

# Private Sector Housing Assistance Policy

**CONSULTATION DRAFT**

**2014-2015**



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## INTRODUCTION

This document outlines Chorley Council's policy in relation to the provision of information, advice and enabling home owners and tenants requiring adaptations, energy efficiency measures and other support relating to their home. Whilst this document is principally for the private sector owners, tenants and landlords, the adaptations section is also relevant to tenants occupying social housing.

The policy reflects current legislation and guidance as set out in documents such as "Delivering Housing Adaptations for Disabled People: A Good Practice Guide" (DCLG 2006) and "Lifetime Homes, Lifetime Neighbourhoods: A National Strategy for Housing in an Ageing Society" (DCLG 2008).

Chorley Council (the Council) takes the view that the prime responsibility for maintaining and improving housing rests with home owners and landlords. However, the Council is committed to improving the quality of housing across all tenures, including owner occupation and private renting. In addition it is acknowledged that there are some vulnerable homeowners who will need support to enable them to access relevant available assistance to keep their home to a decent standard.

## POLICY AIMS

The aims of the Private Sector Housing Assistance policy are as follows:

- To provide advice, information and support on repair, maintenance and adaptation of properties.
- To offer a framework of assistance to vulnerable groups/households.
- To facilitate an increase in the number of households able to heat their homes at reasonable cost thereby reducing fuel poverty and helping households to achieve affordable warmth.
- To reduce carbon dioxide (CO<sub>2</sub>) emissions in the borough's private housing stock.
- To help to improve the physical conditions of both homes and neighbourhoods.
- To assist disabled people with adaptations to facilitate their movement in and around their home thereby improving their quality of life.
- In offering assistance the Council is seeking to enable people to help themselves and advise customers of services offered by other organisations.
- To treat individuals fairly regardless of age, sex, gender, disability and sexual orientation and to ensure that individual's rights under Data Protection and human rights legislation are protected.

### How the Policy links to the Council's Corporate Strategy

The policy helps to work towards the following three priorities of the Corporate Strategy by meeting the objectives as detailed below:

#### ***Clean, safe and healthy communities***

- **Reduced health inequalities**

The Home Improvement Agency advises people with disabilities and older people what services are available to enable them to live independently in their own homes, thereby helping to reduce health inequalities.

- **High quality affordable and suitable housing**

The HIA has an enabling role in helping residents live in decent homes as well as facilitating adaptations for people with disabilities.

***Involving residents in improving their local area and equality of access for all***

- **All residents are able to take an active part in their community**

The HIA helps residents live independently in their own homes, and thereby helps them to take an active part within their community.

***An ambitious council that does more to meet the needs of the residents of the local area***

- **An ambitious council that continually strives to improve**

The policy aims to reduce the number of households in 'fuel poverty'.

## **DISABLED FACILITIES GRANTS (DFGS)**

Under Part 1 of the Housing Grants, Construction and Regeneration Act 1996 the Council has a legal duty to provide specialist adaptations to meet the care and mobility needs of people with disabilities to enable them to live independently with privacy and dignity. The need for the adaptation is determined by an Occupational Therapist from the Lancashire County Council's Adult Social Care Services Department. The Council will only act on recommendations made by an Occupational Therapist. Chorley Council is the lower tier authority responsible for statutory housing functions, whilst Lancashire County Council is the upper tier responsible for social care.

Grant assistance under this policy will be limited to the maximum grant in accordance with the legislation which is currently £30,000.

### **DFGs for Tenants of Registered Social Housing Providers**

In legal terms the ultimate responsibility for funding adaptations lies with the Council. However, Registered Providers also have a duty to their tenants to provide a home which is accessible and safe.

The Homes and Communities Agency's Regulatory Framework states "Registered Providers shall co-operate with relevant organisations to provide an adaptations service that meets tenants' needs" (the Regulatory Framework for Social Housing in England from April 2012), and majority of

Registered Providers who operate in Chorley have entered into a Memorandum of Understanding (MoU) with the Council. The MoU covers major adaptations which are expected to cost £1,000 or more, with the Register Provider agreeing to carry out works below this amount.

