

BOLSOVER DISTRICT COUNCIL

Meeting of the Executive on 23rd June 2025

Damp and Mould Policy

Report of the Assistant Director Housing Management

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| Classification | This report is Public |
| Contact Officer | Victoria Dawson Assistant Director Housing Management |

PURPOSE/SUMMARY OF REPORT

The purpose of this report is for Executive to consider and approve the adoption of the Damp and Mould Policy.

REPORT DETAILS

1. Background

- 1.1 Bolsover District Council, as a landlord, is responsible for maintaining the properties it owns and manages in line with the relevant regulations, legislation and guidance. This includes keeping tenants' homes safe from hazards under the Health and Safety Rating System (HHSRS) under the Housing Act 2004, one of those hazards is identified as damp and mould.
- 1.2 The Housing Ombudsman published a spotlight report on damp and mould in October 2021, which stated landlords should take a zero-tolerance approach to damp and mould.
- 1.3 The Social Housing (Regulation) Act 2023 introduced "Awaab's Law." This followed the death of Awaab Ishak, a two-year old child living with his parents who sadly passed away from a respiratory condition, which was found to be caused by damp and mould in the flat.
- 1.4 'Awaab's Law' requires landlords to fix reported health hazards within prescribed timescales and provides greater powers to the Regulator of Social Housing to ensure housing providers are managing condensation, damp and mould effectively.
- 1.5 The Housing Ombudsman also published a severe maladministration report in October 2024 specific to damp and mould – timeliness.
- 1.6 Awaab's Law will come into force for the social housing sector from **October 2025**, with a phased implementation approach. Specific to damp and mould, social

landlords are required to investigate reported damp and mould hazards within 14 days, with a written report issued within 48 hours. For hazards posing a significant risk to health or safety, repair work must begin within 7 days of the investigation. Emergency repairs, defined as those presenting an immediate and significant risk, must be completed within 24 hours. Where work cannot be undertaken within this timescale alternative accommodation would need to be provided.

2. Details of Proposal or Information

- 2.1 We have produced a Damp and Mould Safety Policy which is attached at Appendix 1. The key aim of this policy is to raise awareness of the issues surrounding damp and mould for those living in our properties and to set out the Council's zero-tolerance approach to addressing and resolving reports of damp and mould in its tenanted properties.
- 2.2 In addition the Policy will;
- Provide a clear framework for identifying, reporting, and addressing damp and mould issues.
 - Ensure timely and effective responses to reports of damp and mould, and to ensure that repairs to alleviate damp (for example work to guttering and drains, replacing tiles, repairing leaks to pipework, etc.) are carried out as quickly and efficiently as possible to minimise impact on the health of the resident and damage to the structure, fixtures and fittings of the property.
 - Promote tenant awareness and provide access to information in a variety of formats, and access to support to help residents prevent and reduce risks of damp and mould in their homes.
 - To ensure all tenants are treated in a fair, respectful, empathetic and consistent way.
 - Comply with relevant legislation and regulatory standards, including the Housing Health and Safety Rating System (HHSRS).
- 2.3 The Council will ensure that all resident facing housing officers and operatives are responsible for spotting damp and mould, reporting and recording information they gather. Relevant training will be provided. We will ensure that Dragonfly Management staff and subcontractors will be competent to diagnose and remedy damp / mould issues. And that all reports of damp and mould will be fully assessed and responded to appropriately to minimise the risk of conditions returning.
- 2.4 This Policy explains the Council's legal obligations and goes into detail about how we will ensure we meet these legal obligations, specifically how we will triage and inspect reports of damp and mould and how we will ensure we meet the timescales as set out in Awaab's Law.
- 2.5 The Policy has some definitions around the subject of damp and mould and refers to tenant responsibilities in ensuring they take reasonable measures to help reduce conditions that lead to condensation, damp and mould. This reiterates the tenancy

agreement and the requirement that a tenant reports a repair and allows access upon 72 hours notice for repairs to be actioned.

- 2.6 The Policy also sets out how we will monitor and report on our performance of these legal requirements, including an escalation process for when there is non-compliance.

