

## Gas Servicing and Safety Policy (HRA properties)

Newark and Sherwood District Council

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Responsible Business Manager: Asset & Development Manager

Responsible Manager: Compliance & Safety Manager

## **1. Introduction**

- 1.1 Newark & Sherwood D.C. (NSDC) are fully committed to meeting all relevant statutory & regulatory requirements, including best practice standards, in the housing sector and also ensuring continual improvement in compliance performance, adopting a zero tolerance approach to any deviation from this Policy.
- 1.2 The Gas Servicing and Safety Policy details how Newark and Sherwood D.C. meet the requirements of the Gas Safety (Installation and Use) Regulations 1998 (SI 1998 No 2451) (GSIUR) as amended. In addition to this, the policy provides assurance to Newark and Sherwood D.C. that measures are in place to ensure compliance with the regulations and to identify, manage and/or mitigate risks associated with gas fittings, appliances and flues.
- 1.3 The regulations place a duty upon Newark & Sherwood District Council, as a Landlord of domestic property, to ensure that gas appliances and flues are maintained in a safe condition, annual safety checks are carried out and appropriate records kept and issued or displayed to tenants. These duties are in addition to the more general ones that Landlords have under the Health & Safety at Work Act 1974 and the Management of Health & Safety at Work Regulations 1999. Landlord's failing to comply with these regulations can be liable to prosecution and ensuing penalties.
- 1.4 The policy is also relevant for maintaining a safe environment for all tenants and employees within non-domestic HRA properties.
- 1.5 It also relates to the servicing of solid fuel and oil appliances which, although not a statutory requirement, will be serviced and maintained in accordance with this Policy and on the same frequency as our gas systems.
- 1.6 Newark and Sherwood D.C. will follow a systematic approach to the management of gas safety to ensure it meets the requirements set out in the Gas Safety (Installation and Use) Regulations 1998 (SI 1998 No 2451) (GSIUR) as amended, and other relevant legislation relating to gas safety. This is to ensure the safety of tenants, employees and members of the public.

## **2. Purpose of the Policy**

- 2.1 This policy demonstrates how Newark and Sherwood D.C. will comply with the above legislation for properties managed and owned by the Council.
- 2.2 It outlines our commitment to ensuring that we offer the best possible service to our tenants in relation to gas servicing, it highlights our methods, targets and also makes tenants aware of their obligations in relation to gas safety.

## **3. Responsibility**

- 3.1 Newark and Sherwood D.C. acknowledges and accepts its responsibilities with regard to the management of gas safety to ensure it meets the requirements set out in the Gas Safety (Installation and Use) Regulations 1998 (SI 1998 No 2451) (GSIUR), as amended.
- 3.2 The accountable person for ensuring delivery of the requirements of this Policy is the Assistant Director Asset & Development, or equivalent.
- 3.3 The responsibility for ensuring that gas servicing and maintenance is carried out effectively is a key responsibility of the Planned and Programmed Works Manager, or equivalent.
- 3.4 The operational responsibility for compliance and quality is the responsibility of the Surveyor (Gas), or equivalent.
- 3.5 The responsibility for ensuring that routine repairs are undertaken promptly and safely is the responsibility of the Responsive Repairs Manager, or equivalent.
- 3.6 Newark and Sherwood D.C. will undertake the following in relation to gas appliances in properties and communal areas:
  - i. Annual safety checks.
  - ii. All pipework, boilers, gas fires and associated flues installed by NSDC, will be maintained in accordance with legislation.
  - iii. Repairs will be undertaken as and when necessary.
  - iv. Quality checks of contractors and internal staff undertaking work to gas systems.
  - v. A gas safety check at a change of tenancy, or mutual exchange, in accordance with legislative requirements.

### 3.7 Newark and Sherwood D.C. will not be responsible for:

- i. Gas cookers/hobs unless the Council has installed them. Where problems are identified relating to cookers which have been installed by the tenant Newark and Sherwood D.C. will advise the tenant on the Landlord gas safety report as to the appropriate remedial action that should be taken. Where necessary Newark and Sherwood D.C. will make any appliances safe by disconnection.
- ii. Repairs to gas fires installed by the tenant. However, we are required by law to check all flues and associated pipework, we will also check any gas fires that are installed by tenants, annually after installation, subject to confirming the appliance has been installed in accordance with the Regulations. Where necessary Newark and Sherwood D.C. will make any appliances safe by disconnection.

