

Meeting EXECUTIVE
Portfolio Area Housing Health and Older People
Date 11 March 2020



DAMP AND CONDENSATION POLICY

KEY DECISION

1 PURPOSE

- 1.1 The purpose of this report is to seek approval from the Executive of the damp and condensation policy and the implementation thereof.

2 RECOMMENDATIONS

- 2.1 That Executive approves the damp and condensation policy document at Appendix A.
- 2.2 That delegated authority is given to the Assistant Director (Housing and Investment), having consulted the Portfolio Holder for Housing, Health and Older People, to approve any minor future revisions to the policy.
- 2.3 That delegated authority is given to the Assistant Director (Housing and Investment), having consulted the Portfolio Holder of Housing, Health and Older People, to approve appropriate processes and procedures in order to implement the policy, and to approve any future revisions to them.

3 BACKGROUND

- 3.1 In 2016 the Business Unit delivering the Damp and Condensation service was moved from the Repair and Voids Service to Housing and Investment.

- 3.2 A Damp and Condensation strategy was developed in 2016 and a presentation made to the Community Select Committee in June 2016 and the Housing Management Advisory Board (HMAB) in October 2016. The strategy set out:
- The council's legal responsibilities
 - Tenant's satisfaction through consultation, effective repairs and investment and managing moisture levels.
 - Operational service – Development of preventative, diagnostic, intervention and management procedures.
 - Dealing with Backlog cases.
 - Financial – Cost effective.
 - Develop an action plan
- 3.3 The action plan was put in place In August 2016, and developed following the Community Select Committee recommendations (January 2017) and Executive Member responses in March 2017. An update on the recommendations and the Action plan was presented to Executive in October 2018.
- 3.4 Following the transfer from Repairs and Voids there was a considerable backlog of unresolved / incomplete damp and condensation cases. This peaked at around 450 cases in March 2018. Through the implementation of the action plan and the development of new processes and procedures, this has been significantly reduced. The reduction can also be credited to re-assessment of the required staff levels necessary to delivery an efficient service.
- 3.5 There has been a marked decrease in the number of complaints received. In 2017/18 there were 101 complaints this was reduced to 61 in 2018/19 and there are currently only 33 complaints received up to January 2020.

4 REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS

4.1 Dealing with damp and condensation

4.1.1 Dealing with damp and condensation is a reactive service and due to seasonal changes in the weather, the number of cases reporting damp and condensation can fluctuate throughout the year. The number of reports relating to condensation damp increase in the colder months.

4.1.2 The types of damp covered by the policy are:-

a) Rising damp

This is where moisture rises up through the building fabric.

b) Penetrating damp (incl. leaks)

This is where water penetrates through weak spots in the building structure or the occurrence of internal leaks.

c) Condensation damp

This will occur where moisture held in warm air comes into contact with a cold surface turning the moisture into water droplets that can also lead to the formation of black mould on surfaces and mould and mildew on clothes and possessions.

- 4.1.3 Appendix B shows pictures of the different types of damp and condensation.
- 4.1.4 On average there are around 530 cases of damp over a 12 month period, of these 25% relate to the presence of condensation damp alone i.e. where excessive moisture has not also been generated by external factors, for example water ingress through the structure or a water leak.
- 4.1.5 Working in partnership with tenants managing condensation damp and reducing the number of cases will have a dramatic positive affect on the service delivered and for our tenants, ensuring that they can live in a healthy environment.
- 4.1.6 With the help and support from the council providing information, guidance, assistance where needed, and working in partnership with tenant's on managing condensation damp in their homes, the number of visits and subsequent remedial actions are likely to reduce. This will enable the council to target its resources ensuring a damp and condensation service is provided to the maximum number of homes within the funds available.
- 4.1.7 Damp and condensation cases are taken into account during the survey work carried out to establish the scope of work for each of the flat blocks included in the Major Refurbishment Contract (MRC). Where necessary improvements to the thermal properties of the structure are carried out helping reduce the conditions that can lead to condensation damp / mould forming on internal surfaces.
- 4.1.8 In 2018/19 there were 210 condensation damp cases requiring the installation or replacement of suitable mechanical extract fans in the bathroom and/or kitchen as part of the remedial works required to assist the tenant in the management of condensation damp in their home.
- 4.1.9 There is a close working relationship with the Repairs and Voids team. Any property that becomes void and has damp and condensation issues is inspected by one of the damp and condensation surveyors and any rectification works are carried out before the property is released for re- letting.
- 4.1.10 Further consideration will also be given on how it may be possible to identify signs of damp and condensation during other regular house inspections, for

