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Advancing Housing Standards: Assessing the Efficiency of Local Authorities in
Addressing Damp and Mould in Residential Dwellings

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Abstract

The purpose of this research is to critically review how Local Authorities (LAs) deal with service requests alleging damp and mould (D&M) issues in residential dwellings and how these are processed.

This study critically examines the effectiveness of LAs in handling complaints related to D&M in residential properties, with a specific focus on the Private Rented Sector (PRS) in England. D&M issues are a significant public health concern that affect the quality of indoor living environments, potentially leading to a range of adverse health outcomes for occupants. Through a comprehensive review of current practices employed by LAs, this research identifies the key strengths and weaknesses in the investigative processes and enforcement outcomes associated with addressing D&M complaints. Utilising a mixed-methods approach that combines policy analysis, review of legislative frameworks, and primary data collection from LAs, the study offers insights into the challenges and barriers faced by tenants and authorities in mitigating D&M hazards. Moreover, it assesses the impact of recent legislative developments, including the proposal of Awaab's Law, on the responsiveness and accountability of social landlords. The findings reveal substantial variability in the effectiveness of LAs responses, highlighting the need for standardised procedures, increased transparency, and stronger enforcement mechanisms. Recommendations are proposed to enhance the regulatory framework and improve housing conditions across the PRS, ensuring safe, healthy, and habitable living environments for all tenants. This research contributes to the ongoing dialogue on housing standards and public health, offering practical implications for policymakers, LAs, and stakeholders in the housing sector.

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Chapter 1 Introduction

The quality of our living environments plays a crucial role in shaping our health, well-being, and quality of life. Everyone deserves to live in a safe, warm, and dry home that is free from hazards. In the UK, we spend approximately 90% of our time indoors, this emphasises the importance of indoor air quality and temperature in our houses. People work to make their homes more comfortable and energy efficient, they must also ensure that their home remain well ventilated (UK Health Security Agency, 2023). Tenants are legally entitled to a safe, secure, and health-hazard-free residence. However, they must overcome considerable obstacles in order to exercise this right, and many of them deal with substantial problems that can lead to homelessness, severe illness or other adverse outcomes (House of Commons Committee of Public Accounts, 2022).

Among the various factors that contribute to the habitability of residential dwellings, the presence of damp and mould (D&M) stands out as one of the main critical public health concerns. D&M not only compromises the structural integrity of properties, but also poses significant health risks to the occupants, including respiratory problems, allergies, and other serious health conditions (Kempton, 2018). Both private and public landlords are subject to various damp and mould rules. A landlord may face legal action or financial penalties for noncompliance of legislation. For social and private rental landlords, there are sometimes differences in the laws and regulations (Department for Levelling Up, Housing & Communities, 2023d). Given the gravity and seriousness of these issues, Local Authorities (LAs) in the England are tasked with the pivotal role in addressing and investigating complaints related to D&M in residential settings, particularly within the Private Rented Sector (PRS).

This study critically reviews the effectiveness of LAs in handling customer complaints alleging D&M problems in residential properties. It aims to shed light and information on the various methodologies employed by LAs, assess their enforcement outcomes and understand the challenges and limitations faced in ensuring safe and healthy living conditions for tenants. With a specific focus on the PRS, this research examines the strengths and weaknesses of current practices, offering insights into areas requiring reform or enhancement.

The urgency of addressing D&M issues is emphasised by the significant amount of time most people spend indoors, especially in light of recent global shifts towards remote working and increased home occupancy rates. The legal framework within the England mandates that tenants have a right to a safe and hazard-free home. However, the realisation of this right is often hampered by barriers ranging from lack of awareness to fear of eviction, making the role of LAs even more crucial in safeguarding public health.

By critically reviewing the effectiveness of LAs in managing D&M complaints, this study contributes to the existing body of knowledge on the subject and proposes a path forward for improving housing conditions. Through policy analysis, legislative review, and primary data collection, this research offers a comprehensive overview of the current landscape, challenges and opportunities for enhancing the living conditions in the PRS. The ultimate goal is to ensure that all individuals have access to living conditions that support and promote their health and well-being, free from the detrimental effects of damp and mould.

1.1 Rationale

Conducting a critical review of how LAs deal with customer complaints regarding D&M issues is essential to assess the effectiveness of their current practices. This evaluation will help identify gaps, strengths, weaknesses, or areas for improvement in the response and resolution processes employed by local government. By conducting this research, it is possible to contribute to the body of knowledge on D&M issues in residential dwellings and provide practical insights to better address customer complaints (service requests) in a systematic and efficient manner, to help improve housing conditions.

1.2 Aims and Objectives

Aim: Critically review the effectiveness of LAs in investigating service requests related to D&M issues in residential dwellings and identify strengths and weaknesses in the current practices of LAs in handling such investigations.

Objectives:

1. Collect primary data, from Local Authorities to analyse the scope and enforcement outcome of service requests (customer complaints).
2. Critically evaluate the methodologies employed by LAs in investigating and resolving these service requests. Critically analyse the collected data to identify recurring issues, and potential gaps in the current approaches used by LAs.
3. Critically review current practices on local housing authorities' handling of customer requests for service (complaints) regarding D&M issues in residential dwellings prior to and following the proposal to introduce Awaab's Law in 2023.
4. Compare and contrast the practices of different LAs to assess variations in their approaches and outcomes. To analyse if these practices have changed since the introduction of Awaab's Law.

Chapter 2 Damp and Mould (D&M) within Residential Properties

2.1 What are the contributing factors and causes of D&M?

Identifying potential damp causes can be challenging and may require a surveyor (CA, 2022). The three most prevalent types of dampness are penetrating damp (lateral damp), rising damp and condensation-related wetness (Ideal response, 2017).

Penetrating damp can impact a property at any level, which is caused by water entering through a structural flaw in the fabric of the building and travelling from the outside to the inside (Advances Damp LTD, 2021). Examples of this are missing roof tiles, a plumbing leak, defective pointing, or broken guttering (Peter Cox, 2022). Periods of wet weather are when penetrating damp is more noticeable, older properties with solid walls are more likely to suffer and indications can take longer to show (Kempton, 2015). This is because the building materials can be damaged over time or deteriorate due to damage such as pointing, render and brickwork all of which can deteriorate with physical damage, age and frost (Richardson and Starling, 2022).

When naturally occurring ground water seeps through masonry and up a wall, rising damp occurs. Usually, a damp-proof course (DPC) prevents this from happening (Permagard, 2018). Mould growth and wet walls up to a meter in height, on the ground floor are indicators of rising damp as well as white striations which indicate that salt from the earth has seeped up the masonry, this is common in pre 1930's properties as many of them do not have a DPC (Rolande, 2017). Older buildings may have DPC's that have disintegrated or been damaged; these failures are not always evident until rising damp symptoms appear (Jameson, 2022). External elements above the DPC, including patios, elevated flower beds and other exterior aesthetic changes, can also cause water to cross the DPC know as bridging (Wise Property Care, 2022). Debris or improper cavity insulation material are also ways in which bridging can occur (Permagard, 2018).

Condensation is the most widespread cause of moisture in a home and affects around one in five homes in the United Kingdom (UK) (EnviroVent Ltd, 2022). When humid air meets a cold surface water will collect. This can be seen as water gathering on surfaces or windows, which can cause a strong musty smell and peeling wallpaper (Richard and Starling, 2022) which will typically show as black mould over time (Shelter, 2022). Excessive humidity and condensation are caused by a number of circumstances, including insufficient ventilation, excessive cold (due to poorly heated homes), and excess moisture, which promote mould growth (Permagard, 2018).

In colder months, external walls, especially north facing walls are more prone to experience condensation (Ideal Response, 2017). Large furniture pieces pressed up against an external wall, like beds or wardrobes, often have mould growth behind them due to a lack of air circulation and proper ventilation (Rolande, 2017). Building designs have evolved to enhance energy efficiency, making modern homes more airtight than older homes. This prevents newer properties from breathing (ventilating), as the moisture cannot leave the property, increasing condensation dampness (Jones, 1999).

Condensation can also affect non-traditional construction houses which are often built with a structural frame (made of metal, concrete or wood) and cladding (Elliott, 2022). A number of these properties suffer from cold bridging; this is where a section of a building has a much higher heat transmission than the surrounding materials (BRE Trust, 2023). This will cause condensation to form on the colder elements, normally the frame and could cause damage; for example if made from metal, this can cause rust.

Mould growth can create irritants, allergens and sometimes toxic compounds that can harm the health of the occupiers (NHS, 2018).

2.2 What are the health implications of D&M?

Mould refers to a visible group of fungi that grow as multicellular filaments or hyphae that later combine into web-like structures called mycelia (Borchers, Chang and Eric Gershwin, 2017). Commonly known as 'black mould', *Stachybotrys Chartarum* is a type of fungus that grows in areas with high air moisture content. *Stachybotrys* needs a greater humidity of 93% at 25°C, however the lowest relative humidity that promotes mould growth is 75% (Kuhn and Ghannoum, 2003). Spores released by moulds have the potential to induce allergies if ingested or touched (National Health Service (NHS), 2018). Although there are many different types of mould, *Stachybotrys Chartarum* is well-known because it produces mycotoxins (Money, 2004). Mycotoxins have been linked to cancer, can impair immunity, and can induce diarrhoea and vomiting (Great Britain. Office of The Deputy Prime Minister, 2006). A previous study has linked damp and mould to poor health and well-being, but the link is poorly understood and complex (Boomsma et al., 2017). Concerns have been raised about sampling techniques employed in studies that provide information on organisms found in a dwelling (Kuhn and Ghannoum, 2003). Given that most research use retrospective surveys on sample populations, this raises questions about the data's accuracy.

The effects of mould on health are further influenced by a person's vulnerability, which includes age, immune system function, previous exposures, genetics and overall health (Palaty and Shum, 2012). House dust mites and mould spores, known

to be environmental causes of asthma and other respiratory issues, can proliferate in a moist home (Sharpe et al., 2015). This increases the likelihood that those living in moist homes will have respiratory problems.

Those with damp-related issues who are exposed to spores may be susceptible to asthma and upper respiratory tract symptoms such as coughing, wheezing, bronchitis, and eczema if they are exposed to mould spores indoors (Holme et al., 2010; Great Britain. Office of The Deputy Prime Minister, 2006). On the other hand, the precise cause is not well-established. Only a small number of studies have found that some fungal species are linked to an increased risk of asthma symptoms, increasing the aggravation of asthma symptoms by 36% to 48% when assessed with test subjects exposed to lower concentrations of the same fungal species (Sharpe et al., 2015).

Conversely, further supplementary research proposes a feasible link between early contact with mould and the development of asthma in children, primarily in children who could be hereditarily susceptible to the development of asthma (CDC, 2019). However, childhood asthma could have increased due to children spending more time indoors than before and being more exposed. Despite reports that mould exacerbates asthma symptoms, there appears to be a lack of objective research to support these statements. Comparing data is especially challenging because mould exposure and health consequences are not measured using a uniform approach (Peat, Dickerson and Li, 1998).

Most studies on the health impacts of D&M have concentrated on physical health; more recent studies are now looking at the effects on mental health and well-being. Mental health and well-being is defined as “a state of well-being in which the individual realises his or her own potential, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to his or her community” (WHO, 2019).

Living in a damp home has been associated with mental health problems, including anxiety about energy costs, discomfort from temperatures, physical health concerns,

depressive symptoms and worry (Boomsma et al., 2017). These findings suggest that the affordability of solutions to these problems is more important than the circumstances themselves. This is shown by Linddell and Guinet, 2015 who's study identified that cold and damp houses were linked to quality of life rather than a mental disorder.

The annual cost to the NHS in England for treating the health effects of inadequate housing is estimated to be £600 million. Hazards in more than 4.5 million private residences pose a significant risk to health (CIEH, 2011). The detrimental health effects of D&M in residential dwellings emphasise the urgent need for rigorous measures and enforcement of housing standards to ensure the well-being of occupants and create healthier living environments.

Chapter 3 Private Sector Housing (PSH) within Local Authorities (LAs)

3.1 What is the Private Rented Sector (PRS) and the standards for these rentals?

The PRS is a classification of housing in England (private rentals), with owner occupiers (someone who has purchased their own home) and social housing (houses rented by LAs and Registered Social Landlords (RSLs)) being the other two common tenure types.

Private rentals are properties owned by a landlord and leased to tenants privately this could be by an individual, an institutional investor, or a property company.

Tenants either deal directly with an individual landlord, or alternatively with an Estate Agent or management company overseeing the property on behalf of the landlord.

The PRS is the country's fastest expanding housing sector and makes up the second-largest housing tenure in England, behind owner occupiers (Summers, 2018). Since 2013-2014 to date, 19% of households have been privately renting; this has almost doubled since 1997 when only 10% of households rented. Households which are owner occupiers accounts for 65% and is the largest sector, and social housing only has 16% which is now the smallest sector as shown in figures 3.1 and 3.2 (Department for Levelling Up, Housing and Communities, 2023b).

Figure 3.1: Trends in tenure (proportions), 1980 to 2022-23 (Department for Levelling Up, Housing and Communities, 2023b).

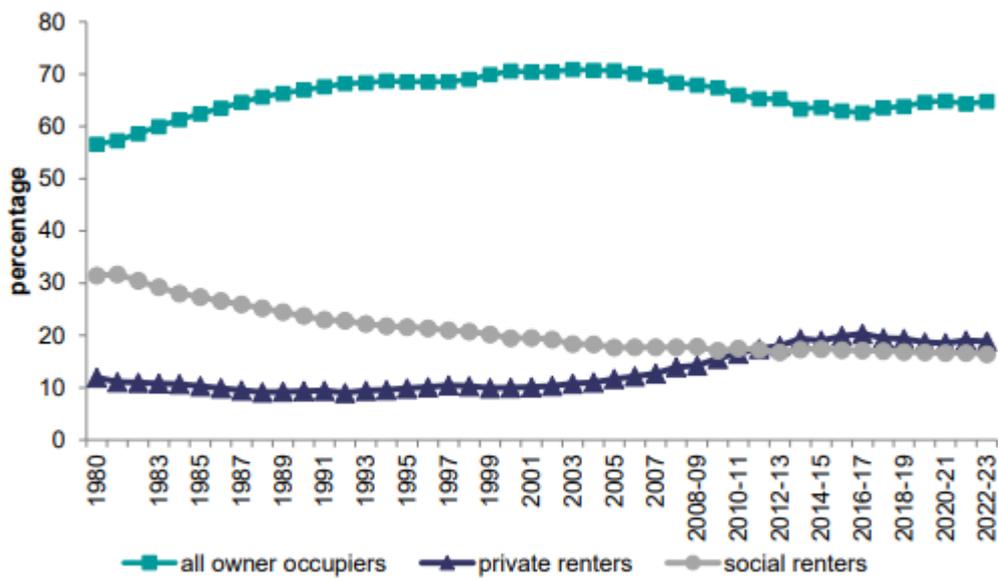
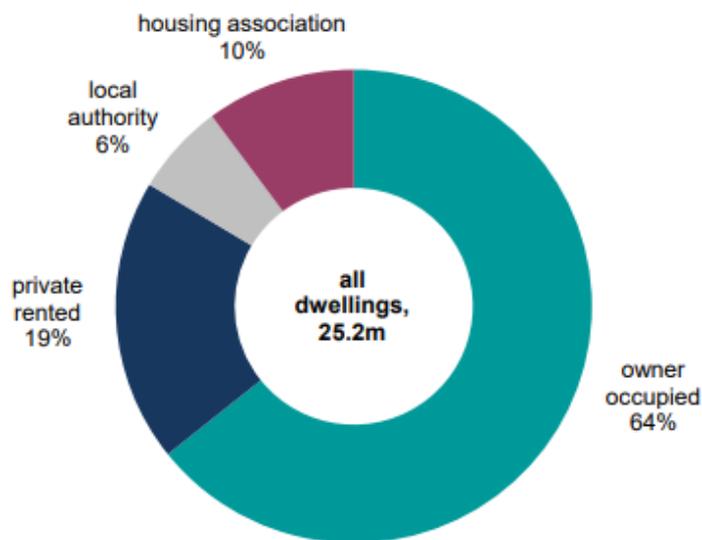


Figure 3.2: Dwellings, by tenure, 2022 (Department for Levelling Up, Housing and Communities, 2023b).

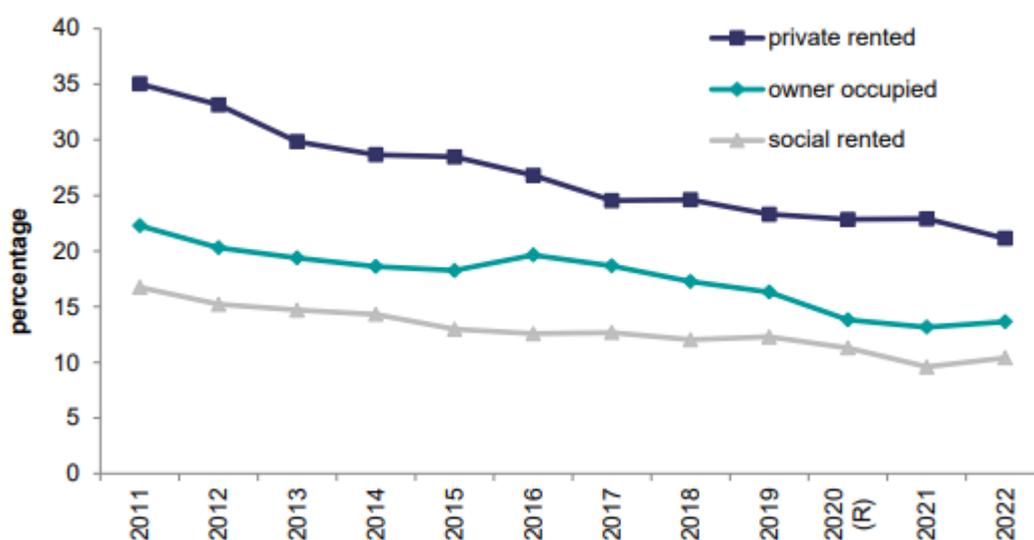


Families with children are among the more varied households that the sector currently houses and many of them use it to provide long-term housing as opposed to temporary or short-term (Marsh and Gibb, 2019).

Historically, the least likely tenants to file a complaint with their landlord or the relevant regulating body have been those who live in the worst conditions (Battersby, 2015). In the PRS, there is comparatively low or little knowledge of rights and obligations for both tenants and landlords (Marsh and Gibb, 2019). The Housing Act 1985 saw the introduction of a Fitness Standard within the PRS to ensure that there were no unhealthy or dangerous properties (Stewart and Burrige, 1989). However, the 1985 Fitness Standard was deemed to be not fit for purpose (Ormandy and Battersby, 2000) because it ignored a dwelling's interior layout, thermal efficiency and several of the most important health and safety risks, such as fire and falls.

Since the early 2000s, the basic standard that social housing must meet (with some exceptions) is the Decent Homes Standard, which underwent a review in 2021 (Department for Levelling up, Housing and Communities, 2021). The updated Decent Homes Standard might be applicable to both the social and PRS as the government has announced that it will expand the standard to include the private rental market however, it is still yet to be determined (National Housing Federation, 2023).

Figure 3.3: Dwellings, Non-decent homes, by tenure, 2011 to 2022 (Department for Levelling Up, Housing and Communities, 2023b).



The English Housing Survey (EHS) estimated that in 2022, 21% of PRS homes did not meet the Decent Home Standard, compared to 14% of owner occupiers and 10% of social housing, figure 3.3 (Department for Levelling Up, Housing and Communities, 2023b).

3.2 What are (if any) the duties of LAs concerning the PRS?

LAs are required by law to address high-risk hazards under the Housing Act 2004, this includes D&M (Housing Act 2004, n.d.). LAs have a duty to regulate the PRS and ensure landlords meet their legal duties (House of Commons Committee of Public Accounts, 2022). With an aim of improving the health and well-being of tenants living in the PRS. LAs have a legal duty to consider how the housing needs of their area are going to be addressed, this has led to a difference in working practices across England.

