

<b>Meeting:</b>	Combined Executive Member Decision Session
<b>Meeting date:</b>	27 January 2026
<b>Report of:</b>	Pauline Stuchfield, Director of Housing and Communities
<b>Portfolio of:</b>	Councillor Pavlovic, Executive Member for Housing, Planning and Safer Communities

## **Decision Report:**

### **Approval of Housing Damp and Mould Policy**

#### **Subject of Report**

1. City of York Council (CYC) currently does not have a dedicated Damp and Mould Policy for its housing stock. This gap presents a significant risk in meeting statutory and regulatory obligations, particularly considering the Housing Ombudsman's Spotlight Report on Damp and Mould and the requirements introduced under Awaab's Law. These frameworks place clear expectations on landlords to proactively identify, prevent, and address damp and mould issues to safeguard tenant health and wellbeing. Without a formal policy, our approach could lack consistency, accountability, and clarity, which may lead to non-compliance and reputational risk. Establishing a robust policy is therefore essential to ensure legal compliance, improve service standards, and protect residents.
2. A decision to implement a Damp and Mould Policy is critical to ensure CYC meets its legal and regulatory responsibilities and protects the health and safety of tenants. Recent legislative changes, including Awaab's Law, impose strict requirements on social landlords to take timely and effective action on damp and mould. Failure to adopt a clear policy could result in non-compliance, increased complaints, potential enforcement action, and reputational damage. Approving this policy will provide a structured framework for consistent practice, accountability, and proactive management, reducing risks to residents and the Council alike. A decision is therefore needed now to align with national standards and demonstrate our commitment to tenant welfare.

# Benefits and Challenges

## 3. Benefits:

- **Compliance and Risk Reduction:** Adoption of the Damp and Mould Policy and a proactive approach ensures alignment with the Housing Ombudsman's recommendations and statutory requirements under Awaab's Law, reducing the risk of legal action and regulatory penalties.
- **Improved Tenant Health and Wellbeing and zero tolerance approach to the presence of damp and mould in our homes:** A clear policy supports proactive identification and remediation of damp and mould, safeguarding residents from associated health risks.
- **Consistency and Accountability:** Establishing a formal framework promotes uniform standards across all Council properties, improving service quality and transparency.
- **Reputational Protection:** Demonstrates the Council's commitment to tenant safety and best practice, strengthening public trust.

## 4. Challenges:

- **Resource Implications:** Implementation may require additional staffing, training, and budget allocation to meet policy standards.
- **Operational Change:** Existing processes will need to be reviewed and adapted, which may cause short-term disruption.
- **Tenants not making us aware of damp and mould issues:** clearly, we need to be aware of issues to be able to resolve them. This has partly been mitigated through the Stock Condition Survey which has made us aware of properties with severe issues but this only occurs once every five years. Other mitigations include carrying out Tenancy and Wellbeing visits by Housing Management; ensuring other trades visiting properties, such as for a gas service, report back on issues and promoting reporting of damp and mould via newsletter / social media.

## Policy Basis for Decision

5. This policy supports CYCs core commitment in the Council Plan to improve health and wellbeing and reduce health inequalities by ensuring that our council homes do not suffer from damp and mould.

## Financial Strategy Implications

6. There are no direct financial implications to consider from this report, although there will be costs in ensuring there are sufficient resources to meet statutory requirements.

## Recommendation and Reasons

7. The Executive Member is asked to:
  - Approve the Damp and Mould Policy appended as Annex A
  - Reason: to meet statutory requirements and ensure health and safety of our tenants

## Background

8. In October 2021 the Housing Ombudsman published a spotlight report 'Damp and mould: It's not lifestyle'. A recommendation in this report was that:

*"Landlords should consider whether they require an overall framework, or policy, to address damp and mould which would cover each area where the landlord may be required to act. This would include any proactive interventions, its approach to diagnosis, actions it considers appropriate in different circumstances, effective communication and aftercare."*

9. The introduction of the Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025, commonly referred to as Awaab's Law, places a legal obligation on social landlords to respond promptly and effectively to reports of damp and mould, setting strict timeframes for investigation and remediation.

10. Given the above two factors a Damp and Mould Policy has been drafted to meet these obligations. This policy will assist with ensuring compliance and contribute to the shift in culture and approach needed.
11. This build policy builds on and consolidates the work and approach that is in place with regards to damp and mould currently. This includes:
12. Repairs Policy details our approach to dealing with damp and mould, including a flow chart on how damp and mould cases are managed.
13. The Stock Condition Survey, which visited 86% of homes in 2024 and is capturing the remaining 14% this year, specifically looked for damp and mould issues. Where these were reported as a Category 1 hazard under HHSRS they were responded to within 24 hours. Category 2 hazards were dealt with using a planned approach.
14. Repairs Inspector in place and 10 day inspection timescale has been in place since April 2025 (in advance of legal requirement in October 2025).
15. Reporting developed to allow tracking of all jobs associated with initial report of damp and mould to ensure the matter isn't considered resolved until all associated jobs are closed (and tracking of timescales of these jobs).

