

Taunton Deane Borough Council

Tenant Services Management Board – 19 December 2011

Gas Servicing Inspection Process where Difficulties with Access Occur

Report of the Tenant Services Development Officer

(This matter is the responsibility of Executive Councillor Jean Adkins)

1. Executive Summary

This report aims to inform the Tenant Services Management Board of the procedure for gas safety checks when difficulties with access have occurred.

The content of the report and the attached appendices will illustrate the opportunities that tenants are provided with to arrange a convenient appointment for the safety checks and at what point Taunton Deane Borough Council's requests for access become legally formal.

2. Background

Taunton Deane Borough Council (TDBC) as a landlord has a legal duty under the Gas Safety (installation and use) Regulations 1998 to ensure that any gas appliance and gas supplies that are provided to its properties are tested every 12 months for the safety of the tenant occupying the property and the surrounding community.

The majority of TDBC tenants allow entry for the gas safety checks to occur but with a minority of tenants making access difficult TDBC has to have a rigorous procedure to ensure that access can be obtained to ensure the necessary gas safety checks are completed.

3. Procedure for Gas Safety Check Where Difficulties with Access Occur

The process begins when access has not been obtained and is subsequently dealt with in three stages by:

- The Contractor who completes the safety checks

- Housing Property Services
- Housing Estate Management

Various methods are used to try and arrange access with the tenant which includes:

- Telephone calls to arrange access
- Visits from the tenant's Estate Officer.
- Letters being sent via post and hand delivered by Estate Officers

The letters have an increasing emphasis on the reasons why the gas safety checks are necessary and the consequences of not responding to the request for access. Examples of the letters are detailed in Appendices A to E and are listed in the table below.

4. The Three Stage Process

STAGE 1 - CONTRACTOR
Process
1 st Contact Card left by Contractor following the first failure to gain access (<i>Appendix A</i>)
2 nd Contact Letter left by Contractor if the tenant has still not arranged an appointment with the contractor (<i>Appendix B</i>)
Contractor attempts to arrange access twice by phone
Weekly update provided to Housing Property Services on outstanding properties with access issues.

STAGE 2 – HOUSING PROPERTY SERVICES
Process
3 rd Contact Letter requesting a response from the tenant within 14 days to arrange an appointment sent by Housing Property Services (<i>Appendix C</i>)
Property Services attempts to arrange access once by phone
Door/Lock type of outstanding properties is checked.
Property Services provides Housing Estate Management with a weekly update on gas safety difficulties, which triggers an Estate Officer to try and gain access.
Property Services provides the Housing Services Management Team with a monthly update on gas safety difficulties.

STAGE 3 – HOUSING ESTATE MANAGEMENT
Process
Estate Officers contact tenants by telephone to arrange access upon receiving an update from Housing Property Services.
A '7 Day Letter' requesting access within 7 days is hand delivered by Housing Estates Management (<i>Appendix D</i>)
Estate officers try and gain access throughout stage 3, through phone calls and home visits.
A Legal action letter is hand delivered by Housing Estate Officer detailing the date and time TDBC will be obtaining access to complete the safety checks. A key for the new lock is included with the legal letter in the event that the locks will need to be changed. (<i>Appendix E</i>)
Following no response to the legal letter - entry obtained with Estate Officer, Carpenter, Gas Engineer and Police if required.

5. Process Timescales

Tenants are provided with a sufficient amount of time to respond to each request for access before TDBC proceeds to the next stage. The overall timetable for the whole process is between 6-7 weeks, with each individual stage taking approximately:

- Stage 1 = 2 weeks
- Stage 2 = 2 week
- Stage 3 = 2-3 weeks

6. Finance Comments

The contractor and TDBC staff spend a significant amount of time and effort into gaining access to the property to complete the required checks and to reduce the need for formal letters and forced entry into a tenant's property. The cost for the council forcing entry at the end of the process is between £100-£250 (for the cost of changing the locks at the property) which is then recharged to the tenant.

7. Legal Comments

The Council is legally required to complete the gas safety checks. It should also be noted that by not allowing access the terms of the Tenancy Agreement are not being met.

8. Links to Corporate Aims

There are no specific links to corporate aims

9. Environmental Implications

There are no specific environmental implications.

10. Community Safety Implications

The council's legal obligation to carry out the gas safety checks every 12 months is to ensure the safety of the tenant and the surrounding community.

11. Equalities Impact

Throughout the process the tenants are contacted numerous times by telephone to inform those with difficulties reading about the need for a gas safety inspection. Letters can also be requested in different languages if the tenant does not have English as their first language. The Estate Officers have knowledge of the tenants in their 'patch' and have developed methods to communicate with tenants who may have difficulties understanding such a process.

12. Risk Management

The processes detailed in this report and appendices are designed to limit the risk to tenants and surrounding community.

