESOLVE that the new actions be approved.**

3. Detail

In light of the tragic case of Awaab Ishak, and in response to requests from the Secretary of State and the Regulator of Social Housing, the Council is completing a full review of our response to the issue of damp and mould within properties, both in Council owned and in the private sector.

Progress toward the approved action plan is shown in appendix 1. This involves work by Housing Repairs, Capital Works and Private Sector Housing and since the approval of the plan the teams have worked together to address this issue. The action plan includes updates for all teams.

In addition to the actions previously agreed the Housing Ombudsman has now been clear that they expect landlords to publish a self-assessment of the 26 recommendations for landlords outlined in their report 'Spotlight on Damp and Mould, it's not Lifestyle'. No deadline has been given for this to be completed. The Head of Housing has completed the self-assessment which is included in appendix 2. This includes some new proposed actions for inclusion in an updated Action Plan.

Work continues to progress at Princes Street and Wellington Street in Eastwood, using an external contractor, but there are 23 properties where work has not yet been completed. 11 of these are due to tenant's initially refusing the work. The Neighbourhoods team are supporting Capital Works to address this matter. In the meantime, if there are any concerns that the condition of one of these properties is detrimental to the health of the tenant we will discuss this with the tenant and consider a direct let to an alternative property or temporary accommodation until the work is completed. Up to now, this has not been necessary.

4. Financial Implications

The comments from the Head of Finance Services were as follows:

There are no additional financial implications for the Council with costs being contained within existing budgets. Any significant budget implications in the future, over and above virement limits, would require approval by Cabinet.

5. Legal Implications

The comments from the Monitoring Officer / Head of Legal Services were as follows:

The Landlord and Tenant Act 1985 as amended by the Housing (Fitness for Human Habitation) Act requires a property is fit for human habitation at the beginning of the tenancy and for the duration of the tenancy; and where a landlord fails to do so; the tenant has the right to take action in the courts for against the Council breach of contract on the grounds that the property is unfit for human habitation. To address this duty, the council needs to have a planned maintenance programme with periodic inspections and an effective responsive repairs service. The Council's obligations as landlord to repair and maintain Council properties are set out in the tenancy agreement. In addition, section 11 of the Landlord Tenant Act 1985 sets out statutory obligations to ensure that the structure of homes is repaired and the repairs are carried out within a reasonable time.

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:

N/A

7. Union Comments

The comments from the Union were as follows:

N/A

8. Climate Change Implications

The comments from the Waste and Climate Change Manager were as follows:

Some of the remedial works completed and planned, particularly at Princes Street and Wellington Street in Eastwood will help increase the energy efficiency of the Council's housing stock. Cabinet approval has previously been given to update Energy Performance Certificates (EPCs) for all of the housing stock which will allow us to monitor the positive improvements made to EPC ratings.

9. Data Protection Compliance Implications

This report does not contain any [OFFICIAL (SENSITIVE)] information and there are no Data Protection issues in relation to this report.

10. Equality Impact Assessment

N/A

11. Background Papers

Nil