

Housing & Property Services

# Damp & Mould Policy

January 2025



**North Kesteven**  
DISTRICT COUNCIL

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## 1. AIM

1.1 The aims of the policy are for the Council to:

- Provide and maintain dry, warm and healthy homes for our tenants, and those in the private rented sector.
- Work in partnership with tenants and landlords to resolve issues of damp and mould in their home. This will include advising them on ways to reduce condensation.
- Make sure the fabric of our homes is protected from deterioration and damage resulting from damp and mould.
- Make sure responsive repairs to alleviate damp (for example work to guttering and drains, replace tiles etc.) are carried out as quickly and efficiently as possible. This will be to minimise damage to the structure, fixtures and fittings of the property.
- Increase our monitoring of the works undertaken and completed.

## 2. SCOPE

2.1 This policy applies to:

- all homes owned and/or managed by the Council as a social housing landlord,
- other homes that are managed by the Council on behalf of other landlords; and
- all private rented properties, for which the Council's Environmental Health Team may be involved

## 3. DEFINITIONS

3.1 Internal damp in buildings can originate from a variety of sources, including:

- Leaking or defective water and waste pipes, drainage and overflows.
- Rainwater from defective roof coverings, blocked or leaking gutters and broken down pipes.
- Penetrating dampness around windows, through defects in walls.
- Rising damp due to lack of effective damp proof course, bridging plaster or raised ground levels.
- Excessive atmospheric moisture leading to condensation and damp on internal surfaces within the property.

3.2 There are three main categories of damp:

### 3.2.1 Penetrating damp:

This occurs if water penetrates the external fabric of the building, such as brickwork or roof coverings. Rain can penetrate through defects in brickwork, roof coverings, around windows and chimney flashings etc. This can lead to damp presenting on internal surfaces.

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Penetrating Damp can often be identified by:

- Discolouration of internal walls or ceilings.
- The presence of tidemarks or salt deposits.
- Blown or blistered plaster.
- Rusted nails in skirting boards and floor timbers.

Random damp patches to walls and ceilings can appear at any height.

### **3.2.2 Rising damp:**

Rising damp is less common in modern properties and occurs when the damp proof course (DPC) is compromised. This could be attributed to a number of factors including, degradation or bridging of the existing DPC, high external ground levels or bridging plaster.

### **3.2.3 Condensation**

This occurs when the moisture in the air becomes cooler and tiny water droplets appear on surfaces. Condensation is caused by excessive moisture in the internal air of the property condensing on a comparatively cooler surface (exactly as condensation forms on a cold car windscreen).

This is the most common form of damp problem encountered in a housing stock and can lead to issues with mould growth.

Condensation is usually worse during cold weather and appears on cold surfaces and areas where there is little movement of air. For example, in corners of rooms, on or near windows and behind furniture.

If left untreated mould may form in areas that stay continually damp.

Common contributory factors to the formation of condensation in domestic properties include:

- Insufficient or missing roof and wall insulation.
- Insufficient ventilation and poor air circulation.
- Cold bridging of the cavity.
- High moisture levels from occupancy.
- Underuse of available heating systems to the property.
- Lack of appropriate mechanical ventilation such as bathroom and kitchen fans.

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## 4. TECHNICAL AND LEGAL CONTEXT

### 4.1. Technical Context

The most common causes of damp and mould within Council properties are as follows:

- **Cold bridging:**  
Can be caused by poorly installed cavity wall insulation, or insulation not fully extending into the eaves of a roof.
- **Type and location of radiators:**  
Damp can occur when radiators are located on internal walls, creating colder external walls, and/or where radiators are too small when compared to the size of a room.
- **Blocked, broken or covered ventilation:**  
Includes blocked air bricks and malfunctioning window vents.
- **No extractor fans in kitchens, bathrooms and utility rooms:**  
Alternatively, extractor fans may be broken, covered or otherwise malfunctioning.
- **Bridging damp:**  
This occurs when bridging damp from render systems (i.e. the textured surface of a wall) goes below the damp proof course (DPC) to ground level, and/or when concrete paving and ground levels are increased.
- **Penetrating damp from render systems:**  
May be a result of render systems exceeding their life span, and/or the mix may be too dense.
- **Lack of pointing on brickwork:**  
This is where poor or broken pointing (i.e. the finish between bricks) on parts of a brick wall have created cold spots for condensation and penetrating damp.
- **Leaking guttering:**  
Where guttering is overflowing or blocked and joints are leaking.
- **Leaking roofs:**  
For example, when tiles are missing.
- **Unvented and condensing tumble dryers:**  
These can produce excessive amounts of water vapour, encouraging condensation.
- **Lack of adequate ventilation:**  
This is the primary cause of excessive humidity within the home. However, household activity within the home can also add to moisture levels in a property, for example, through drying clothes on radiators or cooking with lids off pans.
- **Fuel poverty:**  
Fuel poverty can be a major factor in damp and mould problems when tenants are unable to heat their home or use additional inappropriate ancillary heating systems.