13. Partnership Implications

The successful completion of the gas safety checks is reliant on effective partnership working between the contractor and TDBC departments.

14. Recommendations

The Tenant Services Management Board is asked to:

- Note the contents of the report.

Contact: Rosie Reed, Tenant Services Development Officer
01823 356 327
r.reed@tauntondeane.gov.uk

MJT MECHANICAL SERVICES
(WORKING ON BEHALF OF TAUNTON DEANE BOROUGH COUNCIL)

TO THE TENANT OF

A VISIT WAS MADE TODAY WITH REFERENCE TO THE SAFETY CHECK OF THE GAS/SOLID FUEL APPLIANCES AND SMOKE DETECTORS IN YOUR DWELLING BUT IT WAS NOT POSSIBLE TO GAIN ACCESS. WILL YOU PLEASE CONTACT US TO ARRANGE ACCESS ON (01823) 289036 BETWEEN 8.30 AM – 5.00 PM, E MAIL mags@mjt-mech.co.uk or visit www.mjt-mech.co.uk

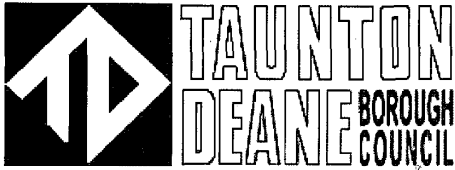
SIGNED

DATE TIME

IT IS A DUTY AND A REQUIREMENT OF THE LAW THAT THE COUNCIL AS A LANDLORD MAKES AN ANNUAL SAFETY CHECK OF ALL COUNCIL OWNED APPLIANCES.

CARBON MONOXIDE KILLS

WHITE COPY – TENANT, YELLOW COPY – MJT, GREEN COPY - TDBC



Amanda Oaten
Housing Property Services
Priory Depot, Priory Way, Taunton, Somerset, TA1 2BB
Tel. 01823 356523
email: a.oaten@tauntondeane.gov.uk
Our ref: H81/7/7/057/5

To The Occupier

Dear Sir/Madam

Gas and Solid Fuel Central Heating and Smoke Detector Servicing
Annual Safety/Servicing inspection

The Council has a legal obligation to carry out an annual safety inspection and service of all gas and solid fuel heating appliances together with smoke detectors installed in Council owned dwellings. This is a statutory requirement and failure to do so may result in legal proceedings being brought against the Council.

All Council tenants are obliged under their tenancy agreements to assist the Council in meeting this obligation.

Gas and solid fuel heating appliances must be inspected/serviced on a regular basis to ensure that they are in safe working order, that they are not producing potentially harmful Carbon Monoxide gas and that they continue to operate efficiently.

I understand from our contractors (MJT Mechanical Services), that they have attempted to gain access to your dwelling but to date have been unsuccessful, although they have left a request for you to contact them in order to arrange a convenient time to call.

The heating appliances installed in your dwelling must be inspected/serviced as soon as possible and it would be appreciated if you would contact our approved Contractor MJT Mechanical Services direct on (01823) 289036 between 8.30am and 5.00pm or e mail mags@mjt-mech.co.uk to arrange an appointment. Should you experience any difficulty in making an appointment or wish to discuss any points made in this letter then please do not hesitate to contact me at the above.

If the appliances have been serviced within the last few weeks or you have recently made an appointment please ignore this letter.

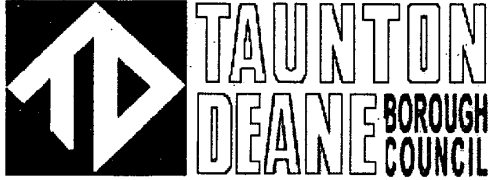
Yours faithfully

[Handwritten signature]

Technical Assistant

Address

Signature Date



Our ref: H81/7/7/057/5

Amanda Oaten
Housing Property Services
Priory Depot, Priory Way, Taunton, Somerset, TA1 2BB
Tel. 01823 356523
email: a.oaten@tauntondeane.gov.uk

28th October 2011

Dear

URGENT

**Gas and Solid Fuel Central Heating and Smoke Detector Servicing
Annual Safety/Servicing inspection**

The purpose of this letter is to strongly emphasise that it is essential that any gas installations in your home are checked. The Council as landlord, has a legal duty to ensure that any gas appliances and gas pipes that it provides in its properties are tested at least every 12 months [Gas Safety (Installation and Use) Regulations 1998].

Recently our contractors (MJT Mechanical Services) have attempted to gain access to your dwelling because there are gas installations in your home that require safety checks. From our records, we do not appear to have received a response from you so that an appointment can be made for these safety inspections to be carried out.