The Housing Act 2004 established the Housing Health and Safety Rating System (HHSRS) in England, which employs a risk-based methodology to evaluate potential hazards within residential premises. This is a method used by LAs to evaluate risks in residential premises. (Marsh and Gibb, 2019). The government will be making improvements to the Housing Health and Safety Rating System (HHSRS) as part of the Decent Homes Standard. 2.1 million, or 8% of dwellings in England had a category one hazard under HHSRS in 2022 (Department for Levelling Up, Housing and Communities, 2023b).

3.3 Available legislation to deal with D&M in the Private Sector

When approaching the PSH team, tenants are encouraged to liaise with their landlord first to resolve any repair issues; however, if the landlord is unwilling to address the issues, then the LA needs to assist. PSH will arrange a property inspection to ascertain if there are any deficiencies at the property (Bedford Borough Council, 2023; Central Bedfordshire Council, 2023; (North Northamptonshire Council, 2023).

Enforcement powers available to LAs are written in the Environmental Protection Act (EPA) 1990, the Housing Act 2004, the Domestic Minimum Energy Efficiency Standard (MEES) Regulations, and the Anti-social Behaviour, Crime and Policing Act 2014 (Environmental Protection Act 1990, n.d.; Housing Act 2004, n.d.; Department for Energy Security and Net Zero, 2017; Anti-social Behaviour, Crime and Policing Act 2014, n.d.).

3.3.1 Environmental Protection Act (EPA) 1990

Under Section 79(1)(a) of EPA LAs have the power to tackle D&M as a statutory nuisance (SN). The LA needs to determine continuous D&M is caused by the state of the premises and that its prejudice to health (Environmental Protection Act 1990, n.d). Prejudicial to health is defined as 'injurious, or likely to cause injury, to health' (Environmental Protection Act 1990, n.d). This demonstrates that the EPA 1990 addresses harm to health that is both potential and actual. It covers illnesses of the body as well as the mind, such as the results of stress brought on by inadequate properties. Dampness, mould growth or condensation are examples of faults in dwellings that account for prejudicial to health.

Every LA is required by Part 3 of the EPA 1990 to conduct inspections in their area where statutory nuisance is reported. When the LA is satisfied a SN exists or the likelihood of one arising/reoccurring, they are legally bound to act. In the first instance this maybe informal, however if the works are not completed to abate the SN enforcement action must be taken. The LA will serve an abatement notice which advises the person causing the SN what is required of them to stop the SN (Shelter, 2024). It is a criminal offence if the abatement notice is not complied with, in this instance the LA can prosecute, take legal proceedings, or do works in default (GOV.UK, 2015). Serving an abatement notice when taking enforcement action is quicker for dealing with D&M, than other legislation available to LAs.

3.3.2 The Housing Act 2004

LA are empowered by Part I of the Act to conduct property inspections, assess the severity of potential hazards, and taken enforcement action. To ensure there are no

hazards at the property, the LA shall conduct an inspection in accordance with the HHSRS. Using the HHSRS, Environmental Health Officers (EHO) can determine if any hazards identified fall into category one or category two. The LA must take the appropriate enforcement action if a category one hazard is identified in any residential premises, and the severity of the hazards will dictate which enforcement action is taken, as shown in table 3.1. Enforcement action for identifying a category two hazard is also show in table 3.1.

Table 3.1: Enforcement Action for Local Authorities under the Housing Act 2004 (The Housing Act, 2004 and Office of the Deputy Prime Minister, 2006).

Housing Act 2004 section	Enforcement Action	Category of hazard
Section 11	<p>Improvement Notice - an improvement notice requires the person on whom it is served to carry out remedial action to remove the hazard within a certain time. In the case of Category 1 hazards, the remedial action must, as a minimum, remove the hazard but may extend beyond this to ensure the hazard will not return within 12 months. To be served on anyone who to the knowledge of the LA has a relevant interest in the premises.</p> <p>Failure to comply with an improvement notice without reasonable excuse is an offence and the LA may do the work in default or by agreement, the LA can prosecute for these offences. If a LL is convicted this can result in an unlimited fine. Since 6th April 2017, a LA can impose a financial penalty of up to £30,000 as an alternative to prosecution.</p>	1
Section 20	<p>Prohibition Order - Imposes prohibitions on the use of residential premises or part of the premises. Including Houses in Multiple Occupation, as specified in the order, whether for all purposes or</p>	1

	for any particular purpose. It may extend to common parts of buildings containing flats. The order can also indicate the maximum number of people that can occupy the premises. The order becomes operative 28 days after it is made.	
Section 28	Hazard Awareness Notice - This is a notice advising the person on whom it is served that Category 1 or Category 2 hazard(s) exist on the premises. The content of the notice is similar to an improvement notice except there are no dates for the work to be started or completed, and no offence is committed if not complied with.	1
Section 40	Emergency Remedial Action - LAs have powers to take emergency remedial action where there is, a category 1 hazard, imminent risk of serious harm to health or safety to any of the occupiers. The word imminent has been held to imply 'a good chance that the harm will be suffered in the near future'.	1
Section 43	Emergency Prohibition Order - prohibiting the use of all or any part of the premises with immediate effect. If a LA is considering taking emergency remedial action.	1
Section 12	Improvement Notice – as above	2
Section 21	Prohibition Order – as above	2
Section 29	Hazard Awareness Notice – as above	2

LAs can charge for Notices served under The Housing Act 2004 (Housing Act 2004, n.d) and start legal proceedings for failure to comply with the notices; upon conviction, the outcome can be a financial penalty of up to £30,000 per offence or an unlimited fine. Using the Housing Act 2004 is a lengthy process which means that it is slower than using the EPA 1990; the HHSRS inspection and report are time-

consuming, with a rating system which is based on both the likelihood of an occurrence to cause harm and the probable severity of this occurrence, based on the judgement of the EHO. The HHSRS does not establish minimal requirements and is not a housing fitness test with a pass/fail outcome. It is an evaluation of residential living conditions based on risk.

3.3.3 The Domestic Minimum Energy Efficiency Standard (MEES) Regulations

In the PRS, energy efficiency is becoming increasingly important. Landlords are required to adhere to the Minimum Energy Efficiency Standards (MEES), or risk being fined. Energy Performance Certificates (EPCs), which are valid for ten years, provide an assessment of a building's energy efficiency (Shilling, 2021). The EPC provides information about the property, including average energy expenses and suggestions for increasing the home's efficiency. It rates the property on an A-G scale, 2018 saw the enactment of new laws that prevented landlords from renting out homes with a grade of F or G unless they can demonstrate a legitimate exemption. This may be changed once again as part of the Minimum Energy Performance of Buildings Bill, where by 2025 all new leases will need to have an EPC rating of C, and by 2028, all existing leases will require a C rating (Crown copyright, 2020). This will help to improve the quality of energy efficiency within the PRS, which is currently averaged as a D in England (Bowers, Smith and Wilkins, 2022).

LAs can take enforcement action against breaches in MMES and the landlord can be fined. Tenants living in poor insulated properties are most affected by the cost-of-living crisis as their heating bills will be more expensive. If the Government follows through and increases the EPC rating to a C, then this will ensure homes are fit for purpose and tenants are not living in damp, cold and mouldy homes which could be affecting their health.

3.3.4 Anti-social Behaviour, Crime and Policing Act 2014

Anti-social Behaviour, Crime and Policing Act 2014 part 4, came into effect in England and Wales on the 20th of October 2014 and was accompanied by Government advice on the use of measures to control anti-social behaviour (ASB).

The Act intends to close the gaps created by previous laws, streamline the instruments available to combat ASB and consolidate enforcement authority (CIEH, 2017). However, it becomes difficult to decide whether to employ the newly acquired powers in addition to, or instead of, the long-established powers under earlier legislation such as EPA.

The Anti-social Behaviour, Crime and Policing Act 2014, introduced community protection notices (CPN's) for some housing offences (Reeve et al., 2021) If someone engages in continuous anti-social activity, a CPN may be issued; noncompliance may result in a fixed penalty notice up to £100 on conviction, a fine, paying for remedial works or seizure of items (Heap et al., 2023). There is no limit on the type of behaviour a CPN can deal with, it is a civil preventive notice for individuals aged over 16, or organisations, whose behaviour is considered to: 'have a detrimental effect on the quality of life of those in the locality'; is of a persistent or continuing nature; and is unreasonable (Home Office, 2022). In the first instance, a written warning must be issued to inform the person/business of the ASB, requesting that the behaviour stops, and the consequences should it continue.

Based on this, CPN's can be used for D&M cases, but as previously stated this is not widely used due to the conflict with other legislation. However, this is quick and less onerous for EHO to process than HHSRS and EPA. As a CPN is relatively fast it can also be used in conjunction with the other legislations available to the EHO which could result in an effective change before the EHO has to write other legislative notices.

3.4 Barriers to enforcement

To address poor property conditions and management standards in the PRS, LAs are empowered to tackle inadequate property conditions using a variety of legislation and regulations. However, there is a great deal of worry regarding the uneven and lax enforcement practices across LAs (Cromarty, 2022).

Prior to the implementation of HHSRS, local authorities were finding it difficult to handle the volume of complaints regarding housing problems. As a result, there was

a lack of formal action. The average annual number of HHSRS inspections conducted by LAs was 135; this is much fewer than the average number of complaints. It can be challenging to evaluate enforcement efforts related to property conditions precisely, because LAs record HHSRS inspections differently. HHSRS inspections lead to 9% of improvement notices, with 3,679 annual improvement notices being served. However, 20 LAs are responsible for 50% of the notices. Follow-up enforcement is around 1% of HHSRS inspections leading to criminal prosecution which is extremely low (Wood, 2022). LAs enforcement in the PRS describe the lack of EHO within LAs as minimal with one LA only having 0.3 of a full time officer, the current teams that are within LAs are so stretched that they are firefighting being reactive rather than proactive (Reeve et al., 2022). This shows that the lax in enforcement action could be due to the LAs capacity to enforce due to not enough staff and maybe lacking in corporate or political commitment for the PRS to be improved. LAs that are firefighting are only dealing with tenants that complain therefore, only meeting their statutory duty. The lack of action taken by LAs gives tenants little confidence in any action being taken.

LAs work in partnership with many other agencies such as, housing options teams, planning departments, the fire service, the police, trading standards and border control/immigration officers (Reeve et al., 2022). However, as poor property conditions have a detrimental effect on health there is no evidence of multiagency working with any health services such as GP's, and strict rules such as The Data Protection Act 2018 prevent and hinder data sharing between multi agencies. There is still a culture of 'I told the council' however, unless tenants inform the right department the information provided may not be shared with the relevant teams.

Awareness of rights and obligations is relatively poor across the private rented sector, for both landlords and tenants. Letting properties through an agent is also not a guarantee that it will be managed correctly. Tenants could be reluctant to complain to their landlord for fear of retaliatory eviction (Marsh and Gibb, 2019). However, there is no evidence that enable determination of the degree to which these worries are legitimate or derived from unpleasant experiences in the past. The regulatory system relies on tenants enforcing their own rights, which means tenants are often

left to negotiate with their landlords directly and take action through the courts at their expense and a risk of no action if unsuccessful (Davies, 2021). In social housing, all providers must be part of an ombudsman scheme; however, this is not required of private landlords. The Government is looking to redress this in the new Renters Reform Bill (UK Parliament, 2024), which is currently still at committee stage after going to Parliament in May 2023.

Evidence of discrimination within the PRS shows that 50% of landlords will not rent to housing benefit claimants and 25% are unwilling to rent to non-UK nationals (House of Commons Committee of Public Accounts, 2022). Private renting regulations are inefficient at ensuring the sector is fair for renters. Demographic groups experience worse property conditions and treatment from landlords some of whom do not comply with the law. These tenants need to be supported more to ensure they are aware of their rights. Most research has been completed in social housing, mainly council owned properties – all related to health/heating and not how LAs deal with complaints in the PRS. LAs require support to regulate effectively and need to be improving the gaps in data to identify issues.

Chapter 4 Civil powers available to tenants.

As well as the LA intervening to assist tenants, tenants have their own civil powers to deal with D&M. However, these are often time consuming and costly.

4.1 Defective Premises Act (DPA) 1972

A landlord may be held accountable for property damage or personal harm resulting from pertinent deficiencies in the premises under section 4 of the Defective Premises Act (DPA) of 1972 (Defective Premises Act 1972, n.d.). In principle section 4 imposes on a landlord a duty to take such care as is reasonable in all circumstances to see that the premises being let are reasonably safe from personal injury or from damage to their property caused by a relevant defect. If the landlord is aware of or should have been aware of a relevant defect but fails to correct it, they have breached their duty of care and the tenant can make a claim against the landlord.

4.2 The Landlord and Tenant Act 1985

Section 11 requires landlords to maintain the building structure and exterior, as well as systems including boilers, pipelines, and electricity (Landlord and Tenant Act 1985, n.d.). This applies to both private and social landlords, if the landlord has not carried out the necessary repairs which should have been rectified, all or any joint tenants can take action against the landlord for breach of contract. The Act was also amended in 2019 to include The Homes (Fitness for Human Habitation) Act 2018.

4.3 The Homes (Fitness for Human Habitation) Act 2018

In 2019 new legislation came into force to ensure that rented houses and flats are 'fit for human habitation', which implies that they are safe, healthy, and free from factors that could cause serious harm. A dwelling is unfit for human habitation if it is defective to the point that it is not reasonably fit for occupation. If the landlord fails to meet their obligations the tenant can bring a County Court claim against the landlord for breach of an implied or express term within the tenancy (The Homes (Fitness for Human Habitation) Act 2018, n.d.).

4.4 Environmental Protection Act (EPA) 1990 Section 82

Occupiers of a property affected by a 'Statutory Nuisance', can complain direct to the Magistrates Court under section 82 of the EPA 1990 (North Hertfordshire District Council, n.d.). Before a complaint can be made to the court, the occupier must ensure that the prospective defendant has been warned in writing that a complaint is being made to the court.

Chapter 5 Introduction of Awaab's Law

Indoor air pollution effects on health have received little attention from the scientific community. Modern dwellings are more airtight than older structures due to changes in designs and developed to increase energy efficiency (Jones, 1999).

Due to prolonged exposure to mould, in a home with inadequate ventilation, Awaab Ishak developed a severe respiratory condition which led to his death in 2020 (Department for Levelling Up, Housing & Communities, 2023d). The family complained to their social landlord from 2017 about the condition of their Housing

Association (HA) property and the family's health visitor wrote to the landlord, but no action was taken (Peaker, 2022a). When employees from the HA attended, they commented that it was the family's lifestyle which was causing the mould, however surveys conducted pre and post Awaab's death indicated the property had insufficient ventilation (Topping, 2022).

There are a number of scientific papers on the health effects of damp and mould within properties many based on children's health and social housing tenants, (Boomsma et al., 2017; Bush et al., 2006; Cai et al., 2020; Chen and Heinrich, 2011; Ingham et al., 2019; Moses et al., 2019; Tischer, Wang et al., 2019) some of these papers identify a correlation to the effects of D&M however other papers have not (Holme et al., 2010; Du, Li and Yu, 2021; Chang and Gershwin, 2019). This highlights a gap in research as the topic is difficult to measure or quantify. The relationship between poor property conditions and health is poorly understood and complex, with a focus on tenants in social housing and not the private rented sector.

The Social Regulation Bill has been amended with the addition of Awaab's Law, which aims to implement a time frame in which social landlords are legally required to resolve issues of D&M (Bhatt, 2023). Again, this Law is focused on improvements for social housing tenants and not the PRS; however, the news of Awaab's death affected the housing industry, but what changes have been made to support tenants and deal with D&M.

Chapter 6 Methodology

6.1 The Freedom of Information Act (FOIA) 2000

FOIA provides public access to information held by public authorities, environmental information will be handled under the Environmental Regulations (EIRs). Public authorities are obliged to publish certain information about their activities. The request can be refused if the organisation believe the cost of retrieving the information is too high. LAs have twenty working days in which to respond to your request (Freedom of Information Act 2000, n.d.; Government Digital Service, 2011). A Freedom of Information (FOI) request to LAs PSH departments was deemed the right methodology for this research to obtain the information held on their systems

about the D&M complaints they had received and their actions towards these complaints.

6.2 Identify Target Local Authorities (LAs)

This research is looking at LAs within England, thirteen LAs were selected surrounding the Bedfordshire area as show in figure 6.1.

Each LAs FOI email address was taken from the FOI directory (Burgess, 2012) and a FOI email sent with a list of questions relating to how the LA deals with complaints about D&M (a copy of sent email can be seen in Appendix I). The 13 councils are:

1. Central Bedfordshire Council (CBC)
2. Bedford Borough Council (BBC)
3. Luton Borough Council (LBC)
4. Cambridge City Council (CCC)
5. Huntingdon District Council (HDC)
6. South Cambridgeshire District Council (SCDC)
7. East Cambridgeshire District Council (ECDC)
8. Peterborough City Council (PCC)
9. Fenland District Council (FDC)
10. Stevenage Borough Council (SBC)
11. Hertfordshire County Council (HCC)
12. North Hertfordshire Council (NHC)
13. East Hertfordshire District Council (EHDC)

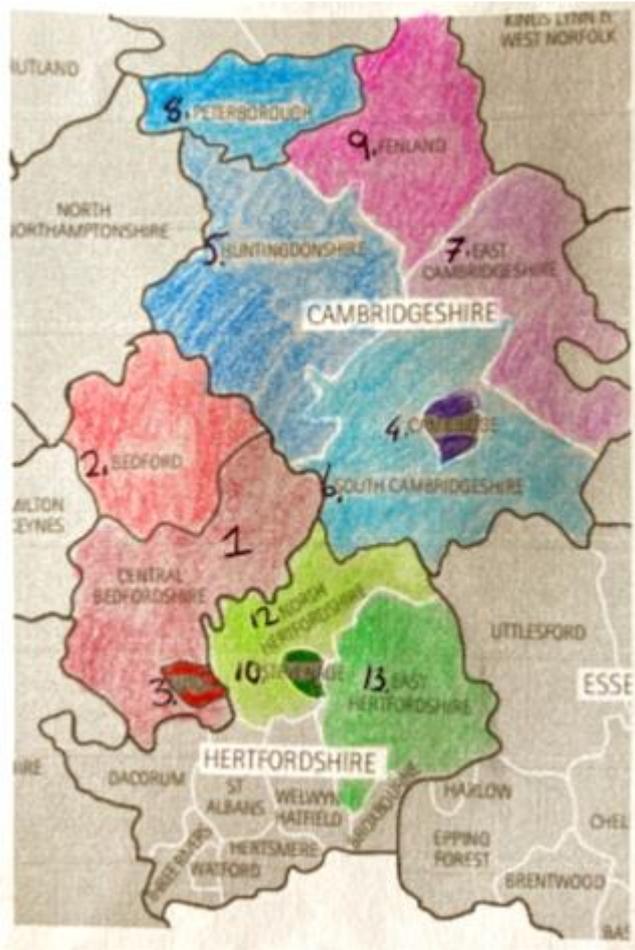


Figure 6.1: Map of Local Authorities where FOI was requested

6.3 Research Questions:

The information that was requested:

1. How many Private Sector Housing Service Requests were received in each year about D&M in residential dwellings?
2. How many of these requests were private sector, council, or RSL tenancies?
3. How many of these requests had a visit from an Officer?
4. How would a case be assessed (risk rated) to determine if a visit was required or not?
5. Of those cases that did not get a visit from an Officer what was the reason?
6. How many of these cases had the tenants already requested help from their landlord before they approached Private Sector Housing?
7. How many of these requests were resolved informally?
8. How many of these requests resulted in enforcement action being taken?

9. Of those that had enforcement action what type of enforcement action was taken (under which legislation)?
10. Did any of these cases go through to prosecution?

The above questions were requested to be completed for the years 2018-2022, providing the information from January to December for each year.