### 4.2. Legal Context

#### 4.2.1 The Social Housing Regulation Act 2023

The proposed introduction of Awaab's Law follows the tragic death of Awaab Ishak caused by damp and mould in his home. It provides that Landlords must investigate and fix serious problems within strict time limits alongside new powers for the Housing Ombudsman to help landlords improve performance. This is a requirement of the Social Housing Regulation Act.

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#### **4.2.2 Landlord & Tenant Act 1985**

Under section 11(1) (a) of the Act, landlords have an obligation to “keep in repair the structure and exterior of the dwelling-house”. This is a continuing obligation to keep up the standard of repair throughout the tenancy. It also requires the landlord to put the premises into repair if it was not in good repair at the start of the tenancy.

Due to the duty they owe to tenants, the landlord must repair the defect to the structure/exterior of the property which is resulting in damp. “To keep” means that there must have been some form of deterioration before the landlord is liable to repair. Therefore the existence of damp does not automatically mean disrepair has occurred.

Section 11 of the Act is a legally enforceable obligation under which tenants are entitled to compensation where a landlord fails to undertake remedial action.

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#### **4.2.3 Environmental Protection Act 1990**

Any occupier is entitled to take action directly where affected by a statutory nuisance. The process involves serving notice and an application to the Magistrates’ Court for an order to abate a nuisance, prohibit its recurrence and requiring the Council (as landlord) to undertake remedial work. The Courts can impose a fine and breach of any order is an offence. The Court can also require compensation to be paid for personal injury loss or damage for a limited period. If dissatisfied, action could be taken by way of judicial review or complaint to the Ombudsman.

#### **4.2.4 Housing Act 2004 (Housing Health & Safety Rating System HHSRS)**

The Housing Health & Safety Rating System was introduced under the Housing Act 2004 as a risk based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in rented dwellings. This assessment method focuses on the hazards that are present in housing and means a higher burden can be placed upon landlords generally to minimise or avoid potential hazards and to review conditions regularly including to rectify damp and mould in properties.

Nationally, under HHSRS ratings, many properties have been found to score highly in the category of environmental hazards due to issues such as a lack of damp proofing or poor ventilation. Tenants are able to pursue issues by way of the Council’s complaint process and to the Housing Ombudsman.

## **5. RESPONSIBILITIES**

The Council, as a social housing landlord, is responsible for dealing with damp as per the tenancy agreement, and through its private sector enforcement role, for the private rented sector.

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In the event that tenants' lifestyle choices are a contributory factor in the defect, the Council will work in partnership with the tenant to offer advice and practical help to alleviate any possible harm to the tenants or the property. Irrespective of the cause there will still be a full investigation and rectification works.

In accordance with our corporate approach to Health and Safety, we set out within our policies individual Officer responsibilities, for this policy they are set out below:

**Chief Executive:**

The Chief Executive will have ultimate ownership of this policy and the arrangements described within. The delegation of responsibility can be made to Deputy Chief Executive or Director of Resources in the absence of the Chief Executive either through leave or other absence.

**Corporate Directors:**

The Deputy Chief Executive or Director of Resources will take ownership of the Policy and the arrangements described within in the absence of the Chief Executive either through leave or other absence.