It is absolutely essential that the gas installations are checked as yours and others health and safety maybe at risk. Therefore, if you fail to respond to this letter within 14 days, it may be necessary for the Council to serve notice upon you, that it has the right under the Housing Act 1988 Section 16 and as set out in your Tenants Handbook, to force entry into your home after serving you with at least 24 hours' notice of intention to gain entry. Please note: The cost of such action would be rechargeable to you as the occupier.

The Council hopes that such action will not be necessary and would ask you to contact MJT Mechanical Services direct on (01823) 289036 between 8.30am and 5.00pm or e mail mags@mjt-mech.co.uk and arrange an appointment.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'A Oaten', written over a horizontal line.

Technical Assistant

Legal Services

Head of Legal and Democratic Services – Tonya Meers
The Deane House, Belvedere Road, Taunton TA1 1HE
Tel 01823 356539 Fax 01823 356329

Deane Housing Management

The Deane House, Belvedere Road, Taunton TA1 1HE

Tel: «Next Record» Fax: 01823 356583

E-Mail: «Next Record»@tauntondeane.gov.uk

Our Ref:

Date:

Insert Tenant Address

Dear Insert Tenant Name

7 DAY NOTICE OF INSPECTION OF GAS HEATING INSTALLATION

Further to a contact card being left at your address and your failure to make an appointment this is to give you 7 days notice under your Conditions of Tenancy - Section 3.4 and 3.5 Access for Repairs:

- 3.4 You have the discretion to allow Council's Officers or agents to enter the dwelling at any time for the purpose of inspection or the execution or repairs. However, you **MUST allow such access**, after receiving not less than 24 hours written notice from the Council of the intention to enter.
- 3.5 The Council reserves the right to enter the dwelling in an emergency without notice, if it is necessary to prevent injury to any person or damage to property. The Council will be responsible for making good all damage or loss arising from such entry. **You must note, should it be necessary for a forced entry to be made, you will be recharged for any replacement locks used.**

The purpose of this visit is to complete the legal annual safety inspection and servicing of your gas heating and smoke detector installations.

To avoid this action please contact Deane Housing Management on 01823 356319 within the next 7 days in order to arrange a suitable appointment.

Please do not ignore this letter; your safety is at risk.

Yours sincerely

Estates Officer

Our Ref: alt/Gas/
Your Ref:

Please reply to: Mrs A Taylor
Direct Line: 01823 356539
email: enforcement.solicitor@tauntondeane.gov.uk
1st August 2008

Appendix E

Dear

Re: Failure to permit access for gas inspection.

I understand that despite repeated attempts to carry out an inspection of your gas appliances, by inviting you to make a mutually convenient appointment, Taunton Deane Borough Council have been unable to gain access to your property.

As you have been advised the Council, as your landlord, has a legal duty to ensure that any gas appliances and gas pipes that it provides in its properties are tested every 12 months. This is to protect you and other members of your community from damage or death from gas leaks. Your property has not been inspected in the last 12 months and this potential hazard cannot be allowed to continue.

The terms and conditions of your tenancy provide that you “have the discretion to allow council officers or agents to enter the dwelling at any time for the purpose of inspection or the execution of repairs. However, you **MUST** allow such access after receiving not less than 24 hours written notice from the Council of the intention to enter.”

PLEASE NOTE THEREFORE THAT WE GIVE YOU NOTICE IN WRITING OF OUR INTENTION TO VISIT YOUR PROPERTY ON (insert day) (insert date) at approximately (insert time) WITH OUR CONTRACTOR TO GAIN ACCESS TO INSPECT YOUR GAS APPLIANCES. Please ensure that gas and electricity are connected so that we can carry out the inspection. If no gas is being supplied to your property our contractor will insert a disc into the gas meter so that it cannot be used without a service being carried out. This will ensure safety both to you and your neighbours.

If there is no one at the property to provide access we consider it reasonable for us to gain access to your property to carry out the safety inspection. If that is necessary, we will arrange for a locksmith the change the lock to your front door and provide access for the inspection this way. A new lock will be fitted to keep your property secure and you will be invoiced for this work which will be at a cost of not less than £100 nor more than £250.

You will find enclosed with this letter a key. You should retain this key, as it will open the new lock which will be fitted if you do not let us in to carry out the inspection. Should a new lock not be necessary our officer will simply collect this key from you during the inspection.

If the new lock is required and you do not take the enclosed key with you on (insert date) you will still be able to contact us on 01823 356331 during office hours to arrange to collect another key. If you need to do this, you, as the named tenant, will need to bring some proof of your identity with you e.g. passport, driving licence or other photo ID. For security reasons we will not release the new key to your property without the production of the proof of identity.

I hope it will not be necessary to change your lock for security purposes on (insert date) and that you permit access for the inspection.

If you have any points or questions you would like to raise please contact (insert name) your estates Officer on 01823 356331.

Yours sincerely

Alison Taylor
Enforcement Solicitor