

**ASHFIELD DISTRICT COUNCIL**



Council Offices,  
Urban Road,  
Kirkby in Ashfield  
Nottingham  
NG17 8DA

## **Agenda**

# **Environment and Communities Select Committee**

Date: **Tuesday, 9th July, 2024**

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Time: **7.00 pm**

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Venue: **Committee Room, Council Offices, Urban Road,  
Kirkby-in-Ashfield**

For any further information please contact:

**Lynn Cain**

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# Environment and Communities Select Committee

## Membership

**Chairman:** Councillor Dave Shaw  
**Vice-Chairman:** Councillor Sarah Lewsey

**Councillors:**  
Will Bostock Paul Grafton  
Trevor Locke Gordon Mann  
Lee Waters

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## SUMMONS

You are hereby requested to attend a meeting of the Environment and Communities Select Committee to be held at the time/place and on the date mentioned above for the purpose of transacting the business set out below.



**Theresa Hodgkinson**  
**Chief Executive**

## **AGENDA**

**Page**

1. To receive apologies for absence, if any.
2. **Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests.**
3. To receive and approve as a correct record the minutes of the meeting of the Committee held on 19 October 2023. 5 - 8
4. **Environment Act 2021 - Simpler Recycling.** 9 - 18
5. **Select Review: Damp and Mould.** 19 - 36

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## INWARD FOCUS SELECT COMMITTEE

Meeting held in the Committee Room, Council Offices, Urban Road, Kirkby-in-Ashfield,

on Thursday, 19th October, 2023 at 7.00 pm

**Present:** Councillor Oliver Hay in the Chair;  
Councillors Ian Briggs, Jodine Cronshaw and David Walters.

**Apology for Absence:** Councillor Cathy Mason.

**Officers Present:** Lynn Cain, Mike Joy, Stacy White and Shane Wright.

**In Attendance:** Councillor John Wilmott.

### **IF.4 Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests**

No declarations of interest were made.

### **IF.5 Minutes**

RESOLVED

that the minutes of the meeting of the Panel held on 20 July 2023, be received and approved as a correct record.

### **IF.6 Damp and Mould**

The Scrutiny Research Officer presented the report and reminded Members that at the last meeting they had been presented with introductory information regarding the Damp and Mould topic, which had included details of Awaab's Law, Regulator requirements regarding the handling of damp/mould and the Council's procedures for treating damp/mould within its housing stock.

The Council's Assistant Director for Operations had been in attendance at the last meeting and had explained the following to Committee:

- current procedures for reporting damp/mould issues to the Council
- the increase in cases reported due to media focus and awareness
- different types of mould and how/why they flourish
- the impact of the current Cost of Living Crisis and the resultant damp/mould issues arising in Council properties due to tenants struggling to heat their homes adequately

- the age of the housing stock equating to more substantial and recurring damp/mould issues
- the Council's current responsibilities to their tenants
- development of the draft Damp and Mould Policy and recent consultation with local Tenant Gateways and stakeholders
- the work being undertaken to raise tenant awareness of preventative measures that can reduce the effects of damp/mould.

For the next stage of the review, Members were being asked to consider the content of the Council's developing draft Damp and Mould Policy and the Tenant's Guide to Condensation, Damp, and Mould as appended to the report.

Stacy White, the Council's Team Manager for Environmental Health (Residential), had also kindly agreed to attend the meeting and give Members some understanding of the Council's residential private sector enforcement procedures and resources relating to damp and mould issues.

Since the increased media focus regarding the health implications of living in properties with damp/mould issues, the Council had received a big influx of complaints from worried tenants. However, the Council had been able to manage the increase thus far and had offered advice and guidance to all tenants (both private and social) and also to private landlords who have a duty to investigate every complaint they receive in a timely manner.

The Private Sector Enforcement Team were required to continually submit data to the Secretary of State in relation to their responses to damp/mould complaints, and to ensure that all private sector complaints were dealt with robustly with enforcement action taken against private landlords where needed.

During the last 12 months the Council has undertaken a review of its procedures regarding the treatment of damp and mould within its Council housing stock and had developed a draft Damp and Mould Policy to support their findings. The draft Policy included the Council's aims and objectives for providing and maintaining dry, warm, healthy homes for its tenants whilst complying with all statutory and regulatory requirements and sector best practice.

From a private sector perspective, the Private Sector Enforcement Team were committed to promoting and offering guidance and good practice to landlords within the sector; their remit was not just to enforce wrongdoings but to also provide a supportive service to landlords to ensure good quality, privately rented properties remained in the District. Housing numbers were ever increasing, and it was imperative that stock remained in the market with landlords continuing to be invested in their properties.

In addition, tenants also needed to take some responsibility to keep their homes clean and well-ventilated to avoid damp/mould issues and so helpful advice and tips were available via officers or through informative literature, as required.

The Scrutiny Research Officer thanked Stacy for her presentation and asked if she could explain how private sector landlords could currently access help and support from her team regarding damp/mould issues within their properties.

Committee were advised that private landlords could currently access help and support via dedicated information pages on the Council's website, a duty contact number and email address which were constantly monitored or via a leaflet, currently being produced, which would be a more in-depth version of the 'A Tenant's guide to Condensation, Damp, and Mould' leaflet, offering additional help, support and signposting as required.

To conclude and support the work already being undertaken by the Private Sector Enforcement Team, Members were advised of the following:

- a new online reporting form had now been included on the Council's website to offer an additional platform for tenants to submit their housing complaints
- the Council's Civil Penalties Policy had recently been reviewed and updated
- work was underway to produce a new Enforcement Policy for Housing Standards to reinforce and make clear, current Council procedures.

Members proceeded to debate the issues raised and discussed the following:

- how the Regulator requirements affected landlords of Houses of Multiple Occupation (HMOs)
- how the scale of the damp/mould problem in Ashfield compared nationally, and to acknowledge that the Council's stock modelling data was last compiled in 2017 with work underway to produce a new countywide model to analyse data from all neighbouring authorities
- the growing confidence of tenants reporting damp/mould issues within both the private and social sector due to increased media articles/awareness and the fear of illness arising from long term exposure to mould
- the fact that many private landlords were leaving the sector and selling properties due to the fear of new legislation and tighter standards, including more rights for tenants seeking address and recompense against unfit living conditions
- the importance of Members being familiar with landlord/tenant obligations to enable them to assist their residents and signpost them accordingly
- the importance of offering continuing support to landlords (and their tenants) thus ensuring that all options are exhausted before eviction becomes the necessary final step

- an acknowledgement that disrepair within homes has an impact on tenants' wellbeing and how a damp/unkept home can be stressful and isolating, leading to longer term health and wellbeing problems
- the hope that the emerging Damp and Mould legislation will set clear achievable standards and also tie in with the Decent Homes Standards already being observed and implemented by the Council.

