



West Lancashire Borough Council

Damp, Mould and Condensation Strategy 2023-2025

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1.0 Introduction

- 1.1. WLBC owns and manages around 5,900 social housing properties across the borough.
- 1.2. Making sure our tenants can live safely and comfortably in their homes is central to providing them with high quality housing services. This strategy and its supporting policy and operational processes aim to ensure that our approach to managing damp and mould helps protect tenants' safety and wellbeing and enables the council to fulfil its regulatory and legislative requirements.
- 1.3. Our overall response to the impacts of damp mould and condensation are based around;
 - Preventing the occurrence of damp through good knowledge of damp and mould in our homes and through good general maintenance;
 - Practical advice to tenants to help avoid/prevent the incidence of damp;
 - Financial and budgeting advice and support to tenants to help them combat fuel poverty;
 - Providing easy ways for tenants to report concerns about damp in their home;
 - Prompt investigation and intervention of reports of damp;
 - Swift remedial action where damp is found, prioritising cases where necessary to protect vulnerable people;
 - Ongoing monitoring of known and treated damp properties; and
 - Ongoing, adequate resourcing and other support for all activities associated with this strategy, so that the impact of damp on tenants can be minimised and managed appropriately where it happens.

2. Scope

- 2.1. This strategy relates only to the council's approach towards the management of damp reports in the social housing that it owns and manages. The council has other responsibilities in relation to damp in other housing tenures and those responsibilities are not covered in this document.
- 2.2. Other social landlords operating in West Lancashire will have their own approaches to the management of damp and tenants of other social landlords should approach their landlord for advice if they think they have damp or mould in their home.

3. What Causes Damp?

3.1. Damp, mould and condensation can occur in homes due to a number of reasons. The most common causes of damp, mould and condensation are as follows:

- Cold bridging - This can be caused for instance by insulation not fully extending into the eaves of a roof or window reveal, as well as poorly installed cavity wall insulation;
- Type and location of radiators - Damp can occur when radiators are located on internal walls, leaving external walls cold. Radiators could also be too low in heat output to adequately heat a room;
- Blocked, broken or covered ventilation – For example, blocked air bricks and malfunctioning window vents;
- Poor, malfunctioning or no air extraction in kitchens and bathrooms;
- Bridging damp – This can occur when moisture travels into the property from outside and is generally due to problems with damp membranes and blocked cavities, or where ground levels are above the damp membrane;
- Penetrating damp from render systems: This could be due to the render's age, the render mix being too dense, or poor brickwork pointing;
- Leaking or overflowing guttering – Where the gutter is damaged or needs clearing;
- Leaking roofs - For example when tiles are damaged or missing.;
- Unvented and non-condensing tumble dryers - These can produce excessive amounts of water vapour inside the house, encouraging condensation;
- Inadequate ventilation - This is the primary cause of excessive humidity, particularly when bathing, within the home: However drying clothes on radiators, cooking with lids off pans and even tropical fish tanks all add to the moisture levels within a property; and
- Fuel poverty - This is becoming a major factor in the increase of damp, mould and condensation problems when tenants are unable to adequately heat their home.

4. Regulatory, Legislative and Contractual Environment

4.1. The council has obligations relating to how it deals with damp, mould and condensation that come from several sources;

4.1.1. The Regulator of Social Housing

4.1.2. The Regulator of Social Housing expects all registered social landlords to meet its Standards. The Regulator's standards relevant to this strategy are:

- The Home Standard – Primarily, this standard requires the council to maintain its homes so that they meet (or exceed in some

instances) and continue to meet the government's Decent Homes Standard; provide cost-effective repairs and maintenance service to homes; meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes; and that they ensure a planned approach to repairs and maintenance of homes and communal areas.

- The Tenant Involvement and Empowerment Standard – This standard exists to ensure that all tenants are treated with fairness and respect and have opportunities to influence and be involved in for instance, the development of policy and strategic priorities; decision making about how services are delivered; scrutinise and comment on their landlord's performance and be involved in the management of repair and maintenance services.

4.1.3. Where these standards are not met, the Regulator of Social Housing will publish regulatory Notices and regulatory Judgements where appropriate.

