

Court grants warrants for vital home safety checks

Magistrates have given the go-ahead to a housing association to force entry into properties where they have been unable to carry out vital safety checks.

In the first move of its kind in Wales, officials of Cartrefi Conwy successfully applied to Llandudno magistrates for warrants in conjunction with Conwy County Borough Council.

It follows a series of attempts to gain access to premises to enable important safety checks to be carried out.

The service is free of charge and more importantly, say Cartrefi Conwy, it could save lives.

With all previous efforts having failed the JPs authorized warrants for six properties in Rhos-on-Sea, Old Colwyn, Llandudno and Capel Garmon.

According to Cartrefi Conwy, preventing them from carrying out the checks could have had disastrous consequences for them, their families and their neighbours.

After a vote by tenants, the association took over responsibility for 3,800 properties from Conwy County Borough Council last year.

A spokesperson for Conwy County Borough Council said: "As the appliances had not been checked it was impossible to say what condition they were in.

"The authority's Environmental Health officers felt that it was impossible to ensure that the premises were safe.

"Therefore, notices were served under the Environmental Protection Act 1990 instructing the tenants to allow their landlord access to check the appliances.

"Subsequently, 14 notices were served. Six of the tenants did not comply and warrants of entry were sought from local magistrates."

Michael Rutter, Cartrefi Conwy's mechanical technical officer, said the legal measure was not taken lightly but was in the interests of the occupants.

By law landlords have to carry out safety checks and serving at least once a year and, like the council, Cartrefi Conwy employ plumbing and heating contractors PH Jones to carry out the work through the county.

The six properties subject of the warrants should have been checked between April, 2008, and November but the occupants had ignored a total of seven formal approaches seeking appointments. To highlight the urgency the contractors also put stickers over the keyholes and black and yellow tape across the doorways – but to no avail.

Mr Rutter said: “The checks cover gas, oil or solid fuel boilers, gas fires and smoke alarms, and if there is a coal fire the chimney is swept.

“We are naturally extremely concerned that we are not being given access by a small minority of tenants.

“There are extremely serious health and safety implications for the tenants concerned, their families and their neighbours.

“We are duty bound to conform to the relevant legislation in this matter and the safety of our tenants is always uppermost in our minds.

“The reason that we need to service the boilers is to make sure they are working properly and that there are no gases escaping.

“We have seen plenty of stories about the dangers of carbon monoxide – it can be deadly.

“If there’s a blockage in the flue because it hasn’t been cleaned, there is a possibility of Carbon Monoxide poisoning.

“It is a very real danger and every year about 30 people die from Carbon Monoxide poisoning caused by appliances not being properly maintained. Many others also suffer ill health.

“There is absolutely no cost to the tenants – this is an annual service and we have a contract with a specialist company who carry out the servicing on our behalf.

“Clearly it is in the tenants’ interest and that of their neighbours to have the work done and the safety checks carried out regularly, and there is no good reason for them to ignore the letters.

“It’s also a massive waste of time, effort and money to have to go through all the various stages before we finally apply for a warrant.

“To help Cartrefi Conwy not to have to go to this extreme in future, service interval timers will be fitted in these six properties to alert the tenants when checks are due,” he added.

Occupiers who do not respond early could also lose out financially as PH Jones enter the names of all those who comply with the first request for an appointment are entered into a monthly lottery for £100.

None of the occupiers of the six outstanding properties was present when the magistrates granted the warrants and if they do not comply then a locksmith will be asked to gain entry and he will be accompanied by an environmental health officer, police officer, service engineer, electrical engineer and estate officer to ensure that all correct procedures are then followed.

Since April, about 1,200 of the Cartrefi Conwy properties have already received the current year's inspection.

"If necessary, we will be in a position to seek warrants much sooner this time round," said Mr Rutter.



Pictured: Mechanical technical officer Mike Rutter reads through a copy of one of the many letters sent to tenants regarding the safety checks.