Funding for adaptations is limited and therefore the Council will adopt a strict priority and date order system when considering whether to carry out an adaptation in either a private sector property or a property owned by a Registered Provider of social housing. Further information on eligibility is detailed below.

Tenants of Registered Providers should approach their landlord for assistance in the first instance. The Council has an agreement with the majority of Registered Providers whereby the Council and Registered Providers share the cost of major adaptations classed as 'moderate' needs and above on a 50/50 basis and Registered Providers party to this agreement will carry out adaptations costing less than £1,000. In circumstances where the cost is over £1,000, the Council will carry out the work and invoice the Registered Provider accordingly. For works which the HIA (see page 7 for more information on the HIA) manages the Council will charge the Registered Provider a 10% fee (based on the total cost of the work) for procuring and project managing the work.

All households who are resident in 'Intermediate home ownership' housing i.e. those living in Shared Ownership, properties purchased with an Equity Loan and Discounted for Sale (such as the Council's Low Cost Home Ownership scheme) properties are classed as 'private' owner occupiers for the purpose of DFG applications, and therefore these customers should approach the Council for assistance in the first instance.

### **Lancashire County Council Threshold**

Where the adaptation will cost under £500 and the property is privately rented or owned, the County Council will arrange for the works to be completed without a referral to the Council. In some cases there may be multiple adaptations needed, and in these instances the County Council would facilitate the adaptations costing less than £500 and refer the other/s to the Council. One example of this would be a specification containing both a stair hand rail and walk in shower, with the County Council facilitating the former, and the Council facilitating the latter.

### **The Prioritisation of DFG Applications**

All applications are treated in the same way regardless of tenure and are triggered by the receipt of an OT6 form from the Occupational Therapist (OT). The OT's assessment will follow the principles of the Fair Access to Care Services (FACS) criteria.

The OT will classify each case into one of the following categories:

- High Priority
- Standard Priority

The HIA team deals with cases referred by the OT using two defined criteria:

- The priority allocated to the case by the OT
- The date it receives the OT recommendation

Therefore the casework for a high priority case would always be started before any standard priority cases on the customer list.

Within each priority category the date the OT6 is received will determine which case is started first with the oldest case being given priority.

As soon as the OT6 is received the process of checking eligibility is carried out to ensure applicants who are not eligible are aware of their options at an early stage.

### Eligibility

- Any disabled person as described by the Housing Grants, Construction and Regeneration Act 1996.
- The duty is primary, absolute and is contained in the Guidance issued by the Department of Communities and Local Government (DCLG) in June 2006 “*Delivering Housing Adaptations for Disabled People: A Good Practice Guide*”.
- The duty is ‘tenure blind’, thus adaptations should be provided for those in need, irrespective of the type of home that they live in.
- Applicants must be over 18. Landlords may apply on behalf of tenants and parents or guardians may apply on behalf of children.
- All applications for DFGs will be assessed by an Occupational Therapist and given a priority need which will be – ‘critical’, ‘substantial’ or ‘moderate’ in line with the FACs criteria.
- The Council’s Home Improvement Agency offers a project management service for customers who are ineligible for grant assistance either because they failed the test of financial resources or because they have not met the required threshold within the OT assessment to qualify for grant assistance.
- The property must be a legal residence which includes dwellings, mobile homes, caravans and houseboats.
- Works that are essential as described in s.23 (1) of the Housing Grants, Construction and Regeneration Act 1996. Works must be reasonable and practicable to carry out, as determined by a designated Council officer in consultation with an OT and the applicant.

### Conditions

All applications are dealt with in accordance with the priority awarded them (see above) and in date order.

All applications are subject to a test of financial resources in accordance with the Housing Grants, Construction and Regeneration Act 1996 (as amended) to determine the amount to be contributed by the applicant towards the cost of the work.

In accordance with legislation the test of financial resources will not be applied in cases where an application is being made on behalf of a child or young person.