4.1.4. The Law as it Applies to Landlords

4.1.5. There are several pieces of legislation that all landlords must adhere to in order to provide compliant accommodation and which include provisions that relate to the management of damp and mould;

- Landlord and Tenant Act (1985) (LTA) - Under section 11 of the LTA, landlords have an obligation to "keep in repair the structure and exterior of the dwelling-house and keep in repair and proper working order the installations in the dwelling house for the supply of water, gas, electricity, sanitation, space heating and hot water". This is a continuing obligation to keep up the standard of repair throughout the lifetime of the tenancy. It also requires the landlord to put the premises into repair if it was not in good repair at the start of the tenancy. Due to the duty they owe to tenants, once landlord is put on notice, they must repair the defect to the property which is resulting in damp.
- Environmental Protection Act (1990) (EPA) - Any council tenant is entitled to take action directly where affected by a statutory nuisance. In this context, that would be in relation to any premises in such a state as to be prejudicial to health or a nuisance. The process involves serving a notice and if not complied with, an application can be made to the Magistrates' Court for an Order to abate the nuisance, prohibit its recurrence and/or requiring the Council (as landlord) to undertake remedial work. The Courts can impose a fine and breach of any Order is an offence. The Court

can also require compensation to be paid for personal injury loss or damage for a limited period. If dissatisfied, action could be taken by way of judicial review or complaint to the Ombudsman.

- Housing Act 2004 (HA) The Health and Safety Rating System (HHSRS) for rented homes was introduced under the above Act as a risk-based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety, arising from any deficiencies identified in dwellings. This assessment method focuses on the hazards that are present in housing and means a higher burden can be placed upon landlords generally to minimise or avoid potential hazards and to review conditions regularly including to rectify damp and mould in properties.
- Defective Premises Act (1972) (DPA) - Under section 4(1) of the DPA, a duty of care is imposed on landlords to ensure that users of their properties are reasonably safe from damage or personal injury attributable to a relevant defect. A tenant may be able to claim compensation if their home has been severely damaged or they have suffered adverse health effects due to the condition of the premises. (E.g. Due to the existence of damp and mould).

4.1.6. The Housing Ombudsman Service

4.1.7. The first Housing Ombudsman Service was set up by the Housing Act 1996 and exists today to resolve disputes involving members of the scheme (which include social landlords). Disputes leading to complaints often relate to the services tenants feel they have been given by their landlord. The Housing Ombudsman's decisions on disputes are binding.

4.1.8. The Council's Tenancy Agreement

4.1.9. The Council's tenancy agreement (Section 6) contains the council's contractual obligations to keep its homes in accordance with obligations arising from s11 of the Landlord and Tenant Act 1985.

5. National View on Damp and Mould in Social Housing

5.1. The Regulator of Social Housing issued its initial findings (in February 2023) following a request to all larger registered providers of social housing asking them to advise on the extent of damp and mould in tenant's homes and their approach to tackling it. This included local authorities and housing associations who together own and manage over 4 million homes in England.

- 5.2. The Regulator has stated that it will continue to explore the extent and severity of damp in social housing and will intervene where it has concerns, taking appropriate regulatory action where it finds providers are not compliant with its standards.

6. WLBC Position

- 6.1. The council responded to the Regulator's above request for information. The Regulator has responded to the council's return and has not indicated that it will be making any further, more detailed intervention of the council's position on damp and mould in its homes.
- 6.2. The council advised the Regulator that it is currently undertaking a 100% stock condition survey - through independent specialists, Savills. The survey process includes an inspection for damp or mould issues.
- 6.3. The council advised the Regulator of the extent of damp so far identified in the stock and our actions in dealing with this. The Regulator was also advised of the approach that has been taken where Savills have not yet been able to gain access to carry out the stock condition survey, that is, we are reviewing all contacts relating to repairs and requests for rehousing where an issue of damp or mould has been mentioned, to ensure they have been resolved.
- 6.4. Our repairs contractor and its operatives have also been instructed to report any issues of damp/mould/condensation to us. This will again result in an inspection being carried out by our surveyors to order appropriate work.

