



Report to Policy Committee

Author/Lead Officer of Report: Darryl Smedley:
Head of Neighbourhood Intervention and Tenant Support

Tel: 07825072954

Report of: Janet Sharpe
Report to: Housing Policy Committee
Date of Decision: 2 February 2023
Subject: Damp and Mould Update – Private Rented Sector

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, what EIA reference number has it been given? <i>(Insert reference number)</i>				
Has appropriate consultation taken place?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Does the report contain confidential or exempt information?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below: -				
<p><i>“The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended).”</i></p>				

Purpose of Report:

Following the tragic death of Awaab Ishak who died two years ago from a respiratory condition caused by damp and mould in his home, the Secretary of State for The Department of Levelling Up, Housing and Communities (DLUHC) have written to Sheffield City Council to seek re-assurances that it is fulfilling its legal and regulatory responsibilities in relation to damp and mould, and if not, to outline how it intends to become full compliant.

This report provides an update to the additional work undertaken to respond to DLUHC following the initial response provided on 30 November 2022. This report provides detail of the secondary ask from DLUHC which was provided on 27 January 2023. The response outlines our previous actions to deal with damp and mould in the Private Rented Sector and what we need to effectively tackle it in the future.

Recommendations:

That Members of the Housing Policy Committee note the contents of this report and the work being done to address the issues of damp and mould in private rented homes.

Background Papers:

Appendix A: Letter from the Secretary of State regarding housing standards in rented properties in England

Appendix B: Letter from the Directors of Private Rented Sector and Leasehold regarding housing standards in rented properties in England

Appendix C: SCC response to the letter from the Secretary of State regarding housing standards in rented properties in England

Appendix D: Letter from the Deputy Director of Private Rented Sector regarding housing standards in rented properties in England

Appendix E: SCC electronic submitted response to the Deputy Director of Private Standards regarding housing standards in rented properties in England

Lead Officer to complete:-							
1	<table border="1"> <tr> <td rowspan="4">I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.</td> <td>Finance: <i>Helen Damon</i></td> </tr> <tr> <td>Legal: <i>Stephen Tonge</i></td> </tr> <tr> <td>Equalities & Consultation: <i>N/A</i></td> </tr> <tr> <td>Climate: <i>Nathan Robinson</i></td> </tr> </table>	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: <i>Helen Damon</i>	Legal: <i>Stephen Tonge</i>	Equalities & Consultation: <i>N/A</i>	Climate: <i>Nathan Robinson</i>	
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	Equalities & Consultation: <i>N/A</i>						
	Climate: <i>Nathan Robinson</i>						
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>						
2	EMT member who approved submission: <i>Ajman Ali</i>						
3	Committee Chair consulted: <i>Douglas Johnson</i>						
4	<table border="1"> <tr> <td colspan="2">I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.</td> </tr> <tr> <td>Lead Officer Name: <i>Darryl Smedley</i></td> <td>Job Title: <i>Neighbourhood Intervention and Tenant Support</i></td> </tr> <tr> <td colspan="2">Date: <i>30 January 2023</i></td> </tr> </table>	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.		Lead Officer Name: <i>Darryl Smedley</i>	Job Title: <i>Neighbourhood Intervention and Tenant Support</i>	Date: <i>30 January 2023</i>	
I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.							
Lead Officer Name: <i>Darryl Smedley</i>	Job Title: <i>Neighbourhood Intervention and Tenant Support</i>						
Date: <i>30 January 2023</i>							

1. PROPOSAL

- 1.1 Following the tragic death of Awaab Ishak, who died two years ago from a respiratory condition caused by damp and mould in his home, both the Secretary of State for the Department of Levelling Up, Homes and Communities (DLUHC) have written to local authorities to get re-assurances that each council is meeting its legal and regulatory requirements in relation to damp and mould, and if not, to outline how it intends to become full compliant.
- 1.2 The Letter from the Secretary of State regarding housing standards in rented properties in England can be seen as Appendix A.
- 1.3 The Letter from the Directors of Private Rented Sector and leasehold regarding housing standards in rented properties in England can be seen as Appendix B.
- 1.4 Sheffield City Council's response on 30 November 2022 to the Secretary of State regarding housing standards in rented properties in England can be seen as Appendix C.
- 1.5 The Letter from the Deputy Director of Private Rented Sector regarding housing standards in rented properties in England can be seen as Appendix D.
- 1.6 Sheffield City Council's response on 27 January 2023 to the Secretary of State regarding housing standards in rented properties in England can be seen as Appendix E.

2. Legal and Regulatory Requirements

- 2.1 Under the Housing Act 2004 Local authorities have a duty to act regarding Category 1 hazards and a power to act regarding Category 2 hazards. By "act" it means enforcement action under the Housing Act 2004 which is applied where informal action has failed. This applies to both private sector and social housing.
Action includes:
 - I. Hazard awareness notice (usually appropriate for Cat 2)
 - II. Improvement notice (usually appropriate for Cat 1)
 - III. Emergency remedial action (the Council has power to do this but it's not a duty)
 - IV. Prohibition order (including Emergency Prohibition Order) when council thinks people should leave building
 - V. The Council also has a duty 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.

