

REPORT TO: HOUSING, DUNDEE CONTRACT SERVICES AND ENVIRONMENT SERVICES COMMITTEE - 24TH NOVEMBER 2008

REPORT ON: ANNUAL GAS SAFETY CHECKS

REPORT BY: DIRECTOR OF HOUSING

REPORT NO.: 509-2008

1. **PURPOSE OF REPORT**

1.1. To seek approval for changes to the annual gas safety checks programme.

2. **RECOMMENDATIONS**

It is recommended that Committee:

2.1. Note the contents of the report.

2.2. Approve the policy changes proposed in the report.

2.3. Note the importance of firm action by the Housing Department in relation to those who fail to give access for annual gas safety checks of appliances in Council housing.

3. **FINANCIAL IMPLICATIONS**

3.1. Costs associated with the recommendations of this report will be met from existing Housing Revenue Account resources.

4. **MAIN TEXT**

4.1. The relevant legislation with regard to this subject is the Gas Safety (Installation and Use) Regulations 1998.

4.1.1. Regulation 36 details the duties of landlords to "ensure that each appliance and flue to which the duty extends" has been checked within a 12 month period, that proof is kept for two years and is available for the tenant(s) of the property.

4.1.2. "All reasonable steps" should be taken by landlords (including through tenancy agreements) to ensure access to property for safety checks and maintenance work to be done. This may involve written notice to the tenant, personal visits, etc. and records require to be kept so as to demonstrate that the landlord has discharged its duty.

4.2. In practice what this means is that a longer period in advance of the anniversary date is required to allow for access difficulties. As a result the annual programme has been adjusted from 11 months to 10 months.

4.3. A range of policy changes are required in order to improve the percentage of tenants with a current gas safety certificate. At present the vast majority of Council tenants with gas installations readily agree access to allow the annual gas safety check to take place within the 12 month period. Currently 92% are covered by a current safety certificate.

- 4.4. However, there are a number of tenants who continue to fail to provide access thereby placing themselves and their neighbours at risk from appliances that have not been regularly checked.
- 4.5. Current practice is to seek to arrange appointments for gas safety checks, to write to those failing to allow access and to escalate the process, within the 12 month period, in an effort to gain access.
- 4.6. The Council tenancy agreement allows the landlord to require the tenant to give access, with reasonable notice, to carry out necessary inspections/works. In addition, the Housing (Scotland) Act 2001 gives the landlord, at any reasonable time on giving 24 hours notice in writing to the tenant/occupier, authority to enter the property for the purposes of viewing its state and condition or carrying out work necessary to comply with the duty of repair resting with the landlord. No further legal authority is required.
- 4.7. Given the potential seriousness of failure to give access for gas safety checks, use of forced entry and the fitting of service interval timers has been adopted as current practice.
- 4.8. The following policy changes are also proposed:

Emergency Repairs

- 4.8.1. Currently emergency repairs are carried out to tenanted properties regardless of whether a tenant with a gas supply has provided access for a gas safety check.
- 4.8.2. It is recommended that tenants who report an emergency repair and have an outstanding gas safety check have their emergency repair deferred to the following day as a daytime emergency. The exception to this is emergency repairs which present a health and safety issue. Such repairs will continue to be undertaken as soon as practical on an emergency basis.
- 4.8.3. Deferring the emergency repair to the next day would enable DCS to arrange to undertake the outstanding gas safety check at the same time as the emergency repair.

Quick Fix and Routine Repairs

- 4.8.4. At present there are occasions when a non emergency repair is carried out to a tenanted property that does not have an in-date gas safety check. It is proposed to carry out all such repairs as multi trade jobs, tying the required trade together with the gas engineer to allow the requested repair to be carried out at the same time as the outstanding gas safety check.
- 4.8.5. It is proposed to implement this policy change, if approved, following an assessment of the change to emergency repairs proposed above.

Empty House Repairs (Relets)

- 4.8.6. Currently, a gas safety check is undertaken as standard for relets. However, completing a full gas safety check requires the property to have a gas and electricity supply. This is not available in all properties. In such cases a partial safety check is undertaken. It is recommended that where possible a full gas safety check is undertaken, even if the property has an in-date certificate.

- 4.8.7. Where it is not possible to carry out a full gas safety check, a partial check is still to be undertaken on safety grounds. As an interim solution, and until a means to carry out a full gas safety check can be developed, it is proposed to disable the gas installation and that an appointment is made with the new tenant when they sign for the property. At this appointment the full gas safety check can be undertaken.

Service Interval Timers

- 4.8.8. Devices are available which alert the tenant that a gas safety check is due. The timer can, if programmed, switch off the boiler if the anniversary date has passed and the boiler has not been checked.
- 4.8.9. These devices, if fitted, will improve access rates and will act as a safety device should access not be achieved. It is proposed to take every opportunity to fit timer devices thereby, in due course, reducing access difficulties. Priority will be given to relets, cases where access has previously been denied and when new boilers are installed as part of the Capital Programme.

5. **POLICY IMPLICATIONS**

- 5.1. This report has been screened for any policy implications in respect of Sustainability, Anti Poverty, Equality Impact Assessment, Strategic Environmental Assessment and Risk Assessment.
- 5.2. Steps will be taken for people with language and reading difficulties to ensure all communications needs are addressed in the methods of communications used.

6. **CONSULTATIONS**

- 6.1. The Chief Executive, Depute Chief Executive (Support Services), Depute Chief Executive (Finance), Head of Finance, Assistant Chief Executive and all other Chief Officers have been consulted on this report.
- 6.2. Dundee Federation of Tenants Associations have been consulted on this report. Subject to approval of the report it is proposed to circulate the report to all Registered Tenants Organisations asking for comments/feedback within six weeks. Should any material changes be required in light of this exercise these will be reported back to Committee.

7. **BACKGROUND PAPERS**

- 7.1. None.

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