7. Investment in Our Homes

- 7.1. Our 2019-2024 Asset Management Strategy sets out how we intend to invest in our homes, so they remain financially viable and an attractive housing option for people wishing to live in West Lancashire. We will shortly be reviewing and updating our Asset Management Strategy in the light of the new stock data received from Savills and the matters outlined below.
- 7.2. As the stock condition information referred to above is received from Savills, we will be analysing its content and determining how future investment needs may need to be re-assessed, given the passage of time since that policy was approved; the investment that has been made in homes over that time and also the effects of that same time on the overall condition of homes.
- 7.3. Additionally, new asset management challenges have emerged over that time that will need to be catered for. These include increased investment to support the council's journey towards 'zero carbon', the requirement to move all homes to EPC 'C' by 2030, and also a greater focus around compliance generally, but fire safety in particular, following the Grenfell disaster and the subsequent introduction of the Building Safety Act 2022.

- 7.4. The incidence of damp and mould within the council's homes and the challenge this creates as the council continues to maintain the fabric of its homes is a requirement that the new Asset Management Strategy will need to tackle.
- 7.5. Some of this will be dealt with through repairs, but prevention is the best solution, and the new Asset Management Strategy will, amongst other objectives, seek to ensure that programmes of work improve the council's homes, ensuring they are energy-efficient and well insulated which will help combat the incidence of damp and mould.

8. Our Approach to Dealing with Damp

8.1. Our approach is developed around the following key elements;

- **Prevent** – We will invest in our homes so they are energy-efficient and well insulated and so they are protected from damp caused by property-related conditions;
- **Inform** – We will provide our customers with advice and support to help them on financial matters and energy usage to help combat fuel poverty. We will offer support and information on how customers can play their part in preventing damp, mould and condensation occurring, dealing with each situation on a case-by-case basis in an empathetic and supportive way;
- **Identify** – Through knowledge of our housing stock gained via periodic surveys, staff knowledge, contractor reporting, analysis of data, tenant awareness and by responding to damp reports from our customers, we will continue to identify damp and mould and build our knowledge of damp and mould in our homes. We also plan to pilot new technologies with our partners that will help us prevent, identify and monitor damp in the future;
- **Act** – Where our investigations have identified the existence of damp, we will prioritise cases where appropriate and take prompt action to apply the best solution(s) to deal with each occurrence of damp or mould that we identify. This may include initial responses (e.g. Mould Washes) and longer-term solutions such as remedial repairs, upgrading insulation, improving heating and, where appropriate, addressing the cause(s) through planned investment;
- **Resolve** – We will ensure that the solutions we apply work and we will continue to monitor the success of those solutions and refine our approach as necessary until the damp has been eliminated. We will also advise our tenants of the cause of the damp and of any actions on their part that will help to prevent its re-occurrence;
- **Monitor** – Where we have identified a damp problem, we will keep in touch with tenants and will monitor the situation (again through new

technology where possible) until it is reasonable to conclude that the damp has been eliminated and should not return; and

- **Review** – We will periodically review our Damp and Mould policy and where necessary our Damp and Mould Strategy to ensure that our approach remains effective and to ensure we keep pace with developments in the treatment and management of damp and mould. We will also learn from our experiences of dealing with damp in our homes and from any feedback or complaints regarding our handling of damp and mould related issues.

8.2. Prioritisation of damp cases and reports. We know that damp can affect anybody, but it may be more harmful to some vulnerable customers, or people with certain medical conditions. Our processes will be sensitive to the different needs and vulnerabilities of our customers, and we will prioritise our response to damp accordingly to protect tenants who may be more vulnerable to the effects of damp and mould.

9. Competency & Awareness

9.1. We will ensure that we remain knowledgeable about damp and mould and competent in dealing with it. We will do this through;

9.2. Training – We will ensure that all relevant staff, have sufficient technical understanding of damp and mould to support the council's approach towards resolving damp. This includes non-technical staff, so that all staff are aware of damp so they can recognise and report it.

9.3. Access to specialist technical advice – When appropriate, we will have access to retained specialist technical advice so that the council is fully supported where a deeper degree of technical expertise is required to help us identify and/or solve damp and mould issues.