11. Has your process changed since Autumn 2022 with the proposal of Awaab's Law?
12. If yes to question 11 how?
13. Can you provide a copy of your policy/procedure for damp and mould cases pre and post Awaab's death/Autumn 2022?

6.4 Research Ethics

Prior to starting the research, ethical approval was sought and approved on 20/09/2023. While the methodology involves obtaining information from LAs rather than individual participants, it is essential to ensure transparency and informed consent. Efforts should be made to minimise any negative impacts, such as reputational damage or breaches of confidentiality. The study aims to contribute to the public good by addressing an important issue (D&M complaints) and potentially informing policy or practice improvements.

6.5 Analyse the Data

Once the requested information from the LAs has been received (Appendix II-XII), the data will be analysed to the research objectives and the findings discussed.

6.6 Limitations

The study's effectiveness depends on the LAs responsiveness to the FOI request. Some authorities may not respond in a timely manner or may withhold certain information, potentially biasing the results. Despite the FOI requests, there is a possibility that not all LAs provide complete or accurate data. This could be due to various reasons such as incomplete record-keeping or misinterpretation of the

request. Without independent verification mechanisms, it is challenging to ensure the accuracy and reliability of the data provided by local authorities.

The study focuses solely on LAs in England surrounding the Bedfordshire area, which may not provide a comprehensive understanding of the nationwide situation regarding D&M complaints. Additionally, the study only covers a specific time frame (2018-2022), which may not capture long-term trends or changes.

While the study aims to investigate any changes in LAs procedures, post the proposal of Awaab's Law, it may not capture nuanced or ongoing adjustments in policies and practices. Follow-up studies or additional data collection may be necessary to fully understand the impact of legislative changes.

Chapter 7 Results

Of the thirteen LAs who were sent the FOI email, only ten responded and one of these LAs was a county council that held no housing data, which meant data was only received from nine. As per the guidance for FOI requests, the three LAs who did not reply were written to again, this yielded a further one response. The legislation states that if the LA has not responded then a complaint can be made to the Information Commissioner. Due to time restraints and data received from the ten other LAs this action was not deemed appropriate.

Some of the questions were not answered by the LAs under section 12 of the FOIA which allows LAs to refuse to answer a request where it is deemed that the time taken would exceed the cost of complying. The current limit is set to £600 for Central Government and £450 for other public bodies.

Questions 1-6 aimed to establish how many complaints the PSH Team received over a five year period and how these complaints were dealt with initially.

Figure 7.1: Pie chart showing the number of private rented properties within each LAs area (Department for Levelling Up, Housing & Communities, 2023a).

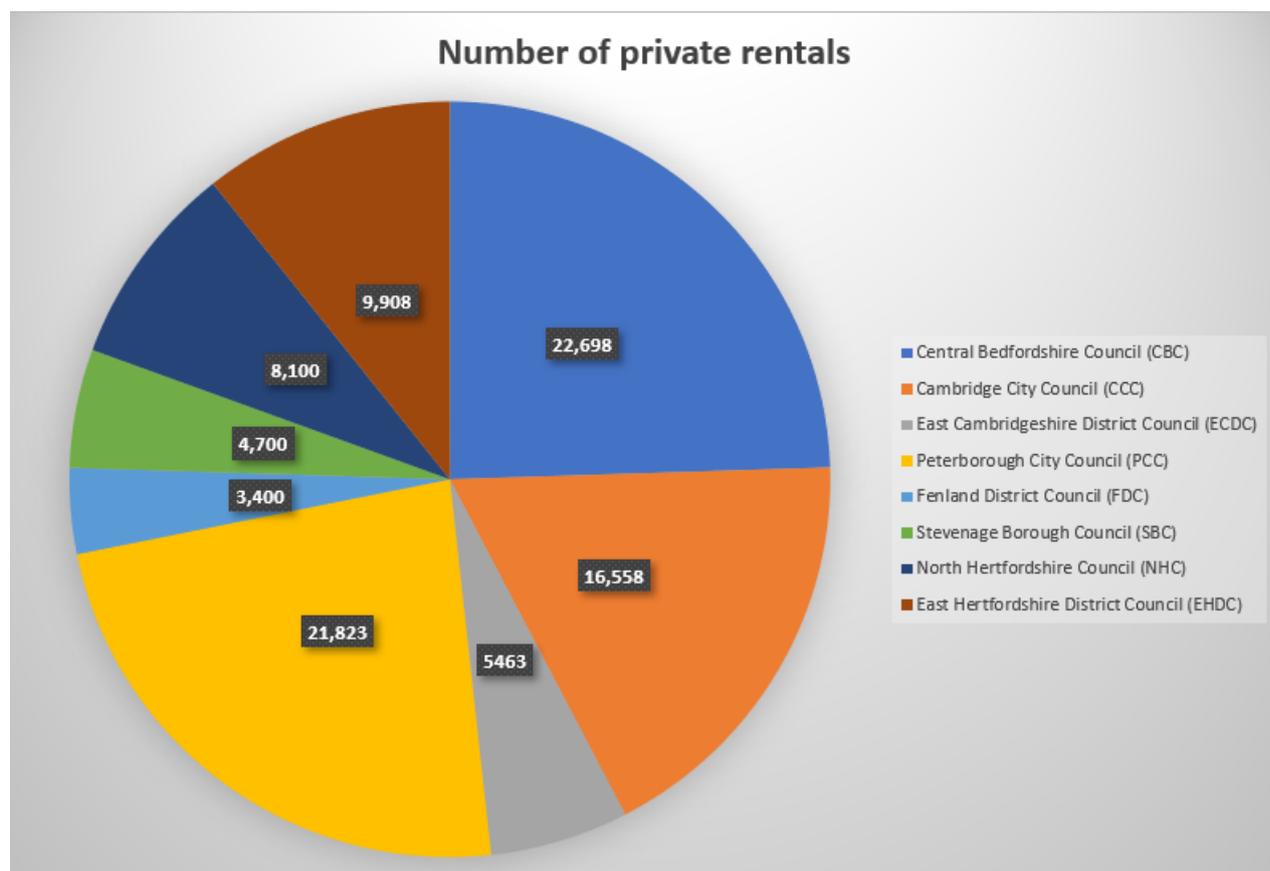


Figure 7.1 shows the number of private rented properties within each LAs geographical area as requested by the Secretary of State, only eight of the LAs answered this question.

Table 7.1 shows the number of complaints received by the LAs over a five-year period. This ranges from an average of 13.8 (CCC) to 64.8 (NHC), however as shown in figure 7.1, CCC has 16,558 private rentals within its geographical area, and HNC only has 8,100. This shows that CCC received complaints from 0.0008% of private rented properties within their area compared to NHC who received 0.008%. When compared to CCC, EHDC has a small number of private rentals of 9,908 and they received a higher number of complaints at 61 on average, which is 0.006%.

Table 7.1: How many Private Sector Housing Service Requests were received in each year about D&M in residential dwellings?

Local Authority	2018	2019	2020	2021	2022	Average
Central Bedfordshire Council (CBC)	48	62	60	65	65	60
Bedford Borough Council (BBC)	38	41	52	91	90	62.4
Cambridge City Council (CCC)	5	4	10	28	22	13.8
South Cambridgeshire District Council (SCDC)	No data held	15	14	25	6	15
East Cambridgeshire District Council (ECDC)	14	37	42	45	45	36.6
Peterborough City Council (PCC)	The database used does not allow for a breakdown of hazards within the complaint reference, this data is only captured at the point of inspection under the HHSRS.					
Fenland District Council (FDC)	Refused under section 12 of FOIA					
Stevenage Borough Council (SBC)	41	45	37	41	59	44.6
North Hertfordshire Council (NHC)	68	69	73	53	61	64.8
East Hertfordshire District Council (EHDC)	39	63	55	65	83	61

Question 2, how many of these requests were private sector, council, or RSL tenancies, did not yield any conclusive data, three LAs did not hold this data and two refused under section 12, the results for this question are shown in Appendix XIII.

Table 7.2: How many of these requests had a visit from an Officer?

Local Authority	2018	2019	2020	2021	2022	Average
Central Bedfordshire Council (CBC)	7	3	4	4	10	5.6
Bedford Borough Council (BBC)	Refused under section 12 of FOIA					
Cambridge City Council (CCC)	0	0	3	19	12	6.8
South Cambridgeshire District Council (SCDC)	No data held	unknown	unknown	unknown	3	3
East Cambridgeshire District Council (ECDC)	No data held	25	11	19	19	18.5
Peterborough City Council (PCC)	80	99	69	80	111	87.8
Fenland District Council (FDC)	Refused under section 12 of FOIA					
Stevenage Borough Council (SBC)	30	28	10	22	31	24.2
North Hertfordshire Council (NHC)	Refused under section 12 of FOIA					
East Hertfordshire District Council (EHDC)	22	31	19	28	31	26.2

Question 3 which is shown in table 7.2, also has a lot of missing data. However, it was deemed necessary to include these results as they show how many complaints received a visit, which is more key to the aim of this research than what tenure contacted the PSH Team. PCC had the highest number of average visits but, as the LAs management system was unable to break down the number of complaints this is not comparable. NHC's data is similar in that this LA received the highest number of complaints however refused to answer how many received a visit under section 12. EHDC had an average number of complaints of 61 per year, with an average of 26 complaints receiving a visit from an EHO, less than half. CBC has the largest number of private rentals at 22,698 and an average of 60 complaints, but only an average of 5.6 of those complaints receive a visit from an EHO.

Question 4 was an open question asking how a case would be assessed (risk rated) to determine if a visit was required or not. The answers to this question varied, and the full responses can be seen in Appendix XIV; a general overview was that LAs requested photos and further information from the complainant before deciding whether to visit. One LA said advice was given over the phone or via letter, with visits being made if the complainant re-contacted the LA. Another advised that visits were not conducted as tenants decide not to pursue their complaint due to fear of repercussions.

Question 5 was also an open question enquiring the reason why cases did not get a visit from an Officer; answers to this included that advice was given over the phone, via letter or leaflet with the onus on the tenant to contact PSH again if the issues continued. Landlords consenting to resolve the issues and tenants withdrawing their complaint or due to low levels of damp/mould. Full results can be seen in appendix XV.

Question 6 returned no data from all ten LAs, with four refusing under section 12 and six LAs not holding this data; the results for this question are shown in Appendix XVI.

Questions 7-10 aimed to establish what type of enforcement action was taken if any over a five year period.

Table 7.3: How many of these requests were resolved informally?

Local Authority	2018	2019	2020	2021	2022	Average
Central Bedfordshire Council (CBC)	47	60	59	63	63	58.4
Bedford Borough Council (BBC)	38	41	52	91	90	62.4
Cambridge City Council (CCC)	4	4	10	27	22	13.4
South Cambridgeshire District Council (SCDC)	No data held	14	14	25	6	14.75
East Cambridgeshire District Council (ECDC)	No data held	5	35	37	45	30.5
Peterborough City Council (PCC)	69	96	68	73	102	81.6
Fenland District Council (FDC)	Refused under section 12 of FOIA					
Stevenage Borough Council (SBC)	27	26	7	18	26	20.8
North Hertfordshire Council (NHC)	Refused under section 12 of FOIA					
East Hertfordshire District Council (EHDC)	39	63	55	65	83	61

No significant differences were found between the data for question 7 as shown in table 7.3. Four of the LAs average number for complaints being resolved informally were high being over 50, however the other four were under 50. PCC had the highest average number of complaints resolved but no initial complaint data (table 7.1) to compare this to. Figure 7.2 shows that many of the LAs dealt with the complaints informally with only SBC's average number of complains being half of the overall average number of complaints received.

Table 7.4 shows the range of enforcement action that was taken to resolve the complaints, although figure 7.2 showed SBC to resolve half of the complaints informally the amount of enforcement is still relatively low overall.

The enforcement taken was predominantly from the Housing Act 2004, with the highest notices served being the Hazard Awareness Notice and Improvement

Figure 7.2: Comparison of Visit against complaints received

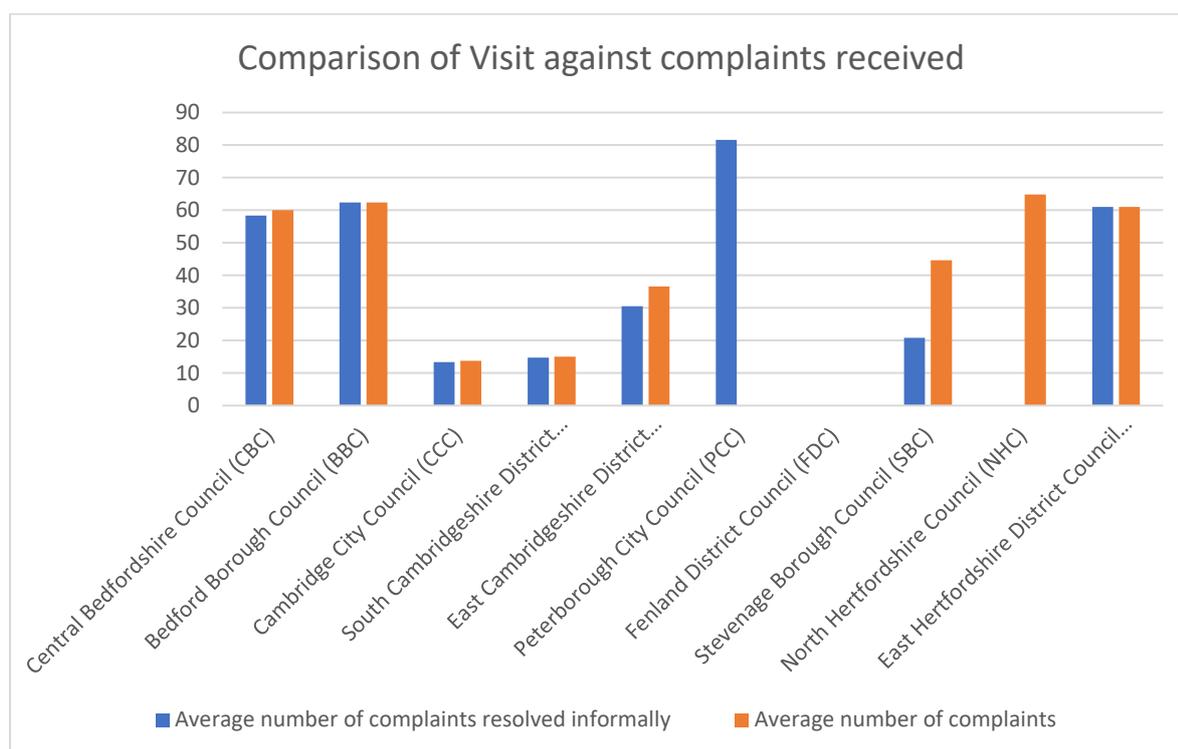


Table 7.4: How many of these requests resulted in enforcement action being taken?

Local Authority	2018	2019	2020	2021	2022	Average
Central Bedfordshire Council (CBC)	1	2	1	2	3	1.8
Bedford Borough Council (BBC)	0	0	0	0	0	0
Cambridge City Council (CCC)	1	0	0	1	0	0.4
South Cambridgeshire District Council (SCDC)	0	1	0	0	0	0.2
East Cambridgeshire District Council (ECDC)	0	9	2	8	0	3.8
Peterborough City Council (PCC)	11	3	1	7	9	6.2
Fenland District Council (FDC)	Refused under section 12 of FOIA					
Stevenage Borough Council (SBC)	3	3	3	4	5	3.6
North Hertfordshire Council (NHC)	Refused under section 12 of FOIA					
East Hertfordshire District Council (EHDC)	0	0	0	0	0	0

Table 7.5: Of those that had enforcement action what type of enforcement action was taken (under which legislation) and did any of these cases go through to prosecution?

Local Authority	Suspended Improvement Notice (Housing Act 2004)	Improvement Notice (Housing Act 2004)	Hazard Awareness (Housing Act 2004)	Suspended Prohibition Order (Housing Act 2004)	Prohibition Order (Housing Act 2004)	Emergency Remedial (Housing Act 2004)	Environmental Protection Act 1990	Did any of these cases go through to prosecution?
Central Bedfordshire Council (CBC)	1	6	3	2	2	0	0	0
Bedford Borough Council (BBC)	0	0	0	0	0	0	0	0
Cambridge City Council (CCC)	0	1	0	0	0	0	0	1
South Cambridgeshire District Council (SCDC)	0	0	1	0	0	0	0	0
East Cambridgeshire District Council (ECDC)	0	0	19	0	0	0	0	0
Peterborough City Council (PCC)	0	12	8	0	8	1	1	1
Fenland District Council (FDC)	Refused under section 12 of FOIA							
Stevenage Borough Council (SBC)	0	12	5	0	1	0	0	0
North Hertfordshire Council (NHC)	Refused under section 12 of FOIA							
East Hertfordshire District Council (EHDC)	0	0	0	0	0	0	0	0
Average number of notices used	0.125	3.875	4.5	0.25	1.375	0.125	0.125	0.25

Notice, as shown in table 7.5. Only one LA served a notice under the EPA 1990 and there were no CPNs. Only two of the LAs followed cases through to prosecution.

Questions 11 and 12 related to any changes in service since the Government announced the introduction of Awaab’s Law in autumn 2022. Of the ten LAs asked six answered yes, three answered no and one refused under section 12, as shown in table 7.6. Table 7.6 also details the changes being made by the six LAs who answered yes, with one of the LAs who answered no stating that the LA is currently reviewing this.

Table 7.6: Has your process changed since Autumn 2022 with the proposal of Awaab’s Law, if yes how?

Local Authority	Yes/No	If yes how have they changed.
Central Bedfordshire Council (CBC)	Yes	We are developing a new Damp and Mould Policy to ensure a zero-tolerance approach in dealing with all cases of damp and mould, to ensure we give consistent advice and service to all our residents, regardless of tenure. Introduced a new risk rated triage for all CBC property complaints relating to D&M (based on the principles of HHSRS)
Bedford Borough Council (BBC)	No	N/A
Cambridge City Council (CCC)	Yes	In line with tenants wishes, we visit every private sector property in relation to which a service request regarding concerns about damp & mould is received by the Council.
South Cambridgeshire District Council (SCDC)	Yes	Procedure has changed to offer tenants a visit from the outset rather than waiting for them to implement advice given
East Cambridgeshire District Council (ECDC)	Yes	Changes to how cases are recorded have been introduced to make reporting easier. Often complaints of D&M are included in general complaints about several potential hazards within a home such as disrepair, excess cold etc and therefore reporting of actual numbers is resource intensive. All reports of disrepair are reviewed and assessed by suitably qualified officers irrespective of whether they are RSL or privately rented properties. Recording has been improved to enable better information to be obtained of the split between numbers of D&M complaints in RSL and private rented sector properties. Improvements to website information and

		links to additional advice on D&M will be available this autumn. An updated D&M advice leaflet has been produced.
Peterborough City Council (PCC)	Yes	<p>The housing enforcement team work on a reactive basis to complaints relating to conditions in privately rented properties, assessing properties under HHSRS and taking appropriate action under Housing Act 2004 to address the hazards found. Prior to Autumn 2022, most complaints received regarding disrepair, including damp and mould, would receive a letter requesting evidence of these issues being reported to the landlord/letting agent. Following a restructure of the department in 2023, this process has been removed and properties will receive a full HHSRS inspection following a complaint direct to the local authority.</p> <p>Advice and guidance is also provided to tenants on the importance of heating and ventilating their homes, which is provided in the form of a leaflet. Signposting to LEAP for Green Energy Switch who are able to make referrals into the LAD scheme for household improvements, as well as offer residents free impartial energy saving advice through LEAP.</p> <p>Landlords are now required to improve their properties to hold an E rated EPC or register an exemption. Non-compliance of the MEES regulations will lead to a compliance and penalty notices being served on landlords. We have also provided training to our staff team in both the full range of sanctions and powers available to them relating to damp and mould, as well as the specific relating to the impact of damp and mould on the health and wellbeing of tenants.</p> <p>Green Energy Switch are able to make referrals to the LAD scheme for household improvements, as well as offering residents free impartial advice through leap. LAD funding offers funding for energy efficiency measures within the home such as solid wall insulation, room in roof insulation, cavity wall insulation, underfloor insulation, loft insulation, high heat retention storage heaters, air source heat pumps solar pv panels and heating controls.</p>
Fenland District Council (FDC)		Refused under section 12 of FOIA
Stevenage Borough Council (SBC)	No	Council is currently reviewing

North Hertfordshire Council (NHC)	Yes	The Council introduced new procedures to deal with all housing disrepair complaints including those of damp and mould.
East Hertfordshire District Council (EHDC)	No	Our process for investigating and resolving damp and mould cases has not changed significantly.

