

Cheltenham Borough Council Housing Gas Safety Policy – July 2024

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Responsible officer

- Property Compliance Manager

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1.0 Introduction

- 1.1. It is essential that the gas supply system and appliances serving the properties owned by Cheltenham Borough Council (CBC) Housing Revenue Account (HRA) are properly maintained and serviced to, as far as reasonably practicable, minimise the potential for explosion, fire, and carbon monoxide poisoning.
- 1.2. The majority of the HRA properties CBC own are connected to natural mains gas for the provision of heating, hot water and cooking.
- 1.3. Failure to correctly manage gas safety can result in unsafe installations which could result in loss of life and consequently it is a primary concern for CBC. The penalty for non-compliance is the risk of prosecution and if a case is referred to the Crown Court the maximum penalty can be an unlimited fine together with the possibility of imprisonment.

2.0 Purpose of the Policy

This Policy is to ensure that CBC:

- a. is compliant with legal and regulatory duties with respect to gas safety
- b. takes all reasonable steps are taken to obtain access to properties for safety checks, servicing, and maintenance
- c. operates an effective and efficient process with the contracted contractor for gas safety checks, servicing, and maintenance
- d. delivers high levels of customer service
- e. regularly review and when appropriate update the procedure for gas safety and the maintenance service to consider any customer feedback and best practice

3.0 Scope of the Policy

- 3.1 This Policy is to ensure that CBC meets its legal requirements, in relation to gas safety under the Gas Safety (Installation & Use) Regulations 1998 and the Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022.
- 3.2 The duties generally apply to appliances, flues and pipe installations provided for tenants use in 'relevant premises', that is those occupied for residential purposes under either a licence, a tenancy agreement for a set term, or a lease as defined in the Regulation (essentially any lease under seven years is covered).
- 3.3 The Regulations place duties on CBC, as a landlord & employer to ensure that gas appliances, fittings and flues provided for use are safe. These duties to protect tenants and employee safety are in addition to the more general ones that landlords and employees have under the Health and Safety at Work etc Act 1974 and the Management of Health and Safety at Work Regulations 1999.
- 3.4 The Approved Code of Practice 'Safety in the installation and use of gas systems and appliances' provides guidance and practical advice to meet the requirements of the Regulations.

4.0 Accountability and Responsibility

4.1 Chief Executive

The Chief Executive is the Duty Holder and has responsibility for ensuring:

- a. adequate resources are allocated to managing the risks and legal responsibilities relating to gas safety
- b. Ensuring adequate processes and procedures are in place to manage the risks and legal obligations relating to gas safety
- c. Ensuring sufficient information, instruction and training is carried out
- d. Monitoring the performance of staff and contractors
- e. Ensuring that members of the public, staff and contractors are not unnecessarily exposed to risk
- f. Ensuring that CBC complies with its overall legal duties in relation to gas safety.

4.2 Deputy Chief Executive

The Deputy Chief Executive through the Head of Technical & Investment will support the Chief Executive in the position as Duty Holder and as such will be responsible for ensuring that:

- a. Both an effective Policy, supported by a robust management framework is in place to manage gas safety
- b. Individuals charged with the management of gas safety within CBC are competent and have the necessary resources at their disposal to undertake the work effectively

4.3 Head of Technical and Investment

The Head of Technical and Investment through the Property Compliance Manager and Property Compliance Officer will be responsible to ensure:

- a. The development and review of an effective Policy
- b. The overall implementation and maintenance of a robust management framework which is fit for purpose to manage gas safety
- c. The appointment of competent persons and contractors employed by CBC
- d. Advice and recommendations affecting Policy

4.4 Property Compliance Manager

The Property Compliance Manager through the Property Compliance Officer will be responsible for ensuring:

- a. The framework put in place for the implementation and management of a gas safety is carried out and continues to be fit for purpose
- b. Management of the contractors undertaking works to gas systems including the annual gas safety checks
- c. Review and monitor compliance and contractor performance

- d. Timely Policy review
- e. The production of written management systems
- f. Advice and recommendations affecting Policy
- g. Identification and promotion of appropriate staff training

4.5 Property Compliance Officer

The Property Compliance Officer is responsible for the day-to-day administration of the contractors appointed to undertake gas safety checks and maintenance in accordance with the Policy and associated procedures ensuring that:

- a. all reasonable steps are taken to obtain access to properties for safety checks, servicing, and maintenance
- b. contractor's delivery of the annual gas safety check programme is monitored daily
- c. gas safety check compliance is reported monthly
- d. independent third-party audits are undertaken monthly
- e. contractor performance is reviewed and monitored daily
- f. the contractor delivers an effective and efficient service for gas safety checks, servicing, and maintenance in accordance with agreed processes and procedures
- g. high levels of customer service are achieved
- h. the procedure for gas safety and the maintenance service is regularly reviewed to take into account customer any feedback and best practice and when necessary, recommend appropriate updates
- i. Property reconciliation (gas, property repairs and stock databases) will be undertaken quarterly