### 3.8 Tenants have the following responsibilities:

- i. Ensuring that they use gas services within Newark and Sherwood D.C. properties safely and responsibly. Tenants should follow any advice given and ensure they do not operate or interfere with gas-fired appliances in any way, which could endanger themselves or other building users.
- ii. Allow access to their home so that we are able to undertake a gas safety inspection of their property. Where no gas is available on the meter to allow this, the gas engineer will isolate the supply at the meter to ensure the tenants safety. Where there is a recorded, or potential, vulnerability which may be exacerbated by the loss of a gas supply, Newark and Sherwood D.C. will support the tenant to remedy debt issues in a timely way? The tenant has a responsibility to notify Newark and Sherwood D.C. as soon as credit is available, Newark and Sherwood D.C. will then complete the gas safety check within 24 hours of notification.

3.9 Leaseholders also have a responsibility to ensure they have a gas compliance safety check undertaken annually. Newark and Sherwood D.C. will ensure that we check annually that leaseholders are complying with this requirement.

## **4. Overall Aims**

- 4.1 Every year in the UK approximately 40 people die and 200 people suffer from carbon monoxide poisoning as a result of faulty gas fires, central heating boilers, cookers and other appliances. This risk can be reduced if a safety check is performed annually as required by legislation. Newark and Sherwood D.C. are committed to providing a robust, safe and cost-effective service to our customers in relation to gas safety; the aims of this service are:
- i. To protect the health and safety of our residents and meet our legal and regulatory obligations to undertake annual Gas Safety Inspections, as required under the provisions of the Gas Safety (Installation and Use) Regulations 1998 (SI 1998 No 2451) (GSIUR) as amended.
  - ii. To maintain all gas appliances that are Newark and Sherwood D.C. responsibility, in a safe working order and to manufacturers' instruction.
  - iii. To engage with our tenants in a participative and empowering manner so that they have the opportunity to contribute to the service provision in relation to gas servicing.
  - iv. To fulfil our commitment to equality and diversity while delivering the Gas Servicing and Repairs Service to our tenants and residents.
  - v. To effectively maintain the Council's housing stock and preserve its asset value.
  - vi. Ensure that the annual gas safety check is undertaken in compliance with relevant legislation, in a manner that promotes value for money.

## **5. Relevant Legislation and Guidelines**

- 5.1 The key pieces of legislation affecting Gas Servicing requirements are:
- i. Gas Safety (Installation and Use) Regulations 1998 (SI 1998 No 2451) (GSIUR) as amended.
  - ii. The Landlord and Tenant Act 1985.
  - iii. The Health and Safety at Work Act 1974.
  - iv. Management of Health and Safety at Work Regulations 1999.
  - v. Construction, Design and Management Regulations 2015.
- 5.2 Responsibilities as a landlord for Gas Servicing are as laid down in the Gas Safety (Installation and Use) Regulations 1998 (SI 1998 No 2451) (GSIUR) as amended. Regulation 36 relates to the requirements of landlords. The relevant responsibilities are:

- i. *Regulation 36 places important duties on most landlords of domestic property to ensure that gas appliances and flues are maintained in a safe condition, annual safety checks are carried out, and records are kept and issued (or in certain cases displayed) to tenants. These duties are in addition to the more general ones that landlords have under the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999.*
- 5.3 Newark and Sherwood D.C. will comply with all of the above legal requirements.
- 5.4 In addition to the aforementioned legislation there are also a number of Codes of Practice and Guidelines issued by the Health and Safety Executive, including:
  - i. *HSE Leaflet INDG285(rev3), revised 04/18 – LANDLORDS. A Guide to Landlords’ Duties: Gas Safety (Installation and Use) Regulations 1998.*
  - ii. *HSE leaflet INDG238(rev3), revised 03/09 - GAS APPLIANCES. Get Them Checked. Keep Them Safe.*
  - iii. *HSE Book - Safety in the installation and use of gas systems and appliances. Gas Safety (Installation and Use) Regulations 1998. Approved Code of Practice and guidance L56 (Fifth Edition) Published 2018*
  - iv. *ACoP L56 - ‘Safety in the installation and use of gas systems and appliances’ (4th edition 2013).*
- 5.5 Newark and Sherwood D.C. will comply with HSE Codes of Practice and Guidelines, whilst not mandatory they are good practice and set out minimum expected levels and standards.
- 5.6 In the delivery of gas safety works Newark and Sherwood D.C. will ensure it meets the requirements of the Home Standard 2015. The standard applies to all registered providers, including local authorities.

## **6. Implementation**

In order to meet the aims that this policy sets out, Newark and Sherwood D.C. will:

- 6.1 Maintain all Newark and Sherwood D.C. owned gas appliances, flues and associated pipework in a safe condition and carry out annual gas safety checks on all appliances and flues in the Newark and Sherwood

D.C. housing stock, in accordance with the current gas safety regulations and legislation.

