

**Annual Gas Safety checks:
Reducing the number of tenancies at forced entry stage.**

Report by Eibhlin McHugh, Joint Director, Health & Social Care

1. Introduction

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. Landlords' duties include responsibility for the safety of tenants occupying property under a lease or agreement.

The agreement with the tenant allows access for any maintenance or safety check work to be carried out. As a landlord, the Council has to take 'all reasonable steps' to ensure this work is carried out, and this involves the Council giving written notice to the tenant requesting access, and explaining the reason. In a case where a tenant refuses access the Council has an escalation process in place to demonstrate what steps have been taken, before the forced entry to a property.

Midlothian Council achieves a 100% success rate in gas servicing to its Council houses.

This report outlines the rationale for introducing a range of measures aimed at reducing the number of tenants failing to attend gas safety check appointments. The main proposal contained in this report is to introduce a charge for gas forced entries.

2. Background

All gas safety certificates require to be renewed annually. A 12 monthly gas safety check must be carried out on every gas appliance/flue. A gas safety check will make sure gas fittings and appliances are safe to use. All installation, maintenance and safety checks need to be carried out by a Gas Safe registered engineer. The procedural sequence for escalation in arranging access for this is detailed at Appendix 1.

Forced entries are made to 450 Council houses per annum to allow for the annual servicing of boilers. It costs approx £200 per property, totalling circa £90,000, for a forced entry. Tenants are not currently charged for this failure to provide access for a statutory duty.

The Gas Forced Entry procedure is currently being reviewed as part of the Housing Estates Systems Thinking Review, together with Property Maintenance colleagues.

2.1. Rationale for introducing a charge

As part of the Systems Thinking review of Housing Estates the Council's procedure for Gas Forced Entries has been examined and an experiment to improve the way this operated is currently taking place.

There is minimal feedback from tenants subject to their property forced for gas safety. At most the inconvenience to the tenant involves having to visit the police station to collect new door keys. This is evidenced by the high proportion of 'repeat offenders' – 39.4% of those logged by the GFE experiment have been on the GFE list in the last 2 years.

During the check phase of the systems thinking project the team collected data over a number of weeks about the visits made and the outcomes. From this data the team established that there was someone at home in 85% of the properties visited for a gas forced entry. This is a continuing cost to the Council.

Key figures:

2012/13	Volume
Number of gas services planned	12333
cancelled/rearranged	1804
No access	3387
Gas services completed	7142
Gas forced entry jobs raised	762
Actual forced entries carried out	36

Repeat Gas Forced Entries (GFE): The table below provides an extract of experiment data gathered from 24/2/2014 – 1/7/2014. This indicates that of the 236 properties on the GFE list during that period, 93 (**39.4%**) had been on the GFE list in the previous 2 years.

62 of the 236 (26.3%)	forced entries had been on the GFE list in 2013
47 of the 236 (19.9%)	forced entries had been on the GFE list in 2012
16 of the 236 (6.8%)	forced entries had been on the GFE list in both 2013 & 2012
93 of the 236 (39.4%)	forced entries had been on the GFE list in 2013 or 2012

2.2. Gas forced entry cost

Estimated cost for attending forced entry £169.00 plus VAT 20% (with no Housing Officer in attendance and only Joiner Attending). Estimated cost of actual forced entry £210.00 plus VAT 20% (Housing Officer also in Attendance)

Average cost per property:

Gas Engineer.	£75.00
Joiner Attendance only	£24.00
Joiner Forced entry and change lock	£35.00
Administration (Estimates)	
Letter and dealing with issues involved	£15.00
Gas Team dealing with inquires	£15.00
Housing Officer attending 1 Hr	£30.00
Housing Dept investigating and providing info on the tenant (actual time and persons involved unknown)	£20.00
Social work Dept investigating and providing info on the tenant (actual time and persons involved unknown).	£20.00
Police time (keys kept at station)	
	£234

Benchmarking with other councils

Council	Charges for forced entries?
Scottish Borders	Yes (charge varies based on staff hourly rate)
Edinburgh	Yes (charge varies based on staff hourly rate)
East Lothian	Yes (contractor is PH Jones (British Gas))
West Lothian	Yes (charge varies based on staff hourly rate)

In 2013 an internal audit of the use of term contractors was completed. The follow up of this report included the following recommendation and comment:

	Action	Manager	Due date	Progress
19	The decision not to recharge tenants for forced entries (to allow for the annual servicing of boilers); late cancellation of gas installations and for certain types of issues caused by tenants (e.g. no card in meter, damaging pipe-work) should be reviewed through the Business Transformation process.	Director, Corporate Resources	31 Dec 2013	Complete - The DMT's decision was not to waste resources on pursuing recharges unless there was a full commitment from the Council to pursue tenants through the courts. This has proved futile in the past due to the financial difficulty experienced by some tenants and homelessness tenants

2.3. Taking tenancy action

The tenancy agreement clearly states the following:

You must allow us, or anyone working for us, after proper identification has been shown, to come into your home:

- At any reasonable time to inspect or carry out repairs
- At any time on 24 hours notice being given

If you do not allow access we may have to force entry to inspect or carry out any repairs. We may charge you for the costs involved in forcing entry to your home.

At present tenants are not issued a tenancy warning for Gas Forced Entries. It is proposed that warning letters for tenants at the GFE stage are introduced, as listed at Appendix 2. The first letter will be issued along with the hand delivered GFE appointment letter. This letter from Housing Services will remind tenants of their obligations under the tenancy agreement. A second official tenancy warning letter will be sent to those tenants where entry is forced at the GFE appointment.

In addition to the above it is proposed that Housing Services undertake a pilot exercise whereby a compulsory annual tenancy inspection is introduced for those tenants who have previously had a gas forced entry. These house inspections will give housing officers the opportunity to review the condition of the tenancy, speak to the tenant about any issues they have and provide them with a reminder about their tenancy obligations, including allowing access to their property for gas safety checks. It is proposed that the annual inspection be scheduled to take place in advance of their next gas safety check appointment to maximise the effect of the visit.

2.4. Capped gas supplies

In our research 85% of tenants were at home when we attended for a gas forced entry - 7% of these had the supply capped by the gas supplier. Gas supplies are often capped when there are insufficient funds. An exercise will be undertaken to review the number of tenants whose gas supply is capped due to lack of funds. The project team will liaise with the 'Improving Opportunities in Midlothian' (IOM) group to ascertain what support could be provided to those tenants who appear to be struggling with fuel poverty issues, and maximise household income options. The charging proposals would not be applied to the households in these circumstances.

3. Report Implications

3.1 Resource

No additional resource requirement.

3.2 Risk

The proposals are based on a risk assessment of the non-responding households to the statutory duty for gas safety maintenance.

3.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

- ☒ Community safety
- ☒ Adult health, care and housing
- ☐ Getting it right for every Midlothian child
- ☐ Improving opportunities in Midlothian
- ☐ Sustainable growth
- ☐ Business transformation and Best Value
- ☐ None of the above

3.4 Key Priorities within the Single Midlothian Plan

Midlothian Council and its Community Planning Partners have made a commitment to treat the following areas as key priorities under the Single Midlothian Plan:-

- Early years and reducing child poverty
- Economic growth and business support
- Positive destinations for young people

This report links to the Midlothian Single Plan long term outcome “Ensuring Midlothian is a safe place to live work and visit”.

3.5 Impact on Performance and Outcomes

Working collaboratively with service areas to address areas of high cost failure demand and putting in place preventative measures will have a positive impact on performance and outcomes.

3.6 Adopting a Preventative Approach

Fundamental to the proposal is a key focus on prevention and early intervention.

3.7 Involving Communities and Other Stakeholders

No community consultation required on the proposal.

3.8 Ensuring Equalities

An EQIA has been carried out and assessed that this policy has no people impact and no further assessment will be required. This decision is fully documented. A further assessment will be conducted on outcomes as part of the pilot.

3.9 IT Issues

There are no IT related issues.

4. Summary

It is proposed that the following measures are introduced in an attempt to reduce the number of tenancies reaching a forced entry stage for the gas safety/

safety maintenance requirement and to reduce the number of tenants receiving repeat forced entries. It is expected that these will lead to a reduction in staff resources required and a reduced contract cost with the Gas Safety Engineer provider.

5 Recommendations

The Cabinet is recommended to:

- a) Agree to introduce a re-charge of £200 for forced entries, with the exception of households that have a capped gas supply
- b) Agree to introduce a tenancy warning for tenancies where forced entry into the property is necessary,
- c) Agree to undertake a pilot exercise where a compulsory annual tenancy inspection is introduced for those tenants who have previously had a gas forced entry. These will be scheduled to take place in advance of the next gas safety check appointment.
- d) Agree to undertake analysis of tenants with capped gas supply and liaise with the IOM group for appropriate support and financial inclusion provision to be provided to these tenants.

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Appendix 1.