### Eligible Works

- To assist entry and exit from the property.
- To aid access into and around the living areas, bedroom, kitchen and bathroom.
- To improve or provide heating and/or light controls.
- To make the dwelling safe for the disabled occupant and other people residing with him/her.
- Access to and from the garden by a disabled occupant.
- Where the existing footprint or layout of the dwelling, including outbuildings and garages, can be adapted or converted to accommodate the facilities required the Council will not consider any extension to the property. Where an extension is necessary and there is no other option, the Council will consider the most cost effective method of meeting the applicant's requirements.
- Where the applicant has a preference for works that are over and above those necessary to meet the disabled person's needs (such as an extension rather than the provision of stair lift and level access shower) the Council will only fund the cost of the original recommended works, the remainder being funded by the applicant.
- The Council does not offer discretionary DFGs nor does it provide any other discretionary top-up grants for adaptations. Any amount above the statutory maximum level must be paid for by the applicant.
- Applications for grant aid will not be considered where works have previously been completed. Applications for grants where works have started but have not been completed will only be considered where the applicant can demonstrate exceptional circumstances as to why they did not apply and seek approval prior to the start of the work. In such cases any work already completed will be excluded from the subsequent application.

### Service standards

- Legislation requires a decision from the Council to approve the grant or not within 6 months of receiving the full application (this includes all necessary information e.g. proof of home ownership or landlord consent); the Council will aim to achieve this within 8 weeks. The Council's budget is limited and the ability to fulfil the non-statutory timescales will depend on demand and available funding. These standards apply to all properties and tenures.
- In accordance with legislation, the Council will aim to complete the installation of all disabled adaptations within 12 months from the date of grant approval.
- The Council will aim to process applications fairly, efficiently, courteously and promptly.
- The Council will aim to pay all grant money due within 30 days of a valid claim on certified work.

In accordance with the legislation set out in the Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008, where the adaptation is carried out to a property which is privately owned and the cost of the work is £5000, or more, the Council will put a legal charge on the property through the Land Registry. The legal charge will last for ten years. If the property is sold or otherwise changes ownership within ten years of the completion date, the Council will require repayment of the grant. The maximum repayable amount at the change of ownership is £10,000.

During the period that the Council is considering the application a number of options will be explored with the applicant as follows:

- Alternative options such as a possible move to a property owned by a Registered Provider or a private sector property.
- Liaison with local Registered Providers to determine whether it is more cost effective for the applicant to transfer to another property rather than adapt the existing property.
- Complete a financial assessment to determine eligibility for assistance and if a financial contribution will need to be made by the applicant.
- Explore options to assist the applicant in funding any contribution required by them.
- If the Council is unable to award a DFG due to lack of eligibility or priority, the applicant will be advised of the option of paying for the work themselves. In such cases the Council will offer to arrange and project manage the work on behalf of the applicant. A fee of 10% of the total cost of the work will be charged by the Council for this service.

### **Tendering of DFGs**

All DFGs are tendered via 'The Chest' website [www.the-chest.org.uk](http://www.the-chest.org.uk), and in accordance with the Council's procurement policy a minimum of three quotations are required from the Council's list of approved contractors. The lowest quotation that meets the specification usually wins the tender, however the customer is given the choice to choose a higher value tender provided they are willing to pay the difference between their preferred contractor's quotation and the lowest.

There are exceptions to this tendering process as stair lifts, through floor lifts and automatic wash & dry WCs will be tendered and installed by arrangement of the County Council. The County Council will invoice the Council; however the County Council will retain ownership of these through an assignment arrangement with the end user. This arrangement includes a service and repair obligation by the County Council for as long as the customer needs the adaptation, and the County Council will recycle the item when it is no longer needed.



## Adapted Property Database

The Council, along with the Preston and South Ribble councils and Registered Provider partners in Central Lancashire, are working together to develop a database of adapted homes in the area. This database will enable partners to identify any homes which are adapted making more effective use of these assets where possible.

## Other Options

Registered Providers have the discretion to offer a tenant living in an adapted rented property who no longer needs the adaptations a disturbance grant to help them move into a non adapted property and for a DFG applicant to move into the existing adapted property. This policy is voluntary for both the tenant living in the adapted property and the DFG applicant who may be offered the existing adapted property.

There are benefits to this arrangement as it ensures resources within the borough are effectively utilised and may enable needs to be met more quickly. Registered Providers will seek to optimise the use of their stock by facilitating the transfer of an existing tenant whose needs may be better met by a move to more suitable accommodation such as a ground floor flat or bungalow, rather than adapting their existing home. Applicants should refer to the Registered Provider's policies for further details on this option. The Council will expect the applicant to accept a reasonable offer of suitable alternative accommodation rather than progress a DFG application.