- 6.2 Newark and Sherwood D.C. will adopt the MOT approach to gas safety checks as detailed within Regulation 36 (3). Regulation 36 (3) allow Landlords to undertake LGSRs within a period of 10-12 months after the previous check, and then following completion of the check, the LGSR will be treated as if it had been carried out the last day of the 12-month period of validity; just like as is the case with motor vehicles.
- 6.3 *In order to clarify the MOT approach, if an LGSR for a property has a current expiry date of 3rd September 2019, a Landlord operating on a 10-month servicing cycle can visit the property on the 10th July 2019, which means the anniversary date would then be 10th July 2020. Under the legislation, even if the LGSR were to be carried out on the 10th July 2019, the anniversary date for the next required visit would still be 3rd September 2020. Therefore, there is no foreshortening of the inspection period, nor are Landlords waiting until the last minute and not gaining access to a property.*
- 6.4 *However, an LGSR can only be completed a maximum of two months early. Where a gas safety check is carried out at less than 10 months following the previous gas safety check this will have the effect of "resetting the clock" and the deadline date will then be 12 months from the date of the latest check. Where a gas safety check is carried out more than 12 months after the previous gas safety check this will have the effect of 're-setting the clock' and the new deadline date will be 12 months from the date of the latest gas safety check.*
- 6.5 Annually undertake a safety check on all hard-wired and battery operated smoke detectors and carbon monoxide (Co) Detectors, installed within our properties containing gas appliances, at the same time as the gas annual service. Undertake any maintenance as required.
- 6.6 Have a procedure that defines clear, concise, convenient and well published arrangements to complete the annual gas safety check, service and any necessary repairs. This includes seeking to identify and respond appropriately to the specific needs of our tenants and ensure that every resident is aware of the importance of the annual gas safety check and service
- 6.7 Ensure that all work to gas appliances and fittings are carried out by a competent and suitably qualified engineer who is Gas Safe registered.



- 6.8 Ensure that all gas appliance installations are fitted and conform to current legislation, codes of practice and manufactures instructions.
- 6.9 Employ sufficient and suitably qualified colleagues and engineers to enable us to meet our gas servicing and repairs responsibilities.
- 6.10 Ensure that all contractors employed to deliver gas servicing and the repairs and maintenance service adhere to the Council's Code of Conduct for colleagues and contractors.
- 6.11 Normally, replace broken or obsolete gas fires with an electric fire.
- 6.12 On completion of the gas safety check, service or new installation, issue to the resident a copy of the landlord's gas safety record (LGSR) within 28 days and maintain a copy of the LGSR on file for at least 2 years in accordance with legislative requirements.
- 6.13 Maintain a gas property database that clearly details the property's gas servicing history, records and date next due, gas appliances installed, gas access procedure records and timescales etc.
- 6.14 Where gas appliance or supply is installed by the tenant without our permission, Newark and Sherwood D.C. will cap the gas supply until it can ensure that installation complies with all relevant standards. Only if the installation is brought up to an acceptable standard by the tenant will Newark and Sherwood D.C. adopt the work as its own and undertake annual safety checks. When the appliance is adopted by us the tenant will remain responsible for any breakdown repairs. If the tenant does not bring the installation up to legislative standards; Newark and Sherwood D.C. will disconnect the installation or appliance for safety reasons.
- 6.15 Ensure, when new build properties are first built and first let the developer/builder will be responsible for maintaining the installation for a warranty/defects period, usually 1 year. On completion of the defects liability period an annual service will be carried out by Newark and Sherwood D.C. and the property will then remain in our annual cycle.
- 6.16 Maintain a call-out service 24 hours per day, 365 days per year to all tenants and residents. Outside of normal working hours this will be for emergency repairs and/or making safe only and will be provided through our own, or an approved, call handling centre. Where this is the case, the service provider will be given clear instructions and detailed contact lists to ensure that all potential problems can be resolved with a minimum of inconvenience for the caller.

- 6.17 Comply with legislation by undertaking a Gas Safety Check every time the status of a property or its tenancy changes. This is usually when a property becomes empty (void) or when a mutual exchange takes place.
- 6.18 Undertake an initial gas safety check on all void properties and mutual exchanges to comply with relevant legislative requirements. In the case of void properties, cap off the gas supply at the meter and issue a landlord gas safety certificate. Where testing in a void property cannot be carried out due to problems with obtaining either gas or electrical supply we will carry out an air tightness test on the gas carcass, a visual safety check, cap the gas supply at the meter and issue the LGSR appropriately. On Re-letting, when we are notified that the service supply has been restored, a re-commission will take place and an LGSR will be issued to the new tenant.
- 6.19 Make aware the importance of gas safety to our residents ensuring that relevant information is made available upon request in audio versions, large print, Braille and in other languages.
- 6.20 Have clear procedures to gain access to undertake the gas safety check every 12 months.
- 6.21 In cases where access is not granted, in line with procedure, we will take the necessary action.
- 6.22 Publicise to our leaseholders the importance of making sure the gas appliances installed in their homes are checked regularly by a qualified professional and offer them the opportunity to access NSDC gas servicing at a reasonable rechargeable rate.
- 6.23 Any non-compliance issue identified at an operational level will be formally reported to the Assistant Director Asset & Development, or equivalent in the first instance and action will be taken as detailed below:
- The Assistant Director Asset & Development, or equivalent, will agree an appropriate course of corrective action with the operational team in order to address the non-compliance issue and report details of the same to the Senior Leadership Team.
  - The Senior Leadership Team will ensure the relevant Committee are made aware of any non-compliance issue so they can consider the implications and take action as appropriate.

