

Response ID ANON-PEGT-J25K-C

Submitted to Local authority returns form: damp and mould in private rented properties
Submitted on 2023-01-31 17:21:45

Introduction

Details:

1 Please provide the full name of your local authority:

Answer:
London Borough of Barnet

2 Please provide an email address of a named person we can contact with any further queries:

Answer:
belinda.livesey@barnet.gov.uk

3 Approximately how many private rented sector properties are in your area currently?

Answer. Please provide a number. If you cannot answer, please write 'NA':
34,854

4 What data sources do you normally use to inform your knowledge of the quality and condition of the privately rented stock in your area?

c) Estimate based on contact with landlords/tenants, d) Estimate based on general knowledge of local housing stock, e) Housing census, f) Other: e.g. licensing schemes(s), council tax, please provide details (below)

Answer (option - f):
Mandatory and Additional HMO Licensing and soon to be Selective licensing in three wards

5 Approximately what number of full-time equivalent (FTE) do you have in your housing enforcement team? In answering, please provide the number of all staff working on private rented sector standards, enforcement and licensing, including how many FTE Environmental Health Officers are carrying out enforcement, plus those that work in administrative and managerial roles, but not including legal resource. Also please do not include staff who only work on MEES. Where a staff member works on MEES alongside other housing enforcement, please include them in your FTE numbers.

Optional:
Total 24.5 – HMO Licensing, Housing Enforcement, Empty Properties, Tower Blocks and Homes for Ukraine. This includes 11.5 vacancies Tower Block Enforcement-2.5 Tower block Tech Support-1 Housing Enforcement-2.5 Housing Tech Support (separate admin HUB) Empty Properties – Enforcement – 1 Empty property Tech support – 0.5 Homes for Ukraine – 1 HMO Licensing Tech Support- 6 HMO Licensing Enforcement- 7 Team Leaders - 3

6 Do you run any Selective and/or Additional Licensing schemes in your area?

Additional

7 If you do run any licensing schemes, approximately how many properties are covered by your scheme(s)? Please break down by each individual Selective/Additional licensing scheme

Optional:
HMO Licensing - 2,550 approximately under Mandatory, and Additional. Selective due to start this year in three wards with consultation due to commence in relation to additional wards

Prevalence of damp and mould

8 Based on your assessment of damp and mould issues affecting private rented sector properties in your area, approximately what proportion do you currently estimate to have category 1 damp and mould hazards?

%:
n/a

9 What data sources do you normally use to come to the assessment provided in question 8?

c) Estimate based on contact with landlords/tenants, e) Other e.g. licensing schemes(s), council tax etc.: (please specify below)

Other please specify:
Service requests, HMO licensing information, information from other relevant departments and organisations.

10 Based on your assessment of damp and mould issues affecting private rented sector properties in your area, approximately what proportion do you currently estimate to have category 2 damp and mould hazards?

%:

n/a

11 What data sources do you normally use to come to the assessment provided in question 9?

e) Other e.g. licensing schemes(s), council tax etc.: (please specify below)

Other please specify:

Service requests,HMO licensing information, information from other relevant departments and organisations.

12 If you have not collected the information requested or are not able to provide information in this way, please can you tell us why? Please put n/a if you have provided the above data.

Answer:

Of complaints to the Council about private rented accommodation approximately 50% have an issue with damp and mould. The council averages over 900 HHSRS inspections a year relating to service requests and HMO Licensing inspections but damp and mould that is not a category 1 hazard or high category 2 hazard and is rectified prior to service of a statutory notice would not be data that is recorded in a reportable manner. A borough wide full stock condition survey has not been carried out recently.

Enforcement Questions: complaints

13 Please tell us what steps you take when you receive a complaint about damp and mould from a private rented sector tenant. Where relevant, please refer to or provide links to any enforcement policies you have in place (e.g. on enforcing category 2 hazards) and any guidance you might provide for tenants experiencing damp and mould issues.