## **Consultation Analysis**

16. The draft Damp and Mould Policy has been shared with our 'Tenant Voice' group of 43 tenants. They were asked if it is clear and understandable; if anything was missing; if they felt anything should be removed and any general comments.
17. Residents think the policy is clear and understandable, they felt there was nothing to add and nothing to remove. Some general comments were received, and these have been incorporated into the Policy.
  - Managers across Housing and Building Services have also been consulted on the Policy.

## Options Analysis and Evidential Basis

18. Option 1 – approve the policy – this is the recommended option

The evidential basis for this recommendation can be found in the following report on Damp and Mould produced by the government in 2024.

[Understanding and addressing the health risks of damp and mould in the home - GOV.UK](#)

19. Option 2 – do not approve the policy

## Organisational Impact and Implications

- ***Financial,***  
There are no direct financial implications. The new policy does not require any additional staff and that the training requirements can be met from the existing budgets.
- ***Human Resources (HR),*** There are no HR implications contained within this report. However, any impact on the Council's resources, structure or operational practices that might arise as a result of adopting this policy would need to be identified, assessed and implemented in line with Council Policy
- ***Legal,***  
Per the Scheme of Delegation set out within Appendix 1 of the Council's Constitution, any decisions pertaining to the policies which form part of the Council's Policy Framework are reserved to Full Council. Regarding the Damp & Mould Policy, said policy is not among those which form part of the Policy Framework.

The Local Government Act 2000 delegates most functions to the Executive, including (but not limited to) policy formulation within and across services and Agreeing detailed policy implementation criteria, with the exception of decision relating to those policies which form part of the "Policy Framework", which are delegated to Full Council.

However, individual Executive Members may make any decision relating to the functions within their portfolios with the exception of:

Key decisions as defined in the Council's Constitution;

Decisions which in the opinion of the Executive Member significantly cut across more than one portfolio, in which case the Leader of the Council determines how the decision is to be taken;

Other decisions which the Leader of the Council determines should be made collectively by the Executive.

In Legal's view, (a) to (c) above would not apply in this instance, so the Executive Member is authorised to make this decision in this instance.

Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025, commonly referred to as Awaab's Law, came into force for the social rented sector on 27 October 2025. From this point on, social landlords such as CYC will have to address all emergency hazards and all damp and mould hazards that present a significant risk of harm to tenants, to fixed timeframes set out within the Regulations.

Any works and/or services required for the implementation of this policy across our Social Housing stock now, and in the future, will need to be commissioned under a compliant process in line with CYC's Contract Procedure Rules and (where applicable) the Procurement Act 2023. Any contracts will require advice and input from Legal Services.

- ***Procurement***, contact: Head of Procurement  
No implications.
- ***Health and Wellbeing***, Public Health support the recommended option in this report with particular note to the adverse health implications of damp and mould in houses.
- ***Environment and Climate action***, Adoption of the Damp and Mould Policy has the potential to support the objectives of the York Climate Change Strategy and the Council's ambitions for retrofit. Damp and mould can be an indication of a poorly insulated property or an indication of a poorly functioning heating system. Identifying these issues and taking a holistic approach to retrofit and

refurbishment can help reduce fuel poverty and environmental emissions, along with the health and wellbeing benefits.

- **Affordability**, The policy should benefit low-income groups by improving council response to damp and mould issues and providing advice, information and support where finance and fuel poverty are an evident cause.
- **Equalities and Human Rights**, The EIA at Annex B demonstrates that the proposed policy is robust with no direct negative impact to individuals with protected characteristics. The policy should improve council performance in regard to damp and mould issues and have a positive impact on the groups highlighted
- **Data Protection and Privacy**, The data protection impact assessment (DPIAs) screening questions were completed for the recommendations and options in this report and as there is no personal, special categories or criminal offence data being processed to set these out, there is no requirement to complete a DPIA at this time. However, this will be reviewed following the approved recommendations and options from this report and a DPIA completed if required.
- **Communications**  
Communications around this issue will be incorporated into the ongoing tenants' engagement work delivered by the council.
- **Economy**, *contact: Head of City Development.*

## Risks and Mitigations

20. **Non-Compliance if Delayed:** Failure to act promptly could result in breaches of statutory obligations, tenant complaints, and reputational harm.
21. **Financial Pressure:** Increased costs for remediation and monitoring may impact budgets if not managed effectively.

## Wards Impacted

22. All wards

## Contact details

For further information please contact the authors of this Decision Report.

### Author

<b>Name:</b>	Fiona Brown
<b>Job Title:</b>	Head of Strategy and Performance (interim)
<b>Service Area:</b>	Housing
<b>Telephone:</b>	2476
<b>Report approved:</b>	Yes
<b>Date:</b>	14/01/2026

### Co-author

<b>Name:</b>	Pauline Stuchfield
<b>Job Title:</b>	Director of Housing and Communities
<b>Service Area:</b>	Housing

## Background papers

None.

## Annexes

Annex A: Damp and Mould Policy

Annex B: Equality Impact Assessment