9.4. Co-operation/collaboration – We will have a Damp and Mould Strategy Group which includes staff from relevant sections of the council to ensure that a joined-up approach to dealing with damp and mould exists.

9.5. Leadership – The council's Strategy to manage damp and mould will be led by the Head of Housing through the Damp Strategy Group. However, all relevant staff will be made aware of the importance of identifying and tackling damp and mould through training and information being made available as part of this Strategy.

9.6. Best Practice – The council will ensure that it is always aware of contemporary best practice in the response to and management of damp and mould in social housing through engaging with peer organisations and its supply chain. We will endeavour to ensure that any new approaches or

innovations in the management of damp are implemented as part of the council's approach.

- 9.7. Horizon Scanning – Key staff will have a responsibility to ensure that they are aware of emerging developments or legislation affecting the management of damp and mould and will make sure that the council is appropriately prepared to amend its approach or adopt new practices where required.
- 9.8. The Housing Ombudsman, The Regulator of Social Housing and other relevant bodies – The council will ensure that it is always aware of the position of the Housing Ombudsman and the Regulator of Social Housing in relation to damp and mould and will ensure that any necessary changes to practices and processes are made. Additionally, the council will be aware of any the views/requirements of any specialist bodies that may advise statutory bodies or play a role supporting the general approach to damp and mould management.
- 9.9. Peer Groups – Senior staff in Housing will establish relationships with peers in other local and national social housing organisations so that the effectiveness of the council's approaches can benefit from shared best practice.
- 9.10. Third party auditing – In addition to the council's in-house internal audit processes, it will periodically engage the use of an independent specialist company to audit its approach to damp and mould management.

10. Resources to Support the Strategy

- 10.1. The council considers managing damp and mould to be a priority and will ensure that all necessary resources will be made available to ensure that the approach contained in this Strategy and its supporting policy can be delivered. This relates to the costs of;
 - The staffing resources necessary to deliver the requirements of the strategy and policy;
 - Day-to-day repairs and other immediate solutions to deal with individual cases of damp and mould;
 - Planned investment – via the Asset Management Strategy – to prevent the development of damp and mould problems in the future;
 - IT systems or support that may be required to manage damp and mould processes;
 - Specialist advice on damp identification/resolution, or to support legal matters;
 - Customer liaison, so that customers can influence policy and practice;
 - Technology to monitor damp and mould as this is explored;
 - Literature and other communications required to ensure tenants are informed on damp and mould; and

- Independent specialist auditors to ensure the council's approach is robust.

11. Listening to and Understanding Our Customers

- 11.1. Our customers will be consulted on the Damp and Mould Policy that accompanies this Strategy. This will ensure that customers have a voice on how we manage damp and mould. We will enable customers to see our policies, understand our processes and scrutinise our performance on damp and mould management.
- 11.2. Through our approach to customer liaison, we will further develop an understanding of our customers that helps us shape our service around their needs. This will include collecting data on customers and using this data to make sure that our services meet their needs.
- 11.3. This will help us target services better, where there are issues of vulnerability and where customers may be experiencing financial difficulties that could affect their ability to heat their home adequately, making them more susceptible to damp conditions occurring.

12. Performance, Reporting & Accountability

- 12.1. We will regularly report our performance on damp and mould to Corporate Management Team, to Councillors via the relevant committee and to relevant customer group(s) as defined by our Customer Engagement approach.
- 12.2. The performance indicators we will monitor our performance against are;
 - Number of cases reported by month;
 - Number of active cases as a percentage of total properties.
 - Number of concluded cases;
 - Average time to carry out a survey following reporting, against the KPI target;
 - Average time to carry out remedial works, against the KPI target;
 - Number of cases in legal proceedings;
 - Total number of active Category 1 (Severe cases)
- 12.3. The Head of Housing is the officer accountable for the delivery of this strategy.

13. Monitoring & Review

- 13.1. We will continually monitor the impact of this Strategy, reporting every six months to the Corporate Management Team and annually to the relevant committee of the council.

13.2. This Strategy will be reviewed in 2025.

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