Optional:

When a service request is received in relation to damp and mould in the first instance the tenant is asked to highlight the issue with their landlord unless they do not feel safe to do so. The tenant is also sent a questionnaire to obtain a comprehensive picture of the issue with linked advice. Information is also provided on the Council's website <https://www.barnet.gov.uk/housing/private-housing/condensation-and-damp> . On receipt the questionnaire is reviewed and a inspection arranged as necessary giving the appropriate notice of entry to the relevant persons. A full HHSRS inspection is completed and checks also made for any other legal contraventions. Where there are no legal contraventions identified where there is a statutory duty to take action the tenant is notified of the findings, advice given, and the issues followed up with the landlord informally. Where there is a statutory duty to act this action will be taken and in tandem advice may be provided to the tenant. All action is taken in line with the Council's Regulatory Services Enforcement policy <https://www.barnet.gov.uk/media/13542> . The case officer's liaise with Barnet Homes the Council's ALMO as necessary and/or Adult Social Care where conditions are particularly poor or the tenants highly vulnerable. Tenants are also signposted to the Council's Cost of living support web pages <https://www.barnet.gov.uk/benefits-grants-and-financial-advice/cost-living-support> where they are struggling to pay for heating.

14 Overall, how many complaints relating to housing standards have you received in the last three financial years that reference or relate to damp and mould issues in the private rented sector?

Answer - 2019/2020:

281

Answer - 2020/2021:

252

Answer - 2021/2022:

347

15 Of the complaints you received that reference damp and mould in the last three financial years, approximately how many resulted in inspections?

Answer - 2019/2020:

281

Answer - 2020/2021:

n/a

Answer - 2020/2021:

347

16 If you have not collected the information requested or are not able to provide information in this way, please can you tell us why? Please put n/a if you have provided the above data.

answer:

When service requests are received damp and mould may be the main driver of the complaint from tenants and on inspection it is found to be a minor issue with other more significant issues for example significant overcrowding resulting in damp and mould. Also service requests are received that do not mention damp and mould for example no heating and on inspection damp is a significant issue. As such accurate data collection is difficult. Until now no specific service request type for damp and mould has been used, but a general disrepair routine or urgent. Reviewing cases it appears that 50% of service requests received have a link to damp and mould of varying degrees as such this figure has been provided per year. In relation to inspections the majority of cases will receive an inspection, so although our system cannot specifically provide this data due to the information listed the number of service requests is a good indicator of inspections completed. This only will not be the case in 20/21 due to covid when a lot of remote inspections were completed.

Enforcement Questions: category 1 damp and mould hazards

17 Approximately how many inspections have you undertaken overall in the last three financial years?

Answer - 2019/2020:
1,532

Answer - 2020/2021:
249

Answer - 2021/2022:
886

18 Thinking now ONLY about all of the inspections that you undertook as a result of complaints, approximately how many have identified a category 1 damp and mould hazard?

Answer - 2019/2020:
25

Answer - 2020/2021:
12

Answer - 2021/2022:
12

19 Thinking now ONLY about all the inspections that you undertook as a result of licensing, approximately how many have identified a category 1 damp and mould hazard?

Answer - 2019/2020:
0

Answer - 2020/2021:
0

Answer - 2021/2022:
0

20 Thinking now ONLY about all the inspections that you undertook as a result of stock modelling, approximately how many have identified a category 1 damp and mould hazard?

Answer - 2019/2020:
n/a

Answer - 2020/2021:
n/a

Answer - 2021/2022:
n/a

21 Thinking now ONLY about all the inspections that you undertook for reasons other than complaints, licensing or stock modelling, approximately how many have identified a category 1 damp and mould hazard?

Answer - 2019/2020:
n/a

Answer - 2020/2021:
n/a

Answer - 2021/2022:
n/a

22 If you have not collected the information requested above or are not able to provide information in this way, please can you tell us why?
Please put n/a if you have provided the above data.

answer:

Extensive surveys were completed in relation to HMO identification/profiling but category 1 inspections were not completed. No full stock survey has been completed over the last 3 years.

Enforcement Questions: category 2 damp and mould hazards

23 Thinking now ONLY about all the inspections that you undertook as a result of complaints, approximately how many have identified a category 2 damp and mould hazard?