## Better Care Fund

From 2015/16 the grant paid from the Department of Communities and Local Government to Local Housing Authorities to help pay for DFGs will become a named part the Department of Health's 'Better Care Fund' (formerly referred to as the Integration Transformation Fund). The Better Care Fund is described as a *'single pooled budget for health & social care services to work more closely together in local areas based on a plan agreed between the NHS & local authorities'*. Consequently the money won't be paid directly to the Council.

The plan is expected to be developed jointly by the Clinical Commissioning Groups and the County Council and is required to be signed off by the Lancashire wide Health and Well Being Board. It is anticipated that within the plan the named allocation for DFGs will be awarded to lower tier authorities to spend on DFGs. However, exactly how funds will be allocated is currently an area of uncertainty and the Council is cautiously observing developments. Nevertheless, it is expected that the Council will retain its statutory duty to provide DFGs.

## THE HOME IMPROVEMENT AGENCY

The Home Improvement Agency (HIA) is a team within Chorley Council's Strategic Housing service whose aim is to ensure that vulnerable people can remain living as independently as possible in their own homes, or a home of their choosing, whilst also maintaining their health and wellbeing. The main 'client groups' assisted by the HIA are older people and people with disabilities.

As well as facilitating and providing adaptations through DFGs, the HIA also carries out an important enabling role to assist customers to make informed choices about their housing options.

The HIA will assist its customers to meet the 'Decent Homes Standard' by offering advice and assistance, and where ever possible advising how to access any available funding streams, including improving the energy efficiency of their home to help reduce fuel poverty.

The HIA aims to prevent the need for residential or domiciliary care, as well as helping people move on from hospital, therefore also assisting health and social care partners.

The HIA strives to extend the healthy life expectancy of older people, reducing the need for intensive emergency services, maximising income by offering advice on benefits, and helping reduce the fear of crime.

The HIA works in partnership with other Local Authorities and stake holder organisations to improve services in the borough and throughout Lancashire.

## ENERGY EFFICIENCY

The Home Energy Conservation Act (HECA) 1995 requires Councils to improve the energy efficiency of homes in their area, i.e. to reduce energy usage and carbon dioxide emissions within the housing stock. The Council meets its HECA requirements by performing an enabling role by linking Chorley residents to available schemes such as those funded through the Energy Company Obligation and Green Deal. Since March 2013, HECA has required the Council to publish a biennial progress report setting out measures the Council considers practical and cost effective in improving the energy efficiency in the borough

'Fuel Poverty' is currently defined as a household whose income is below the poverty line (when energy costs are taken into account) and whose energy costs are also higher than the median for their household type. Reducing fuel poverty is a priority both nationally and locally. In its Corporate Strategy 2013/14 to 2016/17 the Council has set a target that aims to ensure the percentage of households living in fuel poverty remains below the North West average. Improving the energy efficiency of the borough's housing stock is key to reducing fuel poverty.

The **Energy Company Obligation** (ECO) was introduced in January 2013 with the aim of reducing the UK's energy consumption and help households living in fuel poverty by funding energy efficiency improvements from 1<sup>st</sup> January 2013 to 31<sup>st</sup> March 2015. ECO replaced both the Carbon Emissions Reduction Target (CERT) and the Community Energy Savings Programme (CESP), and

requires energy companies to improve their domestic customers' homes energy efficiency in the three following areas:

- Carbon Saving Obligation of 20.9 MtCO<sub>2</sub> (2013-15) – concentrating on hard to treat homes that can't be completely funded by the Green Deal.
- Carbon Saving Community Obligation of 6.8 MtCO<sub>2</sub> (2013-15) – assisting low income households with insulation measures and district heating systems, with a minimum of 15% in rural areas.
- Affordable Warmth Obligation of £4.2 billion savings (2013-15) – helping low income and vulnerable households heat their homes for less.