3. Our Response to DLUHC

3.1 What was the ask?

3.1.1 Responses have now been provided to DLUHC most recently on 27 January 2023 regarding private rented sector housing standards in properties in Sheffield. The main themes of the data collection ask to all Councils is set out below:

- I. Provide core data including the scale of the private rented sector in your area, what data sources you use to inform your opinion on quality and condition of stock, what resources you have to deploy and any selective or additional licensing schemes that you operate.
- II. An assessment of damp and mould issues affecting the private rented sector. Including the prevalence of Category 1 and 2 damp and mould hazards and what data sources you use to come to this assessment.
- III. Your approach when receiving complaints from private rented sector tenants, the numbers received over a three-year period and how many have resulted in inspections. Of those inspections what was the prevalence of Category 1 and 2 hazards found relating to the prevalence of damp and mould.
- IV. Your enforcement action over the last three years relating to damp and mould including improvement notices issued, civil penalty issues noticed, prosecutions pursued and successful prosecutions.

3.2 Our response

3.2.1 In our response we have provided answers to questions wherever possible. Where we are unable to provide specific statistics, we have fully explained the reasons why. There are some cases where we have not been able to provide full data as part of our return due to current IT system limitations. We are unable to report on historical cases with damp and mould hazards specifically. Although this data is captured in our system it is embedded within individual electronic case files and the system does not have the ability to generate reports that would have enabled us to provide the statistics in our response.

3.2.2 We have taken action to resolve this issue in the short term to allow better reporting of damp and mould complaints and hazards. Longer term the implementation of the new Housing System will resolve this issue and we have members of the Private Housing Standards team working with

the project team to ensure the new product is fit for purpose to meet our current and future needs.

- 3.2.3 Our response sets our assessment of the current challenges we face and what would help us to better prioritise addressing housing enforcement issues such as damp and mould. This includes our commitment to further engage Government in relation to this issue and to raise our concerns about dedicated resource and funds to upscale proactive enforcement to tackle and reduce the prevalence of damp and mould in Sheffield.

The full Sheffield City Council's response on 27 January 2023 to the Secretary of State regarding housing standards in rented properties in England can be seen as Appendix E.

- 3.3 Following the publicity around Awaab Ishak's death SCC set up a Damp and Mould Task Group to undertake a full review of how the council deals with damp and mould cases and to oversee any changes to working practices. This Group is Chaired by the Director of Housing and Neighbourhoods and is a cross functional team looking at both private rented homes and council housing.
- 3.4 The first meetings of the Damp and Mould Task Group have now taken place and are scheduled monthly. The Housing Policy Committee will receive updates on progress from this Task Group with the next report in March 2023 and this will include updates related to this response and future actions relating to the Private Rented Sector.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality Implications

- 4.1.1 A full equalities impact assessment of how SCC deals with damp and mould cases will be reviewed following the allegation that racism was a contributory factor in the Awaab Ishak case.

4.2 Financial and Commercial Implications

- 4.2.1 None

4.3 Legal Implications

- 4.3.1 In relation to the issue of the existence and management of damp and mould in the cities rented accommodation, the Council has the following responsibilities.

As regulator of housing standards for private sector rented properties in the city:

In its capacity as regulator of housing standards the Council has statutory

powers and duties of investigation and enforcement under the Housing Act 2004. It also has a statutory duty to keep housing conditions under review, and this report sets out matters relating to how the Council is meeting that duty. It is in relation to these duties (including relevant data) that the Secretary of State has written to the Council to seek assurances and information as to how the Council is meeting its duty.

Whether the Council is meeting its duty generally, or in specific cases, is a matter which may be the subject of dispute, complaint, or legal claim.

4.4 Climate Implications

- 4.4.1 Improving the thermal efficiency of homes is one of the main remedies in dealing with damp and mould. SCC will include any recommendations from the Damp and Mould Task Group in the work being undertaken to become Net Zero and the roadmap to decarbonisation and communication and support to the Private Rented Sector.

4.5 Other Implications

- 4.5.1 None

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 None

6. REASONS FOR RECOMMENDATIONS

- 6.1 To inform the Housing Policy Committee of the work being undertaken by Officers to respond to the challenges of damp and mould in both private sector housing and council housing in Sheffield.



Department for Levelling Up, Housing & Communities

Rt Hon Michael Gove MP
*Secretary of State for Levelling up Housing &
Communities*
Minister for Intergovernmental Relations

**Department for Levelling Up, Housing and
Communities**
4th Floor, Fry Building
2 Marsham Street
London
SW1P 4DF

19 November 2022

Dear Local Authority Chief Executive and council leaders,

HOUSING STANDARDS IN RENTED PROPERTIES IN ENGLAND

The tragedy of Awaab Ishak, who died at two years old as a direct result of mould in his family home, has highlighted the urgent need to ensure a decent standard of properties for tenants in all sectors.

I know you will join me in mourning this avoidable loss. I also know, from previous experience, that councils and authorities across the country are already determined to improve housing standards. That is why I am confident you will all be as focussed as my department is on ensuring that no family ever has to experience such a tragedy again. In 21st century Britain, this should not be a high aspiration.

I have today written to social housing providers on this crucial matter. All of us – including my department – need to deliver our responsibility to people living in poor quality housing. That is why I am writing to you to request you do everything in your power to prioritise the improvement of housing conditions for the millions of private and social tenants, in line with existing duties in the Housing Act 2004. This becomes ever more urgent as we go into winter with a cost of living and energy crisis, which may exacerbate damp and mould conditions in some homes.

As you will be aware, 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)).

Treating damp and mould seriously

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 conditions¹
- 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

¹ <https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-enforcement-guidance-housing-conditions>

- 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.

