



# Homes Safety Policy

## 2023

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## 1 Introduction

- 1.1 Mid Devon Housing (MDH) is part of Mid Devon District Council (the Council). It is responsible for the Council's housing stock including the maintenance, management and letting of its properties and estates.
- 1.2 This Policy sets out how MDH will manage safety in its homes and now incorporates the following Policies and Management Plans:
  - Gas Safety Policy
  - Fire Risk in Communal Properties Policy
  - Asbestos Management

## 2 Aims and Objectives

- 2.1 This Policy aims to set out how MDH will manage the safety of their homes and fulfil all the statutory duties associated with safety that are required of them.
- 2.2 The objective is to define what MDH and tenants have a responsibility for and how this will be managed

## 3 Legal Framework and Context

- 3.1 Under the proposed Safety and Quality Standard, The Regulator of Social Housing (RSH) requires all registered providers to provide safe and good quality homes and landlord services to tenants.
- 3.2 The Regulator of Social Housing regard councillors as responsible for ensuring that providers' businesses are managed effectively and that providers comply with all regulatory requirements.
- 3.3 Social Housing (Regulation) Act has received Royal Assent, meaning the bill has now been enacted into law. This will impact the regulatory framework for social housing and introduces a new proactive, consumer regulation regime focussed on meeting the needs of tenants. One aim of the legislation and regime is to ensure that providers of social housing, such as the Council, keep its properties and estates safe and clean.
- 3.4 The Social Housing (Regulation) Act details the requirement for registered providers to appoint a health and safety lead and registered providers are expected to have regard to appropriate statutory guidance and to meet the legal requirements relating to the role of the health and safety lead.

3.5 These new standards are there to ensure people feel safe and secure in their homes, can get problems fixed before they spiral out of control, and see exactly how well their landlord is performing giving tenants a stronger voice. The Regulations take account of the aims and ambitions of the Safety and Quality Standard and several are particularly relevant to the aims of this policy:

- To be safe in your home (Chapter 1)
- To know how your landlord is performing (Chapter 2)
- To have your complaints dealt with promptly and fairly (Chapter 3)
- To have a good quality home and neighbourhood to live in (Chapter 6)

3.6 As part of the new consumer regulation regime, from April 2023, the RSH introduced a series of 22 mandatory Tenant Satisfaction Measures (TSMs) creating a new system for assessing how well social housing landlords in England are doing at providing good quality homes and services. These measure include those applicable directly to building safety as well as those based on tenant perception surveys setting out tenants views on our performance.

3.7 The TSM's associated with this Policy are:

- BS01 – Gas Safety Checks - This measure is based on the percentage of homes that have had all the necessary gas safety checks
- BS02 – Fire Safety Checks - This measure is based on the percentage of homes in buildings that have had all the necessary fire risk assessments
- BS03 – Asbestos Safety Checks - This measure is based on the percentage of homes in buildings that have had all the necessary asbestos management surveys or re-inspections
- BS04 - Water Safety Checks - This measure is based on the percentage of homes that have had all the necessary legionella risk assessments (legionella is a bacteria that can make people ill if it enters water supplies)
- BS05 - Lift Safety Checks - This measure is based on the percentage of homes in buildings where the communal passenger lifts have had all the necessary safety checks

## 4 Related Legislation and Regulatory Instruments

- The Housing Act 2004
- The Landlord & Tenant Act 1985
- Health and Safety at Work Act 1974
- The Gas Safety (Installation and Use) (Amendment) Regulations 2018
- Construction Design & Management Regulations 2015
- Reporting of Injuries, Diseases & Dangerous Occurrences Regulations 2013
- ACOP L8 – Legionnaires disease: The control of legionella bacteria in water systems (HSE)
- ACOP L143 – Managing and Working with Asbestos (HSE)

- The Control of Asbestos Regulations 2012
- The Control of Substances Hazardous to Health Regulations 2002
- The Electricity at Work Regulations 1989
- The Social Housing (Regulations) Act 2023
- The Smoke and Carbon Monoxide Alarm (England) Regulations 2015
- HETAS (Heating Equipment Testing & Approval Services Guidance)
- Building Safety Act 2023

