

Tenant Services Management Board – 20th June 2011

Tenant Heating Installations

Report of Tim Haynes – Property Manager

Executive Summary

This report has been produced to propose a new policy for tenants on their installation and use of log burners / open fires / solid fuel appliances within Council properties.

It outlines the risks associated with the use of these facilities.

It provides two options for consideration, with details of specific elements

1. Purpose of the report

To provide the Tenant Services Management Board (TSMB) with the necessary information on which to determine a new policy

2. Background information

Following a number of harsh winters and the increase in the cost of fuel by utility and oil companies, it has been found that an increasing number of tenants are wishing to use log burners, solid fuel appliances or open fires. Housing Property Services are concerned about the risks associated with this use, in particular, health and safety implications.

3. Current Position

Housing Property Services, under their landlord obligations and the Decent Homes guidance, are responsible for providing a 'reasonable degree of thermal comfort' in their properties.

The Decent Homes revised definition requires a dwelling to have both efficient heating; and effective insulation. Efficient heating is defined as any gas or oil programmable central heating; or

- Electric storage heaters; or
- Warm air systems; or
- Underfloor systems; or
- Programmable LPG/solid fuel central heating; or
- Similarly efficient heating systems which are developed in the future.

Because of the differences in efficiency between gas/oil heating systems and the other heating systems listed, the level of insulation that is appropriate also differs:

- For dwellings with gas/oil programmable heating, cavity wall insulation (if there are cavity walls that can be insulated effectively) or at least 50mm loft insulation (if there is loft space) is an effective package of insulation; and
- For dwellings heated by electric storage heaters/LPG/programmable solid fuel central heating a higher specification of insulation is required: at least 200mm of loft insulation (if there is a loft) and cavity wall insulation (if there are cavity walls that can be insulated effectively).

Historically, tenants have always been given a choice over whether they would like partial, full or no heating at all. As with all aspects of Decent Homes, if a tenant refuses improvement works, this is not counted as a failure against the standard. However, when a property becomes vacant, or if a tenant changes their mind, then the work must be implemented. Our records indicate that at present there are 21 properties that have no heating arrangements. However, we have found that even in properties that have central heating installed, the tenant is also using an open fire (94 properties) or a log burner (29 properties), in most cases, without our prior knowledge or permission.

A full breakdown of these installations is shown in appendix A

This matter has previously been discussed at wider Housing Managers meetings and minutes of the meeting held on 22nd October 2008 confirm that the Housing Portfolio Holder at that time had agreed that we should say 'no' to the requests for open fires, as we could not guarantee the safety of tenants. In addition, this has been discussed with the current Housing Portfolio Holder and also the Tenant Services Management Board at their meeting on 15th March 2011.

4. Aim of the standard

To reduce the risk of injury or death to tenants and to minimise the risk of damage to Council-owned properties. It is important to mention, that not only does this apply those living in the property where the appliances are installed, but also to adjoining properties.

In addition to the strict controls over the installation and servicing of gas appliances, similar controls are in place for solid fuel and wood fuel heating under the Building Regulations. In particular, that any work or maintenance is carried out using a competent person registered with the Heating Equipment Testing and Approval Scheme (HETAS).

In particular, this will include servicing and sweeping of flues at prescribed intervals.

Whilst this should be carried out by the installer or owner of the equipment, a duty of care is placed on the Council, as the landlord, to ensure that the property is safe.

There is also concern over the storage of fuel and the risk of fire, particularly where wood is intended to be used.

Aside from the risk of fire, there is a fear that improperly installed or un-serviced installations may lead to carbon monoxide (CO) poisoning. Carbon monoxide is a tasteless, odourless gas which is the product of incomplete combustion of any fossil fuel and is, therefore, present when you burn coal, smokeless coal or wood. This is a serious and preventable form of poisoning and each year there are around 50 deaths from accidental CO poisoning in England and Wales (ONS Statistics) and in excess of 200 non-fatal cases.

5. Option evaluation

The recommendation of Officers is that tenants should not be allowed to install and use open fires, log burners or solid fuel appliances in Council properties. It is considered that the risks associated with allowing the use of these appliances, outweighs the benefits of using them. The following points should also be considered:-

1. The risk of fire
2. The risk of carbon monoxide poisoning.
3. The burning of incorrect fuels. In our experience tenants do not always burn the correct fuel.
4. There is an argument that electric, LPG and oil appliances are expensive to run, however, in the current climate, all fuel sources are becoming more expensive.
5. These appliances, when fitted correctly can be expensive to install and maintain. For example, the full installation of a log burner can be in the region of £1500 - £1800. the savings compared to the cost of installation are negligible and the payback period is many years.
6. These appliances will only be heating the one room and the other heating arrangements will also be required.
7. If the Council has taken the time, trouble and expense of installing heating, regardless of the heat source, should the tenant be allowed to refuse to use it and install their own?