Question 13 was an open question requesting a copy of the policy/procedure for D&M pre and post autumn 2022, the results for this question can be seen in Appendix XVII. Pre Awaab’s death, seven LAs advised there was no specific policy for D&M, one LA provided a triage procedure for D&M, one LA returned not applicable (N/A), and one LA refused under section 12. Post Awaab’s death, one LA refused under section 12, five LAs advised this was N/A, one LAs policy is currently being developed, one LA provided their new procedure and one LA advised that the PSH enforcement policy was updated to support a wider range of enforcement.

Chapter 8 Discussion

The presented data offers insights into the handling of complaints related to D&M in the PRS by various LAs over a five-year period. The analysis reveals several key findings and raises important considerations for future research and policy development.

The response rate to the FOI requests from LAs was suboptimal, with only ten out of thirteen LAs providing data. This highlights a potential challenge in data collection and cooperation among authorities. Three LAs did not respond initially, and despite follow-up attempts, one additional response was obtained, leaving two non-responsive. While non-compliance could have been addressed through a complaint to the Information Commissioner, time constraints and available data from other LAs rendered this action impractical. The data provided insights into the number of complaints received, enforcement actions taken, and changes in procedures following legislative developments. However, limitations in data availability, such as missing responses and refusals under Section 12, hindered comprehensive analysis and may have skewed interpretations. This study showed that LAs use a variety of

different management systems to retain their data, with some unable to retrieve that data. Additionally, limited data collection from LAs also shows that they are unable to monitor themselves and assess their own KPIs.

The data revealed variations in the number of complaints received, with an overall average of 44.78 complaints over five years. Discrepancies exist between the number of complaints received by LAs and the number of privately rented properties within their geographical areas. For instance, LAs with smaller rental counts may receive a disproportionately high number of complaints compared to those with a larger rental count. CCC is a predominantly a heavily populated student city with a large university and many colleges, however their data implies that there are only 16,558 private rentals, yet they only receive on average 13.8 complaints, whereas SBC has one college with private rentals of 4,700 but received an average of 44.6 complaints.

With some LAs receiving complaints from 0.008% to 0.0008%, some LAs were recording ten times the number of complaints compared to other LAs. The disparity in complaint numbers between LAs suggests potential differences in housing conditions, tenant demographics, or enforcement approaches which raises questions about enforcement effectiveness and tenant awareness. Another possible reason for this disparity, is the way in which service requests are recorded by each LA, how this data is stored and how easy the data is for the LA to retrieve and report on. Further analysis is needed to determine the underlying factors contributing to these disparities.

The data reveals variations in the enforcement actions taken by LAs, with some opting for informal resolutions while others resort to formal notices under the Housing Act 2004. Discrepancies in enforcement rates and types of actions taken suggest variations in approaches across LAs, indicating potential inconsistencies or inefficiencies in enforcement strategies. Despite differences in enforcement strategies, the overall enforcement rates appear relatively low across LAs, raising questions about the effectiveness of existing regulatory frameworks in addressing D&M issues.

LAs employ various methodologies to investigate and resolve service requests related to D&M issues. The main legislation used by the LAs was the Housing Act 2004, this typically involves a multi-step process, including initial assessment, property inspection, risk evaluation, enforcement action and follow-up monitoring. EHOs will conduct the property inspections and assessing hazards using HHSRS. LAs may take enforcement action upon identifying hazards, such as issuing improvement notices, prohibition orders, hazard awareness notices, emergency remedial action, or emergency prohibition orders, depending on the severity of the hazards. These enforcement actions require landlords to address the identified issues within a specified timeframe, under the threat of legal consequences. The use of the Housing Act 2004 is a cumbersome and lengthy process, however only one of the LAs dealt with D&M under the EPA 1990.

The EPA is based on an EHOs decision that D&M is prejudicial to health and not a burdensome risk rating system which could effectively be pulled apart by the landlord's legal team within court at prosecution stage. This study does not show why the LAs chose to use the Housing Act 2004 over the EPA 1990 which is something that could be further investigated.

None of the LAs used the Anti-social Behaviour, Crime and Policing Act 2014 to issue a CPN against the landlord for D&M, so there is no current evidence if this is a viable method for dealing with D&M even though it is the easiest of the legislations to apply.

Prior to the proposal to introduce Awaab's Law in 2023, several shortcomings and challenges were evident in the practices adopted by the authorities. While some authorities took proactive measures to address housing standard violations, others were reactive and lenient in their approach. The data showed that the LAs triaged D&M complaints either over the phone or via photos sent in from the tenant, no initial inspections were carried out unless the tenants continued to phone the LA for assistance. As a result, landlords who neglected their duty to maintain safe and habitable properties faced minimal consequences, contributing to the perpetuation of substandard housing conditions. Onus was placed on the tenants to liaise with their

landlords to get the D&M issue addressed, if this was unsuccessful then the LA would assist. Consequently, tenants faced prolonged exposure to hazardous living conditions, exacerbating health risks, undermining their quality of life. Limited tenant awareness of their rights and obligations regarding housing standards may impact the effectiveness of LA interventions. Improving tenant engagement and education initiatives could empower individuals to advocate for their housing needs and hold landlords accountable for addressing D&M issues.

Some LAs reported changes in their procedures following the announcement of Awaab's Law, indicating a proactive approach to aligning with evolving legislative requirements. Changes include the development of new policies, triage systems, enhanced information dissemination, and training initiatives aimed at improving the management of D&M complaints. While changes in procedures suggest a commitment to improving complaint resolution, the effectiveness of these changes in addressing D&M issues requires evaluation. Further research is needed to assess the impact of legislative developments on enforcement outcomes and tenant satisfaction. This could highlight any further weakness or opportunities for improving tenants living conditions.

The implementation of new policies and procedures in response to legislative changes presents opportunities for enhancing housing standards and tenant well-being. However, challenges in policy implementation and enforcement may persist, requiring ongoing monitoring and evaluation to ensure compliance and effectiveness. Addressing limitations in data availability and compliance with FOI requests is essential for improving accountability and informing evidence-based policymaking.

LAs should prioritise transparency and streamline data collection processes to facilitate comprehensive analysis. Standardising enforcement approaches and enhancing coordination among LAs can help address variations in enforcement rates and ensure consistent responses to D&M complaints. Investing in training and capacity-building initiatives for EHO may also improve effectiveness. Strengthening policy development processes and ensuring robust implementation mechanisms are crucial for promoting housing standards, LAs should engage stakeholders, including

tenants and housing advocacy groups, in policy development and implementation to ensure relevance and effectiveness.

The request for pre- and post-Awaab's Law policy, procedure documents revealed inconsistencies in the availability and development of formal policies addressing D&M. While some LAs have initiated policy developments or revisions, others reported the absence of specific policies, indicating potential gaps in regulatory frameworks for addressing housing-related health hazards.

The results highlighted several key findings and areas for improvement in the practices of LAs. Firstly, there is a need for standardised data collection and reporting mechanisms to ensure consistency and transparency across authorities. Secondly, the effectiveness of investigative methodologies, such as risk assessment and property inspections, varies among LAs, which could be due to some lacking the resources to conduct thorough assessments. Additionally, the enforcement outcomes vary, with some authorities relying more on informal resolutions rather than formal enforcement actions.

Awaab's Law represents a crucial step towards ensuring the accountability of social landlords in addressing D&M issues promptly. Its limited focus on the social housing sector underscores a broader challenge in adequately addressing such issues across all housing tenures, particularly the PRS. The tragic circumstances surrounding Awaab's death serve as a stark reminder of the urgent need for comprehensive legislation and enforcement mechanisms to safeguard the health and well-being of all tenants, regardless of their housing status. However, to effectively address these challenges, a multifaceted approach is required, encompassing legislative reform, increased resources for enforcement, and enhanced collaboration between stakeholders across the housing sector.

While scientific research has provided valuable insights into the health implications of D&M, there remains a notable gap in understanding the complex relationship between poor housing conditions and health outcomes, especially within the PRS. Existing studies predominantly focus on specific demographic groups, such as

children and social housing tenants, leaving a significant knowledge deficit regarding the experiences of private renters. This highlights the need for further research that encompasses a broader range of housing tenures and demographic profiles to inform evidence-based policy interventions.

Barriers to enforcement, such as limited resources and inconsistent practices among LAs, pose significant challenges to the effective implementation of housing regulations. Addressing these barriers requires a concerted effort to strengthen the capacity of LAs, streamline enforcement processes, and foster greater collaboration with other agencies and stakeholders. Additionally, initiatives to combat discrimination and ensure equitable access to housing must be prioritised to address disparities in housing conditions and treatment among different demographic groups.

LAs are not required to report all types of enforcement action, so there is limited evidence about the extent to which they use the powers available to them and the barriers in doing so. Variations in enforcement rates and types of actions taken suggest potential gaps in the effectiveness of enforcement strategies. Regulating bodies such as Chartered Institute of Environmental Health (CIEH) now offer specific D&M training, which may improve enforcement if EHOs are consistently trained. Further investigation is needed to identify barriers to effective enforcement and opportunities for improvement.

Overall, the findings emphasise the complexity of addressing D&M issues in the PRS and highlight the importance of data transparency, legislative compliance, and proactive policy measures to safeguard tenant well-being and housing quality. Further research into the effectiveness of enforcement actions, the impact of legislative changes, and the development of standardised procedures for managing D&M complaints is warranted to inform evidence-based policymaking and improve housing standards nationwide.

Recommendations:

Further developments are required to improve how LAs deal with service requests regarding D&M in residential dwellings, and particularly focused on the PRS. These

should include, consolidating and simplifying the legislation to create more effective approaches to regulation.

Further research is required, and there should be a standardised data collection on complaints and inspection rates. This research should look at a national benchmark scheme for LAs, requiring them to report on the outcomes of all enforcement activities, including their informal work.

Work should be carried out to recognise why inspections rarely lead to civil penalties or prosecutions. Particular attention should be made when evaluating the costs of enforcement, legislation complexity and effectiveness and the importance of informal action. This should then be utilised to identify LAs who are performing to a high standard and for them to share their best practices with other LAs to improve housing standards across England.

Chapter 9 Conclusion

In light of the profound implications that D&M has on health and well-being, this study provides necessary insights into how LAs handle customer complaints alleging D&M issues within residential settings, particularly in the PRS. The investigation revealed mixed practices among LAs, from the initial complaint handling to the enforcement actions taken to mitigate D&M issues. While some authorities demonstrate proactive approaches and effective enforcement actions, others may face challenges such as resource constraints and inconsistent practices.

D&M is a potential health hazard, particularly for vulnerable groups such as children and the elderly. Previous research has highlighted the importance of prompt and effective responses from LAs to address these issues. Various methodologies have been employed by LAs to investigate complaints, including risk assessment, property inspections, and enforcement actions. However, challenges such as lack of data, and variations in enforcement practices across different authorities have been identified.

While LAs have employed various methodologies to investigate and resolve D&M complaints, there are recurring issues and potential gaps in current approaches. Addressing these challenges requires enhancing data transparency, improving enforcement effectiveness and strengthening policy development and implementation processes. The variability in enforcement practices and the reliance on informal resolutions underscore the necessity for a more standardised and robust regulatory framework to ensure consistent and effective responses across all jurisdictions. Further research is needed to evaluate the outcomes of these efforts and inform evidence-based interventions aimed at improving housing standards and tenant well-being in the PRS.

The advent of Awaab's Law signifies a pivotal moment for legislative reform, focusing on improving the accountability and responsiveness of social landlords. This research underscores the broader challenge of extending such legislative protections and enforcement mechanisms to the PRS, where many tenants remain vulnerable to the detrimental impacts of D&M. The proposal of Awaab's Law presents an opportunity to enhance practices and standards in handling customer requests for service. However, ongoing monitoring, evaluation, and collaboration are essential to achieve meaningful improvements in housing conditions and tenant satisfaction. Comparing and contrasting the practices of different LAs provides valuable insights into variations in their approaches and outcomes regarding handling of D&M complaints. The findings suggest that while some LAs are adapting their procedures in anticipation of or in response to Awaab's Law, there remains a significant scope for improvement to cover the wider spectrum of housing tenures comprehensively.

Moving forward, there is a need for greater collaboration between LAs, standardisation of procedures, and increased awareness of the health impacts of D&M. By addressing these challenges, LAs can better protect the health and wellbeing of their residents and ensure safe and habitable living conditions for all.

In conclusion, addressing D&M issues in residential dwellings demands a multifaceted approach, incorporating legislative reform, enhanced enforcement strategies, and greater collaboration among stakeholders. The study underscores

the necessity for LAs to adopt more proactive, standardised, and transparent practices in handling D&M complaints. By doing so, they can better safeguard the health and well-being of tenants, ensuring that everyone has access to safe, warm, and dry living conditions. As legislative and policy landscapes evolve, it is imperative that LAs remain agile, continuously assessing and refining their approaches to meet the needs of their constituents efficiently and effectively. This research contributes valuable insights into the complexities of managing D&M issues within the PRS, laying a foundation for future studies and policy interventions aimed at fostering healthier and more equitable housing environments for all tenure types across England.

References

Advanced Damp LTD (2021). *What Causes Rising Damp On Internal Walls? | Damp Patches*. [online] Advanced Damp. Available at:

<https://advanceddamp.co.uk/blog/rising-damp-patches-on-internal-walls/> [Accessed 16 Dec. 2023].

Anti-social Behavior, Crime and Policing Act 2014 (n.d.). Available at:

<https://www.legislation.gov.uk/ukpga/2014/12/part/4/chapter/1/crossheading/community-protection-notice/enacted> [Accessed 20 Jan. 2024].

Baraniuk, C. (2023). The doctor forcing landlords to act on moldy homes. *BMJ*, pp.p698–p698. doi:<https://doi.org/10.1136/bmj.p698>.

Battersby, S. (2015). *The challenge of tackling unsafe and unhealthy housing Report of a survey of local authorities for Karen Buck MP*. [online] Available at:

<http://sabattersby.co.uk/documents/KBReport2.pdf> [Accessed 17 Jan. 2024].

Bedford Borough Council (2023). *Private rented housing - what to expect from your landlord | Bedford Borough Council*. [online] www.bedford.gov.uk. Available at:

<https://www.bedford.gov.uk/housing/housing-advice/private-rented-housing-landlords-and-tenants/private-rented-housing-what> [Accessed 27 Jan. 2024].

Bhatt, R. (2023). Mould and its human toll. *British Journal of General Practice*, 73(733), pp.361–361. doi:<https://doi.org/10.3399/bjgp23x734541>.

Boomsma, C., Pahl, S., Jones, R.V. and Fuentès, A. (2017). ‘Damp in bathroom. Damp in back room. It’s very depressing!’ exploring the relationship between perceived housing problems, energy affordability concerns, and health and well-being in UK social housing. *Energy Policy*, [online] 106, pp.382–393.

doi:<https://doi.org/10.1016/j.enpol.2017.04.011>.

Borchers, A.T., Chang, C. and Eric Gershwin, M. (2017). Mold and Human Health: a Reality Check. *Clinical Reviews in Allergy & Immunology*, 52(3), pp.305–322.

doi:<https://doi.org/10.1007/s12016-017-8601-z>.

Bowers, N., Smith, C. and Wilkins, T. (2022). *Energy efficiency of housing in England and Wales - Office for National Statistics*. [online] www.ons.gov.uk.

Available at:

<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/articles/energyefficiencyofhousinginenglandandwales/2022#:~:text=England%20and%20Wales%20both%20have> [Accessed 3 Dec. 2022].

BRE Trust (2023). *The importance of thermal bridging : BRE Group*. [online]

tools.bregroup.com. Available at:

<https://tools.bregroup.com/certifiedthermalproducts/page.jsp?id=3073> [Accessed 16 Dec. 2023].

Burgess, M. (2012). *FOI Emails for City, Borough and District Councils | FOI Directory*. [online] Available at: <https://www.foi.directory/councils-city-borough-district-foi/> [Accessed 23 Sep. 2023].

Bush, R.K., Portnoy, J.M., Saxon, A., Terr, A.I. and Wood, R.A. (2006). The medical effects of mold exposure. *Journal of Allergy and Clinical Immunology*, [online] 117(2), pp.326–333. doi:<https://doi.org/10.1016/j.jaci.2005.12.001>.

Cai, J., Li, B., Yu, W., Wang, L., Yao, Y. and Wang, Y. (2020). Damp indicators in different areas of residence in different periods are strongly associated with childhood asthma and wheeze. *Building and Environment*, [online] 182, p.107131. doi:<https://doi.org/10.1016/j.buildenv.2020.107131>.

CDC (2019). *CDC - Mold - General Information - Basic Facts*. [online] Centers for Disease Control and Prevention. Available at: <https://www.cdc.gov/mold/faqs.htm> [Accessed 16 Dec. 2023].

Central Bedfordshire Council (2023). *Reporting a repair in private rented housing*.

[online] www.centralbedfordshire.gov.uk. Available at:

https://www.centralbedfordshire.gov.uk/info/147/private_renting_enforcement/972/reporting_a_repair_in_private_rented_housing [Accessed 27 Jan. 2024].

Chang, C. and Gershwin, M.E. (2019). The Myth of Mycotoxins and Mold Injury. *Clinical Reviews in Allergy & Immunology*. doi:<https://doi.org/10.1007/s12016-019-08767-4>.

Chartered Institute of Environmental Health (CIEH) (2011). *Local Authority Private*

Sector Housing Services Delivering Housing, Health and Social Care Priorities, Helping Vulnerable People and Local Communities. [online] Available at: <https://www.cieh.org/media/1250/delivering-housing-health-and-social-care-priorities-helping-vulnerable-people-and-local-communities.pdf> [Accessed 19 Jan. 2024].

Chartered Institute of Environmental Health (CIEH) (2017). *Guidance on the use of Community Protection Notices.* [online] Available at: <https://www.cieh.org/media/1238/guidance-on-the-use-of-community-protection-notices.pdf> [Accessed 26 Jan. 2024].

Citizens Advice (2024). *Local authority help with repairs - statutory nuisance.* [online] www.citizensadvice.org.uk. Available at: <https://www.citizensadvice.org.uk/housing/repairs-in-rented-housing/asking-the-local-authority-for-help/local-authority-help-with-repairs-statutory-nuisance/#:~:text=If%20your%20landlord%20has%20failed> [Accessed 25 Jan. 2024].

Citizens Advice (CA) (2023). *More than one and a half million children in England live in cold, damp or mouldy private rented homes, Citizens Advice reveals.* [online] www.citizensadvice.org.uk. Available at: <https://www.citizensadvice.org.uk/about-us/about-us1/media/press-releases/more-than-one-and-a-half-million-children-in-england-live-in-cold-damp-or-mouldy-private-rented-homes-citizens-advice-reveals2/> [Accessed 29 Nov. 2023].

Citizens Advise (CA) (2022). *Repairs - damp.* [online] www.citizensadvice.org.uk. Available at: <https://www.citizensadvice.org.uk/housing/repairs-in-rented-housing/repairs-common-problems/repairs-damp/> [Accessed 16 Dec. 2023].

Cromarty, H. (2022). *Housing conditions in the private rented sector (England).* [online] House of Commons Library. Available at: <https://researchbriefings.files.parliament.uk/documents/CBP-7328/CBP-7328.pdf> [Accessed 14 Jan. 2024].