In addition, pursuant to your duties under section 3(3) of the Act, I would like you to provide the following data covering your last three 12 monthly reporting periods for privately rented properties in your area:

- how many damp and mould hazards you have remediated, compared to your assessment of the prevalence of these hazards;
- how many times you have 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.

If you have not collected this information, please explain why.

Finally, I would also like you to set out how you are prioritising enforcement of housing standards more generally in your authority, across all tenures, including what plans you have to ensure adequate enforcement capacity to drive up standards in the private rented sector.

Alongside this, I have asked social housing providers to make an assessment of their properties and the Regulator of Social Housing will also be writing to them shortly on this matter.

I would like an initial response by the end of the month – this should set out how you are prioritising this work and any other initial information you can provide. I would then like the full response by 27 January at the latest. My officials will work with the Local Government Association and local authorities to agree the process and format for these responses in the coming days. Any questions in the meantime can be directed to housingstandards@levellingup.gov.uk. My department will review these returns and may ask for further information. We may also periodically publish the responses, or a summary, to improve transparency on this important issue. I have focussed here largely on damp and mould to make quick progress on this important area during the winter months, but reserve the right to make further directions and requests in relation to wider standards in the near future as the department deems necessary.

I would like to take this opportunity to thank you for the important work that you do in your local areas to improve housing standards for tenants. It is vital that we all learn from the events that led to the tragic death of Awaab, and my officials and I look forward to working collaboratively with you to improve standards for renters across the country and across all tenures.

With every good wish,



Rt Hon Michael Gove MP
Secretary of State for Levelling Up, Housing and Communities
Minister for Intergovernmental Relations



Department for Levelling Up,
Housing & Communities

**Caroline Crowther and Charlotte Spencer
(Jobshare)**
Director, Private Rented Sector and Leasehold
**Department for Levelling Up, Housing and
Communities**
Fry Building
2 Marsham Street
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SW1P 4DF

For the attention of all
Housing Enforcement Teams

25 November 2022

Dear Chief Executive,

Housing Standards in Rented Properties in England

The Secretary of State for Levelling Up, Housing and Communities, the Rt Hon Michael Gove MP, wrote to you on 19 November following the tragic and avoidable death of Awaab Ishak.

I am following up with more detail on his request concerning the critical matter of taking damp and mould seriously and urgently improving conditions for private and social tenants.

In his letter, the Secretary of State directed all local housing authorities to carry out three actions in line with your duty under section 3(3) of the Housing Act 2004. These actions were to:

- 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';ⁱ
- 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.

The Secretary of State also requested information on the specific activity you have taken over the last three years to address damp and mould hazards in the private rented sector (PRS), with specific questions covering the amount and nature of remediation and enforcement activity, Civil Penalty Notices and prosecutions. He also asked you to set out the plans you have in place to prioritise the enforcement of housing standards more generally, with a particular focus on how you will ensure adequate enforcement capacity to drive up standards in the PRS.

The Regulator of Social Housing has separately written to registered providers of social housing to highlight landlords' responsibility to take action to protect tenants from hazardous damp and mould, and request information about their properties.ⁱⁱ

I would like to clarify what we are requesting in your initial response by 30 November 2022 and in your full response by 27 January 2023.

Guidance for the initial response – 30 November 2022

We recognise that it will take time for local authorities to bring together the full set of information requested. The Secretary of State would like to make sure these actions are being acted on in advance and therefore by **30 November 2022**, would like an initial response to set out:

- confirmation you have received and will pick up the request as set out above;
- a plan setting out how you are intending to prioritise addressing the issues of mould and damp for privately rented properties in your area, with specific reference to how you intend to meet the request set out above;
- any issues you envisage with completing the full response for 27 January and/or where further clarity from the department would be helpful.

We recommend this initial response be no longer than three A4 pages (although recognise that circumstances will vary) and that the majority focuses on the second bullet point relating to your damp and mould plan.

We would be grateful if you would email your initial response to housingstandards@levellingup.gov.uk by 30 November 2022.

Guidance for the full response – 27 January 2023

We will be working with local authorities and the Local Government Association (LGA) to develop a response form, which we hope will help and that we will share in the coming weeks. Once shared, we would be grateful if this could be completed at the earliest opportunity and no later than 27 January 2023.

We are looking for an honest and factual assessment. Our team will review the information to make recommendations on how we can address this critical issue. The information will also help us to better understand the current enforcement landscape and feed into policy development for improving the quality of housing in the private rented sector.

Thank you in advance for your time in assisting with this request and for the essential work you do to address these important issues. If you have any further questions, please feel free to contact us at housingstandards@levellingup.gov.uk.

Best wishes,



Caroline Crowther and Charlotte Spencer (Jobshare)
Director, Private Rented Sector and Leasehold
Department for Levelling Up, Housing and Communities

ⁱ <https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-enforcement-guidance-housing-conditions>

ⁱⁱ <https://www.gov.uk/government/publications/letters-to-registered-providers-about-damp-and-mould>

Janet Sharpe
Director of Housing
For Housing and Neighbourhood Services
Operational Services
Sheffield City Council
Sheffield Town Hall
SHEFFIELD
S1 2HH
Tel: 0114 27 35493



Our ref JS/ KF/ JS1340

30 November 2022

Rt Hon Michael Gove MP

Secretary of State for Levelling up Housing & Communities
Minister for Intergovernmental Relations