example during regular servicing visits (gas servicing), void inspection, repairs and maintenance etc.

4.1.11 Holding workshops engaging with tenants and providing advice and guidance on managing and controlling damp and condensation will also be explored.

4.1.12 The current processes and procedures will be reviewed and updated to ensure that they are in line with the proposed approved policy document. New key performance indicators (KPI's) and targets will also be set to ensure that the quality of the service can be maintained.

4.1.13 A priority based system will be introduced to ensure that all damp and condensation cases are delivered according to the severity and urgency of the problem, taking into account the tenant's situation. These will be triaged at various stages in the process from receipt of initial report, following site inspection, and during delivery process. The priority rating will set the timescales for each case ensuring that tenants are treated fairly and in a consistent way. This will be included in the newly reviewed process and procedures.

4.2 Policy

4.2.1 To ensure that the damp and condensation strategy and the action plan improvements are delivered it is important that a robust policy is in force. This will ensure that a cost effective service can continue and assist officers to deliver the councils main aims when dealing with damp and condensation.

The proposed policy at Appendix A delivers the following aims:

- Ensuring that tenants are treated in a fair and consistent way.
- Focus on working in partnership with tenants ensuring that their internal environment is safe and healthy living conditions are maintained.
- Undertake effective investigations and implement all reasonable remedial repair solutions and improvements to eradicate damp including, managing and controlling condensation.
- Ensure that tenants have access to and/or are provided with comprehensive advice and guidance on managing and controlling damp and condensation.
- Comply with statutory requirements and good practice.
- Maximise the available funds and ensure that they are used effectively and efficiently to deal with damp and condensation problems.

- Ensure that the fabric of our property is protected from deterioration and damage resulting from damp and condensation.

4.2.2 The new policy will clearly identify what the councils responsibilities are, also the tenant's responsibilities and what service the council will or will not be able to provide in dealing with the managing of damp and condensation in council homes.

4.2.3 This is a partnership between the tenant and the council to ensure the efficient management and control of damp and condensation in council homes.

4.3 Council's responsibilities

4.3.1 The Tenancy Agreement states that "Council" is responsible for the repair of the structure and exterior of your home and for its own standard fittings. These include the roof, walls, ceilings, floors, stairs, window frames, external doors, drains, gutters and outside pipes. Internally they include the heating system, bath, sinks and toilet, kitchen units, water pipes, gas and electric wiring, and other fixtures".

4.3.2 It is important that the council diagnoses damp correctly and the solutions are effective. Staff training and delivering the ethos of dealing with the cause of the damp not just the symptom and "fixing first time" will be positive and reduce any unnecessary inconvenience and stress to tenants and the need for return visits. However solving damp and condensation can sometimes be complex and it can be difficult to find the right solution. This can require a number of return visits.

4.3.3 In 2019/20 there have been 168 return visits. It is envisaged that this can be reduced following implementation of the policy through better management and control of condensation.

4.3.4 Under the Housing Act 1985, and the Homes (Fitness for Habitation) Act 2018 the council has a legal obligation to ensure that the condition of the property remains fit for human habitation. The council is not responsible for unfitness caused by the tenant; however the council will work with the tenant and provide advice and support on how to manage and control condensation damp.