RESOLVED that

- a) having considered the content of the emerging draft Damp and Mould Policy and the Tenant's Guide to Condensation, Damp, and Mould as presented at the meeting, the Committee endorses and welcomes their development;
- b) the Scrutiny Research Officer be requested to facilitate a future Member training session in respect of landlord/tenant requirements and obligations in both the social and private sectors;
- c) a copy of the draft 'A Landlord's guide to Condensation, Damp, and Mould' leaflet, once drafted, be circulated to Committee Members for information and feedback, as required.

The meeting closed at 8.03 pm

Chairman.



<b>Report To:</b>	<b>Environment &amp; Communities Select Committee</b>
<b>Date:</b>	<b>9 JULY 2024</b>
<b>Heading:</b>	<b>ENVIRONMENT ACT 2021 – SIMPLER RECYCLING</b>
<b>Executive Lead Member:</b>	<b>CLLR HELEN SMITH</b>
<b>Ward/s:</b>	<b>ALL WARDS</b>
<b>Key Decision:</b>	<b>N/A</b>
<b>Subject to Call-In:</b>	<b>N/A</b>

## 1.0 Purpose of Report

1.1 This report seeks to update the Committee on the implications of the recently announced ‘Simpler Recycling’ as part of the Environment Act 2021. The report also updates the Committee on the readiness of the Council in complying with its statutory obligations under the Act and recent guidance, within the timescales set out in legislation.

## **2.0 Recommendation(s)**

That Committee –

1. Notes that Government has legislated for major reforms to domestic and commercial waste collection and packaging, requiring councils to align their waste and recycling services with the new 'Simpler Recycling' requirements;
2. Notes the recent Government allocation of £895,526 capital funding to the Council, in support of the introduction of weekly domestic food waste collections by October 2027;
3. Notes the intention of officers to develop a Costed Action & Delivery Plan (CADP) for the introduction of 'Simpler Recycling' by April 2026 and the weekly domestic food waste collection service by October 2027;
4. Notes that the CADP will be presented to this Committee in October 2024 for consideration;
5. Notes that a separate business case and project is under development, to enable the Council to comply with the legislation as an employer of ten or more employees, along with the introduction of a commercial food waste collection service by March 2025, which will enhance the current commercial waste collection offer by the Council.

## **3.0 Reasons for Recommendation(s)**

3.1 To update the Environment and Communities Select Committee on the requirements placed upon the Council through 'Simpler Recycling' as part of the UK Resource & Waste Strategy 2018 and the Environment Act 2021.

## **4.0 Alternative Options Considered**

N/A

## **5.0 Detailed Information**

### **Background**

5.1 The Government's 2018 Resources & Waste Strategy aims to establish a circular economy, where products are used again, or for longer through reuse, repair and recycling. To enable the delivery of the Strategy, a 25 Year Environmental Plan was also included. DEFRA initiated three interrelated projects known as 'The Packaging Reforms Programme.' The programme is intended to bring about major change to how waste is paid for and collected. The three projects are:

- **Extended Producers Responsibility(EPR)** – requiring companies that produce or sell products in the UK to cover the full cost of collecting and sorting household packaging waste.
- **Consistent Collections** – simplifying the materials that are required to be presented for recycling from householders, businesses and organisations.
- **Deposit Return Scheme (DRS)** – that places a redeemable deposit on all single-use plastics and metal drinks containers up to three litres in volume.

5.2 In November 2021, the Environment Act 2021 received its Royal Assent and operates as the UK's framework to environmental protection. The Act sets out the legal framework for significant reforms to the local authority waste and recycling services, as well as creating statutory duties for local authorities on nature recovery ([LGA – Get in on the Act: The Environment Act 2021](#)). Part 3 of the Act, focuses on 'Waste & Resource Efficiency' and seeks to implement policies at every stage of the product lifecycle, to enable the move towards a more circular economy.

5.3 Government has legislated for Councils to align their domestic waste and recycling services and on the 21 October 2023, Government announced the long-awaited plans for 'Consistent Collections' called 'Simpler Recycling' in England.

5.4 This simply means the:

- a) Collection of seven different recycling materials (glass, metal, plastic, paper, card, food and garden waste) by 31 March 2026.

*Note: Ashfield has a exemption that allows a delay to the start date of food waste collection, until October 2027.*

- b) Collection of food waste shall be collected weekly.
- c) Collection of plastic film into the recovery/recycling waste stream by April 2027.
- d) Collection of the remaining residual waste at least fortnightly by March 2026.

5.5 The Council already meets many of the requirements, but will still need to provide new collection services and alter existing ones to:

- a) Provide separate weekly collections of food waste by October 2027;
- b) Collect aluminium foil and tubes by 31 March 2026, and plastic film as part of the dry recycling service by 31 March 2027.
- c) Maximise the efficiency and effectiveness of the waste and recycling collection operations.

