

Meeting:	Tenant's and Leaseholders' Consultative Forum.
Date:	21 st July 2009
Subject:	Gas Servicing Proposed Procedure
Responsible Officer:	Gwyneth Allen Divisional Director, Housing Services
Portfolio Holder:	Councillor Barry Macleod-Cullinane, Portfolio Holder for Adults & Housing
Exempt:	No
Enclosures:	Draft Procedure

Section 1 – Summary and Recommendations

In order to ensure that the council is complying with its obligation to service all gas appliances every 12 months a procedure is required for those tenancies where there is a repeated failure to give access.

Recommendations:

The forum is recommended to endorse the report and give any comments on potential amendments to be considered.

Reason: (For recommendation)

The proposed procedure sets out a clear response to a problem affecting the health and safety of residents.

Section 2 – Report

- 2.1 In order to comply with the requirement to complete the works within 12 months the servicing is planned to be completed after 11 months leaving some time to arrange access in a way that is convenient to tenants but which should avoid exceeding the deadline.
- 2.2 The contract arrangement with Kier for the servicing of gas appliances requires that they make 3 attempts to visit tenants to complete the servicing. These visits are carried out by offering appointments and opportunities are given for tenants to request alternative appointment times.
- 2.3 When Kier find they have had no response the case is referred to Housing Services to contact the tenant and make arrangements for the work to be done.
- 2.4 If tenants fail to respond to letters phone calls and visits the ultimate sanction would be for the council to seek eviction of the tenant. However current best practice is to seek an injunction from the court that would direct the tenant to give access. Failing to comply with the injunction could lead to a fine or possibly imprisonment; however, the tenancy itself is not put at risk.
- 2.5 The attached draft procedure sets out the steps that should be taken to secure access and identifies that ultimately a request to court for an injunction may be necessary. The comments of the forum are requested on the implementation of this procedure.
- 2.6 The attached procedure has been circulated to 10% of tenants direct for their comments. A verbal update on the results of this exercise will be provided to the meeting.
- 2.7 Frequent references are made to the importance of the gas servicing procedure in copies of Homing In an attempt to raise the profile of this issue.
- 2.8 The majority of tenants do readily give access to Kier when appointments are arranged and currently housing staff are dealing with 112 cases trying to ensure that access is granted, of these cases some have in effect had their gas supply disconnected due to arrears.

2.9 Legal Implications

As part of its statutory repairing obligations under s.11 of the Landlord and Tenant Act 1985, the Council (as the landlord) is to keep in repair and proper working order the installations for the supply of gas as well as installations in its properties for space heating. Failure to comply with its repairing obligations could result in a claim for damages/compensation for disrepair being brought against the Council.

Furthermore the Gas Safety (Installation and Use) Regulations 1998 state that gas installations in all let and managed properties must be tested

annually for safety. Failure by the Council to comply with these regulations can result in a substantial fine or even, imprisonment.

This proposed Gas Servicing Procedure will assist the Council in fulfilling its statutory repair/inspection obligations as highlighted above

Financial Implications

The costs of implementing this procedure will be met from existing resources

Performance Issues

This area of performance is measured internally

Risk Management Implications

The purpose of this proposed procedure is to minimise the risk to both residents and the reputation of the council.

Risk included on Directorate risk register? Yes

Separate risk register in place? No

This procedure is the response to managing the risk.

Section 3 - Statutory Officer Clearance

Name: Donna Edwards	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 03/07/2009		
Name: Paresh Mehta	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 03/07/2009		

Section 4 - Contact Details and Background Papers

Contact: Paul Mullins, Interim Special Projects Manager, 0208 4168049

Background Papers: Draft Gas Servicing procedure

If appropriate, does the report include the following considerations?

1.	Consultation	YES
2.	Corporate Priorities	NO