Gas Safety Maintenance notification procedure

Timescale	Action	Resources	2012/13 stats
12 weeks before annual deadline	Appointment raised by contractor – appointment letter sent out. Tenant given opportunity to change time/date if required.	Admin time	
At first appointment	If not at home, tenant carded. Next appointment generated. Appointment letter sent out. Tenant given opportunity to change time/date if required.	Admin + contract engineer time	55% of gas services were carried out on the first visit.
At second appointment	If not at home, tenant carded. Forced entry appointment generated. Letters sent out first class and hand delivered copy also. Tenant given opportunity to change time/date if required.	Admin + Hepburn engineer time	82% are completed by the second appointment
At hand delivery of letter	Housing Officer knocks at door to attempt to engage with tenant and checks property exterior.	Housing Officer time	
At forced entry appointment	Tenant at home – gas systems serviced. Tenant not at home – Housing Officer called to attend, joiner forces entry and changes locks. Keys left at police station with notice fixed to door.	Contract engineer, Joiner & Housing Officer time	96% of gas services were carried out at the threat of forced entry. 85% of tenants were in when we attended for a gas forced entry - 7% had the supply capped and 8% had entry forced (sample 62).

Background information from 2012/13

- In 2012/13 the contractor planned 12333 visits to achieve 7142 services. That is 1.7 visits to achieve the service.
- The contractor reported a 27% no access rate at first and second appointment stage and 15% of appointments cancelled or re-arranged.
- 55% of gas services were carried out on the first visit. 82% are completed by the second appointment and 96% at the threat of forced entry.
- It takes up to 45 days from the date of the first letter to the date of the gas service with the average being 17 days.
- 762 gas forced entry jobs were raised resulting in 36 physical forced entries.
- In our research 85% of tenants were in when we attended for a gas forced entry - 7% had the supply capped and 8% had entry forced (sample 62).
- **By the time a gas forced entry visit is carried out our contractor has sent 2 appointment letters & 1 letter advising of gas forced entry. We have also prepared and hand delivered a letter with an appointment for gas forced entry.**
- 44% of failure demand (demand caused by a failure of the system to do the right thing for the customer) into Estates relates to gas forced entries.
- 1.5 FTE of Midlothian resource is currently engaged in gas forced entries & 0.6 contractor resource. (Based on 3 days per week for a joiner, 4.5 days per week for Housing Officer role).
- Tenants were often at home for a forced entry appointment however information wasn't captured about the number of forced entry visits made and physical forced entries completed. This meant the Council does not have a historical picture of how many visits resulted in actual forced entry or the visits where tenants were present and there was no need for additional Midlothian Council resource.

Appendix 2a: Sample warning letters (SST) - Advice letter (to be sent with hand delivered GFE appointment letter):

Dear

Forthcoming Gas Forced Entry Appointment

You have recently failed to be present at 2 recent gas safety check appointments and we are now at the stage where we will need to force entry to your property if you are not present at your next appointment.

I am writing to remind you of your obligations under your tenancy agreement, specifically:

You must allow us, or anyone working for us, after proper identification has been shown, to come into your home:

- At any reasonable time to inspect or carry out repairs
- At any time on 24 hours notice being given

If you do not allow access we may have to force entry to inspect or carry out any repairs. We may charge you for the costs involved in forcing entry to your home.

Please be aware that should the Council have to force entry to your property you will be recharged for this and the charge will be in the region of £200. We will consider taking action on your tenancy as failure to allow access is a breach of your tenancy agreement. If you are unable to attend the final appointment provided please telephone the number provided to arrange an alternative appointment.

Appendix 2b: Sample warning letters (SST) - Warning letter:

Dear

Breach of Tenancy – Failure to give access to carry out Annual Gas Safety Check

I write to you following the forced entry to your tenancy onin order to fulfil our statutory duty in relation to gas safety.

I would advise that, despite several letters sent to you from, both Hepburn Engineers and Midlothian Council (including a hand delivered letter) you failed to provide access for this essential check to be done.

I would draw you to the terms of your Tenancy Agreement which states the following:

You must allow us, or anyone working for us, after proper identification has been shown, to come into your home:

- At any reasonable time to inspect or carry out repairs
- At any time on 24 hours notice being given

If you do not allow access we may have to force entry to inspect or carry out any repairs. We may charge you for the costs involved in forcing entry to your home.

As a result of this failure to give access Midlothian Council has had to endure considerable costs and you will now be recharged for this. The charge will be in the region of £200.

Please consider this letter a formal warning that, should access not be forthcoming in the future, Midlothian Council will consider taking further action.