## 6.0 What's In The Bin (Red Lid)?

6.1 As part of the Council's preparations for consistent collections and achievement of the UK's Resource & Waste Strategy 2018, which set a 25 Year Environment Plan commitment to eliminate avoidable waste by 2050, and introduced a recycling ambition of 65% of municipal (household-like) waste to be recycled by 2035, a waste sample audit of the household waste in the domestic refuse bins (red lid bin) was undertaken. The sample was taken across five different socio-demographics within the district of Ashfield. Set out below are the details of the samples taken across Ashfield:

ACORN CATEGORY	SOCIO-DEMOGRAPHIC	ASHFIELD
1	AFFLUENT ACHIEVERS	11.2%
2	RISING PROSPERITY	2.2%
3	COMFORTABLE COMMUNITIES	40.3%
4	FINANCIALLY STRETCHED	35.5%
5	URBAN ADVERSITY	10.7%
ANNUAL TONNAGE		29,078
TONNAGE CONTRIBUTION		14.4%
RECYCLING RATE 2022/23		35.0%

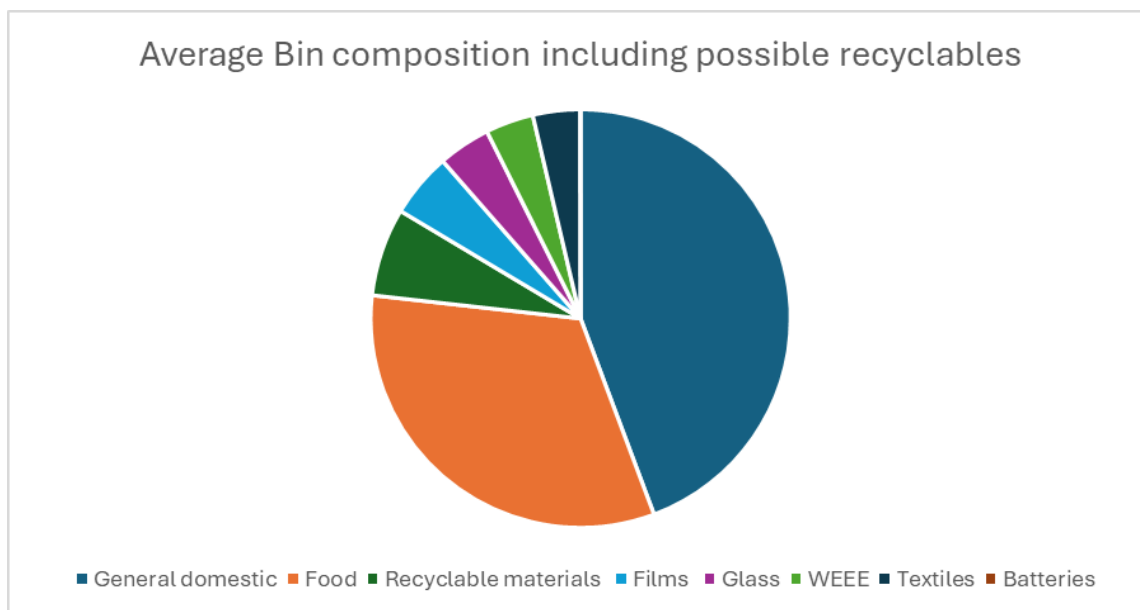
Fig 1- Socio-demographics sampled in Ashfield

6.2 Below are the findings from the samples taken:

PRIMARY CATEGORIES	ASHFIELD				
	ACORN 1	ACORN 3	ACORN 4	ACORN 5	AV.
PAPER	7.77%	4.99%	9.68%	5.80%	7.10%
CARD & CARDBOARD	3.59%	2.42%	4.95%	4.62%	3.80%
PLASTIC FILM	5.95%	3.73%	5.61%	5.30%	4.86%
DENSE PLASTICS	4.72%	7.05%	6.57%	6.16%	6.54%
TEXTILES	3.16%	3.15%	3.95%	4.46%	3.65%
SANITARY	9.64%	9.90%	3.53%	13.52%	8.08%
MISCELLANEOUS COMBUSTIBLES	11.61%	10.09%	3.71%	2.51%	6.66%
NON-COMBUSTIBLE INERTS	6.11%	14.88%	5.72%	3.68%	8.98%
GLASS	1.03%	3.79%	4.87%	3.67%	3.94%
METALS	4.67%	4.06%	2.31%	5.43%	3.68%
KITCHEN ORGANIC	30.00%	27.65%	31.48%	42.63%	31.62%
GARDEN ORGANIC	10.01%	2.85%	10.54%	0.32%	5.91%
HHW	0.19%	0.12%	2.63%	0.00%	1.04%
WEEE	0.99%	4.34%	4.15%	1.90%	3.61%
FINES	0.56%	0.97%	0.29%	0.00%	0.53%
TOTAL	100.0%	100.0%	100.0%	100.0%	100.0%

Fig 2 – Materials identified in the sampled domestic waste bins.

6.3 Officers analysed the data gathered, and aligned this data across the eight main categories used by the Council, to show the amount of material that could be recovered and recycled by the residents of Ashfield. Set out below is the composition of a typical resident domestic waste bin (fig 3) today.



*Fig 3 – Typical composition of a domestic waste bin*

6.4 Officers have begun modelling the opportunities and possibilities available to the Council and local residents, to identify what could be achieved by way of maximising the recycling of the existing household waste. As can be seen from the above information, food waste currently makes up over 31% of a typical residual domestic waste bin. Based upon the information gathered, the Council will need to introduce a number of different recycling collection services over the next two years, to meet the requirement of the 'Simpler Recycling' legislation and redirect as much recycling material as possible.

6.5 The table below shows what could be achieved, if we were able to effectively reconfigure the collection service, whilst engaging with local residents to maximise the segregation of the existing materials.

Ashfield's Opportunities for Recycling		
<b>Today 2023/24</b>		
	<b>Tonnage</b>	<b>Percentage</b>
Domestic Waste	27,996	63.64%
Recycling	15,996	36.36%
<b>Total Domestic Waste</b>	<b>43,992</b>	<b>100.00%</b>
<b>Future Opportunity 2027</b>		
	<b>Tonnage</b>	<b>Percentage</b>
Domestic Waste	13,074	29.72%
Recycling	30,918	70.28%
<b>Total Domestic Waste</b>	<b>43,992</b>	<b>100.00%</b>

## 7.0 Weekly Domestic Food Waste Recycling

- 7.1 The Government has now set a clear legal requirement for councils to introduce a separate weekly collection of food waste from all households by 31st March 2026. This change means householders will be asked to separate their food waste and present it for collection on a weekly basis.
- 7.2 Government recognises that there are exceptional circumstances in which specific local authorities, may need longer to introduce separate food waste collection services. This is due to the required infrastructure, to treat food waste, not being in place by the waste disposal authority (WDA) by the statutory deadline. Ashfield District Council therefore has a short extension to the timescales, that requires the Council to deliver the implementation of food waste collection by October 2027 rather than 31 March 2026.
- 7.3 Due to the high volume of food waste identified within the domestic residual bins across Ashfield, it is highly likely that most households will be provided with an internal food waste caddy for use in the kitchen. This provides the householder with somewhere to store food waste in the short term and helps improve collection yields.
- 7.4 These same householders will empty their food waste into larger external food waste caddies which can be placed beside their existing bins.
- 7.5 An additional decision that will need to be taken by the Council, is whether to provide caddy bin liners for use within internal food caddies or not, and if providing them would this be as an introductory incentive, provide them indefinitely free of charge, or continue to provide them at cost if residents wish to purchase them. Lining a caddy can reduce

smells and keep a caddy cleaner, thereby encouraging its use and increasing the amount of food waste recycled. The type of liner provided or accepted will be driven by the anaerobic digestion facility, where the food waste will be processed and clarity will be required from the County Council on whether it will be permitted to accept 100% compostable bags, plastic bags or both.