## 5 Health and Safety Lead

- 5.1 The Social Housing (Regulation) Act requires MDH to have a Health and Safety Lead at Executive level and will be introduced by subsequent regulation.
- 5.2 The Health and Safety Lead will identify and ensure that MDH meets all legal requirements that relate to the health and safety of tenants in their homes and communal areas.
- 5.3 The Health and Safety Lead will notify the Cabinet of:
- Any risks assessed of material failures by MDH to comply with health and safety requirements
  - Any material failures by MDH to comply with health and safety requirements
  - Advice as to how MDH should address risks and failures notified for the purpose of ensuring that MDH complies with health and safety requirements.

## 6 Tenant Responsibilities

- 6.1 The MDH Tenancy Agreement states the responsibility of the tenant in allowing access to their property to allow safety checks to be undertaken. Specifically the agreement states:

*'You must allow us or our employees access to the property at all reasonable hours to carry out repairs, Improvements, planned programmes, gas servicing and any safety checks, to inspect its condition and to complete new tenancy visits and tenancy home checks'.*

With regard to Gas Safety Checks the tenancy agreement states:

*'As your Landlord we are under a duty to check any gas fitting and the flues serving it in the Property at least once a year in order to minimise the risk of explosion or carbon monoxide poisoning. We will always give you reasonable notice in writing of any inspection. You must provide access for the inspections and to pay for any reasonable expenditure we incur as a result of any failure by you to provide access.*

*You must ensure that you have sufficient credit on gas and electric meters to enable the engineer to carry out your annual service.'*

## 7 Gas Safety Checks

- 7.1 MDH is legally responsible for the safety of its tenants in relation to gas safety. By law MDH must:
- repair and maintain gas pipework, flues and appliances in safe condition so as to prevent risk of injury to any person
  - ensure an annual gas safety check on each appliance and flue
  - keep a record of each safety check which must be retained for two years
- 7.2 The duty extends to appliances and pipework which serve the property even if they are not let to the tenant e.g. communal boilers.
- 7.3 MDH will inspect and issue the record in accordance Part F, Regulation 36A of the Gas Regulations as amended (April 2018) in order to ensure delivery of our requirements as a landlord.
- 7.4 MDH has entered into a contract with a Gas Servicing Contractor, who is a Gas Safe registered company, to help meet these obligations using an agreed appointment procedure.
- 7.5 A copy of the CP12 certificate (Landlords Gas Safety Record) will be provided to the tenant in lawful occupation of the property within 28 days of the annual safety check.
- 7.6 A further gas safety check will be carried out on all MDH properties with a gas meter involved in a mutual exchange. The check will be carried out on the day the tenants' move.
- 7.7 Where there is not an immediate transfer between households the supply outlet of the meter will also be capped. Engineers will return to uncap, test and issue the GSR once the new householder is present.
- 7.8 MDH annual safety checks and servicing will include the inspection and testing of tenants' own fixed gas appliance, we are obligated to carry out a visual inspection of the appliance and assess its operation. It will not include the servicing or repair of any tenant owned appliance, which is the tenants' responsibility.
- 7.9 MDH will install hard-wired carbon monoxide detector(s) to all rooms that contain a MDH gas appliance and any room where a flue passes through in compliance to the Smoke and Carbon Monoxide Alarm (England) Regulations 2015.

- 7.10 Where there is a tenant own fixed gas appliance in the property (regardless of ownership), the connection to the appliance up to the gas controls is included in the Gas Safety Check. The engineer will also inspect the overall condition and ensure all safety features operate effectively.
- 7.11 Where an “At Risk” notice has been issued for an unsafe situation involving a tenant owned appliance but the tenant has refused to have the appliance switched off, MDH will write to the tenant explaining the need for them to carry out repairs within 5 working days. If the tenant fails to carry out these works MDH will take action, either to complete the works and recharge the tenant or to insist that the appliance is isolated.
- 7.12 Where the appliance is “Immediately Dangerous” is it isolated; if a tenant refuses to allow the engineer to isolate the appliance it is treated as a Gas Emergency and Wales & West Utilities (WWU) are contacted. If the tenant still refuses the appliance to be isolated WWU may choose to isolate the gas supply to the property. This may include excavations in the street, for which the tenant will be recharged
- 7.13 MDH will not grant consent for tenants to install new gas fires or to replace/upgrade existing ones.
- 7.14 MDH has a Gas Safety Management Plan providing more detailed guidance and procedures for staff and contractors