**Assistant Directors:**

- Ensure adequate resources are made available to ensure the effective implementation of this policy, procedures and the duties described within to reduce risks presented by damp and mould
- Ensure that all responsible persons retain and communicate the results of inspections and where appropriate remedial actions identified.
- Ensure that preventative maintenance and repair are brought to a satisfactory conclusion in a timely way.
- Delegate responsibility to appropriately trained and competent staff as necessary.
- Ensure appropriate assurance of compliance with legislative and regulatory requirements are in place, together with clear escalation route if required
- Ensure adequate records are maintained in relation to compliance with Landlord Duties and regulatory compliance.
- Monitor the implementation of the policy and procedures.

**Property Services Manager:**

- Ensure the effective implementation of the policy and procedures including ensuring adequate resources and planning.
- Ensure that actions arising from monitoring and inspections are recorded and brought to a satisfactory conclusion.
- Only use competent contractors for work instructed by North Kesteven District Council.
- Identify any training needs within their services relating to the policy and procedures and ensure these are met.
- Attend any training required.

**Environmental Health Manager:**

- Ensure the effective implementation of the policy and procedures including ensuring adequate resources and planning.



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- Ensure that actions arising from reports/complaints from private sector tenants are investigated thoroughly and appropriate action including enforcement is taken in a timely manner.
  - Only authorise competent private sector housing enforcement officers, and ensure appropriate training and continual professional development is attained.

**Team Managers within Property Services:**

- Take all steps to ensure the effective implementation of this policy and the procedures to ensure arrangements are effective and managed accordingly.
- Successfully conclude any actions allocated to them either by direct intervention or appropriate instruction / delegation.
- Identify any training needs within their department relating to the policy and ensure these are met.
- Attend any training required
- Ensure monitoring and auditing takes place and any non compliances with policy are actioned in a timely way.

Governance and Business Resilience Team:

- Monitor the implementation of this policy and accompanying procedures with other interested parties.
- Provide advice and support to ensure effective policy implementation

## **6. Specific Policy Areas**

### **6.1. Council Housing Stock Condition Surveys**

- The Council, as a social housing landlord, undertakes condition surveys of all the stock on a rolling 5 year programme, ie approx. 20% per annum.
- Preventative works to alleviate damp in tenants' homes will be collated via the 20% annual routine stock condition surveys.
- Incidents of Damp and Mould identified through the stock condition surveys will be recorded on the Council's Housing Management System (NEC) and tenancy management system.
- Any damp and mould identified through the condition surveys that requires remediation will be passed to the Repairs and Planned Works team to progress.