- 7.6 It will be necessary to provide an alternative service offer for those residents who live in flats or other communal settings and who dispose of their residual waste and dry recycling in larger communal bins. This is likely to involve these residents being provided with an internal food caddy and larger external communal bins (rather than external caddy) to empty their food waste into.
- 7.7 The collection service will then empty the material from these external caddies or communal bins into a specific food waste collection vehicle.
- 7.8 Modelling work recently undertaken in the last 12 months (as part of a County-wide options appraisal exercise) indicates that the Council will need six food waste collection vehicles to service the core properties (properties with a standard kerbside collection) on a weekly basis. However, the removal of food waste and other recyclate, will impact upon the current round make-up and a complete remodelling of the refuse and recycling service for 2025-2027 will need to be undertaken.
- 7.9 The expected lead times on food collection vehicles are estimated at a current minimum of 6 - 18 months depending on provider. However, further pressure on the supply chain is likely, as all local authorities which do not currently collect food waste will be looking to procure vehicles over the next twelve months.
- 7.10 Work to investigate the potential financial impact of Simpler Recycling on the council's financial position is currently underway, and a more detailed Costed Action & Delivery Plan (CADP) is being developed as part of the pre planning work being undertaken by officers.

## **8.0 Local Authority & Local Businesses Compliance**

- 8.1 As a result of this announcement, local authorities, local businesses and other organisations (Schools, Colleges, not forprofit organisation with ten employees or more)

across England, must respond and manage their own waste arisings to comply with the future legislation by 31 March 2025.

- 8.2 In addition, local waste collection authorities (WCA) have a duty to collect business and industrial waste, when requested to do so by external businesses and organisations, for which a reasonable charge can be made. Ashfield District Council (ADC), along with many other waste collection authorities across the country, took the decision to actively promote and collect commercial and industrial waste from local businesses and non-profit organisations, who have a registered head office within the District.
- 8.3 Simpler recycling requires those businesses and organisations, that fall within the scope of the legislation (ten employees or more), to segregate and present for collection seven types of recyclate, taken out of their existing waste streams by the 31 March 2025. From 31 March 2027, plastic film will be added to the list to increase the requirement to eight different materials. The material, except for food waste, can be collected comingled and taken to a facility for separation and recycling.
- 8.4 Ashfield District Council (ADC) has devised a delivery project with established phases and gateways, to ensure that the Council meets the statutory deadline, ensuring not only its own compliance, but supporting local business and organisations to also meet their own obligations.

## **9.0 Risks**

- 9.1 There are several risks to meeting the requirement of 'Simpler Recycling by the timescales set out by Government which include:
- Capital and revenue financial uncertainty (New burdens funding).
  - Capacity of supply chain to meet unprecedented nationwide demand for specialist vehicles, caddies, and bins.
  - Capacity and suitability of existing Depots to accommodate increased number of electric trucks.
  - Infrastructure for food waste treatment and local disposal points by the County Council within the timescales set.
  - Resource capacity to ensure the effective transition to new ways of working.



## **Implications**

### **Corporate Plan:**

The details within the report which are set out above, play an key role in delivering the Council Greener & Cleaner; Climate Change and Environmental Sustainability objectives.

### **Legal:**

There are no direct legal implications within this report.

### **Finance:** [PH 01/07/2024].

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	To be identified as part of the Costed Action & Delivery Plan (CADP)
General Fund – Capital Programme	To be identified as part of the Costed Action & Delivery Plan (CADP)
Housing Revenue Account – Revenue Budget	N/A
Housing Revenue Account – Capital Programme	N/A

### **Human Resources:**

To be identified as part of the Costed Action & Delivery Plan (CADP)

### **Environmental/Sustainability:**

*The current modelling work being undertaken will inform the Council's new approach to waste and resource management. This will lead to a refresh of the Council's Waste Management Strategy and Collection Policy.*

*Future fleet considerations will play a part in the Council achieving its Climate Change Strategy.*

### **Equalities:**

N/A

### **Other Implications:**

N/A

### **Reason(s) for Urgency**

N/A

### **Reason(s) for Exemption**

N/A

## **Background Papers**

N/A

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Craig Bonar

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<b>Report To:</b>	<b>ENVIRONMENT AND COMMUNITIES SELECT COMMITTEE</b>
<b>Date:</b>	<b>9 JULY 2024</b>
<b>Heading:</b>	<b>SELECT REVIEW: DAMP AND MOULD</b>
<b>Executive Lead Member:</b>	<b>NOT APPLICABLE</b>
<b>Ward/s:</b>	<b>ALL</b>
<b>Key Decision:</b>	<b>NO</b>
<b>Subject to Call-In:</b>	<b>NO</b>

### **Purpose of Report**

The purpose of this report is to introduce the Select Review: Damp and Mould to the Environment and Communities Select Committee. The former Inward Focus Select Committee held two meetings on Damp and Mould in the latter half of 2023. Following questions submitted by a Member at a meeting of Council in April 2024, it was agreed the Damp and Mould topic be referred back to the Select Committee process. This report provides an overview of the increased responsibilities and spotlight placed upon the Council by the Regulator of Social Housing and the Social Housing Ombudsman as a landlord in relation to damp and mould in social housing.

### **Recommendation(s)**

The Environment and Communities Select Committee is recommended to:

- a. Note the information contained within this report.
- b. Identify key lines of enquiry for the Select Review: Damp and Mould.

### **Reasons for Recommendation(s)**

Damp and Mould was originally added to the Select Committee Work Programme 2023/2024 by the Principal Select Committee in June 2023. Following questions submitted to Council by a Member, it was agreed that the topic be referred back to the Select Committee process for further consideration.