## **7. Competency**

- 7.1 Newark and Sherwood D.C. will employ a suitable qualified person, Surveyor (Gas), or equivalent, who will work in consultation with a specialist Quality Assurance (QA) company. This person will be the principal person responsible for ensuring the Council's operational compliance with all relevant legislation and training as it relates to gas servicing.
- 7.2 This person will:
- i. Check all certification.
  - ii. Check contractors' competency and methods of recording competency.
  - iii. Ensure that all directly employed engineers are Gas Safe qualified.
  - iv. Ensure that the Council's Gas Safe registration is kept up to date.
  - v. Ensure quality checks of the contractor's work are carried out and that of directly employed gas engineers and keep records of these checks.
  - vi. Ensure that any contractors working for us have a permit to work and that all risk assessments and health and safety information is provided and compliant.
  - vii. Ensure that Newark and Sherwood D.C. are compliant with the Gas Safety (Installation and Use) Amendment Regulations 2018.
- 7.3 This policy and the procedures that support it will be subject to a range of training across Newark and Sherwood D.C. The training will be bespoke to the individuals and refresher training will be provided as appropriate.
- 7.4 Training will include team briefings for those employees who need to have a basic understanding and awareness of gas safety but who may not be actively involved in the delivery of the gas safety policy. This will be basic gas safety awareness training.
- 7.5 On the job training will be provided to those employees who will be responsible for managing the programme of gas safety checks and repair works to gas fittings, appliances and flues as part of their daily job.

## 8. Quality and Performance Monitoring

- 8.1 Newark and Sherwood D.C. are committed to ensuring that both the performance and quality of any gas related repairs and inspections are to current standards. To ensure compliance with this we will:
- i. Carry out, as a minimum, a representative 5% sample of independent quality assurance checks to directly employed engineers on new installations, gas servicing, repairs and all landlords LGSR certificates to ensure that the works and certificates are completed in accordance with current legislation and codes of practice.
  - ii. Carry out, as a minimum, a representative 5% sample of independent quality assurance checks to employed contractors' engineers on new installations, gas servicing, repairs and all landlords LGSR certificates to ensure that the works and certificates are completed in accordance with current legislation and codes of practice
  - iii. Maintain performance indicators as detailed below to monitor the delivery of the gas servicing and repairs service and report this to an appropriate committee.
    - Total Number of properties with no gas supply
    - Total Number of properties with a gas supply
    - Percentage of properties with a valid gas safety certificate
    - Number of properties Out of Compliance at each month end
    - Number of properties going Out of Compliance each month
  - iv. Carry out servicing and testing to solid fuel and oil systems as part of the gas safety programme, using HETAS qualified contractors, and report on the following to an appropriate committee;
    - Total Number of properties with Solid Fuel/Oil systems
    - Percentage of properties with a valid Solid Fuel/Oil certificate
  - v. Survey customers' views on the service they receive; take action to remedy any problems and use the results to continually improve our policies, procedures and service.
  - vi. Provide the opportunity for tenants to be involved in the monitoring of the service.

- vii. Effectively manage and monitor the contractors we employ to undertake gas servicing works.

## **9. Policy Review**

- 9.1 Newark and Sherwood D.C. will review this strategy on a three yearly basis or as required following:
- i. New legislation.
  - ii. Emerging best practice.
  - iii. Day to day operational issues.

## **10. Equality & Diversity**

- 10.1 This policy will be subject to an Equality Impact Assessment.

## **11. Privacy Statement**

- 11.1 All information provided will be treated in compliance with the Data Protection Act 2018, the Freedom of Information Act 2000, the Privacy and Electronic Communications Regulations 2003 and other relevant legislation. We will keep your information for the minimum time necessary.
- 11.2 Newark and Sherwood D.C. Ltd may wish to share the information you supply with local or national Government Departments and other organisations. If you do not wish Newark and Sherwood D.C. Ltd to share your information, you should decline to provide the personal information requested. We will only share your information with other organisations if we are required to by law. We will not use your information for marketing purposes without your consent. Your personal data will be stored securely.
- 11.3 Your rights under the Data Protection Act will be respected when we access information held about you.
- 11.4 If you require any further information please contact Newark and Sherwood D.C. on 01636 650 000.

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(Portuguese)



Signing



Audio Tape

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