### **6.2. Responsive Damp Repairs**

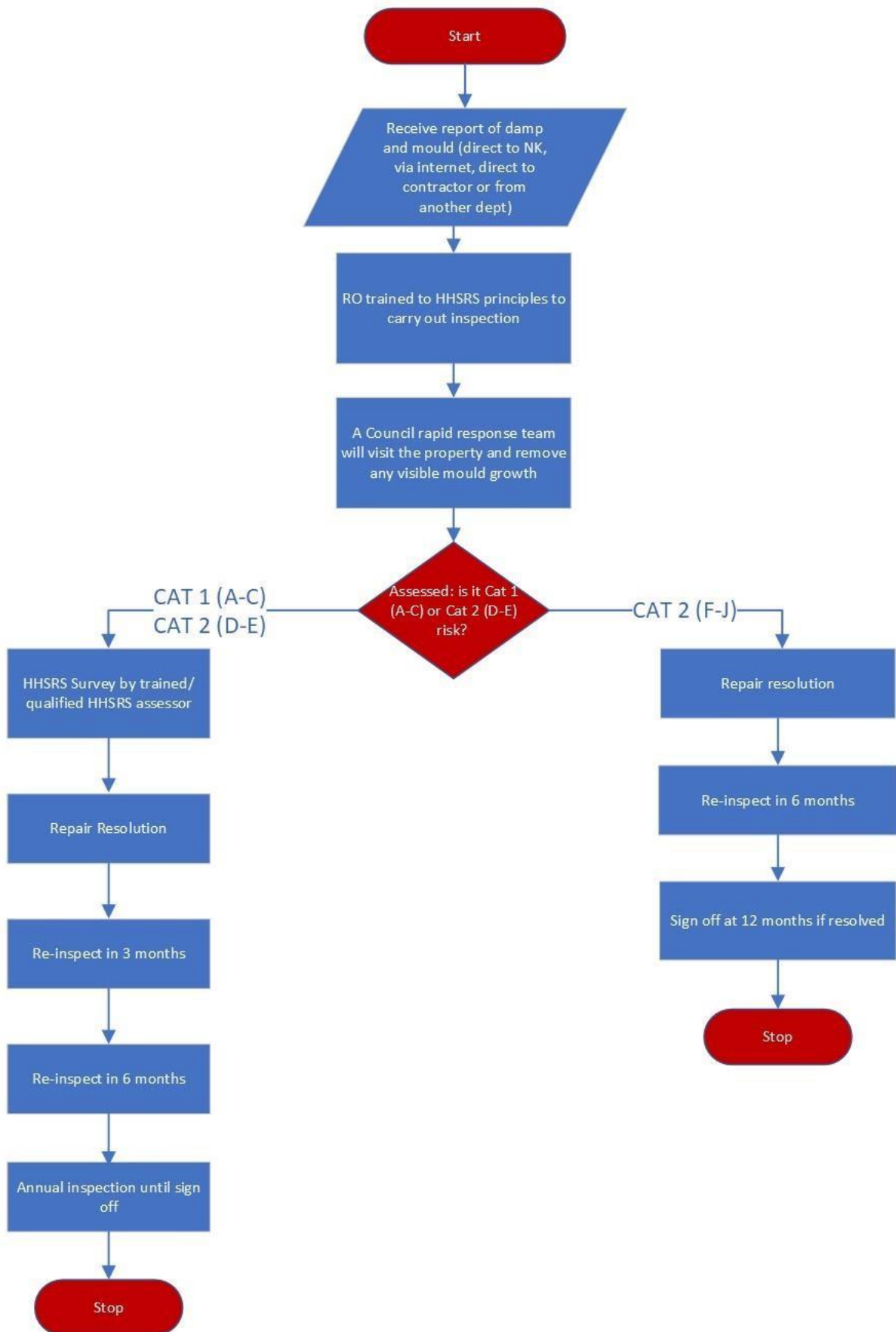
When a report of damp, mould or excessive condensation to a tenanted property is received from any source, i.e., direct from tenant, via a contractor, or Council Officer, the report is passed directly to the appropriate team (Repairs & Maintenance Team for local authority properties and the Environmental Health Team for private rented properties).

The following process is in place to effectively manage a report of damp or mould to escalate the appropriate response:

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1. Tenant will be contacted (usually by telephone) and the problem discussed in more detail with appropriately trained staff.
  2. Information relating to the report of damp and mould is entered onto a live 'tracker' sheet and the housing tenancy management system, or Civica APP for private properties.
  3. An Officer will visit the property to carry out a full damp, mould and property defect assessment **within 10 working days** of the initial report. The assessment will be undertaken in accordance with HHSRS guidance for Hazard 1 – Damp and Mould. All Officers possess suitable HHSRS awareness training.
  4. A Council engaged rapid response team will visit the property and remove any visible mould growth within 7 calendar days of a request by the Repairs Team. Within private rented properties, the landlord will be contacted to request remedial works are undertaken
  5. Where the assessment indicates the property exhibits potential for a Category 1 Hazard, (HHSRS Hazard rating A-C), an immediate referral will be made to a fully qualified HHSRS assessor.
  6. Where inspection indicates the property exhibits potential for a Category 2 Hazard, (HHSRS Hazard rating D-E), an immediate referral will be made to a fully qualified HHSRS assessor.
  7. Following the inspection and any remedial works ordered the priority for the work will be triaged based on the severity of the damp and mould and the specific vulnerability of the occupants of the property.
  8. If a Category 1 Hazard is identified, Property Services Manager will be informed immediately and Housing colleagues consulted to consider the triage in 7 above. In private rented properties, appropriate enforcement action on the landlord will ensue to remedy the Category 1 hazard.
  9. Where no Category 1 Hazards are identified, appropriate repair works will still be undertaken using the triage system.
  10. All inspections will be recorded on a survey sheet and include the following observations:
    - Date and time of inspection
    - Weather conditions
    - Property type/description
    - No of bedrooms
    - No of occupants
    - Vulnerability of occupants
    - Relative Humidity (R/H %)
    - Temperature
    - Temperature differential
    - Defects
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- Influence of occupancy
  - Remedial measures – to be completed by NKDC
  - Suitable advice given to tenants (if required)
11. The survey findings are discussed with the tenant and both the inspecting Officer and tenant sign and date the survey.
  12. On completion of the survey, all necessary works are raised with the contractor, or the landlord.
  13. Following the visit, a letter is sent to the tenants advising of the findings of the survey, confirming works to be undertaken by the Council (or required to be undertaken by the landlord) and offering any practical advice deemed appropriate. Additional advice in the form of 'Condensation in Your Home' leaflet is included with the tenant letter.
  14. The tenants will receive a follow up call at 3, 6, 12 and 24 months from the date of completed works to check that remedial measures are successful. Tenants are also encouraged to call and report any concerns.
  15. If the visiting Officer feels that condensation could be influenced by a lack of heating in the tenant's home, the Domestic Energy Officer will be asked to contact the tenant to discuss what help may be available, the Housing team will be notified.
  16. If the visiting Officer or another member of the Property Services team feels there is an issue relating to the tenant's welfare in respect of their capacity to maintain their tenancy, they will refer the matter to the appropriate officer within the Housing team.