## 8 Electrical Safety Checks

- 8.1 MDH will ensure that all domestic properties owned or managed have a valid Electrical Installation Condition Report (EICR) that is no older than 5 years from the date of the previous EICR.
- 8.2 MDH will deliver a comprehensive programme of testing and inspection of all domestic properties on a rolling 5-year cycle.
- 8.3 MDH will ensure that all electrical installations shall be in a satisfactory condition following completion of an electrical installation inspection and test.
- 8.4 MDH will ensure that electrical installation inspection and tests are carried out prior to the commencement of any new tenancies (void properties), mutual exchanges and transfers and that a satisfactory EICR is issued to the tenant prior to them moving in.
- 8.5 MDH will ensure that only suitably competent NICEIC electrical contractors and engineers undertake electrical works.

- 8.6 MDH will test and replace as necessary smoke alarms, heat detectors and carbon monoxide detectors which are not covered as part of the annual gas safety check visit (i.e. the property does not have gas), as part of the 5-yearly electrical inspection and testing visit.
- 8.7 MDH will ensure there is a robust process in place for the management of any follow-up works required following the completion of a periodic inspection and test of an electrical installation or electrical portable appliance.
- 8.8 MDH will as a minimum make safe and/or where possible endeavour to repair all code 1 and code 2 defects identified by a periodic electrical installation inspection and test before leaving site after completing the inspection and testing works. Any further remedial works to code 1 and 2 defects will be completed within 10 working days (except where a rewire is required) and an EICR will be issued stating that the installation is in a satisfactory condition.
- 8.9 MDH will establish and implement programmes of electrical installation upgrading works to improve electrical installations, that have been identified as not meeting current standards but are in a satisfactory condition for the purposes of an EICR, up to a standard that meets all current requirements of BS7671.
- 8.10 Safety checks of electrical vehicle charge points installed by MDH will be included in the electrical safety check. Charge points installed by the tenant will be checked at an additional cost.

## 9 Fire Risks in Communal Areas and Flats

- 9.1 The Regulatory Reform (Fire Safety) Order 2005 (RRO 2005) applies to all common parts of buildings that have 2 or more dwellings and places a legal duty on MDH to undertake and record a Fire Risk Assessment (FRA).
- 9.2 An FRA is an assessment of the risks to relevant persons from fire to identify what general fire precautions are required for those particular premises.
- 9.3 A communal area is any area that is not within the confines of the tenant's property. This will include stairs, stairwells, hallways, landings, common rooms, laundry rooms, boiler rooms, open areas, flat entrance doors and the entrance to the building as well as the building's structure and external walls.
- 9.4 Under the fire legislation, Regulatory Reform (Fire Safety) Order 2005, MDH, as the responsible person, being the landlord, will comply with the legislation and will carry out a FRA and take reasonable steps to remove or reduce any risks that have been identified.
- 9.5 MDH will ensure that all residential communal blocks with shared communal areas and all individual flats owned by the Council will have a FRA.



