

TONBRIDGE & MALLING BOROUGH COUNCIL
HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

07 June 2023

Report of the Director of Planning, Housing & Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 HOUSING STANDARDS IN RENTED PROPERTIES IN ENGLAND

Summary

This report updates Members on the Government focus on improving housing standards in rented properties and how Tonbridge & Malling BC has responded. It also updates on how our housing partners are also responding and seeks Member endorsement of our approach to working with Clarion Housing Group on this important agenda.

1.1 Background

1.1.1 On 19 November 2022 the Secretary of State for Levelling Up, Housing and Communities wrote to all local authority chief executive and council leaders highlighting the tragedy of Awaab Ishak, who died at two years old as a direct result of mould in his family home, and the urgent need to ensure a decent standard of properties for tenants in all sectors.

1.1.2 The letter stated that “having considered it necessary and urgent to ensure that, as we go into a challenging winter, damp and mould issues are being addressed, I now direct, 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 your area, including the prevalence of category 1 and 2 damp and mould hazards; and
- supply the department with an assessment of action you have identified that may need to be taken in relation to damp and mould issues affecting privately rented properties in your area.

- 1.1.3 In addition, there was a request for data covering the last three 12 monthly reporting periods for privately rented properties in our area in terms of remediation of damp and mould hazards and enforcement action taken.
- 1.1.4 Finally, the letter asked us to set out how we were prioritising enforcement of housing standards more generally, across all tenures, including what plans we have to ensure adequate enforcement capacity to drive up standards in the private rented sector.
- 1.1.5 We were asked to submit an initial response to the letter by the end of November 2022 and a full response by 27 January 2023. Further guidance on what was to be set out within these responses was provided at a later date.
- 1.1.6 Alongside this, the Secretary for State asked social housing providers to make an assessment of their properties and within this letter he said “I have been made aware of many cases where this has gone unaddressed for far too long and am concerned that they are not treated with sufficient seriousness.” He went on to say “All social homes must meet the Decent Homes Standard; you must be aware of any that do not and undertake rapid remedial works. However, in light of this case I expect you to go further than the letter of the Standard and have particular regard to damp and mould. Damp and mould are not ‘lifestyle issues’ as the Housing Ombudsman Service underscored last year. Where people complain about damp and mould, you must listen; where you find them, you must take prompt action. To keep tenants safe, you must not hide behind legal process.”

1.2 TMBC responses

- 1.2.1 A copy of the Council’s initial response is attached at **Annex 1**. From this I would highlight the following:
- We consider that we already have a robust approach to dealing with damp and mould complaints/issues within our area.
 - The Council’s Private Sector Housing Enforcement Policy already specifically referred to the Council exercising its discretion to take the most appropriate course of action where a Category 2 Band D hazard exists, where there are multiple hazards leading to a serious situation or where there are exceptional circumstances, however we committed to amending it further to specifically refer to the Council exercising its discretion to take the most appropriate course of action where a Category 2 hazard Band E hazard for damp and mould exists. This amendment has now been made.
 - We are members of both Kent Housing Group and Kent Chartered Institute of Environmental Health Housing Technical Group where this issue has already been flagged as a priority for joint working by the groups.
 - We hold regular operational and strategic meetings with our main housing provider, Clarion Housing Group, where updates on repairs, complaints etc

are provided however we are aware a jointly agreed formal approach to damp and mould complaints needs to be developed.

- We felt it was important in our response to point out that critical to the prevention of damp and mould is adequate heating and insulation. We requested that priority is given to ensuring insulation and heating schemes open to all continue to be fully funded/subsidised to ensure good take up and that the cost of heating is managed so that even the most vulnerable residents can afford to heat their homes adequately.

