

Colchester City Council's Plan to prioritise action against damp and mould in the private rented sector

As required by the Secretary of State for Levelling up, Housing and Communities, this is the Council's plan setting out how we will prioritise addressing the issues of damp and mould for privately rented properties in the Colchester area.

The Council has always responded to complaints relating to damp and mould in privately rented properties and taken enforcement action as appropriate and will continue to do so.

Following the Coroner's report into the tragic and avoidable death of Awaab Ishak, the Government wrote to all Local Authorities:

"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."

They have made it clear that damp and mould should not be dismissed as the result of a 'lifestyle choice' and that action to remove pervasive damp and mould must be taken by landlords.

The Government has published consolidated guidance for tenants and property professionals here [Understanding and addressing the health risks of damp and mould in the home - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/672222/Understanding_and_addressing_the_health_risks_of_damp_and_mould_in_the_home_-_GOV.UK.pdf)

This makes clear that it is the responsibility of landlords to identify the underlying causes of damp and mould - such as structural issues or inadequate ventilation - and to find long term solutions.

The guidance also sets out how living in a home with damp and mould can significantly affect the physical and mental health of tenants, and outlines how people with certain health conditions, children and older adults are at greater risk of more severe health problems.

Where landlords fail to act, local authorities must hold them to account, including taking enforcement action where necessary.

This document sets out a plan of how Colchester City Council will prioritise addressing the issues of damp and mould for private and socially rented properties in the area.

It does not relate to Colchester City Council owned properties that are managed through Colchester Borough Homes.

Information for residents

The Council has reviewed its web pages relating to the work of the Private Sector Housing team and provided a web page specifically covering Damp and Mould, with information for both landlords and tenants setting out the common causes of dampness and mould growth, giving advice to help them to identify, treat, control and prevent dampness and mould growth.

A link has been provided to the Government guidance.

In addition, a self-serve online form has been published to enable residents to submit a complaint to the Private Sector Housing Team if they feel that their landlord is not taking appropriate action to address their concerns.

Responding to Complaints – Reactive action

The Council's action in response to Damp and Mould is mainly limited to reactive action due to staff resources.

All complaints concerning Damp and Mould will be investigated in accordance with the Council's published Private Sector Housing Enforcement and Civil Penalties Policy which sets out the Council's approach to dealing with all housing enforcement activity.

The Policy has been reviewed and now also contains a specific section that sets out our approach to complaints regarding Damp and Mould.

The process followed is broadly as follows:

Complaint received using online form or other method. Complainant contacted within 5 working days for any further information, including photos and details of contact with landlord/agent.

Desk top checks undertaken - including Council Tax, Land Registry checks, Companies House, Google Street view, Energy Performance Certificate and Council systems history checks as appropriate.

Depending on information provided, either a formal full inspection is carried out at this stage, having given notice to the responsible person, or an initial contact is sent to responsible person to advise of issues and asking for comment.

Check for progress after given timeframe with tenant.

If no progress, full inspection and assessment using the Housing Health and Safety Rating System.

Use of specialist equipment such as Damp meter, temperature and humidity data loggers and thermal imaging cameras as appropriate to assist with assessment.

Consider most appropriate course of action in line with our published Enforcement Policy. Generally, this will be a letter with an accompanying schedule of works to the responsible person, with a copy sent to the tenant.

Follow up with revisit, communication with tenant and responsible person as necessary to ensure completion of required works. Proceed to service of formal notice as appropriate where compliance is not received.

Typical works that may be required to remedy a damp and mould hazard may include:

1. Installing an efficient, controllable and programmable heating system that is appropriate for the dwelling.
2. Improving thermal insulation to the structure including walls, roofs, etc
3. Improving ventilation, including by openable windows, air bricks, trickle vents or mechanical extract ventilation to kitchens, bathrooms/shower rooms.
4. Repairing external structural defects that may be causing penetrating dampness – such as defective rainwater goods and drainage, defective pointing/rendering/roof coverings etc.
5. Installing a damp proof course or membrane.
6. Replacement of internal finishes such as wall and ceiling plaster.

However, if there are no deficiencies noted to the property that are contributing to the presence of damp and mould and there are no improvements that are appropriate to require the responsible person to make, there may still be steps that would be appropriate for the Council to recommend.

An appropriate response may be to:

1. Recommend that the landlord arrange for a fungicidal wash of mould affected internal surfaces of the property, such as walls, ceilings, window reveals etc using a proprietary product following manufacturers' recommended method of use.
2. Recommend that the landlord have a competent person install a suitable positive pressure ventilation system of a capacity and design that suits the property and provides guidance to the occupiers in its use.

Other areas of work

Through our proactive workstreams and other areas of work, including inspecting Houses in Multiple Occupation for mandatory licensing purposes and inspections for the purposes of assessing the suitability of properties for occupation by asylum seekers/refugees, we will also look to identify damp and mould issues and ensure that those are remedied.

Proactive Project

In January 2024, the Council commenced a proactive project to identify homes in the private rented sector that could potentially be cold homes that will be liable to dampness and potentially mould growth.

A new officer has been appointed for this project using funding received from our health partners.

Open-source Energy Performance Certificates (EPC) for the entire City have been analysed to identify those properties with a poor EPC rating (E, F and G rated).

These records have been cross checked with information obtained from the three Government approved tenancy deposit protection schemes. These are the statutory schemes where a landlord must secure a tenant's deposit. Therefore, if a deposit is protected against a property, it indicates that it is privately rented.

The indices of multiple deprivation have been analysed and cross referenced against the above data sources, to identify the poorest EPC rated properties that are both rented and in the more deprived areas of the City.

The post codes CO1, CO2, CO3 and CO4 have been identified as the focus for the project.

Properties located within Conservation Areas are being excluded due to difficulty in achieving improvement within the timeframe of the project.

Public Health Management data is now being reviewed to identify post codes within these areas linked with GP attendance due to asthma.

The project will initially target approximately 300 properties that fall within these criteria.

Once the data has been fully reviewed, individual residents and the landlords for these privately rented properties will be identified from Council Tax records.

They will be contacted to advise them of the project, with signposting to schemes to help improve the properties energy efficiency and to help residents with the cost of living crisis.

A visit will be arranged and a full inspection carried out using our Housing Act 2004 powers. If the landlord is not engaging with a grant scheme to improve the property, or assistance is not available or they are not being compliant in improving the property, enforcement action will be taken in accordance with our published Private Sector Housing Enforcement Policy.

In addition to targeting our activity in this way, the project officer will also be engaging with various venues within the target post code areas which vulnerable residents may visit – such as the Food Banks, C360 Hub etc.

The team's web pages will have a dedicated page for this project to refer residents to.

Training

To ensure that all officers involved in housing standards enforcement work are up to date with best practice, recent Tribunal decisions and current methods of assessing damp and mould hazards using HHSRS to assist in their enforcement decisions, all enforcement officers have attended a 1-day accredited training session covering excess cold and damp and mould provided by the Chartered Institute of Environmental Health.

Equipment

The Council has invested in specific pieces of equipment to assist officers when assessing the hazard of Damp and Mould.

These include temperature and humidity data loggers which allow analysis of living conditions over a period of time and thermal imaging cameras to assist in identifying poorly insulated building elements.