- 9.6 Where practical, copies of FRAs will be located within the premises. On some sites, this may not be practical and, therefore, the FRA will be stored online MDH electronic document management system with read only access to all Officers in MDH. Copies will also be available for inspection in the landlord's office (based either at Phoenix House or at the Old Road Depot).
- 9.7 The FRAs will be reviewed annually, or following a significant change and will include:
- Checks and maintenance of fire door closers
  - Fire alarm testing
  - Maintenance of clear safety signage in our blocks
- 9.8 Situations which might prompt a review less than a year after the initial assessment was made include:
- A change in the number of people present or the characteristics of the occupants; including the presence of people with some form of disability
  - Introduction of new equipment, structural alterations to the building; including the internal layout or significant changes.
  - Awareness of shortcomings in fire safety measures or potential improvements
  - Changes in security requirements, arson or the wedging open of doors
  - If a fire occurs
  - Updates in legislation
  - Alterations to the building; such as replacement entrance doors or internal decoration to communal areas
  - The storage of hazardous substances by a tenant
- 9.9 Wherever possible, MDH will aim to prevent fire safety issues by educating tenants from the beginning of their tenancies and ensuring that support, advice and assistance is readily available. This includes a fire safety leaflet, repairs handbook and tenant handbook.
- 9.10 MDH has a duty to ensure that the means of escape from a building or communal area is not obstructed, to ensure that tenants and visitors can exit safely in the event of a fire.
- 9.11 MDH will operate a zero tolerance policy in respect of storage of belongings in communal areas. Any items left in communal areas will be removed and this policy will be widely publicised by writing to all those tenants living in flats, and leaseholders. In addition, it will be publicised in our tenant newsletter and via social media.

- 9.12 Where communal areas provide emergency lighting, carbon monoxide detectors and electrical items, servicing of these items will take place in accordance with the Council's cyclical programme, following legislative guidance and manufacturers' recommendations. Servicing of the communal smoke alarms will take place every six months in accordance with the appropriate regulations.
- 9.13 We will remove any flammable items left in communal areas as a matter of urgency to reduce risk.
- 9.14 We will place fire log cabinets in communal areas of blocks of flats. These will be secure and will contain information on the type of alarms and emergency lighting as well as the servicing and inspection/test dates and copies of FRA's.
- 9.15 We will write to residents of all of our blocks of flats on an annual basis in order to inform a review of the information held in order to ensure that the records are kept updated.
- 9.16 We will provide fire-proof letter boxes if there is a risk of arson, in order to provide reassurance to tenants and other residents, as appropriate.
- 9.17 Bonfires and/ or mini fires on communal land, owned and managed by MDH will not be permitted. Disposable BBQ's are not permitted to be used in communal areas.
- 9.18 MDH have a Fire Risk in Community Areas Management Plan providing more detailed guidance and procedures for staff and contractors

## 10 Asbestos Management

- 10.1 MDH housing stock is of various ages this section describes the management of Asbestos Containing Materials (ACM).
- 10.2 MDH will remove all asbestos products from the inside of empty (void) properties whilst they are being brought up to the Decent Homes requirement or during major works to improve homes.
- 10.3 MDH long-term aim is to remove all asbestos from the property portfolio, as far as is reasonably practicable.
- 10.4 If tenants suspect they have found asbestos within the home they must not remove or disturb the ACM and inform MDH immediately so that mitigating actions can be put in place to remove the ACM.

- 10.5 MDH comply with the Control of Asbestos Regulations 2012 (CAR 2012) and to enable compliance to this policy all MDH operatives have received training and awareness of asbestos, its likely effects and the likely locations within housing stock.
- 10.6 No new or recycled ACM will be used in any of our properties.
- 10.7 Where existing installations include ACM which is sound, in good condition, not releasing dust, and not subject to abrasion or damage, the material will be left undisturbed, until such time that its safe removal is planned.
- 10.8 Details are to be noted in the Asbestos Register and the installation will be re-inspected at regular intervals (not more than one year, except in domestic properties, where 20% will be re-inspected annually) to ensure that the condition of the material has not changed.
- 10.9 In domestic premises 20% will be re-inspected annually. More regular inspection may be required if the material is liable to mechanical damage or where the risk warrants it. Where deterioration of the material is observed a further risk assessment must be carried out and recorded.
- 10.10 The following inspection regime shall apply:
- Up to Low Risk, Material Assessment 1 – 6 20% Periodic inspection
  - Up to High Risk, Material Assessment 7 + Annual inspection
- 10.11 Where existing installations include ACM which is damaged, deteriorating or inadequately sealed, it will either be removed and replaced by suitable material, resealed or encapsulated.
- 10.12 When considering removal, where the ACM is coated, covered or contained within another material, such as cement, paint or plastic are considered to be firmly bonded in a matrix, ACMs of this type in good condition can usually be treated as non-licensed work but where they are significantly damaged, and so more likely to release fibres, they will need to be treated as Notifiable Non-Licensed Work (NNLW).
- 10.13 It is the responsibility of the person in charge of the job to assess the ACM to be worked on and decide if the work is NNLW or non-licensed work. This will be a matter of judgement in each case, dependent on consideration of several factors.