4.6 All CBC employees

All CBC employees at all levels will cooperate and support the Property Compliance Officer to ensure the duties and responsibilities necessary to comply with this Policy and associated legislation can be discharged. In particular:

- a. Housing and Tenancy Management staff including Housing Support Officers (HSO's)
- b. Lettings Officers
- c. Repairs Supervisors
- d. Customer Services Officers

4.7 Contractors

All contractors directly or indirectly appointed by CBC will cooperate with the Property Compliance Officer to ensure the duties and responsibilities necessary to comply with this Policy, associated legislation and codes of practice can be discharged.

5.0 Policy Statement

5.1 CBC considers that by undertaking the compliance measures detailed below it will be compliant with legislative requirements of the Gas Safety (Installation & Use) Regulations 1998.

5.2 Regulation 36 - Requirement 1: Employing Competent Contractors & Competent Persons

CBC will only employ competent persons to work on and maintain gas appliances, flues, and installation pipework.

Compliance Measures, CBC will:

- a. only use Gas Safe registered contractors and they will be required to evidence that each operative working on gas appliances, flues and installation pipework has the necessary in-date qualification(s) to undertake the task, this includes for subcontractors employed on newbuild sites.
- b. employ an independent third-party gas auditor to audit approximately 10% of the monthly safety checks and new installations. Remedial actions from audits are reported directly to the gas contractor with CBC being copied in.
- c. monitor compliance within the monthly KPI figures.

5.3 Regulation 36 - Requirement 2: Duties of landlords

To ensure annual safety checks are carried out on gas appliances and flues and that a record is kept and issued, or in certain circumstances (for instance communal boilers), displayed to tenants.

Compliance Measures, CBC will ensure:

- a. an annual landlord gas safety check is undertaken by a Gas Safe registered gas engineer on every landlord owned gas appliance, flue and pipework for properties that have an uncapped gas supply
- b. the gas supply will have been capped off prior to the commencement of the tenancy (void cap gas)
- c. a safety check is undertaken for each new tenancy when the gas supply is uncapped (new tenant gas service) and a new Landlord Gas Safety Record (LGSR) issued
- d. a visual check is made on all gas appliances, flues and gas pipework that are not owned by the landlord
- e. that all safety checks will be recorded on a Landlord Gas Safety Record (LGSR)
- f. a record of each safety check (LGSR) is kept for at least two years
- g. the latest LGSR is sent to tenants by post (or email) within 28 days of the check being completed or displayed in a communal area where a property is served by a communal system
- h. Every two-years visually inspect properties without gas appliances or a gas meter but with existing gas pipework (recorded as 'heating in your home survey' properties on QL system)
- i. Annually inspect solid fuel burning appliances, sweeping the flue, and obtaining an annual safety record from a suitably qualified engineer.

Reasonable steps:

In order to comply with Requirement 2, CBC will take reasonable steps (Regulation 39) to ensure gas safety checks are made. This comprises a 10-month safety check and servicing programme with tenants being written to on up to three occasions (with am/pm appointments) which if not responded to, is followed by legal action to gain access.

Legal action will include the use of:

- a. Injunctions – these place the onus on tenants to allow access while not compromising occupancy rights. This can also be a forced access injunction.
- b. Possession orders – uses the provisions within the tenancy agreement to obtain either a suspended possession order (on condition that access is allowed) or outright possession order.
- c. CBC will not use force to enter a property unless instructed to do so by a Court Bailiff.

Disconnecting Supplies

Where there is an out of date LGSR CBC considers this presents a health and safety risk and will consider capping off (disconnecting) the gas supply under the provisions of the Environmental Protection Act 1990. This will be permissible where:

- a. There is an external gas meter
- b. Customer profiling information shows that there is not an occupant that is elderly or vulnerable
- c. The weather forecast for the day of the cap off and for the following two days will not be excessively cold (average daytime temp below 5oC)

5.4 Regulation 36 - Requirement 3: Duties of landlords to ensure ongoing maintenance.

Compliance Measure:

CBC will contract with Gas Safe contractor(s) to provide a 24hr, 365 days a year, three-star reactive repair service to respond to breakdowns and to maintain the landlord owned gas appliances, flues and gas pipework.