Answer - 2019/2020:
42

Answer - 2020/2021:
10

Answer - 2021/2022:
27

24 Thinking now ONLY about all the inspections that you undertook as a result of licensing, approximately how many have identified a category 2 damp and mould hazard?

Answer - 2019/2020:
7

Answer - 2020/2021:
2

Answer - 2021/2022:
0

25 Thinking now ONLY about all the inspections that you undertook as a result of stock modelling, approximately how many have identified a category 2 damp and mould hazard?

Answer - 2019/2020:
n/a

Answer - 2020/2021:
n/a

Answer - 2021/2022:
n/a

26 Thinking now ONLY about all the inspections that you undertook for reasons other than complaints, licensing or stock modelling, approximately how many have identified a category 2 damp and mould hazard?

Answer - 2019/2020:
n/a

Answer - 2020/2021:
n/a

Answer - 2021/2022:
n/a

27 If you have not collected the information requested above or are not able to provide information in this way, please can you tell us why?
Please put n/a if you have provided the above data.

answer:

Extensive surveys were completed in relation to HMO identification/profiling but category 2 inspections were not completed. No full stock survey has been completed over the last 3 years.

Enforcement action

28 Please provide the figures for all formal and informal enforcement action taken on damp and mould hazards:

Answer - 2019/2020:

34

Answer - 2020/2021:

17

Answer - 2021/2022:

15

29 Please provide the figures for improvement notices issued in relation to damp and mould hazards:

Answer - 2019/2020:

0

Answer - 2020/2021:

0

Answer - 2021/2022:

0

30 Please provide the figures for civil penalty notices issued in relation to damp and mould hazards:

Answer - 2019/2020:

0

Answer - 2020/2021:

0

Answer - 2021/2022:

0

31 Please provide the figures for prosecutions pursued in relation to damp and mould hazards:

Answer - 2019/2020:

0

Answer - 2020/2021:

0

Answer - 2021/2022:

0

32 Please provide the figures for successful prosecutions in relation to damp and mould hazards:

Answer - 2019/2020:

0

Answer - 2020/2021:

0

Answer - 2021/2022:

0

Wider context

33 Please rank in priority order (1 - the highest impact / 6 - the least impact) how the following have had an impact on enforcement action relating to damp and mould in your area

Optional - a) Capacity of your local authority. i.e. resource and funding hindering capacity to take enforcement action relating to damp and mould.:

2

Optional - b) Experience and expertise in the local authority. i.e. a lack of officers with experience, for example, experience pursuing prosecutions or expertise within the team including, for example, legal expertise.:

3

Optional - c) Strategic prioritisation of private rented sector enforcement. i.e. competing priorities leading to relatively lower prioritisation of enforcement action or proactively enforce.:

6

Optional - d) The regulatory/ legal framework for enforcement activity. i.e. too much complexity in legislation.:

1

Optional - e) Issues with gathering or providing evidence. i.e. tenants reluctant to provide statements or difficulties gathering the requisite evidence for issuing a fine or prosecuting.:

4

Optional - f) Limited data on the private rented stock. i.e. difficulties identifying private rented properties or insufficient resource to map out private rented stock.:

5

34 Please say why you have ranked the items on question 31 in this order

Optional:

