

**Report of the Portfolio Holder for Housing****Damp and Mould Policy - Revision****1. Purpose of Report**

The Damp and Mould Policy has been amended in preparation for the introduction of Awaab's Law, which will enable the Council to improve on its service delivery in accordance with the Council's Corporate Priority of Housing – a good quality home for everyone.

**2. Recommendation**

**Cabinet is asked to RESOLVE that the revised Damp and Mould Policy be approved.**

**3. Detail**

Awaab's Law will come into force for the social rented sector from 27 October 2025. From this point social landlords will have to address all emergency hazards and all damp and mould hazards that present a significant risk of harm to tenants to fixed timeframes.

The revised policy describes how the Council will manage Damp and Mould in line with the introduction of Awaab's Law.

Please note, due to the significant amendments to the existing policy, a change table has not been created.

**4. Key Decision**

This report is a key decision as defined under Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. It will be significant in terms of its effects on communities living or working in an area comprising two or more Wards or electoral divisions in the Council's area. Updates from Scrutiny

This applies where a policy has been through pre-scrutiny or Policy Overview Working Group.

**5. Financial Implications**

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

There are no additional financial implications for the Council to consider at this stage with any costs being contained within existing budgets. Any significant budget implications going forward would be considered as part of the annual budget setting process and require approval by Cabinet.

**6. Legal Implications**

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

Clause 42 of the Social Housing (Regulation) Act 2023 (commonly known as 'Awaab's law') inserts into social housing tenancy agreements an implied term that will require social housing landlords to comply with new requirements to come into force on 27 October 2025. Awaab's law requires social housing landlords to repair certain hazards (including mould and damp) within prescribed timescales. If a social housing landlord fails to meet these prescribed timescales, then tenants will be able to take action against the landlord for breach of contract.

Further legal implications are within the Landlord and Tenant Act 1985 as amended by the Housing (Fitness for Human Habitation) Act which requires a property is fit for human habitation at the beginning of the tenancy and for the duration of the tenancy. Where a landlord fails to do so; the Tenant has the right to take action in the Courts against the Council for 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 the statutory obligations to ensure that the structure of homes is repaired and the repairs are carried out within a reasonable time.

**7. Human Resources Implications**

The comments from the Human Resources Manager were as follows:

Not applicable.

**8. Union Comments**

The Union comments were as follows:

Not applicable.

**9. Climate Change Implications**

The climate change implications are contained within the report.

**10. 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.

11. Equality Impact Assessment

As there have been substantial changes to the Policy an Equality Impact Assessment is included at **appendix 2**.

12. Background Papers

Nil