1.2.2 The full response was via on-line survey and was technical with a focus on the Housing Health and Safety Rating Scheme. From this I would highlight the following:

- Based on our assessment of damp and mould issues affecting private rented sector properties in our area we estimated that 3% have category 1 damp and mould hazards (estimated to be 263 properties)? We based this estimate on our stock modelling information, contact with landlords/tenants and general knowledge of local housing stock.
- We received 22 complaints relating to housing standards in the last three financial years that reference or relate to damp and mould issues in the private rented sector in 2019/2020, 10 in 2020/2021 and 15 in 2021/2022.
- We took formal and informal enforcement action on damp and mould hazards in 17 cases in 2019/2020, 5 cases in 2020/21 and 9 cases in 2021/22.

1.3 Registered Housing Providers

1.3.1 We are in the process of contacting all housing providers to seek a copy of their submission on this topic in response to the letter dated 22 November 2022 from the Regulator of Social Housing to ascertain any issues that we may want to investigate further within our area.

1.3.2 We do however recognise that our focus must be on our largest housing provider, Clarion Housing Group. We have had some initial discussions with Clarion both at operational and a strategic level.

1.3.3 In response to the death of Awaab Ishak Clare Miller, Chief Executive at Clarion Housing Group, wrote to all Council Leaders and Chief Executives where they have a significant number of social housing residents in the area. She advised that Clarion had appointed a specialist task force to focus on all live issues of condensation, damp and mould and had been working on a number of new initiatives for tackling this problem over the last 6 months. This included:

- Re-visiting every home that has reported damp and mould in the last 2 years.

- Reviewing all existing reported cases of condensation, damp and mould and what additional interventions can be made to address and resolve the issues.
- Increasing investment in humidity and ventilation monitoring devices, to enable early identification of problems.
- Referring cases to specialist surveyors if there is a repeat instance of damp and mould.
- Enhancing training for all colleagues and new reporting systems.
- Using our 'Every Visit Counts' policy to ensure that if colleagues are in a property fixing a separate problem, they look for condensation damp and mould and raise any issue.

1.3.4 Clarion have recently reported to us that they have 387 prospective property visits due (based on reported leaks, condensation, damp and mould in the last 2 years) in Tonbridge and Malling, of which they have already completed 25. We await further information on the timescales for these visits however they are due to be completed by the end of August 2023. They also report that there has been 60 work orders raised since the new task force went live in middle of December 2022.

1.3.5 We are keen to work with Clarion Housing Group on this important issue and wider repair issues in a more formal manner than previously has been normal practice. We recognise our role in ensuring that the social housing in our local area is of an acceptable standard and that tenants are receiving the response they should from housing providers when issues are raised. We also want to ensure that the resources both we and the housing providers have available are used in the most efficient and effective manner. We are therefore proposing to seek to work with Clarion on a Memorandum of Understanding which will cover the role for both parties in dealing with property conditions in their housing stock. This will include for Clarion, as the landlord, to take the lead on all complaint investigation and for the Council to step in where appropriate with relevant enforcement action.

1.3.6 We are also intending to develop a targeted repairs monitoring framework with Clarion (which will ultimately form part of a wider monitoring regime across their wider housing activities) so that we can be satisfied that we are regularly updated on the condition of their housing stock and are alerted to any issues that we need to be aware of and can offer support with. The Member Liaison Panel will play an important role in this work as it is envisaged this will be one of the forums where this report will be presented.

1.4 Legal Implications

- 1.4.1 Local housing authorities have a 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)).
- 1.4.2 Damp and mould is a hazard listed under the Housing Health & Safety Rating System and where it is assessed as a Category 1 hazard the local authority must take action to remove or reduce the hazard.

1.5 Financial and Value for Money Considerations

- 1.5.1 All the current work on this can be carried out within existing resources.

1.6 Risk Assessment

- 1.6.1 Poor housing conditions can affect resident’s health and impact on many other aspects of lives such as social interactions, education and employment.

1.7 Recommendations

- 1.7.1 It is **RECOMMENDED** that:
- 1.7.2 Members **ENDORSE** the Cabinet Member for Housing writing to Clarion Housing Group to request their cooperation in agreeing a Memorandum of Understanding on how property condition complaints will be dealt with by both parties and that a monitoring framework is adopted and reported on regularly including to the Member liaison panel.

The Director of Planning, Housing & Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

Nil

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