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## 1 GAS SERVICING - ACCESS PROCEDURES

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### 1. Purpose and Scope

- 1.1 The Gas Safety (Installation and Use) Regulations 1998 require landlords to ensure all gas fittings are maintained in a safe condition and to ensure an annual safety check is carried out on each appliance.
- 1.2 In order to comply with the regulations, Harrow Council's maintenance Division employs Gas Safe / Corgi registered engineers, Kier, to carry out annual servicing of gas appliances in its properties. The annual service incorporates the required gas safety check.
- 1.3 It is the aim of Harrow Council to ensure that servicing of gas appliances in all of its properties is carried out at least every 12 months. In those cases where access arrangements are difficult the procedure will be followed to ensure the service takes place as soon as possible.
- 1.4 In the majority of cases tenant(s) cooperate with Harrow Council in allowing access to enable the necessary servicing work to be carried out. However, in a number of instances, access cannot be gained. This is despite all tenancy conditions containing clauses 3.3 and 4.1, allowing, subject to 48 hours notice (except in an emergency), Harrow Council employees and contractors access to inspect the condition of our properties or to carry out repairs or other work and giving as a specific example the annual servicing of gas appliances.
- 1.5 The following procedures have been developed to provide a procedure to be followed where access cannot be gained within three access attempts by Kier; both to ensure the safety of Harrow Council's tenants and to ensure Harrow Council comply with any appropriate regulations.

### 2. Procedure

- 2.1 Kiers write to the tenant (first class post), not less than seven calendar days in advance, to advise them of the date and time, giving at least 5 working days notice, which a service visit will take place. The letter invites the tenant to contact Kier to arrange an alternative appointment if the appointments date and time are not convenient. Kier will call at the property to undertake the Annual Gas Service.
- 2.2 If access cannot be gained at the time of the appointment the Kiers engineer will leave an abortive call card advising the tenant to contact Kiers within 5 working days to arrange a further appointment. A file-note regarding any abortive call will be held by Kiers.
- 2.3 If the tenant has made no contact after the 5 working days, Kiers will write (first class post), to the tenant to advise them of the date and time which a second service visit will take place. The letter invites the tenant to contact Kiers to arrange an alternative appointment if the appointments date and time are not convenient. Kiers will call at the property to undertake the Annual Gas Service.
- 2.4 If access cannot be gained at the time of the appointment the Kiers engineer will leave an abortive call card advising the tenant to contact Kiers within 5 working days to arrange a further appointment.

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## 2 GAS SERVICING - ACCESS PROCEDURES

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A file-note regarding any abortive call will be held by Kiers.

- 2.5 If the tenant has made no contact after 5 working days, Kiers will serve a section 54 notice (first class post), on the tenant. The S54 notice states the date and time which a third service visit will take place. The letter invites the tenant to contact Kiers to arrange an alternative appointment if the appointments date and time are not convenient. Kiers will call at the property to undertake the Annual Gas Service. The s54 notice clearly states that if this appointment is abortive, then the matter will be referred to the Minor Repairs Team and Resident Services Tenancy Management Team as a breach of tenancy. This may involve legal action for which the tenant will be charged any court costs and for any costs incurred due to forced entry. The contractor sends this letter by first class post.
- 2.6 If the third visit is abortive, Kiers refer the tenant to the Resident Services Tenancy Management Team. The appropriate Housing Officer will then urgently try to contact the tenant to arrange an appointment by:
- Telephone if the number is known,
  - Hand deliver a letter, if the tenants phone number is not known (appendices 1 & 2)
  - Visiting the tenant's home, leaving a calling card if no access is gained.
  - Undertake vulnerability checks
  - Next of Kin

All attempts to contact will be recorded on the Civica system.

- 2.7 Tenancy Management will use all reasonable means available to gain access within the next 10 working days.
- 2.8 When contact is made with the tenant and a gas service appointment made, a confirmation letter should be sent to the tenant (appendix 3) by first class post. The housing officer should liaise with the appropriate Kiers staff and e-mail the appointments made to them. Upon the gas servicing appointment being under taken, kier will update the appropriate HO. If Kiers do not attend the appointment Kier will then have the responsibility of re-booking the appointment until the gas service has been completed.
- 2.9 If no contact has been made, the Housing Officer will discuss legal action, including costs against the tenant, with the housing operations manager. If deemed appropriate the Housing Operations Manager will instruct the Housing Officer to refer the case to Harrow Council Legal Team to apply for an injunction to force entry (appendix 4). To this the housing officer should attach all relevant legal documents, letters, no access cards and audit trails to date (appendix 5). The housing officer will in some circumstances be required to attend court to give evidence verbally. If deemed inappropriate to refer to legal department, the Housing Operations Manager will instruct the housing officer to continue attempts to make contact with the tenant. Cases will not be referred to legal only in the following circumstances – when there is certainty that gas supply is not available due to arrears on a prepayment meter or the removal of a gas meter or the quantum meter being frozen. In such eventualities an interim service will be completed and a further appointment arranged. This will include a visual inspection and air test. In all cases referral for access must be gained within the 12 month period, since last gas safety certificate issued.

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### 3 GAS SERVICING - ACCESS PROCEDURES

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- 2.10 During the time from referral to Harrow Council Legal Team and the date of the court hearing, the housing officer should continue to attempt to make contact with the tenant and arrange a gas servicing appointment. All attempts to contact will be recorded on the Civica system.
- 2.11 Legal Services will attend the court hearing. On successfully gaining an injunction/interim relief order a letter will be sent to the tenant advising of the detail of the court order, in particular that Harrow Council can force entry to the property if necessary (appendix 6).
- 2.12 If the tenant does not permit access in accordance with the court order the Housing Officer will arrange for a forced entry to the property, through a Kiers locksmith to ensure no damage to the property other than the lock and in compliance with points 5.7 – 5.10 of the Gaining Access procedures (appendix 7 and 8 - where the RS had responsibility the HO has responsibility). Kiers should ensure that a Gas safety Timer is fitted and activated to the boiler during the service. After completion of servicing the lock will be replaced and the property secured. If there is insufficient credit on the meter to allow servicing, then Kiers will turn off all appliances and cap off the gas supply.
- 2.13 The tenant will be recharged for the cost of the court application; cap off and administrative fee will be levied.
- 2.14 Housing officers will discuss 'no access' cases during their one to one meeting every 4 – 6 weeks.
- 2.15 Kiers are to liaise with Resident Services Housing Officers to ensure that both parties are up to date with which properties do and do not require Annual Gas Appliance Checks.