3. Reasons for Recommendation

- 3.1 The Policy is considered necessary so that members of the public are aware of the Council's responsibilities and our approach to how we ensure damp and mould is actioned within legislative timescales.

4 Alternative Options and Reasons for Rejection

- 4.1 No alternative options are proposed as the policy is required to meet relevant regulations, legislation and guidance.

RECOMMENDATION(S)

That Executive approve the adoption of the Damp and Mould Policy.

Approved by Councillor Phil Smith, Portfolio Holder for Housing

IMPLICATIONS:

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| <u>Finance and Risk</u> | | |
| Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | |
| Details: | | |
| There are no direct financial implications arising from this report. | | |
| On behalf of the Section 151 Officer | | |
| <u>Legal (including Data Protection)</u> | | |
| Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | |
| Details: | | |
| The legal obligations are listed within the policy. The policy has been developed in line with the legal and regulatory requirements. | | |
| Failure to discharge our responsibilities and obligations surrounding a hazard such as damp and mould could result in disrepair claims under Homes (Fitness for Human habitation) Act 2018, Defective Premises Act 1972 or Environmental Protection Act 1990. | | |
| Failure to comply with the Social Housing (Regulation) Act 2023 including Awaab's Law could result in unlimited fines, poor inspection results or imposing other management arrangements to manage social housing. | | |
| On behalf of the Solicitor to the Council | | |

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| <u>Staffing</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | |
| Details: There are no Staffing implications in the Report or arising from the proposed Damp and Mould Policy as this will be delivered by existing officers. | |
| On behalf of the Head of Paid Service | |
| | |
| <u>Equality and Diversity, and Consultation</u> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | |
| Details: An Equality Impact Assessment (EIA) is being undertaken and the policy aims to address equality and diversity issues to enable tenants to be safe in their homes and free from damp and mould. Young families, disabled and older residents are more at risk if the policy is not followed. | |
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| <u>Environment</u> Yes <input type="checkbox"/> No <input type="checkbox"/> | |
| Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment. | |
| Details: There are no specific implications for Climate Change and Sustainability arising from this report. When addressing issues with damp and mould, and improving insulation and ventilation, this will also improve the energy efficiency of our homes. | |

DECISION INFORMATION:

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| <input checked="" type="checkbox"/> Please indicate which threshold applies: | |
| Is the decision a Key Decision? A Key Decision is an Executive decision which has a significant impact on two or more wards in the District or which results in income or expenditure to the Council above the following thresholds: | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| Revenue (a) Results in the Council making Revenue Savings of £75,000 or more or (b) Results in the Council incurring Revenue Expenditure of £75,000 or more. | (a) <input type="checkbox"/> (b) <input checked="" type="checkbox"/> |
| Capital (a) Results in the Council making Capital Income of £150,000 or more or (b) Results in the Council incurring Capital Expenditure of £150,000 or more. | (a) <input type="checkbox"/> (b) <input checked="" type="checkbox"/> |
| District Wards Significantly Affected: <i>(to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District)</i> Please state below which wards are affected or tick All if all wards are affected: | All <input type="checkbox"/> |

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| Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i> | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| If No, is the call-in period to be waived in respect of the decision(s) proposed within this report? <i>(decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer)</i> | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Consultation carried out: <i>(this is any consultation carried out prior to the report being presented for approval)</i> | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| Leader <input type="checkbox"/> Deputy Leader <input type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input checked="" type="checkbox"/> | Housing Stock Management Group, Housing Liaison Board, Customer Service Scrutiny Committee |

| Links to Council Ambition: Customers, Economy, Environment, Housing |
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| Ambition: Housing Priority: <ul style="list-style-type: none"> ○ Maintaining and improving property and housing management standards and ensuring that standards and living conditions in the district contribute towards better health outcomes for all. ○ Building more, good quality, affordable housing, and being a decent landlord Target HOU04: Work towards compliance with the Social Housing Consumer Standards, ensuring tenants' voice is key when developing new council housing policies, procedures, and improvements. |

DOCUMENT INFORMATION:

| Appendix No | Title |
|-------------|-----------------------|
| 1 | Damp and Mould Policy |

| Background Papers |
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| <i>(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive, you must provide copies of the background papers).</i> |
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