4.3.5 Under the Housing Act 2004 the council has a duty to manage defects, these are described in the "Housing Health and Safety Rating System" (HHRS). This risk based rating system assesses the potential hazards and provides a method of categorising the severity and urgency for action to be carried out The classified hazards relating to damp and mould include:

- Damp and mould growth caused by damp and condensation
- Excess cold due to lack of insulation and thermal (cold) bridging

- Volatile Organic Compounds (mould) that may form in damp areas.
- 4.3.6 The council's responsibilities are detailed in the policy document. This document will be available for the public to view via the council's website and online housing account.
- 4.3.7 The council will communicate with tenant's providing advice and guidance on how to manage condensation damp. This is through the issuing of guidance leaflets the council web page and also through the surveyor's advice and guidance given when house inspections are carried out. This covers:
- Maintaining heating
 - Maintaining ventilation – opening windows when cooking, opening window trickle vents, use extractor fan
 - Reducing moisture – by simple measures of closing kitchen and bathroom doors, covering pans when cooking, allowing air to circulate around furniture.
 - Regularly checking and washing down mould when found.
 - Decorating with anti-fungal paint after mould wash.
- 4.3.8 Internal conditions within a home can have an effect on health and wellbeing of the occupants that may also lead to an increased risk of condensation damp, for example:
- Overcrowding
Support and assistance will be provided by the council to review the tenant's options that may include moving to more appropriate and alternative suitable accommodation meeting their needs.
- Where overcrowding is the major factor resulting in excessive condensation damp and mould growth, this will be referred to the Housing Panel to consider the case as an exception to the Allocations policy for a higher priority banding that overcrowding would normally attract.
- Excessive hoarding of personal belongings.
Support and assistance will be provided by the council to help the tenant manage the situation.
- 4.3.9 There are occasions where it may not be possible or reasonably practical for the council to undertake effective remedial action. For example,
- Poor construction / design (not meeting current construction and living standards) for example:
 - Cold spots in the fabric of the building cannot be completely eliminated leading to a risk of condensation damp / mould in these areas.
 - Non habitable rooms / structures. For example:

- Out –buildings / sheds that have been converted including linking buildings between the house and out building and other add-on structures.
- Unheated / uninsulated semi external toilets store rooms

Tenants require the council's written consent before converting / using non – habitable buildings and spaces/rooms and are encouraged to seek advice from the council.

4.3.10 Effective repairs and maintenance of the council's housing stock will significantly reduce the risk of defects occurring reducing the risk of damp and condensation problems occurring and therefore preventing further deterioration of the property condition.

4.4 Tenants Responsibility

4.4.1 The tenant's responsibilities are detailed in the policy document Appendix A.

4.4.2 In partnership with the council the tenant's actions in managing and controlling damp and condensation are also very important to ensure that the property remains in a safe and healthy environment.

4.4.3 It is also important that the tenant complies with the tenancy agreement conditions ensuring that they look after their home. This includes the responsibility to regularly inspect for damp and condensation and take the necessary action to control and manage condensation damp.

4.4.4 The tenant is responsible for carrying out regular inspection for damp and condensation, washing mould from surfaces and carrying out redecorations following remedial works and mould washes. The council will support and provide assistance where they can if the tenant is unable to carry out these measures/works and where necessary will undertake mould washes and redecoration.

4.4.5 An overcrowded property can also significantly increase the risk of condensation. Where mould is discovered in this situation solving the overcrowding will be considered in accordance with the upcoming Housing Allocations Policy review. Successfully resolving damp condensation will only be possible when the overcrowding situation has been resolved.

4.5 Private Rented accommodation

Where a council assists with placing an applicant into the private rented sector and damp and condensation issues occur, the council will provide support and assistance that may require carrying out a site inspection, identifying the cause of the damp and condensation and notifying the landlord of the findings. If the Landlord does not respond and carry out their responsibilities in

accordance with the relevant acts or in a satisfactory manner further support will be provided and legal advice will be sought.