A flowchart overview of this process is provided below:



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### 6.3. Preventative work & Monitoring arrangements

Preventative work and monitoring will include investigation and consideration of proactive replacement of defective components (through either cyclical or planned maintenance) by:

- The Senior Repairs Officer will review all damp and mould reports at 3, 6, 12 and 24 months, following completion of remedial works to assess whether the measures have been effective.
- If further work is required this will be ordered and undertaken in liaison with the Repairs and Planned Maintenance Manager.
- The Repairs and Planned Maintenance Manager will identify a list of common defects most likely to cause damp and liaise with the Property Management Team, to plan a strategy to carry out necessary improvements.
- Analysis of property types with reported defects from the tracker sheet will be analysed by the Senior Repairs officer. Information will be presented to the Property Management Team to allow consideration on any planned or programmed work that may be necessary to archetypal defects.

### 6.4. Tenant Engagement and Advice

Promotion to tenants as to how they can prevent and reduce condensation and report damp/mould in their home. This will be by:

- Publicising advice on tackling damp, mould and condensation via usual tenant communication channels such as social media, At Home tenants newsletter, NK News, etc prior to the commencement of winter .
- Publicising advice on tackling damp, mould and condensation via the Resident Engagement structure.
- Publicising advice on tackling damp, mould and condensation at future tenant events.
- Incorporating the 'Condensation, Mould and Damp Control' leaflet into within the new tenants' sign up pack.
- Including advice and information relating to damp, mould and condensation on the corporate website.

### 6.5. Data Management

The Council's housing stock asset management system contains the data collected from the ongoing 20% per annum condition surveys. This system will record if damp and mould is present, if remediation work has been undertaken and if reported problems have been resolved.

The housing management system (NEC) holds all tenancy and property records. Damp and Mould data is being incorporated into this system as a signal point of reference and record to enable joined up data and record management.

The Housing and Property Services Data Strategy sets out our commitment to collecting, maintaining and using data held.

## 7. POLICY LINKS & SUPPORTING PROCEDURES

This policy also links to:

- Condensation, Mould and Damp Control Procedure
- HPS7X01 – Void Administration (Repairs) Procedure
- HPS7X04A – Repairs Site Inspections Procedure

## 8. MONITORING

Monitoring of performance against the requirements of the policy will include the following KPI data which will be incorporated into the HPS Regulatory Report.

- Inspection by trained officer within 10 working days of notification of property fault.
- Initial clean down of surfaces, removing the immediate risk from mould, within 5 working days of initial property inspection,
- Completion of standard remedial works within 28 working days of inspection.
- Completion of non-standard remedial works within 90 working days.

## 9 REVIEW

This policy will be reviewed in response to changes in legislation or statutory instruments by the Repairs & Planned Maintenance Manager and Property Services Manager.

In the absence of any legislative changes to trigger a review, consistent with the Council's governance arrangements for key health and safety policies, the Damp and Mould Policy will be subject to an independent external audit once approved, as part of the 3-year cyclical assurance plan.

Minor, matter of fact, changes to this Policy will be actioned by the Property Services Manager

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