Crown copyright (2020). *Improving the energy performance of privately rented homes.* [online] GOV.UK. Available at: <https://www.gov.uk/government/consultations/improving-the-energy-performance-of->

privately-rented-homes [Accessed 3 Dec. 2022].

Davies, G. (2021). *Regulation of private renting Department for Levelling Up, Housing & Communities*. [online] National Audit Office. Available at: <https://www.nao.org.uk/wp-content/uploads/2021/09/Regulation-of-private-renting.pdf> [Accessed 27 Jan. 2024].

Defective Premises Act 1972 (n.d.). Available at: <https://www.legislation.gov.uk/ukpga/1972/35/section/4> [Accessed 22 Mar. 2024].

Department for Communities and Local Government (2006). *housing A Decent Home: Definition and guidance for implementation*. [online] Available at: <https://assets.publishing.service.gov.uk/media/5a7968b740f0b63d72fc5926/138355.pdf> [Accessed 17 Jan. 2024].

Department for Energy Security and Net Zero (2017). *Domestic private rented property: minimum energy efficiency standard - landlord guidance*. [online] GOV.UK. Available at: <https://www.gov.uk/guidance/domestic-private-rented-property-minimum-energy-efficiency-standard-landlord-guidance> [Accessed 10 Feb. 2024].

Department for Levelling Up, Housing & Communities (2021). *Decent Homes Standard: review*. [online] GOV.UK. Available at: <https://www.gov.uk/guidance/decent-homes-standard-review> [Accessed 17 Jan. 2024].

Department for Levelling Up, Housing & Communities (2022). *English Housing Survey 2021 to 2022: headline report*. [online] GOV.UK. Available at: <https://www.gov.uk/government/statistics/english-housing-survey-2021-to-2022-headline-report> [Accessed 14 Jan. 2024].

Department for Levelling Up, Housing & Communities (2023a). *Damp and Mould in the Private Rented Sector*. [online] GOV.UK. Available at: <https://www.gov.uk/government/publications/damp-and-mould-in-the-private-rented-sector> [Accessed 15 Sep. 2023].

Department for Levelling Up, Housing & Communities (2023b). *English Housing Survey 2022-23*. [online] Gov.uk. Available at:

https://assets.publishing.service.gov.uk/media/657c3ff691864e001308bdba/2022-23_EHS_Headline_Report.pdf [Accessed 22 Mar. 2024].

Department for Levelling Up, Housing & Communities (2023c). *Government to deliver Awaab's Law*. [online] GOV.UK. Available at: <https://www.gov.uk/government/news/government-to-deliver-awaabs-law> [Accessed 29 Nov. 2023].

Department for Levelling Up, Housing & Communities (2023d). *Understanding and addressing the health risks of damp and mould in the home*. [online] GOV.UK. Available at: <https://www.gov.uk/government/publications/damp-and-mould-understanding-and-addressing-the-health-risks-for-rented-housing-providers/understanding-and-addressing-the-health-risks-of-damp-and-mould-in-the-home--2> [Accessed 15 Sep. 2023].

Du, C., Li, B. and Yu, W. (2021). Indoor mould exposure: Characteristics, influences and corresponding associations with built environment—A review. *Journal of Building Engineering*, [online] 35, p.101983. doi:<https://doi.org/10.1016/j.jobe.2020.101983>.

Du, C., Li, B., Yu, W., Cai, J., Wang, L., Li, X., Yao, Y. and Li, B. (2020). Evaluating the effect of building construction periods on household dampness/mold and childhood diseases corresponding to different energy efficiency design requirements. *Indoor Air*, 31(2), pp.541–556. doi:<https://doi.org/10.1111/ina.12723>.

Dyer, C. (2022). Death of child from mould in home triggers questions over housing policies. *BMJ*, [online] 379, p.o2794. doi:<https://doi.org/10.1136/bmj.o2794>.

Environmental Protection Act 1990 (n.d.). Available at: <https://www.legislation.gov.uk/ukpga/1990/43/part/III> [Accessed 17 Jan. 2024].

EnviroVent Ltd (2022). *Why Do I Get Damp Patches On Internal Walls?* [online] EnviroVent Ltd. Available at: <https://www.envirovent.com/help-and-advice/why-ventilate/damp-problems/why-do-i-get-damp-patches-on-internal-walls/#:~:text=Patches%20of%20damp%20on%20internal> [Accessed 16 Dec. 2023].

Freedom of Information Act 2000 (n.d.).

<https://www.legislation.gov.uk/ukpga/2000/36/contents>.

GOV.UK (2015). *Statutory nuisances: how councils deal with complaints*. [online] GOV.UK. Available at: <https://www.gov.uk/guidance/statutory-nuisances-how-councils-deal-with-complaints>.

Government Digital Service (2011). *How to make a freedom of information (FOI) request*. [online] GOV.UK. Available at: <https://www.gov.uk/make-a-freedom-of-information-request> [Accessed 28 Jan. 2024].

Great Britain. Office Of The Deputy Prime Minister (2006). *Housing health and safety rating system : operating guidance : Housing Act 2004, guidance about inspections and assessment of hazards given under Section 9*. London: Office Of The Deputy Prime Minister.

Heap, V., Black, A., Tonge, A., Kendall, C., Nagle, L., Mallows, J., Gittins, S., Clarke, A., Wileman, P. and Chattaway, C. (2023). *CPN Guide Delegated Authority*. [online] <https://www.forbessolicitors.co.uk/>. Available at: https://www.forbessolicitors.co.uk/docs/events/CPN_Guidance_-_Delegated_Authority.pdf [Accessed 15 Nov. 2022].

Holden, K., Gibson, M., Sinha, I. and Hawcutt, D.B. (2023). Antenatal determinants of child lung development. *European Respiratory Society eBooks*, pp.99–115. doi:<https://doi.org/10.1183/2312508x.10016222>.

Holme, J., Hägerhed-Engman, L., Mattsson, J., Sundell, J. and Bornehag, C.-G. . (2010). Culturable mold in indoor air and its association with moisture-related problems and asthma and allergy among Swedish children. *Indoor Air*, 20(4), pp.329–340. doi:<https://doi.org/10.1111/j.1600-0668.2010.00658.x>.

Home Office (2023). *Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers Statutory guidance for frontline professionals*. [online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1146322/2023_Update_ASB_Statutory_Guidance_-_FINAL__1__.pdf [Accessed 26 Jan. 2024].

House of Commons Committee of Public Accounts (2022). *Regulation of private*

renting.

<https://publications.parliament.uk/pa/cm5802/cmselect/cmpublic/996/report.html>.

Parliamentary Copyright House of Commons 2021.

Housing Act 2004 (n.d.). Available at:

<https://www.legislation.gov.uk/ukpga/2004/34/part/1> [Accessed 17 Jan. 2024].

Housing Ombudsman Service (2023). *Housing Ombudsman Special Report on Rochdale Boroughwide Housing*. [online] Available at: <https://www.housing-ombudsman.org.uk/wp-content/uploads/2023/03/P49-RBH-FINAL-200323.pdf> [Accessed 29 Nov. 2023].

Ideal Response (2017). *How Damp is Affecting Mould in Your Home*. [online] Ideal Response. Available at: <https://www.idealresponse.co.uk/blog/four-types-damp-affecting-mould-home/#:~:text=The%20four%20most%20common%20types> [Accessed 16 Dec. 2023].

Ingham, T., Keall, M., Jones, B., Aldridge, D.R.T., Dowell, A.C., Davies, C., Crane, J., Draper, J.B., Bailey, L.O., Viggers, H., Stanley, T.V., Leadbitter, P., Latimer, M. and Howden-Chapman, P. (2019). Damp mouldy housing and early childhood hospital admissions for acute respiratory infection: a case control study. *Thorax*, 74(9), pp.849–857. doi:<https://doi.org/10.1136/thoraxjnl-2018-212979>.

Jameson, S. (2022). *Rising Damp*. [online] Peter Cox. Available at: <https://www.petercox.com/our-services/rising-damp/> [Accessed 16 Dec. 2023].

Jewell, T. (2018). *Black Mold Spores and More*. [online] Healthline. Available at: <https://www.healthline.com/health/black-mold-exposure> [Accessed 20 Dec. 2023].

Jones, A.P. (1999). Indoor air quality and health. *Atmospheric Environment*, 33(28), pp.4535–4564. doi:[https://doi.org/10.1016/s1352-2310\(99\)00272-1](https://doi.org/10.1016/s1352-2310(99)00272-1).

Juel Holst, G., Pørneki, A., Lindgreen, J., Thuesen, B., Bønløkke, J., Hyvärinen, A., Elholm, G., Østergaard, K., Loft, S., Brooks, C., Douwes, J., Linneberg, A. and Sigsgaard, T. (2020). Household dampness and microbial exposure related to allergy and respiratory health in Danish adults. *European Clinical Respiratory Journal*, 7(1), p.1706235. doi:<https://doi.org/10.1080/20018525.2019.1706235>.

Kearsley, J. (2022). *REGULATION 28: REPORT TO PREVENT FUTURE DEATHS*. [online] Available at: https://www.judiciary.uk/wp-content/uploads/2022/11/Awaab-Ishak-Prevention-of-future-deaths-report-2022-0365_Published.pdf [Accessed 29 Nov. 2023].

Kuhn, D.M. and Ghannoum, M.A. (2003). Indoor Mold, Toxigenic Fungi, and *Stachybotrys chartarum*: Infectious Disease Perspective. *Clinical Microbiology Reviews*, 16(1), pp.144–172. doi:<https://doi.org/10.1128/cmr.16.1.144-172.2003>.

Landlord and Tenant Act 1985 (n.d.). Available at: <https://www.legislation.gov.uk/ukpga/1985/70/section/11> [Accessed 22 Mar. 2024].

Li, W., Liu, Q., Chen, Y., Yang, B., Huang, X., Li, Y. and Zhang, J.J. (2020). Effects of indoor environment and lifestyle on respiratory health of children in Chongqing, China. *Journal of Thoracic Disease*, [online] 12(10), pp.6327–6341. doi:<https://doi.org/10.21037/jtd.2020.03.102>.

Liddell, C. and Guiney, C. (2015). Living in a cold and damp home: frameworks for understanding impacts on mental well-being. *Public Health*, [online] 129(3), pp.191–199. doi:<https://doi.org/10.1016/j.puhe.2014.11.007>.

Marsh, A. and Gibb, K. (2019). *The private rented sector in the UK*. [online] CaCHE. Available at: <https://housingevidence.ac.uk/publications/the-private-rented-sector-in-the-uk/> [Accessed 14 Jan. 2024].

Money, N.P. (2004). *Carpet Monsters and Killer Spores*. Oxford University Press.

Moses, L., Morrissey, K., Sharpe, R.A. and Taylor, T. (2019). Exposure to Indoor Mouldy Odour Increases the Risk of Asthma in Older Adults Living in Social Housing. *International Journal of Environmental Research and Public Health*, [online] 16(14), p.2600. doi:<https://doi.org/10.3390/ijerph16142600>.

National Health Service (NHS) (2018). *Can damp and mould affect my health?* [online] nhs.uk. Available at: <https://www.nhs.uk/common-health-questions/lifestyle/can-damp-and-mould-affect-my-health/#:~:text=Causes%20of%20damp%20and%20mould> [Accessed 11 Oct. 2022].

National Housing Federation (2023). *Decent Homes Standard*. [online] National Housing Federation. Available at: <https://www.housing.org.uk/our-work/quality/decent-homes-standard/#:~:text=The%20government%20has%20confirmed%20it> [Accessed 19 Jan. 2024].

Norbäck, D. and Cai, G.-H. . (2015). Dampness, indoor mould, fungal DNA and respiratory health - molecular methods in indoor epidemiology. *Clinical & Experimental Allergy*, 45(5), pp.840–843. doi:<https://doi.org/10.1111/cea.12524>.

North Northamptonshire Council (2023). Advice for private sector tenants | North Northamptonshire Council. [online] www.northnorthants.gov.uk. Available at: <https://www.northnorthants.gov.uk/private-sector-housing/advice-private-sector-tenants> [Accessed 27 Jan. 2024].

North Hertfordshire District Council (n.d.). *TAKING YOUR OWN ACTION UNDER SECTION 82 ENVIRONMENTAL PROTECTION ACT 1990*. [online] Available at: https://www.north-herts.gov.uk/sites/northherts-cms/files/s82_guidance.pdf [Accessed 22 Mar. 2024].

Palaty, C. and Shum, M. (2012). *Health Effects from Mould Exposure or Dampness in Indoor Environments*. [online] National Collaborating Centre for Environmental Health. Available at: https://mouldgone.com/wp-content/uploads/2018/10/Mould_and_Health_Effects_Jul_2012.pdf [Accessed 25 Oct. 2022].

Peaker, G. (2022a). *An Avoidable Death*. [online] Nearly Legal: Housing Law News and Comment. Available at: <https://nearlylegal.co.uk/2022/11/an-avoidable-death/> [Accessed 27 Jan. 2024].

Peaker, G. (2022b). *Awaab Ishak - Coroner's ruling and Reg 28 Report to Prevent Future Deaths*. [online] Nearly Legal: Housing Law News and Comment. Available at: <https://nearlylegal.co.uk/2022/11/awaab-ishak-coroners-ruling-and-reg-28-report-to-prevent-future-deaths/> [Accessed 29 Nov. 2023].

Peat, J.K., Dickerson, J. and Li, J. (1998). Effects of damp and mould in the home on

respiratory health: a review of the literature. *Allergy*, 53(2), pp.120–128.

doi:<https://doi.org/10.1111/j.1398-9995.1998.tb03859.x>.

Permagard (2018). *Causes Of Damp In Houses | Permagard*. [online]

<https://www.permagard.co.uk>. Available at:

<https://www.permagard.co.uk/advice/causes-of-damp-in-houses> [Accessed 16 Dec. 2023].

Peter Cox (2022). *Damp on Walls*. [online] Peter Cox. Available at:

<https://www.petercox.com/our-services/damp-proofing/damp-walls/> [Accessed 16 Dec. 2023].

Pietrzyk, K. (2015). A systemic approach to moisture problems in buildings for mould safety modelling. *Building and Environment*, 86, pp.50–60.

doi:<https://doi.org/10.1016/j.buildenv.2014.12.013>.

Reeve, K., Bimpson, E., Chambers, J., Goodchild, B., McCarthy, L., Redman, J., Sanderson, E., Speake, B. and Wilson, I. (2021). *Local authority enforcement in the private rented sector: headline report*. [online] GOV.UK. Available at:

<https://www.gov.uk/government/publications/local-authority-enforcement-in-the-private-rented-sector-headline-report/local-authority-enforcement-in-the-private-rented-sector-headline-report> [Accessed 27 Jan. 2024].

Richard and Starling (2022). *Penetrating Damp FAQ | Damp Causes, Symptoms & Treatment Solutions*. [online] Richardson & Starling. Available at:

<https://www.richardsonandstarling.co.uk/penetrating-damp/faq/#:~:text=Penetrating%20damp%20usually%20occurs%20if> [Accessed 16 Dec. 2023].

Rolande, J. (2017). *Top 4 Causes of Damp Problems in Houses and How to Treat It - HouseBuyFast*. [online] housebuyfast.co.uk. Available at:

<https://housebuyfast.co.uk/blog/top-4-causes-of-damp-problems-in-homes/> [Accessed 16 Dec. 2023].

Seltzer, J.M. and Fedoruk, M.J. (2007). Health Effects of Mold in Children. *Pediatric Clinics of North America*, [online] 54(2), pp.309–333.

doi:<https://doi.org/10.1016/j.pcl.2007.02.001>.

Sharpe, R., Taylor, T., Fleming, L., Morrissey, K., Morris, G. and Wigglesworth, R. (2018). Making the Case for 'Whole System' Approaches: Integrating Public Health and Housing. *International Journal of Environmental Research and Public Health*, 15(11), p.2345. doi:<https://doi.org/10.3390/ijerph15112345>.

Sharpe, R.A., Bearman, N., Thornton, C.R., Husk, K. and Osborne, N.J. (2015). Indoor fungal diversity and asthma: A meta-analysis and systematic review of risk factors. *Journal of Allergy and Clinical Immunology*, [online] 135(1), pp.110–122. doi:<https://doi.org/10.1016/j.jaci.2014.07.002>.

Shelter (2021). *Shelter Legal England - Community protection notices to deal with persistent antisocial behaviour*. [online] Shelter England. Available at: https://england.shelter.org.uk/professional_resources/legal/housing_conditions/nuisance_and_asb/community_protection_notices_to_deal_with_persistent_antisocial_behaviour [Accessed 15 Nov. 22AD].

Shelter (2022). *Damp and mould in rented homes*. [online] Shelter England. Available at: https://england.shelter.org.uk/housing_advice/repairs/damp_and_mould_in_rented_homes [Accessed 16 Dec. 2023].

Shelter (2024). *Shelter Legal England - Local authority statutory nuisance duties*. [online] Shelter England. Available at: https://england.shelter.org.uk/professional_resources/legal/housing_conditions/local_authority_duties_to_deal_with_poor_conditions/local_authority_statutory_nuisance_duties#reference-8 [Accessed 25 Jan. 2024].

Shilling, C. (2021). *What is an EPC rating?* [online] www.simplybusiness.co.uk. Available at: <https://www.simplybusiness.co.uk/knowledge/articles/2021/06/what-is-an-epc-rating-guide-for-landlords/> [Accessed 3 Dec. 2022].

Singh, J. (2005). Toxic Moulds and Indoor Air Quality. *Indoor and Built Environment*, 14(3-4), pp.229–234. doi:<https://doi.org/10.1177/1420326x05054015>.

Stewart, A. and Burridge, R. (1988). Housing Tales of Law and Space. *Journal of*

Law and Society, [online] 16(1), pp.65–82. doi:<https://doi.org/10.2307/1409977>.

Stewart, J. and Moffatt, R. (2022). *Regulating the Privately Rented Housing Sector*. Routledge.

Summers, C. (2018). *What is the Private Rented Sector?* [online] Bidwells. Available at: <https://www.bidwells.co.uk/what-we-think/what-is-the-private-rented-sector/#:~:text=The%20basic%20Private%20Rented%20Sector> [Accessed 14 Jan. 2024].

The Health Foundation (2021). *Relationship between health and home quality - The Health Foundation*. [online] www.health.org.uk. Available at: <https://www.health.org.uk/evidence-hub/housing/housing-quality/relationship-between-health-home-quality> [Accessed 29 Nov. 2023].

The Homes (Fitness for Human Habitation) Act 2018 (n.d.). Available at: <https://www.legislation.gov.uk/ukpga/2018/34/section/1> [Accessed 17 Jan. 2024].

The Management of Houses in Multiple Occupation (England) Regulations 2006 (n.d.). [online] [Legislation.gov.uk](http://legislation.gov.uk). Available at: <https://www.legislation.gov.uk/uksi/2006/372/contents/made>.

Tischer, C., Chen, C.-M. . and Heinrich, J. (2011). Association between domestic mould and mould components, and asthma and allergy in children: a systematic review. *European Respiratory Journal*, 38(4), pp.812–824. doi:<https://doi.org/10.1183/09031936.00184010>.

Topping, S. (2022). *All the ways tragic two-year-old toddler Awaab Ishak was failed before his death*. [online] Manchester Evening News. Available at: <https://www.manchestereveningnews.co.uk/news/greater-manchester-news/ways-tragic-two-year-old-25509480> [Accessed 27 Jan. 2024].

Total Population (2024). *Authority Statistics - Total Population*. [online] totalpopulation.co.uk. Available at: <https://totalpopulation.co.uk/authority> [Accessed 7 Dec. 2023].

UK Health Security Agency (2023). *How to improve air quality in your home while*

making it more energy efficient - UK Health Security Agency. [online] ukhsa.blog.gov.uk. Available at: <https://ukhsa.blog.gov.uk/2023/12/01/how-to-improve-air-quality-in-your-home-while-making-it-more-energy-efficient/> [Accessed 9 Jan. 2024].

