

Committee(s):	Date(s):
Housing Management & Almshouses Sub Committee	26 Sept 2013
Subject: Gas Safety regulations – Landlords Responsibilities	Public
Report of: Director of Community & Children’s Services	For Information

Summary

The Gas Safety (Installation and Use) Regulations 1998 deal with landlords’ duties to make sure gas appliances, fittings and flues provided for tenants are safe. (These duties do not extend to leasehold properties.)

As landlord we are responsible for the maintenance and repair of flues, appliances and pipework, which we own and have provided for our tenants use, by a Gas Safe registered engineer. Although there is no prescribed timeframe for these duties, good practice would be the demonstration of regular, annual maintenance checks and subsequent repairs.

We are also responsible for ensuring an annual gas safety check is carried out within 12 months of the installation of a new appliance or flue, which we own / provide and annually thereafter by a Gas Safe Registered engineer. We are required to keep a record of the safety check for 2 years and issue a copy to each existing tenant within 28 days of the check being completed and issue a copy to any new tenants before they move in.

This report will update committee on the current process for carrying out the gas safe checks, current performance and actions being taken to improve performance.

1. Background

The Housing service currently contracts all gas servicing and safety checks, on eligible properties i.e. those having a gas supply meter, gas central heating or other gas appliance provided by the City of London housing service, to Carillion PLC. Annual gas safety checks should be carried out on all properties that meet these criteria. Therefore the performance target, for compliance with the Gas Safety Regulations 1998, to carry out annual gas safety checks is 100%.

2. The process to complete the gas safety inspection

At 10 weeks prior to the expiration date of the current gas safe certificate a letter is sent by Carillion PLC, on behalf of the City of London, to the tenant advising that the annual gas safety check is due and an appointment is offered for a gas safe registered engineer from Carillion to attend.

If the tenant does not keep the appointment (or fails to make an alternative appointment) then a further letter is sent (approx. 8 weeks before expiration) with a revised appointment or request that the tenant contacts Carillion.

If access to carry out the inspection is still not gained following this 2nd letter, then a final letter is sent by registered post (approx. 6 weeks before expiration) requesting access and advising that the matter is being referred to the City of London's housing service. A copy of the letter is provided to City of London for audit purposes.

3. Successful Gas safety inspection

On completion of the appointment and a successful gas safety check a gas safe certificate is issued (one copy for the tenant and another for CoL). If the check is not successful and repairs are required, these will be either be carried out at the time or follow up arrangements for additional works will made and the situation will be "made safe". This may in extreme cases include the "condemning of an appliance for no further use".

4. No access gained

Upon notification from Carillion that they have completed the process of attempting to gain access (letters 1, 2 and 3 above), but without success, the City of London's Housing Service will hand deliver a further letter and make all reasonable attempts to contact the tenant to arrange access in order to carry out the gas safe checks.

5. Ultimate sanctions

Withholding access to the property for the purpose of carrying out urgent or emergency repairs is a potential breach of the tenancy agreement and where this occurs following all of the above attempts to engage with the tenant for the purpose of arranging the gas safety checks, the matter is referred to the Comptrollers department to commence legal action to obtain an injunction to gain access or to issue a notice of seeking possession.

Refusal of access for the purpose of gas safety checks puts both the tenant and neighbours at risk.

4. Service Improvements & Current Performance

A recent change in the process includes making evening telephone calls to the tenant where the gas safe certificate has expired and in some circumstances, we have offered evening or weekend appointments to accommodate tenant's availability. This has achieved limited success to date – for example, in one such evening 17 appointments were made. This is currently being repeated on a weekly basis and outcomes are being closely monitored.

Reporting processes and record management has also been improved to ensure a full audit trail of activities taken to gain access is recorded

As the gas safety checks are due on the anniversary of the previous gas safety check there is an on going process of completion i.e. a rolling 12 month programme. Performance is monitored weekly by the City of London's property service team. Due to the on-going nature of this service and given the requirement for 100% compliance, performance is reported on the basis of being "an accurate position at that given time".

The current number of properties (as at 9th Sept 2013) without a valid gas safe certificate is 39.

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