- 10.14 Asbestos insulation, Asbestos coatings and Asbestos insulating board must be removed by a Licensed Asbestos Removal Company in accordance with the HSE's Approved Code of Practice (ACOP) and guidance L143, 'Work with Materials Containing Asbestos.' and then be taken to an approved, licensed site for disposal. Asbestos cement, gaskets, ropes and other bonded materials can be removed in accordance with the ACOP L143, providing that the persons carrying out the work have had appropriate training and have sufficient insurance cover. The ACOP L143 replaces ACOP L27 and ACOP L28.
- 10.15 An Asbestos Register will be compiled by MDH into which ACM installations and locations will be entered.
- 10.16 The Asbestos Register will be continually updated as and when surveys are carried out and asbestos materials are discovered and will be reviewed annually by MDH.
- 10.17 Information contained in the Asbestos Register will be made available to any employee, contractor, tenant or leaseholder.
- 10.18 If suspected ACMs are discovered during works on the property they should not be disturbed, but the incident reported to MDH who will arrange for an asbestos inspection and priority assessment.
- 10.19 MDH has an Asbestos Safety Management Plan providing more detailed guidance and procedures for staff and contractors.

## 11 Water Safety Checks

- 11.1 The Council as a landlord also has legal responsibilities to ensure the health and safety of tenants (including housing stock tenants) by keeping the properties let safe and free from health hazards including Legionnaires disease. Section 3(2) of the Health and Safety at Work Act 1974 (HSWA) makes provision for relevant health and safety legislation to apply to landlords to ensure a duty of care is shown to their tenants' with regard to their health and safety including managing Legionnaires disease.
- 11.2 The Council will (as an employer and as a landlord), as far as is reasonably practicable, take appropriate precautions to reduce the risk of ill health caused by exposure to Legionella. This will be achieved through providing a framework of actions designed to assess, prevent or control the risk from the Legionella bacteria. To achieve this it will use the practical guidance contained in the Approved Code of Practice and guidance documents outlined under 3 below aimed at identifying and assessing sources of risk, preparing a scheme to prevent or control risk, implementing, managing and monitoring precautions, keeping records of precautions and appointing a manager to be responsible for others.

### 11.3 Legislation

- Health and Safety at Work etc. Act 1974 (HASWA)
- Management of Health and Safety at Work Regulations 1999 (MHSWR)
- Control of Substances Hazardous to Health 2002 (COSHH)

### 11.4 Guidance

- [Approved Code of Practise “Legionnaires’ disease: The control of Legionella bacteria in water systems” L8](#)
- [HSG274 Part 1: The control of legionella bacteria in evaporative cooling systems](#)
- [HSG274 Part2: The control of legionella bacteria in hot and cold water systems](#)
- [HSG274 Part 3: The control of legionella bacteria in other risk systems](#)
- [Audit checklists: Control of legionella bacteria in water systems](#)

### 11.5 Definition

Legionella bacteria are widespread in natural water systems, e.g. rivers and ponds. However, the conditions are rarely right for people to catch the disease from these sources. Outbreaks of the illness occur from exposure to legionella growing in purpose-built systems where water is maintained at a temperature high enough to encourage growth, e.g. cooling towers, evaporative condensers, hot and cold water systems and spa pools used in all sorts of premises (work and domestic). People contract Legionnaires’ disease by inhaling small droplets of water (aerosols), suspended in the air, containing the bacteria. However, some people are at higher risk, including:

- people over 45 years of age;
- smokers and heavy drinkers;
- people suffering from chronic respiratory or kidney disease;
- anyone with an impaired immune system;

### 11.6 Responsibilities

Mid Devon District Council’s (MDDC) policy on Legionnaires Disease must ensure the duty of care under the HASWA is met in respect of assessing and controlling the risk from exposure to legionella bacteria from work activities in relation to its Corporate and Commercial properties. MDDC achieves this through the following management structure;

#### **Chief Executive – Duty Holder**

The Council is the employer with legal responsibility for health and safety and is the duty holder. Through delegation the Chief Executive has overall responsibility for health and safety including the duty to manage Legionella. Both must support this policy to manage Legionella

by ensuring the allocation of resources including an adequate budget, suitable and sufficient equipment, personnel, time and training. Ultimately it is the Council fixed with legal responsibility.