### **Alternative Options Considered**

No alternative options have been considered at this stage of the review process.

## **Detailed Information**

### **CONTEXT**

Damp and mould in both private rented and social housing has been under the spotlight for some time, with mainstream media running campaigns highlighting and naming landlords in regular news bulletins on prime-time news slots.

As result of all this publicity, the Council have witnessed a significant increase in contact from customers requesting inspections and reporting damp and mould. An increase in disrepair claims against the Council that relate to damp and mould has also been noted.

This came to a head with the sad passing of 2-year-old Awaab Ishak in Rochdale. The coroner's report identified that mould present in his home was a contributing factor in his death and that he died from prolonged exposure to mould. The Government continues to block funding to Rochdale Boroughwide Housing to build new homes until it can prove it is a responsible landlord.

As a direct consequence of this case, the Government has tabled amendments to the Social Housing Regulation Bill to introduce 'Awaab's Law', which will require landlords to fix reported health hazards in homes within specified timeframes.

### **AWAAB'S LAW**

On Thursday 9 February 2023, the Secretary of State for Levelling Up, Housing, and Communities announced amendments to the Social Housing Regulations Bill. The amendments are called Awaab's Law, named after Awaab Ishak. The amendment aims to confront the issues of poor housing by recognising the mistakes made by Awaab's death.

Awaab's Law entered Parliament through Clause 42 within the Social Housing (Regulation) Act in July 2023. It requires all landlords to investigate and fix reported hazards in their homes within a specified time frame or rehouse tenants where a home cannot be made safe. The new rules have formed part of the social housing tenancy agreement, so tenants can hold landlords to account through the courts if they fail to provide a decent home.

The aim of the law is to:

- Crackdown on damp and mould under new legislation in memory of Awaab Ishak
- Landlords must investigate and fix serious problems within strict time limits
- New powers for the Housing Ombudsman to help landlords improve performance, in amendments to the Social Housing (Regulation) Bill.

The Government launched a consultation in 2023 to set the timeframes within which landlords will have to act to investigate hazards and make repairs, with the intention that this will help to make sure that the new requirements for landlords lead to the right outcomes for tenants.

Early indications of these timeframes are:

- 14 calendar days for the Council to inspect reports of damp and mould
- 48 hours to send a summary report to the customer following the inspection
- 7 calendar days from the date of inspection to commence works

The changes are amendments to the Social Housing (Regulation) Bill that aims to drive up standards in the sector and seeks to hold landlords to account over the service they provide to their tenants.

The Social Housing Bill has enshrined tenants' rights in law and strengthen the Housing Ombudsman and Regulator's powers so that poor social landlords will be exposed and made accountable.

The Government committed to a rapid review of existing guidance on the health impacts of damp and mould, followed by new guidance tailored to the housing sector, released in September 2023.

Further powers will continue to bolster the Housing Ombudsman in ensuring landlords learn from past mistakes. The Ombudsman will be able to instruct landlords to measure their service against guidance on issues such as damp and mould, to help drive improvements following complaints from tenants.

In March 2023, the Department for Levelling up, Housing, and Communities launched a 1-month proactive campaign asking tenants to 'complain' to their social housing landlord where signs of damp and mould are present and/or the quality of service for repairs seem low. This was a national campaign using local radio, press, and targeted social media.

## **REGULATORS REQUEST FOR ASSURANCE IN HANDLING OF DAMP AND MOULD**

In November 2022, the Regulator wrote to all social landlords requiring them to submit a response to 10 questions by 19 December 2022 to provide assurance that they have 'clear understanding and strong grip on damp and mould issues in their homes' and were addressing risks to tenants.

The initial findings of the report were published early February with an expectation that all providers will look at how they can continue to improve the way they identify and address damp and mould.

The findings were also critical of providers that submitted incomplete responses or responses lacking detail through use of data. Stating most providers could improve their knowledge of their homes and in particular must focus on collecting, analysing and reporting against the data held.

The Regulator intends to be in contact with those providers that did not submit detailed responses or submitted poor quality and data light responses.

It advised that the poorer responses relied more heavily on reactive approaches to identifying problems than proactively looking for evidence of damp and mould through surveys and analytical data of their homes.

Providers that had less data or refreshed their data less frequently, had weaker evidence about their assurance, oversight and understanding of the condition of homes.

The Regulator advised "A poor-quality response does not necessarily mean the provider has a poor approach but does mean that we will need to look more closely at what they are doing to tackle damp and mould effectively".

As a result, the Regulator will follow up directly with those landlords, as well as those reporting high numbers of cases of damp and mould and will take regulatory action where needed.

## ASHFIELD DISTRICT COUNCIL'S APPROACH TO DAMP AND MOULD

- All reports of occurrences of damp and mould follow a clearly defined procedure whether reported by the tenant and/or identified by our employees or contractors.
- Property data has been utilised over many years to eliminate sequential and systemic damp and mould issues within certain property types.
- Regular cross-department meetings are held to discuss damp and mould cases, complaints and sector wide information and judgements to identify any emerging trends, identify best practice and inform the capital programme.
- The Council provides ongoing damp and mould advice to all tenants via the lettings pack, hard copy leaflet, tenant magazine and website and during face-to-face inspections.

Customer reports are logged as damp and mould specific job types, with any HHSRS category 1 hazards identified logged as such, in the housing management database.

The reported issue is inspected, with the primary aim to identify the source of the damp and/or mould, in order to rectify any issues as quickly and efficiently as possible, to minimise the impact on the residents.

Where defects are identified, rectification works are logged, actioned and monitored. Depending on the severity of the presence of mould and the tenant's circumstances, the Council may undertake treatments to remove the mould. Where it is not deemed necessary to undertake specialist mould washing, advice will be given to the tenant on what steps they can take to remove the mould. In severe cases the tenant may need to be decanted to another property.

Where there are no identified defects leading to the presence of damp/mould, the tenant is provided with advice and information on how to minimise the moisture content within the property, with the view to minimising the risk of the presence of condensation within the home. Again, depending on the severity of the presence of mould and the tenant's circumstances, we may undertake treatments to remove the mould. This is then followed up within 3 months with a further inspection (this allows time to identify if the problem reoccurs/resolved, it is also clear that reports of damp and mould increase in the colder months).

