

Ref:

Called in

Yes/No

**THE THANET DISTRICT COUNCIL**

**RECORD OF DECISION OF CABINET**

Cabinet Member

Councillor R. Bayford

Relevant Portfolio:

Leader of Council

Date of Decision:

25 July 2019

Subject:

Monitoring Officer's Report - East Kent Housing

Key Decision

No

In Forward Plan

No

Brief summary of matter:

Cabinet is required to consider the Monitoring Officer's report that relates to a breach by the executive of Regulation 36 of the Gas Safety (Installation and Use) Regulations 1998 which places a duty upon a landlord to have a gas safety check undertaken on an annual basis on appliances and flues to which the regulations apply. Cabinet would also be required to take corrective action in relation to the issues raised in that report.

Decision made:

Cabinet agreed the following:

1. To consider the Monitoring Officer's report at the meeting on the 25 July 2019;
2. That as soon as practicable, after the cabinet had concluded its consideration of this report, to prepare a report which specified—
  - a) what action (if any) the cabinet had taken in response to this report;
  - b) what action (if any) the cabinet proposed to take in response to this report and when it proposed to take that action; and
  - c) the reasons for taking the action specified in the cabinet's report or, as the case may be, for taking no action.
3. As soon as practicable after the cabinet had prepared its report in accordance with paragraph 2 above, to arrange for a copy of it to be sent to each member of the Council and the Council's Monitoring Officer.

PLEASE NOTE: (To assist with recommendation (2) above, a report with a management response was prepared, considered and adopted by cabinet as their report in response to the Monitoring Officer's report).

Reasons for decision:

Where the Monitoring Officer has prepared a report in the discharge of his duties under section 5A, the executive is required to consider it at a formal meeting and to respond to it in accordance with the requirements set out in paragraph 4 of this report.

Regulation 36 of the Gas Safety (Installation and Use) Regulations 1998 places a duty upon a landlord to have a gas safety check undertaken on an annual basis on appliances and flues to which the regulations apply. Further a record of that inspection must be kept and retained in accordance with the requirements of the regulations.

Where such a breach occurs, corrective action is required in order to comply with the regulations and ensure that tenants live in safe and secure housing.

Alternatives considered and why rejected:

Not to comply with the recommendations from the MO's report. However this option was disregarded as there was a clear breach of the law and not taking corrective action would be illegal.

Details of any conflict of interest declared by any executive Member who has been consulted and of any dispensation granted by the Standards Committee:

None

Author of Officer report:

Tim Howes, Director of Corporate Governance & Monitoring Officer

Background papers

MO Report on EKH

Statement if decision is an urgent one and therefore not subject to call-in:

None

Last date for call in: 6 August 2019