#### **Director of Finances, Assets and Resources – Strategic Lead**

The Strategic Lead has a responsibility to support this policy by ensuring the allocation of resources including an adequate budget, suitable and sufficient equipment, personnel, time and training.

The safe management and operation of Sites and Properties activities, including consideration of Legionnaires Disease issues and compliance with the Legionella Management Plan within the operational and investment estate

Devolving the principal functions of Legionella management to the Responsible Person for maintenance, projects and estates management

#### **Corporate Manager for Public Health, Regulation and Housing – Responsible Person**

The Responsible Person ensures:

1. risks assessment are carried out for all MDDC properties by a competent person
2. to record the significant findings of the risk assessment
3. a written scheme for controlling the risk from exposure to the legionella bacteria is implemented and monitored
4. there is a “responsible competent person” to implement and monitor the control scheme
5. that where appropriate general microbiological sampling procedures are implemented
6. ensure a cleaning and disinfection process is implemented where required
7. a record of all inspections, tests and sampling is maintained
8. that the control measures are regularly reviewed and updated

#### **11.7 Hierarchy of Control**

The Legionnaires’ disease Approved Code of Practise L8 states that;

a) Where the assessment shows that there is a reasonably foreseeable risk of exposure to legionella bacteria, the use of water systems, parts of water systems or systems of work that lead to exposure must be avoided so far as is reasonably practicable. Where this is not reasonably practicable, there should be a written scheme for controlling the risk from exposure that should be properly implemented and managed. The written scheme should specify measures to take to ensure that it remains effective.

b) The risk from exposure will be controlled by measures which do not allow the growth of legionella bacteria in the system and which reduce exposure to water droplets and aerosols. Precautions, where appropriate, include the following:

- avoiding water temperatures between 20 °C and 45 °C and conditions that favour the growth of legionella bacteria and other microorganisms;
  - avoiding water stagnation which may encourage the growth of biofilm;
  - avoiding the use of materials that harbour bacteria and other microorganisms, or provide nutrients for microbial growth. The *Water Fittings and Materials Directory 10* references fittings, materials, and appliances approved for their compliance with the UK legal requirements for plumbing fittings and water using appliances;
  - controlling the release of water spray;
  - maintaining the cleanliness of the system and water in it;
  - using water treatment techniques;
  - taking action to ensure the correct, safe operation, maintenance of the water system and monitoring of any control measures applied
- c) The written scheme includes, where appropriate, and with reference to the risk assessment:
- an up-to-date plan showing the layout of the plant or water system, including parts temporarily out of use (a schematic diagram is sufficient);
  - a description of the correct and safe operation of the system;
  - the precautions to take;
  - checks to carry out to ensure the written scheme is effective and the frequency of such checks;
  - the remedial action to take if the written scheme is shown to be not effective
  - action to be taken in response to microbiological results greater than 100 colony forming units per litre
- d) Records will be maintained that include details about:
- the appointed responsible person(s) for conducting the risk assessment, managing, and implementing the written scheme;
  - any significant findings of the risk assessment;
  - the written scheme and its implementation;
  - details about the state of operation of the water system, i.e. in use/not in use;
  - the results of any monitoring inspection, test or audit carried out, and the dates.
- e) These records will be retained throughout the period they are current and for at least two years afterwards. Records of any monitoring inspection, test or check carried out, and the dates, will be retained for at least five years.