UK Parliament (2024). *Renters (Reform) Bill.* [online] Parliamentary Bills. Available at: <https://bills.parliament.uk/bills/3462> [Accessed 27 Jan. 2024].

Vereecken, E. and Roels, S. (2012). Review of mould prediction models and their influence on mould risk evaluation. *Building and Environment*, 51, pp.296–310. doi:<https://doi.org/10.1016/j.buildenv.2011.11.003>.

Vojdani, A., Campbell, A.W., Kashanian, A. and Vojdani, E. (2003). Antibodies against molds and mycotoxins following exposure to toxigenic fungi in a water-damaged building. *Archives of Environmental Health*, [online] 58(6), pp.324–336. Available at: <https://pubmed.ncbi.nlm.nih.gov/14992307/> [Accessed 31 Oct. 2022].

Wang, J., Zhao, Z., Zhang, Y., Li, B., Huang, C., Zhang, X., Deng, Q., Lu, C., Qian, H., Yang, X., Sun, Y., Sundell, J. and Norbäck, D. (2019). Asthma, allergic rhinitis and eczema among parents of preschool children in relation to climate, and dampness and mold in dwellings in China. *Environment International*, [online] 130, p.104910. doi:<https://doi.org/10.1016/j.envint.2019.104910>.

Westmorland and Furness Council (2023). *Prevention of cold bridges.* [online] www.eden.gov.uk. Available at: <https://www.eden.gov.uk/planning-and-building/building-control/building-control-guidance-notes/prevention-of-cold-bridges/#:~:text=A%20cold%20bridge%20is%20an> [Accessed 16 Dec. 2023].

Wise Property Care (2022). *Rising damp - Simply Explained - Includes a Helpful Video.* [online] www.wisepropertycare.com. Available at: <https://www.wisepropertycare.com/services/rising-damp/> [Accessed 19 Oct. 2022].

Wood, J. (2022). *The enforcement lottery: local authority inspections and notices | NRLA.* [online] www.nrla.org.uk. Available at: <https://www.nrla.org.uk/research/special-reports/enforcement-HHSRS-inspections-notices> [Accessed 26 Jan. 2024].

World Health Organisation (WHO) (2009a). *DAMP AND MOULD Health risks, prevention and remedial actions Information brochure*. [online] Available at: https://www.euro.who.int/__data/assets/pdf_file/0003/78636/Damp_Mould_Brochure.pdf [Accessed 11 Oct. 2022].

World Health Organisation (WHO) (2009b). *WHO GUIDELINES FOR INDOOR AIR QUALITY DAMPNESS AND MOULD*. [online] *World Health Organisation*. Available at: https://www.euro.who.int/__data/assets/pdf_file/0017/43325/E92645.pdf [Accessed 31 Oct. 2022].

World Health Organisation (WHO) (2019). *Mental health*. [online] *Who.int*. Available at: <https://www.who.int/news-room/facts-in-pictures/detail/mental-health> [Accessed 24 Oct. 2022].

Wypych-Ślusarska, A., Niewiadomska, E. and Głogowska-Ligus, J. (2021). Asthma, bronchitis respiratory symptoms, allergies and home environment: how are they related? *Advances in Dermatology and Allergology*. doi:<https://doi.org/10.5114/ada.2021.109696>.

Appendix I – FOI email to Local Authorities:

 Laura Rawlings
To: Laura Rawlings


Mon 25/09/2023 18:59

Bcc: freedomofinformation@bedford.gov.uk; foi@cambridgeshire.gov.uk; accesstoinfo@centralbedfordshire.gov.uk; foi@eastcambs.gov.uk;
foi@eastherts.gov.uk; contact@hertfordshire.gov.uk; freedomofinformation2@huntsdc.gov.uk; foi@fenland.gov.uk; foi@peterborough.gov.uk;
FOI@scambs.gov.uk; foi@stevenage.gov.uk; service@north-herts.gov.uk; FOI@luton.gov.uk

Hi,

I would like to request this information under Freedom of Information:

1. How many Private Sector Housing Service Requests were received in each year about D&M in residential dwellings?
2. How many of these requests were private sector, council, or RSL tenancies?
3. How many of these requests had a visit from an Officer?
4. How would a case be assessed (risk rated) to determine if a visit was required or not?
5. Of those cases that did not get a visit from an Officer what was the reason?
6. How many of these cases had the tenants already requested help from their landlord before they approached Private Sector Housing?
7. How many of these requests were resolved informally?
8. How many of these requests resulted in enforcement action being taken?
9. Of those that had enforcement action what type of enforcement action was taken (under which legislation)?
10. Did any of these cases go through to prosecution?

Please complete questions 1-10 for the years 2018-2022 – providing the information from January to December for each year.

11. Has your process changed since Autumn 2022 with the proposal of Awaab's Law?
12. If yes to question 11 how?

Can you provide a copy of your policy/procedure for damp and mould cases pre and post Awaab's death/Autumn 2022?

Information can be emailed to me at L.rawlings1@unimail.derby.ac.uk

I look forward to hearing from you and thank you for your time.

Kind regards
Laura Rawlings

Appendix II – FOI email response from Central Bedfordshire Council:



Laura Rawlings **Email:** accesstoinfo@centralbedfordshire.gov.uk
 Our ref: 6884853
 Date: 4 October 2023

Dear Laura Rawlings

Freedom of Information Act 2000

I can confirm that the information requested is held by Central Bedfordshire Council. I have detailed below the information that is being released to you.

Q1. How many Private Sector Housing Service Requests were received in each year about D&M in residential dwellings?

A1.

2018 (Jan - Dec) = 48

2019 (Jan - Dec) = 62

2020 (Jan - Dec) = 60

2021 (Jan - Dec) = 65

2022 (Jan - Dec) = 65

2023 (Jan-Sept) = 93

Please note that as we do not have a specific case type for Damp and Mould Growth complaints these figures relate to the number of complaints where the words 'Damp' or 'Mould' appear in the case description.

Q2. How many of these requests were private sector, council, or RSL tenancies?

A2. We do not hold data which can easily distinguish tenure

Q3. How many of these requests had a visit from an Officer?

A3.

2018 (Jan - Dec) = 7

2019 (Jan - Dec) = 3

2020 (Jan - Dec) = 4

2021 (Jan - Dec) = 4

2022 (Jan - Dec) = 10

2023 (Jan-Sept) = 13

Q4. How would a case be assessed (risk rated) to determine if a visit was required or not?

A4. Before a visit has been undertaken we would ask that photos of the mould and further information are provided by the complainant and that this information is assessed using the principles of HHSRS to pre-empt whether a Cat 1 (or high Cat 2) hazard are likely to exist before an officer will visit.

Q5. Of those cases that did not get a visit from an Officer what was the reason?

A5. We put the onus on the tenant to take action to resolve any issues attributed to 'lifestyle' by sending out a leaflet and giving advice over the phone. Advising the tenant to contact us in 3-6 months if not resolved.

Q6. How many of these cases had the tenants already requested help from their landlord before they approached Private Sector Housing?

A6. We do not hold this data, but we would always advise a tenant to contact their landlord to undertake the remedial works before we got involved.

Q7. How many of these requests were resolved informally?

A7. Whilst we do not record this information this could be estimated by subtracting the answers for Q8 from the answers to A1

Q8. How many of these requests resulted in enforcement action being taken?

A8.

2018 (Jan - Dec) = 1

2019 (Jan - Dec) = 2

2020 (Jan - Dec) = 1

2021 (Jan - Dec) = 2

2022 (Jan - Dec) = 3

2023 (Jan-Sept) = 5

Q9. Of those that had enforcement action what type of enforcement action was taken (under which legislation)?

A9.

2018 (Jan - Dec) = Improvement Notice

2019 (Jan - Dec) = Suspended Prohibition Order; 2 x Improvement Notices; Final Notice for Failure to Comply with Improvement Notice (financial penalty as alternative to prosecution)

2020 (Jan - Dec) = Hazard Awareness Notice

2021 (Jan - Dec) = Prohibition Order; Improvement Notice; S38 Penalty Notice Energy Efficiency Regs 2015

2022 (Jan - Dec) = Prohibition Order; 2x Improvement Notice

2023 (Jan-Sept) = Improvement Notice; Suspended Improvement Notice; 2 x Hazard Awareness Notice; Suspended Prohibition Order

Please note that we cannot rule out the possibility that the enforcement action taken was in relation to another hazard even though the service request mentioned damp and mould.

Q10. Did any of these cases go through to prosecution?

A10. None

Please complete questions 1-10 for the years 2018-2022 - providing the information from January to December for each year.

Q11. Has your process changed since Autumn 2022 with the proposal of Awaab's Law?

A11. Yes

Q12. If yes to question 11 how?

A12. We are developing a new Damp and Mould Policy to ensure a zero-tolerance approach in dealing with all cases of damp and mould, to ensure we give consistent advice and service to all our residents, regardless of tenure.

Introduced a new risk rated triage for all CBC property complaints relating to D&M (based on the principles of HHSRS)

Q13. Can you provide a copy of your policy/procedure for damp and mould cases pre and post Awaab's death/Autumn 2022?

A13. There was no damp and mould policy pre Autumn 2022. The new Policy is currently in development, so not yet in the public domain

Please quote the reference number 6884853 in any future communications.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original request. We are not obliged to accept internal reviews after this date. Internal review requests should be made in writing.

If you wish to request a review of this response, please contact us either by email (acesstoinfo@centralbedfordshire.gov.uk) or in writing to the reply address detailed below.

Information Governance

Resources
Central Bedfordshire Council,
Priory House, Monks Walk
Chicksands, SG17 5TQ

If you are dissatisfied with the Council's response you have a right of appeal to the Information Commissioner at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF.
Telephone: 0303 123 1113
Website: www.ico.org.uk

I hope this is helpful.

Yours faithfully

Callum Newell
Information Governance Practitioner

Central Bedfordshire Council

Please reply to:

Information Governance

Resources

Central Bedfordshire Council

Priory House, Monks Walk,

Chicksands, Shefford

Bedfordshire SG17 5TQ

Telephone: 0300 300 5765

Email: accesstoinfo@centralbedfordshire.gov.uk

Appendix III – FOI email response from Bedford Borough Council

Freedom of Information <Freedomof.Information@bedford.gov.uk>
To: Laura Rawlings
Cc: Freedom of Information <Freedomof.Information@bedford.gov.uk>

Thu 19/10/2023 13:10

Item 07 Corporate Enforcem...
125 KB

You don't often get email from freedomof.information@bedford.gov.uk. [Learn why this is important](#)

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Bedford BC - **OFFICIAL-Unsecure**

Dear Laura Rawlings

Request pursuant to Freedom of Information Act 2000 – Request No. 20799

I refer to your recent enquiry for information held by the Council.

Under the provisions of the Freedom of Information Act, the authority must state whether or not the information exists and I confirm that we do hold the information requested.

Please find the information you requested below

You requested:

1. How many Private Sector Housing Service Requests were received in each year about D&M in residential dwellings?

Response: We refer you to the link below which contains returns from all local authorities for the last 3 years and now publicly available. This is in addition to data below, but may be of interest. [Damp and mould in the private rented sector - GOV.UK \(www.gov.uk\)](#)

2018: 38
2019: 41
2020: 52
2021: 91
2022: 90

2. How many of these requests were private sector, council, or RSL tenancies?
3. How many of these requests had a visit from an Officer?

Response to Q2 & Q3: Under section 1(3) of the Freedom of Information Act (FOIA), a public authority need not comply with a request unless any further information reasonably required to locate the information is supplied. If a request is too broad or general in nature, then public authorities have a duty to provide advice and assistance to the applicant in order to focus the request.

In order to provide you with the information on the scale that you have requested, the Council will need to manually check in excess of 312 cases to ascertain whether a complaint is private sector or social landlord, as well as whether an inspection has taken place. The Council estimates that it would take 5 minutes per case, totalling to 1,560 minutes, equalling to 26 hours which is over the appropriate limit (*)

(*) Section 12 of the Act makes provision for the Council to refuse requests for information where the cost of dealing with them would exceed the appropriate limit of 18 hours. This represents the estimated time and cost of one person spending 18 hours in determining whether the Council holds the information, locating, retrieving and extracting the information.

4. How would a case be assessed (risk rated) to determine if a visit was required or not?

Response: We do not risk rate to determine if a visit is required or not. In most cases visits are made, although during the pandemic when interactions were restricted we relied on photographic evidence to a greater extent.

5. Of those cases that did not get a visit from an Officer what was the reason?

Response: Please see response to Q4.

6. How many of these cases had the tenants already requested help from their landlord before they approached Private Sector Housing?

Response: We do not differentiate between PS, Council (we have no stock) or RSL. Please see response to Q2.

7. How many of these requests were resolved informally?

Response: 100% - We have not served notice under D&M.

2. How many of these requests resulted in enforcement action being taken?

Response: 0

2. Of those that had enforcement action what type of enforcement action was taken (under which legislation)?

Response: 0

2. Did any of these cases go through to prosecution?

Response: 0

2. Has your process changed since Autumn 2022 with the proposal of Awaab's Law?

Response: No

12. If yes to question 11 how?

Response: N/A

13. Can you provide a copy of your policy/procedure for damp and mould cases pre and post Awaab's death/Autumn 2022?

Response: We do not have an exclusive policy on D&M. Please see attached Corporate Enforcement Policy

The information supplied to you continues to be protected by the Copyright, Designs and Patents Act 1988. You are free to use it for your own purposes, including any non-commercial research you are doing and for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder. For further information regarding Re-use of Public Sector information please see link below

If after viewing the information you are for whatever reason unhappy with our response to your application you are entitled to pursue any dissatisfaction through the Council's Internal Review Procedure. Pursuant to Section 17 (7) of the Act the procedure provided by the Council for dealing with complaints about the determination of this request for information is the Council's FOI Complaints Procedure, a copy of which can be obtained on request or is set out at:

<https://www.bedford.gov.uk/council-and-democracy/data-protection-foi-eir/freedom-of-information/>

Yours sincerely,

Maria Scapini

Customer Feedback Officer

Customer Services & Customer Feedback

Bedford Borough Council, Borough Hall, Cauldwell Street, Bedford, MK42 9AP

Appendix IV – FOI email response from Cambridge City Council

3 3cshareservices@infreemation.co.uk
To: Laura Rawlings

Tue 27/02/2024 23:28

Disrepair Triage procedure.pdf
169 KB

You don't often get email from 3cshareservices@infreemation.co.uk. [Learn why this is important](#)

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Laura Rawlings,

Request

Further to your request received on 29th January 2024, I confirm that the Council has now considered your request under the Freedom of Information Act 2000, apologies for the slight delay in getting this information to you.

1. How many Private Sector Housing Service Requests were received in each year about Damp & Mould in residential dwellings?

2018. = 5, 2019 = 4, 2020 = 10, 2021 = 28, 2022 = 22

2. How many of these requests were private sector or RSL tenancies?

2018. all 5 private sector rented properties.
2019. 4x private sector rented, 1x RSL.
2020. 8x private sector rented, 2x RSL.
2021. 15x private sector rented, 5x RSL. As per easy to view reportable details without the need to review each case by case 8 = tenure uncertain.
2022. 12x private sector rented, 5x RSL. As per easy to view reportable recorded details without the need to review each case by case 5x = tenure uncertain.

3. How many of these requests had a visit from an Officer?

2018 = 0
2019 = 0
2020 = 3
2021 = 19
2022 = 12

4. How would a case be assessed (risk rated) to determine if a visit was required or not? – **Pre 2022 this would be as per the Councils Residential Team Disrepair Triage Procedure. Post 2022, in line with tenants wishes, we visit every private sector property in relation to which a service request regarding concerns about damp & mould is received by the Council.**

5. Of those cases that did not get a visit from an Officer what was the reason?

In respect of requests for service reasons vary case by case in relation to whether a visit is conducted. Without reviewing each one case by case on our database system we are unable to provide a response to this question within the FOI parameters.

6. How many of these cases had the tenants already requested help from their landlord before they approached Private Sector Housing?

As above without reviewing each case across the extensive date range of the request case by case we are unable to provide a response to this question within the FOI parameters.

7. How many of these requests were resolved informally?

2018 = 4, 2019 = 4, 2020 = 10, 2021 = 27, 2022 = 22

8. How many of these requests resulted in enforcement action being taken?

2018 = 1, 2019 = 0, 2020 = 0, 2021 = 1, 2022 = 0

9. Of those that had enforcement action what type of enforcement action was taken (under which legislation)?

2018. Improvement Notice, Housing Act 2004

2019. = N/A

2020. = N/A

2021 = Improvement Notice, Housing Act 2004

2022 = N/A

10. Did any of these cases go through to prosecution?

2018 = 1, 2019 = 0, 2020 = 0, 2021 = 0, 2022 = 0

1. Has your process changed since Autumn 2022 with the proposal of Awaab's Law? YES

2. If yes to question 11 how? **In line with tenants wishes, we visit every private sector property in relation to which a service request regarding concerns about damp & mould is received by the Council.**

Can you provide a copy of your policy/procedure for damp and mould cases pre and post Awaab's death/Autumn 2022? **Please find attached a copy of the 'Triage Procedure for the Resolving Of Service Requests Relating to the Disrepair of Occupied Private Sector Properties'. As stated previously within this response this was used pre autumn 2022 in respect to service requests relating to damp & mould.**

We hope the information in bold text annotated against each of the queries above will answer your request.

We aim to provide a high quality service to you and hope that you are satisfied with this response. If you have any further questions please do not hesitate to contact us.

Yours Sincerely

Information Management Team

3C Shared Services

Email:

For South Cambridgeshire DC - foi@scambs.gov.uk

For Cambridge City Council - foi@cambridge.gov.uk

For Huntingdonshire DC - freedomofinformation@huntsdc.gov.uk

3C Shared Services is a strategic partnership between Cambridge City Council, Huntingdonshire District Council and South Cambridgeshire District Council

Appeals Process

The Council is committed to transparency and openness, and it is our intention to comply fully with the laws that govern access to information. If you have any cause to believe that the terms of the Freedom of Information Act 2000 are not being met by us, please let us know in the first instance. If you are still dissatisfied you can address your complaint to the Information Governance Manager, who will undertake an Internal Review of your case. Further to this you have the subsequent option to contact the Information Commissioner's Office.

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Appendix V – FOI email response from South Cambridgeshire District Council:

 DONOTREPLY@3csharedservices.vuelio.co.uk
To: Laura Rawlings
Tue 24/10/2023 15:35

You don't often get email from donotreply@3csharedservices.vuelio.co.uk. [Learn why this is important](#)

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Laura Rawlings ,

Re: Request for Information (RFI: 13900) (SCDC) Private Sector Housing Department/Environme...
(SCDC) Private Sector Housing Department/Environmental Health

1. How many Private Sector Housing Service Requests were received in each year about D&M in residential dwellings?
2. How many of these requests were private sector, council, or RSL tenancies?
3. How many of these requests had a visit from an Officer?
4. How would a case be assessed (risk rated) to determine if a visit was required or not?
5. Of those cases that did not get a visit from an Officer what was the reason?
6. How many of these cases had the tenants already requested help from their landlord before they approached Private Sector Housing?
7. How many of these requests were resolved informally?
8. How many of these requests resulted in enforcement action being taken?
9. Of those that had enforcement action what type of enforcement action was taken (under which legislation)?
10. Did any of these cases go through to prosecution?

Please complete questions 1-10 for the years 2018-2022 – providing the information from January to December for each year.
11. Has your process changed since Autumn 2022 with the proposal of Awaab's Law?
12. If yes to question 11 how?

Can you provide a copy of your policy/procedure for damp and mould cases pre and post Awaab's death/Autumn 2022?

Thank you for your request for information above, which we have dealt with under the terms of the Freedom of Information Act 2000.

I hope the following will answer your query:

1. How many Private Sector Housing Service Requests were received in each year about D&M in residential dwellings?

Data held only in financial years and only since 2019/20.