Department for Levelling Up, Housing and
Communities
4th Floor, Fry Building
2 Marsham Street
London
SW1P 4DF

housingstandards@levellingup.gov.uk

HOUSING STANDARDS IN RENTED PROPERTIES IN ENGLAND

I would like to provide this initial response to the issues of damp and mould highlighted in your letter dated 19th November 2022 on behalf of Sheffield City Council. We take our responsibilities under the Housing Act 2004 seriously as a Council and recognise the impact that damp and mould can have on the occupants of poor housing in our city. Our response to your initial queries:

1. Have particular regard to high scoring (bands D and E) category 2 damp and mould hazards.

- We are ensuring that reports relating to damp and mould from tenants are prioritised and fast tracked to inspecting officers for investigation. Where we find high scoring hazards we take strong and robust enforcement action including serving significant financial penalties on the most serious offenders.
- We have utilised the financial penalties powers granted by Government as a deterrent to drive out rogue landlords to ensure tenants live in safe, well managed homes.
- Our current process in dealing with complaints acknowledges damp and mould could be a significant hazard and we would highlight the defects/issues to the landlord/managing agent. We allow a reasonable time for an informal resolution



(depending on the work required) and would then look to use enforcement powers if the informal approach is unsuccessful. This is evidenced by the number of prosecutions and financial penalties we have issued (see response to Q4 for figures).

- Following the tragic death of Awaab Ishak we have reviewed our approach to damp and mould and in addition to the above actions enforcement officers have been instructed to have particular regard to category 2 damp and mould hazards.
- We had already instructed officers to consider excess cold and damp and mould this winter period as we had identified the importance of tackling these hazards considering the impact of the cost-of-living crisis.

2. 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.

- We do not have any city-wide statistics about damp and mould. We have recently completed a stock condition survey for the city, but this survey did not provide any specific statistics for damp and mould. The survey did provide information that could be an indicator of possible damp and mould prevalence, but this was through associated data related to excess cold, low income, low EPC and fuel poverty. We are working with multiple data sets to better understand the range of archetypes in our city and will use this to inform our approach to conducting future individual surveys.

3. 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.

- We are investigating whether we can use the data above to identify high-risk areas in the city that have a significantly higher chance of developing damp and mould hazards. We have just started this analysis and therefore cannot advise whether the data will lead to tangible results and an actionable enforcement programme. We will be able to give an update by 27 January 2023 as to the effectiveness of this analysis.
- Our aim is to target areas where damp and mould are more likely through proactive enforcement to tackle the hazards. This aim is, however, subject to having sufficient resources in place to expand our current activities. The team is focussed on reactive work, given the size of the private rented sector in Sheffield, and do not have the capacity to carry out extensive proactive work without additional Government funding. Resources and funding would be required to prioritise this proactive work in any areas identified through our analysis. Without this it is likely that other priority work areas would have to cease to enable this activity to take place.

4. In addition, pursuant to your duties under section 3(3) of the Act, I would like you to provide the following data covering your last three 12 monthly reporting periods for privately rented properties in your area:

- *How many damp and mould hazards you have remediated, compared to your assessment of the prevalence of these hazards:*
 - April 19 – March 20 - 81
 - April 20 – March 21 - 20
 - April 21 – March 22 - 40
- We do not hold data on the prevalence of damp and mould and therefore cannot provide this part of the data request.

- *How many times you have taken enforcement action to remedy damp and mould hazards and the form this has taken:*
 - April 19 – March 20 - 11
 - April 20 – March 21 - 3
 - April 21 – March 22 - 14

- *How many civil penalty notices have been issued in relation to non-compliance with enforcement action over damp and mould hazards:*
 - April 19 – March 20 - 3
 - April 20 – March 21 - 4
 - April 21 – March 22 - 2

- *How many prosecutions have been successfully pursued in relation to damp and mould hazards:*
 - April 19 – March 20 - 0
 - April 20 – March 21 - 3
 - April 21 – March 22 - 0

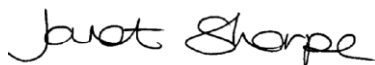
5. Set out how you are prioritising enforcement of housing standards more generally in your authority, across all tenures, including what plans you have to ensure adequate enforcement capacity to drive up standards in the private rented sector.

- We enforce all serious hazards that the local authority identifies and take appropriate enforcement action in relation to those hazards. We continue to use all enforcement tools available and strive to improve our systems and enforcement methods to drive up standards and ensure that we are protecting tenants within Sheffield.
- We have a Selective Licensing scheme designation that was put in place to directly address poor property condition. This demonstrates the Council's commitment to driving up standards across the private rented sector and continue to review the need for future interventions.

- In common with all local authorities, we are facing budgetary challenges. Our focus is on reactive intervention and remediation of significant hazards within the private rented sector within Sheffield. We do want to expand our proactive work and undertake more extensive programmes of private sector prevention but currently our ability to inspect a significant proportion of private rented properties is limited.
- There are challenges in recruiting experienced, competent officers so we have explored how we can address this. This resulted in us working in partnership with Leeds Beckett to introduce a Private Housing Standards apprentice role to create more capacity within the service.
- We have been proactively working with Government about proposed Decent Home Standards to ensure that they are robust and enforceable, and we look forward to continuing to contribute to these invaluable discussions and helping to shape the future of enforcement in this growing sector.
- We will keep the situation under review and continue with discussions as a Council about how we prioritise resources for the residents of Sheffield. We would welcome further discussions with your Department about the availability of additional resources from government to support an expansion of this particularly important agenda.