Officers from all Housing Departments act as 'eyes and ears'. When undertaking duties within the housing stock, Officers will monitor for signs of damp and mould, reporting any concerns to the Repairs and Maintenance Department for further investigation and will be logged as Category 1 hazards under HHSRS, where considered appropriate.

Officers have received bespoke HHSRS, Damp/Mould and ventilation training to assist them with identifying the signs, causes and most effective solutions of damp and mould issues.

## WEBSITE INFORMATION

The Council has a page on its website titled *Damp, mould and condensation in the home*. The page is aimed at Ashfield residents and offers guidance and information on condensation, damp and mould. Including what causes each to occur in a home, along with examples and how to prevent

condensation and mould growth. There is also guidance offered on how to clean mould, including what products can be used to kill and remove mould.

The page is available through the following link: <https://www.ashfield.gov.uk/housing/repairs-improvements/tenant-repair-responsibilities/damp-mould-condensation/>

Members are encouraged to view the page and consider any additional information that may be useful to include.

## **GOVERNMENT GUIDANCE**

In September 2023, the Department for Levelling Up, Housing and Communities released a series of guidance documents titled *Understanding and Addressing the Health Risks of Damp and Mould in the Home*.

The guidance was produced for social landlords, private landlords and managing agents, temporary accommodation providers, providers of asylum support accommodation, and providers of accommodation for ex-offenders.

The guidance features details on:

- Health effects of damp and mould
- People at increased risk from damp and mould
- Legal standards on damp and mould in rented homes
- Identifying and addressing damp and mould
- Reducing the risks of damp and mould developing

The guidance also features several annexes, including Annex E: Tenant Guidance on Damp and Mould. Annex E lists different resources that indicate how tenants can approach damp and mould in rented properties.

The full guidance publication from the Department for Levelling Up, Housing and Communities can be accessed through the following web page: <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#introduction>.

## **SOCIAL HOUSING REGULATION UPDATE – CABINET JANUARY 2024**

In January 2024, an update report was presented to Cabinet regarding Social Housing Regulation. Within the report, Cabinet were provided an update on damp and mould as follows:

*Damp and mould continues to be a key focus for the Housing Operations Team, as well as RSH and HOS, following the inquest findings following the death of Awaab Ishak. Our understanding is that the prevalence of damp and mould in our housing stock remains low, however, this will continue to be closely monitored.*

*A damp and mould specialist surveyor has been recruited, to ensure appropriate action and specialist advice is given to tenants experiencing damp and mould issues. Training has also been provided to frontline visiting officers to recognise the signs of damp and mould. A damp and mould policy has also been implemented to ensure a consistent approach, which was approved by Cabinet. A review of our approach to damp and mould has also been undertaken by the Select*

Committee.

*We will continue to review our processes and procedures, including applying learning from the actions of other landlords, to ensure that damp and mould issues are dealt with as swiftly and comprehensively as possible and using any data on trends to inform the major works programme.*

*Damp and mould response times are expected to be included in the new Decent Homes Standard. However, it is anticipated that parliamentary delays to progressing the revised Decent Homes Standard will mean that guidance on damp and mould will be published in advance of the new Standard.*

## **DAMP AND MOULD POLICY**

As mentioned in the above update to Cabinet, the Council has recently developed a Damp and Mould Policy. The Policy was originally scrutinised by the former Inward Focus Select Committee, supported by the Assistant Director, Housing Operations. The Policy was also taken through the Tenant Gateway.

The Damp and Mould Policy is appended to this report.

## **GAPS AND CHALLENGES**

*Committee Members please note below are the gaps and challenges the Council faced relating to damp and mould when this topic was previously considered by the former Inward Focus Select Committee. As part of the review process, Members need to understand if these gaps and challenges are still present in the Council's service delivery a year on.*

Although the Council has a number of measures in place and consider that there are no systemic issues with damp and mould in its social housing stock, the increase in reports of damp, mould and disrepair cases are significantly impacting on the wider service delivery.

Currently, resources are getting redirected away from primary services to meet the demand of the new and coming requirements. Furthermore, the Council is not yet privy to the further legal requirements in terms of the strict time scales to respond to damp and mould reports that will be imposed as social housing providers. It is expected that these requirements will be very challenging.

It was acknowledged in the recent Housing Peer review that there is a huge spotlight on all social housing providers with regards to damp and mould and many providers are actively reviewing resources to meet the current demand and the new regulatory requirements going forward.

A communications plan will be required to promote the reporting of damp and mould. Advice and guidance need to be readily accessible to assist tenants in not only the measures they can take to treat small areas of mould and control the levels of moisture produced, but to also assist with money management advice if the use of heating and ventilation systems and the payment of services is a contributing factor to the issues they are experiencing.



## **Implications**

### **Corporate Plan:**

The Select Review: Damp and Mould aligns with many of the Council's Corporate Priorities set out within the Corporate Plan. These relate to:

- Providing good quality, value for money services
- People focused – putting people at the heart of what we do
- Protecting the Council from costly disrepair claims that could bring the Council into disrepute

### **Legal:**

There are no direct legal implications resulting from the recommendations within this report.

### **Finance:**

There are no direct financial implications resulting from the recommendations within this report.

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	Not applicable.
General Fund – Capital Programme	
Housing Revenue Account – Revenue Budget	
Housing Revenue Account – Capital Programme	

### **Risk:**

No risks have been identified at this stage of the Select Review: Damp and Mould.

### **Human Resources:**

There are no direct human resources implications resulting from the recommendations within this report.

### **Environmental/Sustainability:**

There are no direct environmental or sustainability implications resulting from the recommendations within this report.

### **Equalities:**

There are no direct equalities implications resulting from the recommendations within this report.

### **Other Implications:**

There are no other implications resulting from the recommendations within this report.

**Reason(s) for Urgency**

None.

**Reason(s) for Exemption**

None.

**Background Papers**

None.