## 12 Lift Safety Checks

- 12.1 MDH has obligation duties to ensure that all powered lifts and equipment installed for which it has responsibility are installed, services and used comply PUWER (Provision and Use of Work Equipment Regulations 1998 and LOLER (Lift Operation Lift equipment Regulations) 1998: Regulation 9.
- 12.2 MDH will hold accurate records against each property it owns, or manages, identifying when the lifting equipment was last inspected.
- 12.3 MDH will ensure that lift safety inspections, servicing, installation and upgrade programmes will be undertaken by competent contractors.
- 12.4 MDH will ensure all lift installations undergo inspection and servicing four times a year in accordance with LOLER and that any deterioration is detected, defects reported and remedied in good time.
- 12.5 MDH will maintain accurate records of all completed inspections and services. Certificates associated with those visits will be held in an electronic document and shall be made available to view to the customers of the premises.

## 13 Solid Fuel Appliances

- 13.1 MDH will keep a record of all properties that contain a solid fuel appliance.
- 13.2 To ensure solid fuel appliances are safely managed and maintained MDH require annual confirmation of:
  - Annual chimney sweep (where applicable); and
  - Annual service according to manufacturer's instructions.
- 13.3 If MDH owns the solid fuel appliance then we will undertake these checks. If the appliance is the tenant's responsibility then they must provide this documentation.
- 13.4 Tenants who installed existing solid fuel appliances, should have obtained permission from MDH and satisfied building control requirements at the time. In addition to this, the appliance should have the following:
  - HETAS certification;
  - Lined chimney/flue;
  - Adequate ventilation; and
  - CO detector installed adjacent to the appliance.



- 13.5 The tenant is liable for ensuring all of these measures are in place. If there are any unauthorised appliances installed, we will request their removal.
- 13.6 Tenants will not be given permission to install new wood burning stoves or open up chimneys in any way. Burning waste in a solid fuel appliance can produce very high emissions of pollutants, potentially affecting the health of the household and its neighbour's. There is also a risk in terms of chimney fires and carbon monoxide poisoning.

## 14 No Access

- 14.1 MDH has a No Access Procedure for when tenants do not allow access to their properties to enable safety checks to be carried out.
- 14.2 Enforcement action could include:
- Applying for injunctions from the courts to enforce the landlords 'right of access'
  - Serving 'Notices Seeking Possession' for breach of tenancy and applying to the courts to bring the tenancy to an end
- 14.3 For tenants with Introductory or Flexible Tenancy's, MDH will review the status of tenants who continually / year on year refuse access for the purposes of carrying out the annual service. Where appropriate MDH will take action to gain possession of the dwelling, or downgrade the tenancy status.

## 15 Complaints

- 15.1 We try to get things right the first time and when we do, we would love people to let us know. It's great for us to receive positive comments or feedback, so if people wish to complement our staff for doing a great job, we would love to hear from them.
- 15.2 If things do go wrong the council is committed to:
- Dealing with complaints and comments quickly and effectively; and
  - Using complaints, comments and compliments to review and improve our services
- 15.3 When tenants contact us to tell us they are dissatisfied with the service we have provided, we will offer them the choice to have an informal conversation to see if we can put things right quickly, without the need for a formal investigation.
- 15.4 The Housing Ombudsman Service advise that a complaint must be defined as:
- *'an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents'.*

- 15.5 Where a tenant considers that the council has given a poor service or has got something wrong, they may tell a member of staff in the first instance. This does not need to be treated as a formal complaint (unless the complainant asks us to do so) and may be resolved 'there and then' by way of an apology or plan of action. Any comments provided will be used to take appropriate action, or give information.
- 15.6 If a tenant does not want to do this or is unhappy with the response, they may make a formal complaint, which can escalate from stage 1 or stage 2 if they are still not satisfied with the response. Having been through stages 1 and 2 and they are still not satisfied, the tenant may contact the Housing Ombudsman Service.
- 15.7 MDH's complaints procedure is detailed on Mid Devon District Council website: [Feedback and Complaints](#)

## 16 Equality Impact Assessment

- 16.1 MDH complete an equality impact assessment each time we develop or review a policy, procedure or service. The assessment is to help us ensure our decision making is fair and does not present any barriers or disadvantage to customers from any protected group (including disability) under the Equality Act 2010.

## 17 Review and version control

- 17.1 MDH will review this Policy every 10 years and as required to address legislative, regulatory, best practice or operational issues.
- 17.2 This policy was produced in 2023 and is version 1.00
- 17.3 This policy was adopted by Cabinet on xxxx