I hope that this provides sufficient information as an initial response and gives assurance that we continue to take this issue seriously in Sheffield.

Kind Regards



Janet Sharpe
Director of Housing for Housing and Neighbourhood Services



Department for Levelling Up,
Housing & Communities

Stephanie Kvam
Deputy Director, Private Rented Sector
**Department for Levelling Up, Housing and
Communities**
Fry Building
2 Marsham Street
London
SW1P 4DF

For the attention of all
Housing Enforcement Teams

22 December 2022

Dear Local Authority Chief Executive,

Housing Standards in Rented Properties in England

Following on from Caroline Crowther and Charlotte Spencer's letter of 25 November, I am writing to you to share the response form for information on damp and mould in privately rented homes, which we have worked with the LGA and a small group of local authorities to design. Please find the form at the following link: <https://consult.levellingup.gov.uk/private-rented-sector/37d66cc1> which we would be grateful if you could complete no later than 27 January 2023. Please do not share this link more widely than necessary and please ensure that your local authority only submits one response.

Local authorities play a vital role in enforcing standards in the private rented sector, supporting tenants and tackling rogue landlords. The tragic death of Awaab Ishak has highlighted the importance of ensuring that tenants do not have to live with unsafe damp and mould in their homes.

The information provided through this form will enable us to better understand the issues surrounding damp and mould and will inform future policy, including how we support local authorities. In collecting this data, we are aware that the pandemic period may not be representative of usual times, and we will take this into account when interpreting the data provided.

We also recognise that data collection systems and practices will vary from council to council, and that precise data may not be available for all the questions listed below. Some questions have been marked as optional for this reason. However, where you have enough information available to allow a relatively robust estimate, we would welcome your support in providing as detailed a picture as possible.

Thank you in advance for your time in assisting with this request and for the essential work you do to address these important issues. If you have any further questions, you can contact us at housingstandards@levellingup.gov.uk.

Best wishes,
Stephanie Kvam

Deputy Director, Private Rented Sector
Department for Levelling Up, Housing and Communities

Response ID ANON-PEGT-J24N-E

Submitted to Local authority returns form: damp and mould in private rented properties
Submitted on 2023-01-27 16:56:13

Introduction

Details:

1 Please provide the full name of your local authority:

Answer:
Sheffield City Council

2 Please provide an email address of a named person we can contact with any further queries:

Answer:
darryl.smedley@sheffield.gov.uk

3 Approximately how many private rented sector properties are in your area currently?

Answer. Please provide a number. If you cannot answer, please write 'NA':
60000

4 What data sources do you normally use to inform your knowledge of the quality and condition of the privately rented stock in your area?

b) Stock modelling, d) Estimate based on general knowledge of local housing stock, f) Other: e.g. licensing schemes(s), council tax, please provide details (below)

Answer (option - f):
Licensing scheme

5 Approximately what number of full-time equivalent (FTE) do you have in your housing enforcement team? In answering, please provide the number of all staff working on private rented sector standards, enforcement and licensing, including how many FTE Environmental Health Officers are carrying out enforcement, plus those that work in administrative and managerial roles, but not including legal resource. Also please do not include staff who only work on MEES. Where a staff member works on MEES alongside other housing enforcement, please include them in your FTE numbers.

Optional:
Total – 26.5 - Enforcement Officers – 13.6, Liaison Officers (administration) – 7.4, Managers – 5.5 (this includes 1 Service Manager and, 4.5 Team Managers)

6 Do you run any Selective and/or Additional Licensing schemes in your area?

Selective

7 If you do run any licensing schemes, approximately how many properties are covered by your scheme(s)? Please break down by each individual Selective/Additional licensing scheme

Optional:
Current Selective Licences - 443 licences, Completed Selective Licence designation – Page Hall (completed 21st April 2019) - 313 licences. Sheffield City Council has introduced 2 Selective Licensing Schemes: Page Hall Selective Licensing Scheme, this included the licensing of 313 homes. This Licensing Schemes was approved by Sheffield City Council Cabinet meeting and, commenced on 22 April 2014 and was completed on 21st April 2019. A review of the Selective Licensing Scheme was undertaken with a published report in October 2019. This can be found on the Council's Website. The total number of licenses issued was 313. The implementation of a Selective Licensing scheme along parts of London Road, Abbeydale Road and Chesterfield Road from 1 November 2018 was approved by Cabinet on 20 June 2018. This has involved the licensing of 443 homes. This scheme will end on 1st November 2023. A full review of the scheme will take place post completion and the finding will be reported to the Council's Housing Policy Committee.

Prevalence of damp and mould

8 Based on your assessment of damp and mould issues affecting private rented sector properties in your area, approximately what proportion do you currently estimate to have category 1 damp and mould hazards?

%.
n/a

9 What data sources do you normally use to come to the assessment provided in question 8?

a) Stock condition survey

Other please specify:

n/a

10 Based on your assessment of damp and mould issues affecting private rented sector properties in your area, approximately what proportion do you currently estimate to have category 2 damp and mould hazards?

%:

n/a

11 What data sources do you normally use to come to the assessment provided in question 9?

a) Stock condition survey

Other please specify:

n/a

12 If you have not collected the information requested or are not able to provide information in this way, please can you tell us why? Please put n/a if you have provided the above data.