5 IMPLICATIONS

5.1 Financial Implications

5.1.1 Delivering the damp and condensation service is very challenging owing to its reactive nature and the fluctuations in the number of cases received, increasing during prolonged colder winter months. It is difficult to accurately predict demand and the budget required to deliver the service.

5.1.2 The annual damp and condensation budget is currently set at £250K. It is considered that with the implementation of the policy and the partnership approach with the tenants on dealing with damp and condensation, that this will be adequate. The level of funding versus demand will be monitored throughout the year and any predicted increase will be reported as part of the Capital quarterly monitoring process and if required as part of any future revision of the HRA Business Plan.

5.2 Legal Implications

5.2.1 s11(1) of the Landlord and Tenant Act 1985, provides that there is an implied covenant by the council in its Tenancy Agreement:

(a) To keep in repair the structure and exterior of the dwelling-house (including drains, gutters and external pipes),

(b) To keep in repair and proper working order the installations in the dwelling-house for the supply of water, gas and electricity and for sanitation (including basins, sinks, baths and sanitary conveniences, but not other fixtures, fittings and appliances for making use of the supply of water, gas or electricity), and

(c) To keep in repair and proper working order the installations in the dwelling-house for space heating and heating water.”

s11 (2) states that the landlord is not required to carry out repairs for which the tenant is responsible and S11 (3) provides that in determining the standard of repair required by the lessor's repairing covenant, regard shall be had to the age, character and prospective life of the dwelling-house and the locality in which it is situated”.

5.2.2. From 20 March 2020 the Homes (Fitness for Human Habitation) Act 2018 will apply to all the council's secure tenancies, implying a covenant that the property is fit for habitation and will remain so until the tenancy ends. This does not require the council to carry out works for which the tenant is responsible, nor is there any liability on the council if the unfitness is wholly or mainly attributable to the tenant's own breach of covenant.

5.3 Consultations with the Housing Management Advisory Board (HMAB) and the Portfolio Holders Advisory Group (PHAG)

5.3.1 The policy was presented to the HMAB on 16 January 2020. A number of issues were raised by members and officers responded to these at the meeting. Where appropriate these have been included in the updated processes and procedures or have been incorporated into the policy. HMAB were broadly supportive of the policy.

5.3.2 The policy was presented to the PHAG on 13 February 2020. Members highlighted the importance of providing regular updates to customers and members involved in damp and condensation cases.

5.3.3 Officers advised that the process and procedures will be updated in line with the policy and will include delivery timescales and also ensure that the policy will be available to tenant's, see clause 4.3.6 above.

5.3.4 The recommendations and advice have been taken on board and where appropriate incorporated in the policy.

5.4 Risk implications

5.3.1 The approval of the proposed policy will help reduce the reputational risk to the council by ensuring that tenants are aware of their responsibilities and also what and how the council in partnership with the tenant will undertake to eradicate the presence of damp and condensation.

5.4 Climate change implications

5.4.1 There are no climate change implications to this report.

5.5 Staffing and accommodation implications

5.5.1 Housing and Investment is currently undertaking a Business Unit Review due to be implemented April 2020. The review has identified the need for surveyors with specialist knowledge and skills relating to diagnosing and delivering solutions relating to damp and condensation. The structure has two

Building Surveyors managed by a Principal Building Surveyor. It is considered that this will be sufficient to deliver the service on the basis of current knowledge.

5.6 Equalities and Diversity Implications

5.6.1 An Equality Impact Assessment was undertaken in relation to service delivery (see Appendix C).

5.7 Service Delivery Implications

5.6.1 New processes and procedures will be produced in line with the proposed policy ensuring that the aims of the policy are achieved.

BACKGROUND DOCUMENTS

1.1 All documents that have been used in compiling this report, that may be available to the public, i.e. they do not contain exempt information, should be listed here:

APPENDICES

- A The damp and condensation policy.
- B Types of damp and condensation.
- C Equalities Impact Assessment.