

**DRAFT**

**HOUSING AND ENVIRONMENT COMMITTEE**

**13 April, 2010**

**GAS SAFETY MANAGEMENT – ACCESS FOR ANNUAL GAS SAFETY CHECKS - H&E/10/050**

The Committee had before it a report by the Director of Housing and Environment which outlined the Council's legal obligations for the management of gas safety, and suggested the introduction of an administrative charge and other measures for tenants who do not allow access in this regard.

By way of background the report advised that there were approximately 17,000 houses heated by gas throughout the Council, and the annual programme for servicing and safety checks was agreed between the Council and the gas servicing contractor. The contractor would commence the annual service and safety check process two months before the annual safety check was due, by writing to the tenant and providing them with approximately 2 weeks' notice of the proposed date of visit. At this point tenants would be invited to contact the contractor to arrange an alternative time and date if this was not convenient. If the contractor could not gain access to the property, a card would be left asking the tenant to contact the contractor either by returning the card or by phoning to arrange a mutually convenient time. If the contractor could still not gain access, the visit would be reprogrammed and the tenant would again be advised in writing of the time that the servicing and safety check would be carried out.

If all the attempts by the contractor to gain access were unsuccessful, the Council would take over by attempting to gain access by arranging a visit by a member of staff. During this period, checks would also be made to ensure that the tenant was not vulnerable in any way, or would require assistance to enable them to deal with the servicing and safety check visit. If this was the case, then appropriate assistance would be sought from a relative or carer.

If five attempts by the contractor and by the Council to gain access fail, action would be taken to schedule forced entry to the house in respect of the landlords repairing obligations set out within the Housing (Scotland) Act 2001.

The report advised that in practice, tenants would generally allow access at this stage and the forced entry would not have to be implemented, though there were considerable resources involved including the attendance of the gas servicing contractor, a joiner and a housing management officer. Forced entry was scheduled for 520 properties between 1 January, 2009 and 31 March, 2009, although of these only 72 actual forced entries took place due to tenants

permitting access on the day. The resources involved in these actions were additional to the resources already employed in the correspondence and visits that lead up to the forced entry action.

The report advised that performance on achieving the annual service and safety check within 12 months was generally good, and at the beginning of March, 2009, 88% of houses had been serviced and safety checked within one year and a total of 98% of properties had a certificate. It was proposed that to improve performance, and particularly to encourage tenants to allow access to their homes at a much earlier in the gas servicing and safety check process, that an administrative charge of £120 should be introduced that would be payable by all tenants who reached the forced entry stage. This amount would be charged even if the tenant allowed entry at this stage and the charge would be reviewed along with other rechargeable repair costs on an annual basis.

The report explained that the proposed administration charge would be made up of a number of components, namely (1) hourly rate for joiner; (2) high priority timescale additional payment; (3) hourly rate for gas servicing contractor; (4) cost of standard lock; and (5) administration costs of additional letters, phone calls, and visits.

The report continued that as a further measure to assist performance improvement, it was proposed that gas hibernation devices should be fitted to the gas heating system controls where the Council had reached the forced entry stage. These devices were programmed to switch off the heating at the date when the gas safety certificate expired, though a limited amount of heat would be allowed per day. If the tenant allowed access before the expiry date of the gas safety certificate, the device would not be activated.

During discussion of this item, officers advised that a contractor was liable to provide compensation to a tenant if the company did not turn up for to a scheduled appointment. Members requested that the Director provide tenants with advice to that effect which could be included in the letter advising of the initial appointment.

**The report recommended:-**

- (a) that an administrative charge of £120 should be made to tenants who do not allow access for the annual gas service and safety check until the Council has scheduled forced entry;
- (b) that this charge is reviewed on an annual basis;
- (c) that Hibernation devices be fitted to properties where the same tenant has reached forced entry stage; and
- (d) that the Council use all means available to publicise to tenants the importance of allowing access for the annual gas service and safety check.

At this point the Convener alluded to the fact that the report would have to be referred to the Finance and Resources Committee, in order for the income generation aspect of this proposal to be approved.

The Convener, seconded by the Vice Convener, moved:-  
that the Committee approve the recommendations with the addition that only two attempts to gain access be made (rather than 5 as suggested within the report), with a minimum of six weeks between attempts.

Councillor Hunter, seconded by Councillor Cooney, moved as an amendment:-  
that the Committee approve the recommendations with the addition that three attempts to gain access be made (rather than 5 as suggested within the report).

On a division, there voted:- for the motion (10) – the Convener, the Vice Convener; and Councillors Clark, Corall, Dunbar, Fletcher, Noble, Robertson, Kevin Stewart and Yuill; for the amendment (5) Councillors Allan, Collie, Cooney, Hunter and Milne.

**The Committee resolved:-**

- (i) to adopt the successful motion; and
- (ii) to refer this report to the Finance and Resources Committee for their consideration of the financial implications.