Answer:

We have recently completed a stock condition survey which has provided some results at archetype level, but this survey was based on modelled data and did not specifically give the level of detail we need on the prevalence of damp and mould. However, we are investigating whether we are able to revisit the BRE model data and obtain Damp and Mould detail that would support our approach. Our attempts to use corresponding data sets like excess cold and fuel poverty to try and locate areas where damp and mould are more likely to be prevalent have only been partially successful. We could undertake a review of previous enforcement data/ cases but this is resource intensive so are exploring alternative solutions. We are exploring the potential to carry out a stock condition/stock modelling survey which will be concentrated on damp and mould in 2023. This would give us data which would inform us on prevalence and location across the city. The only way to provide the level of data required is to carry out 100% stock condition survey or, more detailed Archetype survey and this is something that the Council is keen to undertake, however, the resources required and financial cost without Government support means this is unaffordable. If this could be supported by Government, then this would enable us to have in place a robust Asset Management system for all Private Rented homes in the city as a baseline. Once we have this baseline established a robust plan can be put in place as to how we can improve conditions. This would enable us to implement a routine annual stock condition survey approach to keep information up to date. Based on our experience, stock profile, archetypes and the significant number of private rented properties in the city we expect that the data will show a high prevalence of damp and mould once modelling is completed. The Council is replacing its IT systems for Housing during 2023 and this will replace the Private Sector Housing Data System. Once the new System is in place (contract awarded) this will enable the full breakdown of household, property and condition data at archetype and address level.

Enforcement Questions: complaints

13 Please tell us what steps you take when you receive a complaint about damp and mould from a private rented sector tenant. Where relevant, please refer to or provide links to any enforcement policies you have in place (e.g. on enforcing category 2 hazards) and any guidance you might provide for tenants experiencing damp and mould issues.

Optional:

A robust system is in place for the management of reports of disrepair and enquiries are recorded and monitored. Performance of complaints is reported regularly as part of Council governance arrangements. A Private Sector Housing Liaison Officer will be assigned to work with the customer and will verify the detail so that action can be taken to resolve the incidence of disrepair/ damp. This will then be assigned to an Enforcement Officer who will arrange to visit the property to carry out a HHSRS inspection of the property. We also provide customers with information about damp and mould via Information Leaflets (that can be made available in multiple languages or access to translation) that gives advice to tenants on how to manage moisture in their homes until repairs by their landlord can be completed. Officer action will depend on the particulars of the case which may include location, cause and severity. This could lead to formal enforcement action through an Improvement Notice or Emergency Remedial Action and could also result in an insanitary or unsuitable referral to our Housing Solutions Team (Homeless Services). It is not uncommon for these actions to run concurrently as they are not mutually exclusive. Our priority is to ensure that tenants are safe, their home is habitable, free from excess cold, damp and mould, disrepair and to assess the suitability of the homes to household. We do not have a policy on Category 2 hazards but have an instruction to Officers that details general guidance on the issue and we also provide robust training programme for the team. Since the Secretary of State issued a Section 3 instruction regarding damp and mould category 2 hazards we have given further instruction to Officers on category 2 hazards specifically related to damp and mould. Though this was very similar to the general category 2 instruction that has been in place for several years. We have established a cross-tenure Damp and Mould Taskforce, chaired by the Director of Housing that also reports into the Council's Housing Policy Committee. This meeting is attended by Public Health, Environmental Protection, Council Housing Tenancy & Asset Management Teams, Repairs Services, Private Housing Standards, Communications, Children's Services, Care and NHS. This taskforce aim is to triage information and collective action, is responsible for leading the Local Authority's response to tackling damp and mould and ensuring that all partners are working together to the joint aim of identifying, addressing and rectifying damp and mould hazards with the scrutiny of appropriate performance management reports. Information from the Taskforce utilises all tools available including enforcement but also providing support and advice and a clear communication strategy to raise awareness. We have clear lines of governance reporting to the leader of the Council, Terry Fox, and Chief Exec Kate Joseph to provide regular updates and challenge. We are confident that tenants understand how to access our services either directly to PHS or via other communication channels such as our corporate contact centre. We also have well established, strong links with local Councillors, MPs, Local Area Committee forums, VCF partners, Shelter and other support and advice agencies.

14 Overall, how many complaints relating to housing standards have you received in the last three financial years that reference or relate to damp and mould issues in the private rented sector?

Answer - 2019/2020:

n/a

Answer - 2020/2021:

n/a

Answer - 2021/2022:

n/a

15 Of the complaints you received that reference damp and mould in the last three financial years, approximately how many resulted in inspections?

Answer - 2019/2020:

n/a

Answer - 2020/2021:

n/a

Answer - 2020/2021:

n/a

16 If you have not collected the information requested or are not able to provide information in this way, please can you tell us why? Please put n/a if you have provided the above data.

answer:

We do not currently have an IT software system that has the capability of recording specific hazard types at first point of customer contact which prevents effective reporting. We are now recording damp and mould complaints that come into the Private Sector Housing Team through our direct phone number and email address.

Therefore, we do not have the information that you have requested for the past 3 years. We are currently in the process of changing our IT software systems that should allow us to record more information across the whole process of private sector housing enforcement. Contractor has been appointed for this implementation and the new system will be in place by end 2023.

Though we are unable to provide this information that does not mean that we are not recording it. The information requested is contained within the digital casefile or electronic word documents but would require individual manual assessment of each file.

We have taken positive steps to resolve this in the interim to enable better reporting of Damp and Mould issues. We are in the process of expanding the system we successfully used on our selective licence area to allow better tracking and reporting information relating to all hazards including damp and mould. This will provide better information in the interim prior to our new IT System implementation.