6. Financial implications

It is proposed that any costs arising from the implementation of this standard will be met by those wishing to utilise it.

Typical costs of a full heating installation are £6000.00 for oil and £3500.00 to £4500.00 for mains gas, depending on whether there is already a supply to the property. The cost of this work is covered by the HRA Capital budget.

7. Implementation

We are currently in the process of writing to all tenants that have no heating, open fires or solid fuel appliances, with a view to carrying out a survey and offering them the opportunity to have full heating installed.

If option 1 is accepted, during the next month we will write to all tenants that would be in breach of the policy. Those tenants that can provide the necessary formal certification will be allowed to retain the appliances until they vacate the

property, at which time the appliances will be removed. Those tenants that cannot provide the necessary paperwork will be dealt-with on an individual basis.

8. Diversity

Some tenants may need specific help to fully access the standard, where required, Officers will visit vulnerable tenants to explain the standard and then identify any specific needs. Referrals for ongoing support may be made at this stage. Additionally, information may be required in different formats:

- Large font
- Audio visual
- Different languages
- Website page
- Welcome pack for new tenants

9. Outcomes

The outcomes that can be expected from the implementation of this standard are:-

- Clear guidance for tenants.
- Compliance with landlords' obligations.
- Reduced risk of fire in the home.
- Reduced risk of carbon monoxide poisoning.

10. Recommendations

That the Tenant Services Management Board approves the proposal as set out in appendix B, option 1.

11. Contact Officer

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98 properties with an open fire, but also have other heating arrangements in the form of:-

15no – solid fuel

5no – oil

36no – mains gas

2no – LPG

36no – electric

29 properties with a log burner, but also have other heating arrangements in the form of:-

11no – solid fuel

4no – oil

11no – mains gas

1no – LPG

1no – electric

Option 1

That the use of open fires, log burners or solid fuel appliances should not be allowed in Council properties except where they are the only source of heating and have been installed and maintained by the Council.

(Solid fuel appliances will take priority and over-ride the need for either of the other two).

That work will be carried out during the void period to ensure that a property does not become non-decent, by removing any log burners, bricking-up any open fire places and installing full heating. Where there is a safe, functional, solid fuel appliance this will be replaced with the tenant in-situ in order to ensure that the void period is not unnecessarily extended.

To carry out the installation of full heating in the following priority:-

- To those properties that currently do not have any form of heating.
- To those properties that have an open fire
- To those properties that have solid fuel appliances
- To those properties with electric heating, commencing with those that are hardest to heat ie. 4-bedroomed properties (13no) and then progressing to 3-bedroomed properties (112no).

Option 2

That the use of open fires, log burners or solid fuel appliances is only permitted in those properties where mains gas is not available to the street and the property has no renewable technology heating, such as air source, installed. However, the installation of such appliances would only be approved upon a written application from the tenant and written acceptance of the following conditions:-

- 1- That the tenant accepts the full cost of any work associated with the installation, the making good of any building fabric or decorations that may become damaged or altered by that installation and the cost of ongoing maintenance and servicing to all parts of the installation.
- 2- That all work will be carried out by a HETAS accredited engineer with copies of the installation certificate being provided to the Council upon completion.
- 3- Evidence of full contents insurance.
- 4- The installation of a mains-wired carbon monoxide detector adjacent to the appliance. Fitted by an approved electrician, with a copy of the installation certificate being provided to the Council.
- 5- That the storage of all fuel material will be in a building, separate and not attached to the main residential property.
- 6- That the tenant removes all appliances should they vacate the property, ensuring that any damage to the building fabric or decoration is made good. If this does not happen, the Council will carry out the necessary work and re-charge the tenant.
- 7- Payment of a one-off administration fee in the sum of £35 + VAT to cover the cost of officer time associated with the above and in copying and sending out relevant guidance information.
- 8- Payment of an annual sum to cover the cost of sweeping the chimney / flue twice a year. This amount will be determined in March of each year and will become payable on 1st April. Installations completed during the year will be charged pro-rata, depending on the date of installation. The annual sum will include sweeping the chimney / flue, an administration charge of 15%, + VAT.
- 9- That the tenant will allow, subject to reasonable notice, an inspection of the installation and access for sweeping.
- 10- Failure to comply with any of the above may result in the Council taking action to enter the property for the purpose of isolating and making safe any tenant installation.

It is proposed that this option should not be allowed in any circumstances where the property is a flat, maisonette or bed-sit due to the increased problems and risk associated with any installation and storage of fuel material. This condition will also apply to leaseholders.

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