2019/20 – 15

2020/21 – 14

2021/22 – 25

2022/23 – 6

2. How many of these requests were private sector, council, or RSL tenancies?

2019/20 – Unknown

2020/21 – Unknown

2021/22 – Unknown

2022/23 – 3 RSL, 3 private sector

Data above does not include Council property tenants.

3. How many of these requests had a visit from an Officer?

2019/20 – Unknown

2020/21 – Unknown

2021/22 – Unknown

2022/23 – 3

4. How would a case be assessed (risk rated) to determine if a visit was required or not?

Normally advice would be given first over the phone or via a letter and then a visit would be offered if the tenant re-contacts the Council at a later date but if it is apparent that the issue is significant, a visit would be arranged straightaway.

5. Of those cases that did not get a visit from an Officer what was the reason?

See answer to Q4

6. How many of these cases had the tenants already requested help from their landlord before they approached Private Sector Housing?

Data not held.

7. How many of these requests were resolved informally?

All cases assumed to have been resolved informally aside from the one in 2019 mentioned below in Q8.

8. How many of these requests resulted in enforcement action being taken?

2018 – 0

2019 – 1

2020 – 0

2021 – 0

2022 – 0

9. Of those that had enforcement action what type of enforcement action was taken (under which legislation)?

2018 – N/A

2019 – Hazard Awareness Notice issued under the Housing Act 2004

2020 – N/A

2021 – N/A

2022 – N/A

10. Did any of these cases go through to prosecution?

No

11. Has your process changed since Autumn 2022 with the proposal of Awaab's Law?

Yes

12. If yes to question 11 how? Can you provide a copy of your policy/procedure for damp and mould cases pre and post Awaab's death/Autumn 2022?

Procedure has changed to offer tenants a visit from the outset rather than waiting for them to implement advice given. No policy exists on this topic and procedure still in draft form so it is not available to share.

We aim to provide a high quality service to you and hope that you are satisfied with this response. If you have any further questions please do not hesitate to contact us.

Yours sincerely
Information Management Team

3C Shared Services

Email:
For South Cambridgeshire DC - foi@scambs.gov.uk
For Cambridge City Council - foi@cambridge.gov.uk
For Huntingdonshire DC - freedomofinformation@huntsdc.gov.uk

3C Shared Services is a strategic partnership between Cambridge City Council, Huntingdonshire District Council and South Cambridgeshire District Council

Appeals Process

The Council is committed to transparency and openness, and it is our intention to comply fully with the laws that govern access to information. If you have any cause to believe that the terms of the FOI Act or EIR Regulations are not being met by us, please let us know in the first instance. If you are still dissatisfied you can address your complaint to the Information Governance Manager who will undertake an Internal Review of your case. Internal review requests should be submitted within two months of the date of receipt of the response to your original request. Further to this you have the subsequent option to contact the Information Commissioner's Office.

Copyright

Provision of this information does not automatically infer the right to copy publish or alter the information. In most cases the Council will own the copyright of the information provided here, or the information will be provided under the Open Government Licence (OGL), but the rights to some information may belong to a third party and if so a re-use licence may be required. Please contact us for advice.

Appendix VI – FOI email response from East Cambridgeshire District Council:



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,
ELY, CAMBRIDGESHIRE CB7 4EE

Telephone: Ely (01353) 665555
www.eastcambs.gov.uk

Further to your information request FOI/EIR 23/24-249, please find your question and our response below.

Request:

1. How many Private Sector Housing Service Requests were received in each year about D&M in residential dwellings?
2. How many of these requests were private sector, council, or RSL tenancies?
3. How many of these requests had a visit from an Officer?
4. How would a case be assessed (risk rated) to determine if a visit was required or not?
5. Of those cases that did not get a visit from an Officer what was the reason?
6. How many of these cases had the tenants already requested help from their landlord before they approached Private Sector Housing?
7. How many of these requests were resolved informally?
8. How many of these requests resulted in enforcement action being taken?
9. Of those that had enforcement action what type of enforcement action was taken (under which legislation)?
10. Did any of these cases go through to prosecution?

Please complete questions 1-10 for the years 2018-2022 – providing the information from January to December for each year.

11. Has your process changed since Autumn 2022 with the proposal of Awaab's Law?
12. If yes to question 11 how?

Response:

Year	Number of complaints that ref D&M	Number in private rented properties	Number in RSL properties	Other e.g owner occupied
2018	14	Data not split	Data not split	
2019	37	13	24	
2020	42	11	28	3
2021	45	14	28	3
2022	45	9	36	

3. 2018 – not digitally recorded.
2019 – 25 HHSRS inspections undertaken where D&M was assessed.
2020 – 11 HHSRS inspections undertaken where D&M was assessed.
2021 – 19 HHSRS inspections undertaken where D&M was assessed.
2022 – 19 HHSRS inspections undertaken where D&M was assessed.
4. Risk assessed by a suitably qualified officer speaking with the resident, ascertaining if the LL had already been notified of the issue by the tenant and if any response/actions had occurred, length of time problem had been occurring, photos of affected areas, and any additional information that could be provided by the tenant for example GP or health visitor information.
5. Range of reasons, for example LL agreement to undertake works, tenant decides not to pursue complaint etc. Notes on case logs would identify these but am unable to interrogate each case.
6. Not known. Do not require the tenant to have reported it to their LL prior to our involvement but they

are advised that this is the recommended approach.

7, 8, 9 and 10. Figures for informal and formal approaches for D&M are in financial years as follows:

2019/2020:

9 hazard awareness notices served, under the Housing Act 2004

2020/2021:

2 hazard awareness notices served, under the Housing Act 2004

2021/2022:

8 hazard awareness notices served, under the Housing Act 2004

No Improvement Notices or Civil Penalties served for D&M cases. No prosecutions.

11 and 12. Changes to how cases are recorded have been introduced to make reporting easier. Often complaints of D&M are included in general complaints about several potential hazards within a home such as disrepair, excess cold etc and therefore reporting of actual numbers is resource intensive.

All reports of disrepair are reviewed and assessed by suitably qualified officers irrespective of whether they are RSL or privately rented properties. Recording has been improved to enable better information to be obtained of the split between numbers of D&M complaints in RSL and private rented sector properties.

Improvements to website information and links to additional advice on D&M will be available this autumn. An updated D&M advice leaflet has been produced.

An updated Private Sector Housing Enforcement Policy was adopted in 2023 to provide support for a wider range of enforcement powers.

This concludes your request FOI/EIR 23/24-249.

If information has been refused, please treat this as a Refusal Notice for the purposes of the Act.

If you disagree with our decision or are otherwise unhappy with how we have dealt with your request in the first instance you may approach foi@eastcambs.gov.uk and request a review. A request for review must be made in no more than 40 working days from the date of this email.

Should you remain dissatisfied with the outcome you have a right under s50 of the Freedom of Information Act to appeal against the decision by contacting the Information Commissioner, Wycliffe House, Water Lane, Wilmslow SK9 5AF.

Appendix VII – FOI email response from Peterborough City Council:



Freedom of Information Mailbox <foi@peterborough.gov.uk>
To: Laura Rawlings

Mon 16/10/2023 08:40

2023-10-10-1155 - complian...
711 KB

You don't often get email from foi@peterborough.gov.uk. [Learn why this is important](#)

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Freedom of Information Act response – ref FOI-202309000770

Dear Laura Rawlings,

Your request for information, reference number FOI-202309000770, has now been considered and the information requested is given below.

[Request and Response](#)

I would like to request this information under Freedom of Information:

1. How many Private Sector Housing Service Requests were received in each year about D&M in residential dwellings?

[The database used does not allow for a breakdown of hazards within the complaint reference, this data is only captured at the point of inspection under the HHSRS.](#)

2. How many of these requests were private sector, council, or RSL tenancies?

As above

3. How many of these requests had a visit from an Officer?

[Due to the reasons stated above, the numbers below reflect the total number of HHSRS inspections completed where a damp & mould hazard was identified.](#)

2018: 80

2019: 99

2020: 69

2021: 80

2022: 111

4. How would a case be assessed (risk rated) to determine if a visit was required or not?

Cases are not risk assessed prior to inspection

5. Of those cases that did not get a visit from an Officer what was the reason?

Cases would not receive an inspection if the complaint was resolved prior to the inspection being arranged, or if works were already underway. In some cases, complainants did not pursue their complaints. In addition, during the covid pandemic, many complaints were investigated with the use of photos in the first instance and therefore no HHSRS inspection was completed.

6. How many of these cases had the tenants already requested help from their landlord before they approached Private Sector Housing?

It is recommended that in the majority of cases tenants discuss complaints regarding disrepair with their landlord/managing agent, in writing, in the first instance. However, this information is not captured.

7. How many of these requests were resolved informally?

2018: 69

2019: 96

2020: 68

2021: 73

2022: 102

8. How many of these requests resulted in enforcement action being taken?

2018: 11

2019: 3

2020: 1

2021: 7

2022: 9

9. Of those that had enforcement action what type of enforcement action was taken (under which legislation)?

2018:

4 x Sec 11/12 improvement notices, 4 x Sec 20/21 prohibition orders, 2 x Sec 28/29 HAN, 1 x Sec 41 Emergency remedial action

2019:

1 x Sec 11/12 improvement notice, 1 x Sec 28/29 HAN, 1 x Sec 20/21 prohibition order

2020:

1 x Sec 80 EPA

2021:

2 x sec 11/12 improvement notices, 4 x sec 28/29 HAN, 1 x Sec 80 EPA

2022:

5 x sec 11/12 improvement notices, 3 x sec 20/21 prohibition order, 1 x sec 28/29 HAN

10. Did any of these cases go through to prosecution?

2018: 1 (Noncompliance of improvement notice)

2019: 0

2020: 0

2021: 0

2022: 0

Please complete questions 1-10 for the years 2018-2022 – providing the information from January to December for each year.

1. Has your process changed since Autumn 2022 with the proposal of Awaab's Law?

Yes

2. If yes to question 11 how?

The housing enforcement team work on a reactive basis to complaints relating to conditions in privately rented properties, assessing properties under HHSRS and taking appropriate action under Housing Act 2004 to address the hazards found. Prior to Autumn 2022, most complaints received regarding disrepair, including damp and mould, would receive a letter requesting evidence of these issues being reported to the landlord/letting agent. Following a restructure of the department in 2023, this process has been removed and properties will receive a full HHSRS inspection following a complaint direct to the local authority.

Advice and guidance is also provided to tenants on the importance of heating and ventilating their homes, which is provided in the form of a leaflet. Signposting to LEAP for Green Energy Switch who are able to make referrals into the LAD scheme for household improvements, as well as offer residents free impartial energy saving advice through LEAP.

Landlords are now required to improve their properties to hold an E rated EPC or register an exemption. Non-compliance of the MEES regulations will lead to a compliance and penalty notices being served on landlords.

We have also provided training to our staff team in both the full range of sanctions and powers available to them relating to damp and mould, as well as the specific relating to the impact of damp and mould on the health and wellbeing of tenants.

Green Energy Switch are able to make referrals to the LAD scheme for household improvements, as well as offering residents free impartial advice through leap. LAD funding offers funding for energy efficiency measures within the home such as solid wall insulation, room in roof insulation, cavity wall insulation, underfloor insulation, loft insulation, high heat retention storage heaters, air source heat pumps solar pv panels and heating controls.

Can you provide a copy of your policy/procedure for damp and mould cases pre and post Awaab's death/Autumn 2022?

There is no specific procedure with regard to damp & mould as this forms just one of the 29 hazards that can be assessed under the HHSRS.

We have, however, attached the regulatory services enforcement policy which may be of some interest.

Re-use of Information

You may re-use any documents supplied for your own use, including for non-commercial research purposes. The documents may also be used for news reporting. However, any other type of re-use, for example by publishing the documents or issuing copies to the public will require the permission of the copyright owner, where copyright exists. Such a request would be considered separately in accordance with the relevant Re-use of Public Sector Information Regulations 2015 and is not automatic. Therefore no permission is implied in the re-use of these documents, until such a request for re-use has been made and agreed, subject to any appropriate conditions.

You may re-use any dataset included in this response (excluding logos) free of charge, in any format or medium, under the terms of the Open Government Licence v3.0. To view this licence, visit the [National Archives website](#) or email psi@nationalarchives.gsi.gov.uk. Where we have identified any third-party copyright information, you will need to obtain permission from the copyright holders concerned. Users reproducing Peterborough City Council content without adaptation should include a source accreditation to Peterborough City Council: Source: Peterborough City Council licensed under the Open Government Licence v.3.0.; Users reproducing content which is adapted should include a source accreditation to Peterborough City Council: Adapted from data from Peterborough City Council licensed under the Open Government Licence v3.0.

If you have any queries or concerns then please do not hesitate to contact me.

If you are dissatisfied with the handling of your request please contact the Information Manager, Peterborough City Council, Sand Martin House, Bittern Way, Fletton Quays, Peterborough, PE2 8TY; Telephone: 01733 452533, e-mail: foi@peterborough.gov.uk

You can also complain to the Information Commissioner at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Appendix VIII – FOI email response from Fenland District Council:

 **foi** <foi@fenland.gov.uk>
To: Laura Rawlings

Tue 10/10/2023 14:18

You don't often get email from foi@fenland.gov.uk. [Learn why this is important](#)

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Laura Rawlings
you for your request for information which we received on 25/09/23 Your request has been considered under the Freedom of Information Act 2000.

Please see the response below:

I am unable to provide the FOI response as it would take longer than the maximum time allowed to process a request as set out below:

Total number of Service Requests between 01/04/2018-31/3/2022= 1,839

Service Requests are categorised into an appropriate Request Type.

Housing Intervention
HMO Condition Complaint
PSH Condition Complaint
RSL Condition Complaint

The total number or recorded cases in the above Request Types between 1/4/2018-31/3/2022 is 713.

Historically, Damp & Mould (D&M) complaints were not recorded in a field that could be reported on individually, therefore officers have to carry out a deep dive exercise into each of the above 4 Request Types, taking on average 10 mins, to establish which ones include a D&M defect and if so, what action was taken. It is therefore estimated that it would take an officer 100 hrs to confirm the information requested in Questions 1-12; particularly if most resulted in formal enforcement.

Since Awaab's death, the team has introduced an additional D&M complaint Request Type which will assist in reporting on this matter. Other revisions include requesting clients to provide photographic evidence of the D&M so that officers can assess the likely cause and areas affected in order to prioritise referrals.

If you are unhappy with the way the authority has handled your request, you may ask for an internal review. Please contact FOI@fenland.gov.uk who will arrange an internal review of your case. Under regulation 11(2), you must contact us for a review no later than 40 working days after the date of this email.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
WILMSLOW
Cheshire SK9 5AF
Tel: 01625 545700
www.informationcommissioner.gov.uk

Appendix IX – FOI email response from Stevenage Borough Council:


 stevenage@infreemation.co.uk
 To: Laura Rawlings




2 attachments (145 KB)  

You don't often get email from stevenage@infreemation.co.uk. [Learn why this is important](#)

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Laura Rawlings,

Your Request for Information Ref: FOI000710

We write further to your email dated Monday 25th September 2023. Your request has been processed under the Freedom of Information Act 2000 (FOI).

Request

- 1.How many Private Sector Housing Service Requests were received in each year about D&M in residential dwellings?
- 2.How many of these requests were private sector, council, or RSL tenancies?
- 3.How many of these requests had a visit from an Officer?
- 4.How would a case be assessed (risk rated) to determine if a visit was required or not?
- 5.Of those cases that did not get a visit from an Officer what was the reason?
- 6.How many of these cases had the tenants already requested help from their landlord before they approached Private Sector Housing?
- 7.How many of these requests were resolved informally?
- 8.How many of these requests resulted in enforcement action being taken?
- 9.Of those that had enforcement action what type of enforcement action was taken (under which legislation)?
- 10.Did any of these cases go through to prosecution?Please complete questions 1-10 for the years 2018-2022 – providing the information from January to December for each year.
11. Has your process changed since Autumn 2022 with the proposal of Awaab's Law?
- 12.If yes to question 11 how?
- 13.Can you provide a copy of your policy/procedure for damp and mould cases pre and post Awaaba's death/Autumn 2022?

Response

Q1, 2 & 3. Please see the attached Excel document.

Q4 & 5. There are various reasons why an inspection may not be carried out in response to a service request. E.g., in some cases, the tenant is requesting advice only, or decides not to go ahead with an inspection, due to concerns about repercussions from making a complaint. In some cases, a service request is logged, but officers are then unable to make contact with the tenant. Complaints about damp and mould in Council properties often do not result in an inspection because tenants are directed to go through the Council's formal complaints process in the first instance if they have not already done this.

Q6. This information is not held.

Q7. Please see attached Excel document for available held information.

Q8. Please see attached Excel document for available held information.

Q9. Please see attached Excel document for available held information.

Q10. Please see attached Excel document for available held information.

Q11. Not currently. This is something however the Council is reviewing.

Q12.N/A.

Q13.The Council does not have a specific damp and mould policy. We have a Private Sector Housing Enforcement Policy, with a copy attached.

We trust you find our response helpful, however, should you wish for our response to be reviewed, please reply directly to this email, stating your wish for an internal appeal.

Subsequently, you can appeal to:

The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

Or via <https://ico.org.uk>

Yours sincerely

Freedom of Information Team

Damp and Mould Service Requests: 2018-2023					
	2018-2019	2019-2020	2020-21	2021-22	2022-23
No. of Private Sector Housing D&M service requests	28	32	32	31	41
No. of Council Housing D&M service requests	1	6	5	5	16
No. of Registerd Housing Provider D&M service requests	12	7	0	5	2
No. of service requests resulting in EHO visit	30	28	10	22	31
No. of service requests resolved informally	27	26	7	18	26
No. of service requests resulting in enforcement action - Hazard Awareness Notice (S.28 / S.29 Housing Act 2004)	2	1	0	0	2
No. of service requests resulting in enforcement action - Improvement Notice (S.11 / S.12 Housing Act 2004)	1	2	3	4	2
No. of service requests resulting in enforcement action - Prohibition Order (S.20 / 21 Housing Act 2004)	0	0	0	0	1
No. of service requests resulting in prosecution	0	0	0	0	0

Appendix X – FOI email response from Hertfordshire County Council:

Information Access Team



Laura Rawlings

Hertfordshire County Council
County Hall,
Room 216 Pegs Lane,
Hertford, SG13 8DE,
Postal Point: CHO320
www.hertfordshire.gov.uk

Tel: 0300 123 4040

Email: information.governance@hertfordshire.gov.uk

Our reference: 2674493

Date: 28 September 2023

Dear Ms Rawlings

Freedom of Information Act 2000
Reference number: 2674493

On 25th September 2023 we received the following request for information from you: -

I would like to request this information under Freedom of Information:

1. How many Private Sector Housing Service Requests were received in each year about D&M in residential dwellings?
2. How many of these requests were private sector, council, or RSL tenancies?
3. How many of these requests had a visit from an Officer?
4. How would a case be assessed (risk rated) to determine if a visit was required or not?
5. Of those cases that did not get a visit from an Officer what was the reason?

6. How many of these cases had the tenants already requested help from their landlord before they approached Private Sector Housing?
7. How many of these requests were resolved informally?
8. How many of these requests resulted in enforcement action being taken?
9. Of those that had enforcement action what type of enforcement action was taken (under which legislation)?
10. Did any of these cases go through to prosecution? Please complete questions 1-10 for the years 2018-2022 – providing the information from January to December for each year.
11. Has your process changed since Autumn 2022 with the proposal of Awaab's Law?
12. If yes to question 11 how?

Can you provide a copy of your policy/procedure for damp and mould cases pre and post Awaab's death/Autumn 2022?

