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| Unit 3D, Firhill House  55-65 Firhill Road  Glasgow G20 7BE  Tel 0141 946 0645 web: www.gwsf.org.uk  GWSF is a company registered in Scotland (Company Number SC307677)  Registered Office: Merchants House, 7 West George Street, Glasgow G2 1BA |

Kevin Stewart MSP

Minister for Local Government and Housing

Scottish Government

Victoria Quay

Edinburgh

EH6 6QQ

5 August 2016

Dear Mr Stewart

**Gas pre-payment meters in social housing**

Your letter of 11 July to local authorities in Scotland was helpfully passed to GWSF by Glasgow City Council as all the City’s social housing is in housing association ownership.

The very important issues you raise apply equally to the housing association sector, and your letter has generated a substantial amount of feedback from Forum members. We are keen to share that feedback with you and to clarify the position on this difficult issue from our members’ perspective.

I would firstly want to reassure you that all GWSF member associations take the issue of fuel poverty very seriously. Members have a great track record of meeting ever-changing energy efficiency standards to help limit fuel bills, and either provide directly, or aim to refer tenants in difficulty to, appropriate sources of advice and support where the association cannot by itself resolve things.

The wellbeing of tenants is indeed the highest priority here, but protecting tenants goes well beyond helping them with their fuel supply. The legal duty to carry out an annual gas safety check is exactly that – it is not an option. It is a criminal offence not to carry out a check. It is also a serious breach of regulatory standards which brings with it intervention from the Scottish Housing Regulator. And most important of all, failure to carry out a check puts the tenant, his or her household and occupants of neighbouring properties at significant risk.

In the time leading up to the point at which a safety check must be carried out, associations make a wide variety of efforts to liaise with the tenant to arrange for the check to be undertaken. In most cases there is no problem in the end, but in a small minority of cases – most often where the tenant fails to engage at all – associations may need to use the services of a sheriff officer to gain access to the property.

In some such situations involving pre-payment meters, the landlord finds that there is insufficient credit on the meter to provide an adequate flow of gas carry out a safety check. In any cases where the tenant can easily be contacted, it may be possible for the landlord to arrange for the payment card to be topped up so that the safety check can be carried out. The tenant could be recharged for the cost of this, but that is very much a secondary consideration for the landlord whose overriding priority is to carry out the safety check. In practice, unfortunately, tenants in these situations are unlikely to be around to enter into such an arrangement. Landlords cannot directly top up a meter.

Your letter appears to be effectively suggesting that in these situations, landlords should walk away from the property without rendering it safe from a gas-related incident. GWSF has been overwhelmed by feedback from members saying that under whatever risk assessment process they use, they will not leave the property and surrounding properties unsafe in any circumstances.

You say that this practice has a severe impact on the tenant’s wellbeing as it leaves them without gas for heating and cooking. This is not generally the case, as the problem in the first place is that there is insufficient gas because the meter has little or no credit. In many cases the tenant has been living without gas for many months – a very undesirable scenario, of course, but not one of the landlord’s making.

Associations in this situation are at pains to continue pointing tenants to sources of advice and support and to let tenants know that as soon as they contact the landlord to let them know that that they will be topping up the meter, prompt action will be taken to remove the cap, enabling the safety check to be carried out and the tenant to use gas for heating and cooking etc.

One solution, in cases where the landlord has no other options because of the tenant’s ongoing failure to engage, would be meters which allowed a landlord to post a modest credit in order for the safety check to be carried out. I am not sure how this might be achieved but we would happily discuss this with energy companies.

So whilst our members fully share your concern for the wellbeing of tenants and about the importance of tackling fuel poverty, associations’ legal duties are paramount here and they will not knowingly leave any property or people at risk of a serious accident.

It was good to meet with you last month as part of your summer tour, and Forum representatives would be very happy to meet with you again on this particular issue if you would find that helpful.

Yours sincerely

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Peter Howden

Chair, GWSF