The legal framework for housing enforcement as a whole is bitty, administration heavy and time consuming. It is understood that the HHSRS is being reviewed, but it is not an effective and user friendly tool in the battle to improve substandard private rented accommodation. Whilst the old fitness standard had issues, it was a much swifter way of improving accommodation. Appeals to the RPT can use a significant amount of resource, over many months. It is a much more time consuming process than taking a prosecution through court. A recent tribunal case dealt with by Barnet in relation to the hazard of fire had an officer working predominantly on the case for 12 months, drafting the multiples of complex documents required, and reviewing those submitted by the appellants. This had a significant impact on the rest of the team. Team staffing and retention is a significant issue in relation to all housing enforcement activities. Out of 24.5 staff in the Private Sector Housing Team (technical, enforcement, licensing and managers) 11.5 are vacant or leaving before the end of April. After a period of staffing stability five officers have either retired or taking a phased retirement. There are a deteriorating number of people entering Environmental Health and Private Sector Housing enforcement specifically. Interviews are completed on a weekly basis trying to recruit to the significant number of vacancies in the team. Agency staff are very expensive, attracting a rate of over £50/hour and often coming with minimal experience, leading to a lot of resource in training, performance management, recruitment etc. Tenants are nervous to highlight issues with their accommodation with the landlord or support the Council in taking enforcement action as they are validly concerned about being evicted. They are often keen to be rehoused by the Council and are obstructive to the landlord completing necessary works. Brokering a resolution between the landlord and tenant in such cases can be very time consuming. Whilst no stock condition survey has been completed a lot of data analysis of available data sources was used in relation to the evidence base for additional and Selective Licensing. The Council has found that HMO Licensing, whilst bureaucratic, is an excellent way of identifying higher risk properties in the community, obtaining access, improving the safety of the accommodation through licence conditions and other relevant legal requirements and building a relationship with landlords across the life of the licence. The council has also recently actively used EPC data in relation to trying to improve energy efficiency. Barnet wrote to all Band E, F and G properties within the borough in Autumn 2022 inviting them to apply for a Green Homes Grant to help with the costs of improving the property, including reference to up to £5,000 grant funding being available for landlords provided they also contributed towards the costs of improving the energy efficiency of the properties. Follow up work is now developing in line with the recently adopted enforcement policy for issuing civil penalties under The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015, and the London Borough of Barnet continues to work with the West London Alliance on this matter. Barnet Council has been very clear for a number of years that improving the conditions in the Private Rented Sector are a priority. This is detailed in the Housing Strategy 2019-24 https://www.barnet.gov.uk/sites/default/files/housing_strategy_final1.pdf which is in the process of being updated. This will include ensuring we deliver healthy homes, eliminate fuel poverty and improve energy and water efficiency, as well as supporting private tenants through licensing and bringing forward a tenants' rights charter for private sector homes. Since 2016 there has been an additional HMO Licensing Scheme which expired in 2021 and was renewed in 2022. Barnet is also due to introduce a three ward Selective Licensing Scheme in Burnt Oak, Colindale North and Colindale South in 2023 and are due to commence consultation in relation to more wards for Selective Licensing. Following Grenfell, a dedicated team has been resourced to deal proactively with fire safety in high priority blocks. As part of the full inspections completed under this programme, a full HHSRS assessment has been undertaken. These blocks are a combination of private and mixed tenure and include housing associations.

35 Does the Housing Health and Safety Rating System (HHSRS) allow for an effective assessment of how serious and dangerous damp and mould is in people's homes?

No

36 If not, what changes should be made to the HHSRS, to the system for categorising hazards or to enforcement powers under the Housing Act 2004?

Optional:

The legal framework for housing enforcement as a whole is bitty, administration heavy and time consuming. It is understood that the HHSRS is being reviewed, but it is not an effective and user friendly tool in the battle to improve substandard private rented accommodation. Whilst the old fitness standard had issues, it was a much swifter way of improving accommodation. Appeals to the RPT can use a significant amount of resource, over many months. The system should be reviewed so that it is easier for Damp and Mould to score a category 1 hazard. Enforcement powers should be reviewed to reduce the notice of entry requirements, landlord consultation, etc. It should be drafted more in line with the Environmental Protection Act 1990 to enable Local Authorities to act more swiftly and effectively..

37 What other measures would help you to better prioritise addressing housing enforcement issues such as damp and mould?

Optional:

Simpler process for introducing HMO and selective licensing which is less bureaucratic.

Remove the Secretary of State approval for Selective Licensing Schemes.

Streamline and simplify the appeal process to the RPT.

Increased funding and commitment to working with local authorities, housing associations, and private rental landlords to upgrade properties for net zero.

A higher profile of housing issues and their impact on health and as such financial pressures on the NHS and other care providers. This issue needs to be higher on the national public health agenda.