County of opportunity

Our Response

Your request for information has been considered under the Freedom of Information Act 2000. I can confirm that Hertfordshire County Council does not hold the information you have requested, and can respond as follows: -

Housing and homelessness are the responsibility of the district and borough councils. Contact details can be found at: -

<https://www.hertfordshire.gov.uk/about-the-council/how-the-council-works/district-and-borough-councils.aspx>

If you have any questions, please do not hesitate to contact me, quoting the reference above. To find out more about Freedom of Information, please visit <http://www.hertfordshire.gov.uk/your-council/work/foi/>

If you are unhappy with the way the County Council has handled your request for information you may request an internal review of the request. This will be carried out by a member of the County Council Legal Services Team, who has had no prior involvement with the request. Requests for an internal review should be sent to the Information Governance Unit at the address above.

If you are unhappy with the outcome of the internal review you are entitled to ask the Information Commissioner to investigate your complaint. You should use the ICO's webpage www.ico.org.uk/foicomplaints to submit your request or write to: FOI/EIR Complaints Resolution, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely

Ingrid Howard
Information Access Practitioner
Hertfordshire County Council

Appendix XI – FOI email response from North Hertfordshire Council:



www.north-herts.gov.uk

Laura Rawlings

l.rawlings1@unimail.derby.ac.uk

Our Ref: FOI052323
Your Ref: AF549764869
Contact Officer: Nathan Godfrey
Direct Line: 01462 474000
Email: FOI2@north-herts.gov.uk
Date: 23rd October 2023

Dear Laura Rawlings

Information request under the Freedom of Information Act 2000
FOI052323 – Private Sector Housing Department/Environmental Health

Thank you for your request for information received on 25th September 2023.

Your request has been handled under the Freedom of Information Act 2000. Any information that is refused will clearly indicate the exemption that applies to the refusal.

I am writing to inform you that your request is being partially refused under Section 12(1) of the Freedom of Information Act 2000 as outlined below, namely questions 3, 5, 6, 7, 8, 9 and 10 of your request. As the exemption we have partially refused your request under is a Qualified exemption, it is subject to the Public Interest Test (PIT). Evidence of the PIT and how North Herts Council (NHC) came to the decision to refuse your request can be found below.

Section 12 (1) – Requests where the cost of compliance exceeds the appropriate limit

12. — (1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

Having considered the public interest, in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information. NHC's decision is therefore to withhold the information. Please see the below information which has been taken from the PIT which was conducted in relation to this exemption.

Participants:

Information & Asset Officer
Management Support Unit (MSU) Team Leader

North Herts Council, Council Offices, Gemon Road,
Letchworth Garden City, Hertfordshire, SG6 3JF



Management Support Unit (MSU) Team Leader:

There are 324 damp and mould cases and to search through each case, actions and outcomes to answer Q3, 5, 6, 7, 8, 9, 10 would take at least 10 minutes per case.

No. of cases	Approx time to search through each case (In mins)
324	10

Calculation:

$324 \times 10 = 3240(\text{minutes})$

$3240 / 60 = 54(\text{hours})$

$54 \times \text{£}25 = \text{£}1,350$

Advantages of releasing the information:

Transparency, Accountability

Disadvantages of releasing the information:

In order to locate the requested information for questions 3, 5, 6, 7, 8, 9, 10, this would take approximately a total number of 54 hours to complete.

Outcome:

North Herts Council have reached the decision to rely upon Section 12(1) of the Freedom of Information Act 2000 as shown in the calculation within the PIT above, it has been calculated that complying with and responding to the questions listed above would exceed the appropriate limit and therefore Section 12(1) is engaged.

The remaining information which has not been refused under Section 12(1) can be found at the bottom of this letter.

Further information explaining the Council's process for responding to information requests is available in our reception or on our website. If you have any queries regarding the process or your request, please do not hesitate to contact me.

If after receiving our full response, you feel dissatisfied with the information provided, or you disagree with a refusal decision, you have the right to ask for a review of the decision with the Council. We will accept review requests up to 60 days after our response. After that date we consider the case closed.

Review requests should be addressed to the Information & Asset Team Manager at North Hertfordshire District Council, Council Offices, Gernon Road, Letchworth, Herts, SG6 3JF or emailed to FOI2@north-herts.gov.uk

It is important that you include the above FOI reference number on all correspondence related to this request.

If following a review you are still dissatisfied with the Council's response, you can contact the Information Commissioners Office for guidance or to make an appeal at:-

North Herts Council, Council Offices, Gernon Road,
Letchworth Garden City, Hertfordshire, SG6 3JF



Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF
Telephone: 0303 123 1113 (or 01625 545745 if you would prefer not to call an '03' number, or
+44 1625 545745 if calling from overseas) www.ico.org.uk

Yours sincerely



Nathan Godfrey PC.foi.
Information & Asset Officer

North Herts Council, Council Offices, Gemon Road,
Letchworth Garden City, Hertfordshire, SG6 3JF



FOI052323 – 23/10/2023

Private Sector Housing Department/Environmental Health

Request & Responses:

I am writing to inform you that your request is being partially refused under Section 12(1) of the Freedom of Information Act 2000 as outlined below, namely questions 3, 5, 6, 7, 8, 9 and 10 of your request. As the exemption we have partially refused your request under is a Qualified exemption, it is subject to the Public Interest Test (PIT). Evidence of the PIT and how North Herts Council (NHC) came to the decision to refuse your request can be found below.

Section 12 (1) – Requests where the cost of compliance exceeds the appropriate limit

12. — (1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

Having considered the public interest, in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information. NHC's decision is therefore to withhold the information. Please see the below information which has been taken from the PIT which was conducted in relation to this exemption.

Participants:

Information & Asset Officer

Management Support Unit (MSU) Team Leader

Management Support Unit (MSU) Team Leader:

There are 324 damp and mould cases and to search through each case, actions and outcomes to answer Q3, 5, 6, 7, 8, 9, 10 would take at least 10 minutes per case.

No. of cases	Approx time to search through each case (In mins)
324	10

Calculation:

$324 \times 10 = 3240(\text{minutes})$

$3240 / 60 = 54(\text{hours})$

$54 \times \text{£}25 = \text{£}1,350$

Advantages of releasing the information:

Transparency, Accountability

Disadvantages of releasing the information:

In order to locate the requested information for questions 3, 5, 6, 7, 8, 9, 10, this would take approximately a total number of 54 hours to complete.

Outcome:

North Herts Council have reached the decision to rely upon Section 12(1) of the Freedom of

Information Act 2000 as shown in the calculation within the PIT above, it has been calculated that complying with and responding to the questions listed above would exceed the appropriate limit and therefore Section 12(1) is engaged.

The remaining information which has not been refused under Section 12(1) can be found below.

1. How many Private Sector Housing Service Requests were received in each year about D&M in residential dwellings?

2018 – 68

2019 – 69

2020 – 73

2021 – 53

2022 – 61

2. How many of these requests were private sector, council, or RSL tenancies? We do not record this information, all cases are logged as PSH and are not split into PS, Council or RSL

3. How many of these requests had a visit from an Officer? Please see Section 12(1) refusal above.

4. How would a case be assessed (risk rated) to determine if a visit was required or not? When we receive a complaint of housing disrepair, we send out a *Request for housing disrepair assessment* form to be completed and returned by the tenant. This form includes sections detailing the occupants (including age, health and special needs). A questionnaire is also sent out for damp and mould complaints that requests further information on rooms affected, locations of damp and mould, area in m² and the effect on members of the household. Tenants are also encouraged to send photos/videos in support of their complaint.

All this information is collated to enable the case officer to assess the risks and prioritise cases accordingly.

5. Of those cases that did not get a visit from an Officer what was the reason? Please see Section 12(1) refusal above.

6. How many of these cases had the tenants already requested help from their landlord before they approached Private Sector Housing? Please see Section 12(1) refusal above.

7. How many of these requests were resolved informally? Please see Section 12(1) refusal above.

8. How many of these requests resulted in enforcement action being taken? Please see Section 12(1) refusal above.

9. Of those that had enforcement action what type of enforcement action was taken (under which legislation)? Please see Section 12(1) refusal above.

10. Did any of these cases go through to prosecution? [Please see Section 12\(1\) refusal above.](#)

Please complete questions 1-10 for the years 2018-2022 – providing the information from January to December for each year.

11. Has your process changed since Autumn 2022 with the proposal of Awaab's Law? [Yes](#)

12. If yes to question 11 how? [The Council introduced new procedures to deal with all housing disrepair complaints including those of damp and mould.](#)

13. Can you provide a copy of your policy/procedure for damp and mould cases pre and post Awaab's death/Autumn 2022? [We had no policy/procedure pre-Autumn 2022 but I have attached our procedures post-Autumn 2022. We also send out a questionnaire and guidance documents. All attached below.](#)

[H Housing Disrepair Procedures doc](#)

[H5 Request for housing disrepair assessment and guidance doc](#)

[H5A Additional guidance notes doc](#)

[H6 Damp and mould guidance and advice doc](#)

[H6A Controlling Condensation and Mould doc](#)

[H6A Controlling Condensation and Mould \(003\) doc](#)

[H7 Damp and mould questionnaire doc](#)

Appendix XII – FOI email response from East Hertfordshire District Council:



eastherts@infreemation.co.uk
To: Laura Rawlings

☺ ↶ ↷ 🗄️ ⋮
Fri 20/10/2023 14:43

You don't often get email from eastherts@infreemation.co.uk. [Learn why this is important](#)

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Thank you for your request for information, this has now been processed and the information that we hold is enclosed.

1. How many Private Sector Housing Service Requests were received in each year about D&M in residential dwellings?

	1/18 – 12/18	1/19 – 12/19	1/20 - 12/20	1/21 – 12/21	1/22 – 12/22
No of D&M S	39	63	55	65	83

2. How many of these requests were private sector, council, or RSL tenancies?

	1/18 – 12/18	1/19 – 12/19	1/20 - 12/20	1/21 – 12/21	1/22 – 12/22
Private sector	12	25	18	20	26
Council	0	0	0	0	0
RSL	23	36	37	43	56

3. How many of these requests had a visit from an Officer?

	1/18 – 12/18	1/19 – 12/19	1/20 - 12/20	1/21 – 12/21	1/22 – 12/22
Visited by officer	22	31	19	28	31

4. How would a case be assessed (risk rated) to determine if a visit was required or not?

Photos of the issue are requested to help assess the level of damp/mould in the property. Discussion with the tenant and the landlord will support any decision not to visit.

5. Of those cases that did not get a visit from an Officer what was the reason?

This information is not routinely held on our case management system. Visits typically will not be undertaken where the level of damp/mould is low and/or the landlord is already taking action.

6. How many of these cases had the tenants already requested help from their landlord before they approached Private Sector Housing?

This information is not routinely held on our case management system. All tenants requesting our support will be asked to report the issue to their landlord first, but we will occasionally visit without this if the tenant has particular concerns about the landlord.

7. How many of these requests were resolved informally?

All cases in this time period were resolved informally for the damp and mould aspects. Notices may have been served if there was also a significant crowding and space hazard.

8. How many of these requests resulted in enforcement action being taken?

See answer to Q7 above

9. Of those that had enforcement action what type of enforcement action was taken (under which legislation)?

N/A

10. Did any of these cases go through to prosecution?

No.

Please complete questions 1-10 for the years 2018-2022 – providing the information from January to December for each year.

11. Has your process changed since Autumn 2022 with the proposal of Awaab's Law?

Our process for investigating and resolving damp and mould cases has not changed significantly.

12. If yes to question 11 how?

Can you provide a copy of your policy/procedure for damp and mould cases pre and post Awaab's death/Autumn 2022

This council does not have a specific policy for damp and mould cases. Our overall housing inspections procedure is currently being revised. Our private sector housing enforcement policy is available on our website at www.eastherts.gov.uk

If you are unsatisfied with the way the Council has handled your request please let us know in the first instance so that an internal review can be carried out. Additionally, if you have any queries about the processing of your request please do not hesitate to contact me on FOI@eastherts.gov.uk

For re-use of information *and conditions on the use of personal data* please see

<https://www.eastherts.gov.uk/about-east-herts-0/information-requests/re-use-council-information>

Alternatively for more information on the Freedom of Information Act contact the Information Commissioner at:

Information Commissioners Office
Wycliffe House
Water Lane
Wilmslow

Appendix XIII – How many of these requests were private sector, council, or RSL tenancies?

Local Authority	2018			2019			2020			2021			2022		
	RSL	PS	Council	RSL	PS	Council	RSL	PS	Council	RSL	PS	Council	RSL	PS	Council
Central Bedfordshire Council (CBC)	Data not held														
Bedford Borough Council (BBC)	Refused under section 12 of FOIA														
Cambridge City Council (CCC)	0	5	0	1	4	0	2	8	0	5	15	0	5	12	0
South Cambridgeshire District Council (SCDC)	No data held			Not known	3	3	0								
East Cambridgeshire District Council (ECDC)	data not split			24	13	0	28	11	0	28	14	0	36	9	0
Peterborough City Council (PCC)	Data not held														
Fenland District Council (FDC)	Refused under section 12 of FOIA														
Stevenage Borough Council (SBC)	12	28	1	7	32	6	0	32	5	5	31	5	2	41	16
North Hertfordshire Council (NHC)	Data not held														
East Hertfordshire District Council (EHDC)	23	12	0	36	25	0	37	18	0	43	20	0	56	26	0

Appendix XIV – How would a case be assessed (risk rated) to determine if a visit was required or not?

Local Authority	Response
Central Bedfordshire Council (CBC)	Before a visit has been undertaken we would ask that photos of the mould and further information are provided by the complainant and that this information is assessed using the principles of HHSRS to pre-empt whether a Cat 1 (or high Cat 2) hazard are likely to exist before an officer will visit.
Bedford Borough Council (BBC)	We do not risk rate to determine if a visit is required or not. In most cases visits are made, although during the pandemic when interactions were restricted we relied on photographic evidence to a greater extent.
Cambridge City Council (CCC)	Pre 2022 this would be as per the Councils Residential Team Disrepair Triage Procedure. Post 2022, in line with tenants wishes, we visit every private sector property in relation to which a service request regarding concerns about damp & mould is received by the Council.
South Cambridgeshire District Council (SCDC)	Normally advice would be given first over the phone or via a letter and then a visit would be offered if the tenant re-contacts the Council at a later date but if it is apparent that the issue is significant, a visit would be arranged straightaway.
East Cambridgeshire District Council (EADC)	Risk assessed by a suitably qualified officer speaking with the resident, ascertaining if the LL had already been notified of the issue by the tenant and if any response/actions had occurred, length of time problem had been occurring, photos of affected areas, and any additional information that could be provided by the tenant for example GP or health visitor information
Peterborough City Council (PCC)	Cases are not risk assessed prior to inspection
Fenland District Council (FDC)	Refused under section 12 of FOIA
Stevenage Borough Council (SBC)	There are various reasons why an inspection may not be carried out in response to a service request. E.g., in some cases, the tenant is requesting advice only, or decides not to go ahead with an inspection, due to concerns about repercussions from making a complaint. In some cases, a service request is logged, but officers are then unable to make contact with the tenant. Complaints about damp and mould in Council properties often do not result in an inspection because tenants are directed to go through the Council's formal complaints process in the first instance if they have not already done this.
North Hertfordshire Council (NHC)	When we receive a complaint of housing disrepair, we send out a Request for housing disrepair assessment form to be completed and returned by the tenant. This form includes sections detailing the occupants (including age, health and special needs). A questionnaire is also sent out for damp and mould complaints that requests further information on rooms affected, locations of damp and mould, area in m2 and the effect on members of the household. Tenants are also encouraged to send photos/videos in support of their complaint. All this information is collated to enable the case officer to assess the risks and prioritise cases accordingly.
East Hertfordshire District Council (EHDC)	Photos of the issue are requested to help assess the level of damp/mould in the property. Discussion with the tenant and the landlord will support any decision not to visit.

Appendix XV – Of those cases that did not get a visit from an Officer what was the reason?

Local Authority	Response
Central Bedfordshire Council (CBC)	We put the onus on the tenant to take action to resolve any issues attributed to 'lifestyle' by sending out a leaflet and giving advice over the phone. Advising the tenant to contact us in 3-6 months if not resolved.
Bedford Borough Council (BBC)	We do not risk rate to determine if a visit is required or not. In most cases visits are made, although during the pandemic when interactions were restricted we relied on photographic evidence to a greater extent.
Cambridge City Council (CCC)	Refused under section 12 of FOIA
South Cambridgeshire District Council (SCDC)	Normally advice would be given first over the phone or via a letter and then a visit would be offered if the tenant re-contacts the Council at a later date but if it is apparent that the issue is significant, a visit would be arranged straightaway.
East Cambridgeshire District Council (ECDC)	Range of reasons, for example LL agreement to undertake works, tenant decides not to pursue complaint etc. Notes on case logs would identify these but am unable to interrogate each case.
Peterborough City Council (PCC)	Cases would not receive an inspection if the complaint was resolved prior to the inspection being arranged, or if works were already underway. In some cases, complainants did not pursue their complaints. In addition, during the covid pandemic, many complaints were investigated with the use of photos in the first instance and therefore no HHSRS inspection was completed.
Fenland District Council (FDC)	Refused under section 12 of FOIA
Stevenage Borough Council (SBC)	There are various reasons why an inspection may not be carried out in response to a service request. E.g., in some cases, the tenant is requesting advice only, or decides not to go ahead with an inspection, due to concerns about repercussions from making a complaint. In some cases, a service request is logged, but officers are then unable to make contact with the tenant. Complaints about damp and mould in Council properties often do not result in an inspection because tenants are directed to go through the Council's formal complaints process in the first instance if they have not already done this.
North Hertfordshire Council (NHC)	Refused under section 12 of FOIA
East Hertfordshire District Council (EHDC)	This information is not routinely held on our case management system. Visits typically will not be undertaken where the level of damp/mould is low and/or the landlord is already taking action

Appendix XVI – How many of these cases had the tenants already requested help from their landlord before they approached Private Sector Housing?

Local Authority	2018	2019	2020	2021	2022
Central Bedfordshire Council (CBC)	We do not hold this data, but we would always advise a tenant to contact their landlord to undertake the remedial works before we got involved.				
Bedford Borough Council (BBC)	Refused under section 12 of FOIA				
Cambridge City Council (CCC)	Refused under section 12 of FOIA				
South Cambridgeshire District Council (SCDC)	No data held				
East Cambridgeshire District Council (ECDC)	No data held				
Peterborough City Council (PCC)	No data held				
Fenland District Council (FDC)	Refused under section 12 of FOIA				
Stevenage Borough Council (SBC)	No data held				
North Hertfordshire Council (NHC)	Refused under section 12 of FOIA				
East Hertfordshire District Council (EHDC)	No data held				

Appendix XVII – Can you provide a copy of your policy/procedure for damp and mould cases pre and post Awaab’s death/Autumn 2022?

Local Authority	Pre Awaab	Post Awaab
Central Bedfordshire Council (CBC)	There was no damp and mould policy pre Autumn 2022.	The new Policy is currently in development, so not yet in the public domain.
Bedford Borough Council (BBC)	We do not have an exclusive policy on D&M	N/A
Cambridge City Council (CCC)	Please find attached a copy of the ‘Triage Procedure for the Resolving Of Service Requests Relating to the Disrepair of Occupied Private Sector Properties’. As stated previously within this response this was used pre autumn 2022 in respect to service requests relating to damp & mould.	N/A
South Cambridgeshire District Council (SCDC)	No policy exists on this topic and procedure still in draft form so it is not available to share.	N/A
East Cambridgeshire District Council (ECDC)	N/A	An updated Private Sector Housing Enforcement Policy was adopted in 2023 to provide support for a wider range of enforcement powers.
Peterborough City Council (PCC)	There is no specific procedure with regard to damp & mould as this forms just one of the 29 hazards that can be assessed under the HHSRS.	N/A
Fenland District Council (FDC)	Refused under section 12 of FOIA	
Stevenage Borough Council (SBC)	The Council does not have a specific damp and mould policy.	N/A
North Hertfordshire Council (NHC)	We had no policy/procedure pre-Autumn 2022	I have attached our procedures post-Autumn 2022
East Hertfordshire District Council (EHDC)	This council does not have a specific policy for damp and mould cases	N/A