Enforcement Questions: category 1 damp and mould hazards

17 Approximately how many inspections have you undertaken overall in the last three financial years?

Answer - 2019/2020:

1527

Answer - 2020/2021:

579

Answer - 2021/2022:

1107

18 Thinking now ONLY about all of the inspections that you undertook as a result of complaints, approximately how many have identified a category 1 damp and mould hazard?

Answer - 2019/2020:

n/a

Answer - 2020/2021:

n/a

Answer - 2021/2022:

n/a

19 Thinking now ONLY about all the inspections that you undertook as a result of licensing, approximately how many have identified a category 1 damp and mould hazard?

Answer - 2019/2020:
Selective Licensing – 14 HMO – n/a

Answer - 2020/2021:
Selective Licensing – 0 HMO – n/a

Answer - 2021/2022:
Selective Licensing – 5 HMO – n/a

20 Thinking now ONLY about all the inspections that you undertook as a result of stock modelling, approximately how many have identified a category 1 damp and mould hazard?

Answer - 2019/2020:
0

Answer - 2020/2021:
0

Answer - 2021/2022:
0

21 Thinking now ONLY about all the inspections that you undertook for reasons other than complaints, licensing or stock modelling, approximately how many have identified a category 1 damp and mould hazard?

Answer - 2019/2020:
n/a

Answer - 2020/2021:
n/a

Answer - 2021/2022:
n/a

22 If you have not collected the information requested above or are not able to provide information in this way, please can you tell us why? Please put n/a if you have provided the above data.

answer:

We do not have an IT software system that has the capability of searching for specific hazards. We are currently in the process of changing our IT software that should allow more report search functions that will facilitate our ability to draw out statistics to provide to external bodies but also to help inform decision making at a service level.

Though we are unable to provide this information that does not mean that we are not recording it. The information requested is contained within the digital casefile or electronic word documents but would require individual manual assessment of each file.

We have taken positive steps to resolve this in the interim to enable better reporting of Damp and Mould issues. We are in the process of expanding the system we successfully used on our selective licence area to allow better tracking and reporting information relating to all hazards including damp and mould. This will provide better information in the interim prior to our new IT System implementation.

Enforcement Questions: category 2 damp and mould hazards

23 Thinking now ONLY about all the inspections that you undertook as a result of complaints, approximately how many have identified a category 2 damp and mould hazard?

Answer - 2019/2020:
n/a

Answer - 2020/2021:
n/a

Answer - 2021/2022:
n/a

24 Thinking now ONLY about all the inspections that you undertook as a result of licensing, approximately how many have identified a category 2 damp and mould hazard?

Answer - 2019/2020:
Selective Licensing – 9 HMO – n/a

Answer - 2020/2021:
Selective Licensing – 0 HMO – n/a

Answer - 2021/2022:
Selective Licensing – 3 HMO – n/a

25 Thinking now ONLY about all the inspections that you undertook as a result of stock modelling, approximately how many have identified a category 2 damp and mould hazard?

Answer - 2019/2020:
0

Answer - 2020/2021:
0

Answer - 2021/2022:
0

26 Thinking now ONLY about all the inspections that you undertook for reasons other than complaints, licensing or stock modelling, approximately how many have identified a category 2 damp and mould hazard?

Answer - 2019/2020:
n/a

Answer - 2020/2021:
n/a

Answer - 2021/2022:
n/a

27 If you have not collected the information requested above or are not able to provide information in this way, please can you tell us why? Please put n/a if you have provided the above data.

answer:

We do not have an IT software system that has the capability of searching for specific hazards. We are currently in the process of changing our IT software that should allow more report search functions that will facilitate our ability to draw out statistics to provide to external bodies but also to help inform decision making at a service level.

Though we are unable to provide this information that does not mean that we are not recording it. The information requested is contained within the digital casefile or electronic word documents but would require individual manual assessment of each file.

We have taken positive steps to resolve this in the interim to enable better reporting of Damp and Mould issues. We are in the process of expanding the system we successfully used on our selective licence area to allow better tracking and reporting information relating to all hazards including damp and mould. This will provide better information in the interim prior to our new IT System implementation.

Enforcement action

28 Please provide the figures for all formal and informal enforcement action taken on damp and mould hazards:

Answer - 2019/2020:
n/a

Answer - 2020/2021:
n/a

Answer - 2021/2022:
n/a

29 Please provide the figures for improvement notices issued in relation to damp and mould hazards:

Answer - 2019/2020:
19

Answer - 2020/2021:
7

Answer - 2021/2022:
18

30 Please provide the figures for civil penalty notices issued in relation to damp and mould hazards:

Answer - 2019/2020:
3

Answer - 2020/2021:

4

Answer - 2021/2022:

2

31 Please provide the figures for prosecutions pursued in relation to damp and mould hazards:

Answer - 2019/2020:

0

Answer - 2020/2021:

3

Answer - 2021/2022:

0

32 Please provide the figures for successful prosecutions in relation to damp and mould hazards:

Answer - 2019/2020:

0

Answer - 2020/2021:

3

Answer - 2021/2022:

0

Wider context

33 Please rank in priority order (1 - the highest impact / 6 - the least impact) how the following have had an impact on enforcement action relating to damp and mould in your area

Optional - a) Capacity of your local authority. i.e. resource and funding hindering capacity to take enforcement action relating to damp and mould.:

1

Optional - b) Experience and expertise in the local authority. i.e. a lack of officers with experience, for example, experience pursuing prosecutions or expertise within the team including, for example, legal expertise.:

5

Optional - c) Strategic prioritisation of private rented sector enforcement. i.e. competing priorities leading to relatively lower prioritisation of enforcement action or proactively enforce.:

3

Optional - d) The regulatory/ legal framework for enforcement activity. i.e. too much complexity in legislation.:

2

Optional - e) Issues with gathering or providing evidence. i.e. tenants reluctant to provide statements or difficulties gathering the requisite evidence for issuing a fine or prosecuting.:

6

Optional - f) Limited data on the private rented stock. i.e. difficulties identifying private rented properties or insufficient resource to map out private rented stock.:

4

34 Please say why you have ranked the items on question 31 in this order

Optional:

We have marked question a) 1 as it has the largest impact and biggest barrier for the service. The inability to meet the increasing demand of people needing our intervention and the impact of growing caseloads on officers should not be understated. The Private Sector Housing Team is a small team of experienced and qualified officers that understand and have the competences and capability to successfully manage its responsibilities and, collaboration with other Council teams to ensure the regulations are delivered whilst also providing good service to customers and support for Landlords. PRS is the fastest growing sector in the city and alongside other new regulatory responsibilities resources are stretched. Question b) is marked as a 5 as it has less impact than the other factors as we believe we have a team of officers with experience in prosecution and financial penalties as well as the other areas of housing enforcement. We are also a team with a diverse age range and therefore do not have problems that some Local Authorities have relating to having a majority older workforce. Question c) is marked as 3 as though the competing priorities is a problem, prioritisation based on risk and regulatory compliance alongside safety of residents is a consideration for the service and enables balanced service delivery. However, it would be untrue to say that statutory mandatory work doesn't take priority over proactive enforcement. We have marked question d) 2 as the new legislation over the last ten years in combination with the upcoming legislation is leading to a bloated overly complicated framework for housing enforcement. We would welcome the introduction of Decent Homes in the Private Rented Sector as long as this is mandatory as this could assist with achieving clear standard and this would require the service to build up a team of experienced officers to ensure compliance is achieved. Private Rented Ombudsman is increasing the complexity

of enforcement and jurisdiction into an already busy field of housing enforcement. We would welcome working directly with Government to undertake a serious consideration of a complete overhaul of legislation, with the purpose of simplification/amalgamation of powers which we believe must be considered. We have marked question e) as 6 the least impact as we do not often have problems in relation to gathering evidence. The exception to this would be in relation to illegal eviction cases as tenants can be reluctant to give statements or can disengage by the time the case is heard in court. Question f) is marked as 4 as it does create problems especially when we would like to look at carrying out proactive enforcement in a particular area. However, we manage this limitation using our knowledge of the local stock as well as carrying out targeted inspections prior to implementing schemes like Selective Licensing.

35 Does the Housing Health and Safety Rating System (HHSRS) allow for an effective assessment of how serious and dangerous damp and mould is in people's homes?

Yes

36 If not, what changes should be made to the HHSRS, to the system for categorising hazards or to enforcement powers under the Housing Act 2004?

Optional:

37 What other measures would help you to better prioritise addressing housing enforcement issues such as damp and mould?

Optional:

We would welcome a conversation with Government on the need for dedicated funding to be made available for a limited period to address the demands on the introduction of new regulation and priorities like damp and mould to enable us to tackle Rogue Landlords in our City. Additional resource ringfenced for Council's Private Housing Standards Team with a commitment to keep this funding in place for the significant future will enable us to establish a stable team and infrastructure which will address significant issues in the PRS. Without this investment in resources, it will be difficult for us to respond to the scale of demand across the city. It will limit our ability to carry out proactive inspections and we will not be able to directly assist with tackling damp and mould in the way in which we would like.

The requirement for new legislation to assist with damp and mould enforcement is not the required measure as we feel that there is sufficient legislation including a range of enforcement notices/orders that allow us to take appropriate action. The issue remains that without adequate funding and resources to investigate complaints or to carry out targeted schemes we are only able to inspect a small amount of the total housing in Sheffield.

Areas where new legislation may be of benefit would be a mandatory landlord register with appropriate funding and powers to ensure that it is complied with. A light touch opt-in system without a robust approach to enforcement would impact on its effectiveness as the worst landlords would just avoid registering.

The implementation of Decent Homes to private sector housing must ensure that it is effective and results in increasing standards in the private rented sector and not providing similar legislation that duplicates the current legislation framework. Every new piece of legislation must ensure it is necessary and effective as it is being added to a complex and busy field of housing enforcement.

A streamlined Selective Licensing system that allows Local Authorities more autonomy as well as reducing the burden regarding gathering evidence and setting up the scheme. We fed into the government's review of Selective Licensing and feel that many of the issues that were identified still need rectifying.

A review of financial penalties should be carried out by central government with plans to implement changes that help tackle problems around the burden of appeals, route/costs of recovery and implementation of a single centralised financial penalties policy to avoid the problems with every authority using their own policy.

The shortage of experienced qualified Environmental Health Officers has had a huge impact on our ability to recruit which has a direct consequence on filling empty posts and whether we can carry out pro-active schemes that require additional staff. This has led to our department recruiting multiple Apprentice Environmental Health Officers which has a financial burden on the department over the course of their study. Stability of funding to support the training of new Environmental Health Officers would allow us to continue to commit to recruiting apprentices in the long-term.

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