The Council will signpost and, if appropriate, make referrals to any ECO schemes in operation at the time of the customer's enquiry. The energy efficiency companies can carry out measures themselves, through existing mechanisms such as Green Deal providers (see below for further details on Green Deal), or commission suppliers to provide the measures on their behalf by bidding on lots on a brokerage website. The lots can be to provide measures for periods as short as three months so it is not possible to predict what the ECO offer will be in the Chorley area in advance. The Council is working as part of the Lancashire Home Energy Officers Group to provide a consistent Affordable Warmth Obligation offer across Lancashire to residents receiving qualifying benefits.

Households can find out about any current ECO initiatives they may qualify for by calling 01257 515151 and asking for the Home Improvement Agency.

Working along-side ECO is the **Green Deal**. The Green Deal is a Government backed loan scheme which allows customers to pay back the cost of energy efficiency improvements from the savings made on their energy bills. Green Deal is available to home owners, private sector tenants, and businesses. Green Deal can pay for various energy saving measures including insulation, heating systems, draft proofing, double glazing and renewable energy generation.

Green Deal measures can also be paid for in advance if the customer does not wish to take out a loan. Potential customers wishing to find out more about Green Deal and the likelihood of the scheme saving money for their home or business can do so by via the website below:

[www.gov.uk/green-deal-energy-saving-measures](http://www.gov.uk/green-deal-energy-saving-measures)

The above link also allows potential customers to find Green Deal assessors, installers and providers in their area. Due to the number of assessors, installers and providers that potentially operate in the area, it is not possible for the Council to endorse or recommend any particular company.

The Department of Energy and Climate Change has commissioned the Energy Saving Trust to provide the Energy Saving Advice Service nationally. Callers can be signposted to a wide range of organisations that can help reduce their fuel bills on the following number: 0300 123 1234, and more information is available on the website below:

[www.energysavingtrust.org.uk/Organisations/Government-and-local-programmes/Programmes-we-deliver/Energy-Saving-Advice-Service](http://www.energysavingtrust.org.uk/Organisations/Government-and-local-programmes/Programmes-we-deliver/Energy-Saving-Advice-Service)

The Council will continue to bid for any available funding which will allow its residents to achieve affordable warmth. One example of such a funding stream is the Department of Health's 'Warm Homes Healthy People' funding which the Council has been successful in bidding for to help its older residents to stay warm and healthy for the last three winters. It is hoped that similar funding will be accessed by the Council in future years. The HIA will also continue to help individual customers where possible to access any available non-main stream grants, such as those provided by occupation or vocation related charities, in order to improve the energy efficiency of their home.

It is the responsibility of individual landlords to ensure that privately rented homes are free from 'excess cold' – and this can be verified by an Environmental Health Officer by calling 01257 515151.

For tenants of Registered Providers of social housing it is the responsibility of the landlord to ensure that the property is free from excess cold and provides a reasonable degree of thermal comfort. Tenants should contact their landlord in the first instance if they do not believe their home does not meet these criteria (see Appendices 1 & 2 for more information).

## **HANDY PERSON SERVICE**

In August 2011 the Council teamed up with Preston Care and Repair to provide a handyperson service. The service is funded by Lancashire County Council through its Supporting People budget and currently provided by Preston Care and Repair on behalf of the Council. The service is funded until March 2015. The service is due for re-tendering for 2014-15, and therefore the details in this section are subject to change.

### **Eligibility**

The service is available to home owners who are aged over 60 or who have a disability.

### **Eligible Works and Cost**

For a fee of £10 per hour plus the cost of materials a team of qualified tradespeople will carry out a variety of minor repairs such as, putting up curtain rails, stair rails and replacing gates. The team will also do one off gardening jobs and some decorating work. Each job should take no more than two hours but there is no limit on the number of jobs that can be done in any property. The fee is paid direct to the Handyperson attending the property at the time of the visit.

Anyone interested in this service should contact Preston Care and Repair direct on 01772 204096.

## COMPLAINTS/COMMENTS

Complaints and comments provide important feedback and help us to improve our services.

### Procedure

Complaints and comments may be made in writing, by email, text or verbally.

Complaints are logged and referred to the Home Improvement Agency manager, and where possible put right immediately.