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# **Ashfield District Council**

## **Housing Operations Damp and Mould Policy**

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## Introduction

- 1.1 Ashfield District Council aim to provide high quality services for our tenants and aim to provide homes that are free from damp and mould.
- 1.2 With the high the cost of gas and electricity many tenants find themselves in fuel poverty, especially during the winter months. Homes that are not adequately heated or ventilated are more likely to suffer from increased condensation and indoor dampness and subsequently mould growth.
- 1.3 It is estimated that 10 – 50% of homes in the UK are affected by damp. Social Housing properties and low income communities, with the potential for overcrowding and lack of heating and ventilation, experience a higher proportion of damp and mould than the national average.
- 1.4 The Regulator of Social Housing and the Housing Ombudsman have been active in producing reports and guidance on what is expected from Social Housing providers to ensure they provide homes that are free from harmful mould and are safe to live in.
- 1.5 Property attribute may also be a determining factor.

## 2. Principles and Aims of the Policy

2.1 The key principles and aims of the Policy are:

- To ensure we provide and maintain dry, warm, healthy homes for our tenants.
- To identify any trends in particular property types or construction types that are more susceptible to dampness and mould production.
- To ensure that the fabric of our property is protected from deterioration and damage resulting from damp and mould.
- Repairs to alleviate damp are carried out as quickly and as efficiently as possible to minimise damage to the fabric, fixtures and fittings of the property.
- Provide staff with the skills to identify and differentiate between signs for damp and condensation and understand the causes and remedies.
- Comply with all Statutory and Regulatory requirements and sector best practice.

We will achieve these aims by:

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- Attending to reports of damp and mould (via customer, third party or employee) as a matter of urgency in order to determine the cause of the damp or mould.
- Ensure tenants have access to and/or are provided with advice and guidance on the reasons why mould may be forming and provide information and assistance on changes that could be implemented to reduce condensation in their home.
- Plan and produce asset investment programmes of improvement works to increase the thermal efficiency, improved heating and ventilation of properties, ensuring they meet the Decent Homes standard.
- Support and inform customers and employees about the health risks of living in damp and/or mouldy homes.
- Publicise damp and mould remediation work that we can do and signpost customers to any other support they may be able to access.
- Ensure all properties that have substantial remediation works for damp and mould are contacted a reasonable amount of time (normally within 6 months) following completion to ensure the works have been successful.

### 3. Legislation, Regulations and Guidance

3.1 There are legislative requirements setting out what is considered to be a decent home. The Decent Homes Standard was updated in 2006 to take account of the Housing Health and Safety Rating System (HHSRS). According to the Standard, for a home to be considered 'decent' it must:

- Meet the current statutory minimum standard for housing.
- Be in a reasonable state of repair.
- Have reasonably modern facilities and services, and
- Provide a reasonable degree of thermal comfort.

3.2 The Homes (Fitness for Human Habitation) Act 2018 amended the Landlord and Tenant Act 1985, with the aim of ensuring that all rented accommodation is fit for human habitation. While it did not create new obligations for Landlords, it required Landlords to ensure their properties are fit for human habitation at the beginning of, and throughout, the tenancy.

3.3 The Landlord and Tenant Act defines that Your Landlord must make sure that your home is 'fit for human habitation', which means that it's safe, healthy and free from

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things that could cause you or anyone else in your household serious harm. For example, if a house or flat is too cold and can't be heated, this can affect health. Consideration should also be given to repair, stability, freedom from damp, internal arrangement, natural lighting, ventilation, water supply, drainage and sanitary conveniences, facilities for preparation and cooking of food, the disposal of wastewater and any prescribed hazard. The Act also strengthened tenants' means of redress where Landlords do not fulfil their obligations, with the expectation that if tenants are empowered to take action against their Landlord, standards will improve.

3.4 The Legislation is also supported by the Council's Tenancy Agreement and Tenants Handbook, conditions which all tenants and their visitors must comply with.

3.5 Guidance is available on the Council's website, the tenants handbook, included periodically in the newsletter to tenants, during the sign-up process and upon request.

#### **4. Types of Damp Covered by the Policy**

##### **4.1 Rising Damp**

The movement of moisture from the ground rising up through the structure of the building through capillary action.

##### **4.2 Penetrating Damp (including internal leaks)**

Water penetrating the external structure of the building or internal leaks causing damp, rot and damage to internal surfaces and structure. The cause can be the result of:

- Water ingress due to defective or poor original design / workmanship of the structure.
- Defective components for example roof coverings, external doors and windows.
- Defective or blocked rainwater gutters and pipes.
- Defective or leaking internal waste pipes, hot and cold water and heating systems.
- Flooding due to burst pipes.

##### **4.3 Condensation Damp**

Condensation occurs when moisture held in warm air comes into contact with a cold surface and then condenses producing water droplets. This can take two main forms:

- Surface condensation arising when the inner surface of the structure is cooler than the room air.

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- Condensation inside the structure (interstitial) is a type of condensation that may occur within an enclosed wall, roof, or floor cavity structure, which can create dampening.

The conditions that can increase the risk of condensation are:

- Inadequate ventilation eg. No opening windows, trickle / background vents and mechanical extraction in bathrooms and kitchens.
- Inadequate heating eg. undersized boilers and radiators not producing enough heat for the size of the property..
- Inadequate thermal insulation eg. Missing or defective wall and loft insulation.
- High humidity eg. presence of rising and penetrating damp.
- Poor building design and construction eg. specific cold areas (bridging) which are integral with the building construction.

Conditions that can lead to condensation are:

- Poor ventilation – not opening windows, blocking up vents, not turning on extract fans and not allowing air to circulate around furniture.
- Poor heating – not heating the whole property.
- Defective insulation – dislodged insulation in lofts.
- High humidity – not covering pans when cooking, drying laundry inside the house and not closing doors when using a kitchen or bathroom.
- Overcrowding – additional moisture naturally produced by humans and also increased activities in the household eg. cooking, bathing etc.
- Long term undetected leaks that may not be easily identifiable such as under floors or behind walls.

4.4 Mould is a natural organic compound that develops in damp conditions and will only grow on damp surfaces. This is often noticeable and present in situations where condensation damp is present.

## 5. Responsibilities

### 5.1 The Council's Responsibilities

5.1.1 The Council shall investigate to determine the cause of damp and condensation and carry out remedial repairs and actions in accordance with the tenancy agreement and repairs handbook in a reasonable timescale. This will be

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dependent on the severity and urgency of the problem and on the complexity of the remedial works / actions required.