Reasonable steps:

In order to comply with Requirement 3, CBC will ensure that all reasonable steps (Regulation 39) are taken to ensure the gas safety checks are adhered to which will include:

- a. Giving written notice to a tenant requesting access and explaining the reason
- b. Retaining a record demonstrating the steps have been taken where a tenant refuses access. If a tenant continues to refuse access after repeated contacts, then CBC will use appropriate legal action through the Courts under the terms of the tenancy agreement
- c. Considering capping off (disconnecting) the gas supply at the meter

CBC will follow procedures (relevant to the circumstances) for gaining legal entry into a property and force will not be used unless instructed to do so by a Court Bailiff.

5.5 Regulation 36 - Requirement 4:

Ensure that no gas fitting of a type that would contravene Regulation 30 is fitted in any room occupied or to be occupied as sleeping accommodation after the Regulations came into force. This includes any room converted into such accommodation after that time.

Compliance Measure:

During the annual gas safety check if it is identified that a room designed for the purpose of living has changed into a room designed for sleeping, and it contains a gas burning appliance that does not conform to Regulation 30 (2) & (3) of the Gas Safety (Installation & Use) Regulations, immediate action will be taken. The action will be to:

- a. Turn off with the gas to the non-compliant appliance notifying the tenant of the action being taken and the reasons for this and class the appliance as At Risk in accordance with the procedure detailed in the current Gas Safety (Installation & Use) Regulations until the appliance(s) is either replaced with an appliance which meets the minimum requirements, or until such times as the tenant is able to stop using the space as sleeping accommodation.
- b. Alternatively, consideration could be given to re-housing the tenant into other suitable accommodation.

5.6 Regulation 35 - Requirement 5:

Duties of employers and self-employed persons CBC must ensure that any gas appliance, flue, or installation pipework installed at a place of work they control is maintained in a safe condition.

Compliance Measure:

The maintenance and safe operation of gas appliances, flues, and installation pipework in these workplaces will be ensured by satisfying the Compliance Measures for Requirements 1 – 4. There are very few places of work which are not tenanted properties or premises that are managed by others.

5.7 Performance Monitoring

Key performance indicators will be reported monthly to the Leadership Teams and will include:

- a. Percentage of properties that have a current gas safety certificate (LGSR)
- b. Number of properties where a gas safety certificate (LGSR) has expired
- c. Commentary providing detail of the actions taken for properties without a current gas safety certificate (LGSR)
- d. No of properties required to have a CO alarm and the number that have a CO alarm fitted

In addition, performance will be monitored by the Housing Cabinet Committee.

5.8 Leaseholders & Shared Owners

In an effort to protect its property and all residents and visitors, CBC will work in partnership with its Service Provider to provide options to Leaseholders and Shared Owners for the annual servicing and maintenance of their boilers and central heating systems.

5.9 Equality, Diversity and Inclusion

Given the diversity of our customers we will ensure that our procedures comply with CBC's Equality and Diversity Policy. This means that all reasonable actions possible will be used to ensure that steps taken by CBC to gain access take a customer's individual needs into account.

5.10 The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 as amended by The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022

CBC has a duty to:

- a. Ensure at least one smoke alarm is equipped on each storey of the home where there is a room used as living accommodation.
- b. Ensure a carbon monoxide alarm is equipped in any room used as living accommodation which contains a fixed combustion appliance (excluding gas cookers).
- c. Ensure smoke alarms and carbon monoxide alarms are repaired or replaced once informed and found that they are faulty.

To comply CBC will:

- a. At the time of the annual gas service and for new tenancies check that all rooms with solid fuel burning appliances including open fireplaces that are used or could be used have a carbon monoxide detector fitted. Where detectors are present, they will be tested and if they are not present, they will be fitted.
- b. At the time of the annual gas service and for new tenancies that all rooms with a gas burning appliance(s) in use or could be used have a carbon monoxide detector fitted. Where detectors are present, they will be tested and if they are not present, they will be fitted.
- c. Smoke alarms are tested annually at the same time as the annual gas safety inspection and recorded on the LGSR.
- d. Failed smoke detectors or carbon monoxide tests are reported by the gas contractor to CBC for remediation, usually with the follow-on appointment being arranged from on site to minimise the risk of no-access.

6.0 Audit

In addition to the contractor's own quality audits, CBC will implement an audit regime as follows:

Audit	Frequency
CBC independent audit new installs	Monthly
CBC independent audit safety checks	Monthly
CBC independent technical audit	Every 2 years
Contractor independent technical audit	Every 2 years
CBC internal audit by H&S advisor	Annual
CBC internal audit by internal auditors	As identified in CBC internal audit plan – usually annual

7.0 Review of the Policy

This Policy will be reviewed every 3 years or when legislation changes.