If it is not possible to resolve the complaint immediately, the complaint will be acknowledged within 5 working days of receipt. The acknowledgment will detail the procedure and the name of the person dealing with the complaint.

A full response will be sent within 10 working days. If the response is likely to take longer than 10 working days the customer will be informed accordingly and informed when they can expect to receive a full reply.

If the customer is not happy with the response the complaint will be escalated to the Chief Executive. Some complaints, depending on the degree of seriousness, may go directly to the Chief Executive. In such cases a full response will be sent from the Chief Executive within 10 working days of receipt.

If the customer is still not satisfied they may refer their complaint to the Local Government Ombudsman.

The Ombudsman will normally only deal with complaints when the Council's own complaints procedure has been exhausted

Contact details:

Local Government Ombudsman  
PO Box 4771  
Coventry  
CV4 0EH  
Telephone number 0845 602 1983  
Email: [advice@lgo.org.uk](mailto:advice@lgo.org.uk)

## MONITORING AND REVIEW

The Strategic Housing service is responsible for ensuring that this policy is adhered to and is effective. The Head of Housing monitors the budget and take-up of the various strands of housing assistance.

This policy is reviewed on an annual basis. It may be reviewed earlier if there are significant changes in legislation, statutory guidance, local priorities or capital funding.

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## APPENDIX 1

### DEFINITION OF THE DECENT HOMES STANDARD (DHS)

The summary of the definition of a 'Decent Homes' is contained in the DCLG document '*A Decent Home – the definition and guidance for implementation*' (June 2006) and states that a property should:

- meet the current minimum standard for housing
- is in a reasonable state of repair
- has reasonably modern services and facilities
- provides a reasonable degree of thermal comfort

#### **Current minimum standard for housing**

The Housing Health and Safety Rating System (HHSRS) was introduced as part of the Housing Act 2004. It came into force in April 2006. HHSRS replaced the Housing Fitness Standard as the first criterion of the DHS. As a minimum, a dwelling should be free from category 1 hazards. The existence of such hazards should be a trigger for remedial action unless practical steps cannot be taken without disproportionate expense or disruption.

#### **Reasonable state of repair**

A dwelling satisfies this criterion unless:

- 1) One or more key building components (i.e. external walls, lintels, roof structure, roof covering, chimney, windows, external doors, gas central heating boiler, electrics) are old and, because of their condition need replacing or major repair or
- 2) Two or more other building components are old and, because of their condition, need replacing or major repair

A building component must be old and requiring replacement or major repair to satisfy this criterion.

#### **Reasonably modern services and facilities**

A property is considered not to meet this criterion if it lacks three or more of the following:

1. A reasonably modern kitchen (20 years old or less)
2. A kitchen with adequate space and layout
3. A reasonably modern bathroom (30 years old or less)
4. An appropriately located bathroom and WC
5. Adequate external noise insulation (where external noise is a problem)
6. Adequate size and layout of common entrance areas for blocks of flats

**Provides a reasonable degree of thermal comfort**

A property should have both efficient heating and effective insulation which are defined as:

- Any gas or oil programmable central heating; or Electric storage heaters; or
- Warm air systems; or
- Underfloor systems; or
- Programmable LPG/solid fuel central heating; or
- Similarly efficient heating systems that are developed in the future

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## APPENDIX 2

### HOUSING HEALTH AND SAFETY RATING SYSTEM (HHSRS)

The HHSRS is a method of risk assessing hazards that may be found in residential accommodation. Homes should be free of any avoidable or unnecessary hazards as listed in the table below.

Physiological	Psychological	Infection	Accidents
Damp and Mould Growth	Crowding and space	Domestic hygiene, pests and refuse	Falling between levels
Excess Cold	Lighting	Personal hygiene, sanitation and drainage	Falls associated with baths etc
Excess Heat	Noise	Food supply	Falling on level surfaces
Volatile Organic Compounds	Entry by intruders	Water supply	Falling on stairs
Biocides			Electrical hazards
Lead			Flames, hot surfaces
Asbestos and manufactured mineral fibres			Structural collapse and falling elements
Carbon monoxide and fuel combustion products			Position and operability of amenities
Uncombusted fuelled gas			Fire
Radiation			Explosions
			Collision and entrapment