- 5.1.2 The Council will promote and provide general advice and guidance on how to reduce condensation damp.
- 5.1.3 The Council will ensure that all of our relevant employees have training in relation to damp and mould and are suitable skilled to undertake any remedial works.
- 5.1.4 The Council will inform the tenant of their initial findings of the investigation at the time of their visit (further inspections / surveys may be required for complex cases). This will include identifying the possible causes of damp, recommending effective solutions and all necessary remedial works / actions / enhancements and the estimated timescales to complete the works /measures.
- 5.1.5 When the Council is satisfied that all remedial repairs have been completed and after working with the tenant to exhaust all reasonable efforts to control condensation damp, contact will be made (normally within 6 months) from the Council's Quality Control Officer to ensure no recurrence of the issue.
- 5.1.6 The Council is responsible for maintaining a tenant's home to avoid penetrating and rising damp and for carrying out remedial actions if these do occur.
- 5.1.7 The Council will undertake reasonable improvement works required to assist in the management and control of condensation damp, for example installation of mechanical extract fans, fresh air vents, upgrading existing insulation etc.
- 5.1.8 Remedial works will only be carried out where it is reasonable and practical to do so. The Council will have regard to the constraints of the existing building design and structure and will take a pragmatic approach in finding appropriate solutions.
- 5.1.9 The Council will make good internal surfaces following any remedial work carried out ensuring that surfaces are prepared to a condition ready for the tenant to redecorate as they see fit. The Council will provide advice for suitable decorative options to help prevent a reoccurrence.
- 5.1.10 Mould wash will only be carried out where this is found to be persistent or extensive and cannot be controlled by the tenant.
- 5.1.11 In some cases remedial work may not be necessary and the Council will provide the tenant with guidance, advice and support (where appropriate) on managing and controlling the occurrences of condensation damp.
- 5.1.12 The Council will make reasonable attempts to access the property to inspect and carry out the works.

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5.1.13 The Council will need to explore alternative options where it is not able to control condensation damp where it is unreasonable or impractical to do so or if any remedial action would be ineffective, for example:

Poor construction / design (not meeting current construction and living standards) for example:

- Cold bridging areas in the fabric of the building that cannot be eliminated.

Non habitable rooms, for example:

- Outbuildings / sheds that have been converted (without written permission) including linking buildings between the house and outbuilding and other add-on structures.
- Unheated / uninsulated semi external toilets and store rooms (remedial options may include removing the facility).

5.1.14 Under certain exceptional circumstances where the tenant is unable to carry out treatment on smaller areas of mould washes or redecoration, the Council will provide support and assistance.

5.1.15 Where internal conditions within a home such as overcrowding and excessive hoarding of personal belongs are having an effect on the health and wellbeing of the occupants, or are preventing inspections or remedial works being carried out, the Council will provide support and assistance to review the tenant's options that may include moving to more appropriate alternative suitable accommodation. Effective remedial action will not be possible in these instances until the situation(s) has been resolved.

5.1.16 If it is unsafe for the occupants to remain in the property while the works are carried out, alternative accommodation arrangements will be made. This may be on a day-by-day basis or a temporary decant to an alternative property. The tenant will be supported through this process to find suitable accommodation.

5.1.17 Where there are concerns over tenants ability to sufficiently heat their home through fuel poverty, the Council will sign post tenants to their Money Management service in an attempt to support tenants with budgeting and maximising their income.

## 5.2 Tenants Responsibilities

5.2.1 The tenant shall immediately report to the Council any evidence of rising and penetrating damp and also faulty equipment that will hamper the management and control of damp and condensation (faulty extract fan, unable to open windows, lack of heating etc.) in accordance with the tenancy agreement conditions and repairs handbook. All matters should be reporting via the Repairs Call Handling Centre on 01623 457999 or via [adcrepairs@ashfield.gov.uk](mailto:adcrepairs@ashfield.gov.uk).

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- 5.2.2 The tenant shall regularly check for mould and clean signs of mould as soon as they are discovered and manage condensation damp following the Council's guidance. Tenants can also help reduce the conditions that lead to condensation damp by:
- a) Keeping the presence of moisture to a minimum e.g. Covering pans when cooking, drying laundry outside, keeping the kitchen or bathroom door closed when cooking or bathing.
  - b) Adequately heating rooms – ideally between 18°C and 21°C which will assist to keep humidity levels between 40-60%.
  - c) Keep the house well ventilated e.g. opening windows when cooking / bathing, turning on and ensuring that the extractor fan is working (if applicable), keeping trickle vents in windows open and allowing air to circulate around furniture.
- 5.2.3 Follow all advice and guidance issued by the Council on managing and controlling damp and condensation. This information can be found on Ashfield District Council's website (<https://www.ashfield.gov.uk/housing/repairs-improvements/tenant-repair-responsibilities/damp-mould-condensation/>).
- 5.2.4 If all reasonable efforts have been made to manage and control condensation and mould, and this has not been successful, the tenant should contact the Council for further assistance.
- 5.2.5 If following an inspection / survey, the outcome shows that all reasonable measures are in place for the tenant to adequately manage the condensation damp, further advice and support will be given to the tenant.
- 5.2.6 The Council will work with tenants in all instances to attempt to resolve issues of damp and mould. If the tenant fails to take the advice and reasonable steps to reduce damp the tenant may be recharged for any resulting repairs required which are considered to be as a result of this neglect.
- 5.2.7 Where tenants are considering converting / using non habitable buildings and spaces / rooms they can seek advice and permission from the Council in accordance with the tenancy agreement conditions.
- 5.2.8 Where remedial works and mould wash treatments have been undertaken by the Council, the tenant is responsible for redecoration and the Council can provide advice on suitable decorative products / applications.
- 5.2.9 Allow access for inspections and for the carrying out of remedial works (in accordance with the tenancy agreement).

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## 6. Monitoring Arrangements

6.1 The effectiveness of the Policy in terms of delivery and meeting its aims will be routinely monitored by the Damp and Mould task group.

## 7. Equality Impact Assessment

7.1 An EIA screening assessment has been carried out on this policy.

## 8. Review

8.1 The Policy will be reviewed every 3 years and also in direct response to;

- Legislative Changes
- Council strategy or Policy changes

## 9. Version Control

Date	Date Revised	Amendments	Staff involved in the review	Approved by
Oct 23	V1	New Procedure	Service Mangers and Assistant Directors in the Housing and Asset Directorate	Director – Housing and Assets

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