

A letting company and its director have been fined for gas safety failings

A letting agent company and its director have been fined for failing to carry out essential safety checks on gas appliances in their rental property.

Chelmsford Magistrates' Court heard how the landlord, Belleview Property Limited (Belleview), failed to carry out the annual gas safety check at their rental property in Colchester, Essex. Belleview were served with an Improvement Notice requiring the checks to be carried out, but they failed to do within the specified timeframe.

They also failed to provide details of the tenancy agreement when requested to do so by a Health and Safety (HSE) inspector using her powers under Section 20 of the Health and Safety at Work etc Act 1974. The investigation found that Belleview's failures were committed with the consent of, or were attributable to neglect on the part of, Adrian Ellis, as the sole director of Belleview.

The Court heard how Adrian Ellis had previously been prosecuted by HSE for failing to undertake gas safety checks at properties owned and rented out by him as an individual. Belleview had also been subject to HSE enforcement twice in the last five years relating to its failure to arrange gas safety checks at properties rented out by it, including the property subject to the current case.

Belleview Property Limited of 15 Station Road, St Ives, Cambs PE27 5BH pleaded guilty to breaching the Gas Safety Installation and Use Regulations 1998, Regulation 36(3), for failing to comply with the requirements of the Improvement Notice served under Health and Safety at Work Act 1974, Section 20 and failing to comply with the requirement to provide information under Health and Safety at Work etc Act 1974, Section 20 was fined £12,000 with £2,245.28 costs.

Director Adrian Ellis of 4 Leech's Lane, Colchester, Essex C04 5EP pleaded guilty to breaching Section 37(1) of the Health and Safety at Work etc Act 1974 and was fined £3,000 with £ 2,245.28 costs.

Each defendant was ordered to pay a further £170 as a government surcharge.

After the hearing HSE inspector Jessica Churchyard said: "Landlords must ensure gas appliances at their tenanted properties are maintained in a safe condition and are checked by a Gas Safe Register engineer at least every 12 months.

“HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards.”

Notes to Editors:

1. The Health and Safety Executive (HSE) is Britain’s national regulator for workplace health and safety. We prevent work-related death, injury and ill health through regulatory actions that range from influencing behaviours across whole industry sectors through to targeted interventions on individual businesses. These activities are supported by globally recognised scientific expertise. gov.uk
2. More about the legislation referred to in this case can be found at: gov.uk/; www.hse.gov.uk/gas/domestic/faqlandlord.htm
3. HSE news releases are available at <http://press.hse.gov.uk>