

Gas and Heating Policy



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1.0 Introduction

- 1.1 Thanet District Council (hereafter referred to as TDC) is responsible for the maintenance and repairs to its homes and other buildings, many of which will contain gas installations and appliances. The Gas Safety (Installation and Use) Regulations 1998 (as amended) specifically deal with the installation, maintenance and use of gas appliances, fittings and flues in domestic properties and certain commercial premises. The regulations also place a legal duty on landlords to ensure that gas appliances, fittings and flues provided for tenants' use are safe.
- 1.2 TDC is also responsible for maintaining other types of heating systems to ensure that all appliances, fittings and flues provided for tenants' use are safe. These include gas, oil fired, solid fuel and liquid petroleum gas (LPG).

2.0 Scope

- 2.1 TDC must establish a policy which meets the requirements of the Gas Safety (Installation and Use) Regulations 1998 (as amended). In addition to this, the policy must provide assurance to TDC that measures are in place to ensure compliance with these regulations and to identify, manage and/or mitigate risks associated with gas fittings, appliances and flues.
- 2.2 TDC must ensure compliance with gas safety legislation is formally reported to the TDC District Council Cabinet, including the details of any non-compliance and planned corrective actions.
- 2.3 The policy is relevant to all TDC employees, tenants, contractors and other persons or other stakeholders who may work on, occupy, visit, or use its premises, or who may be affected by its activities or services.
- 2.4 It should be used by all to ensure they understand the obligations placed upon TDC to maintain a safe environment for tenants and employees within the homes of each tenant, and within all communal areas of buildings and 'other' properties (owned and managed).

3.0 Regulatory Standards, Legislation, and Codes of Practice

- 3.1 **Regulatory Standards** - the application of this policy will ensure compliance with the regulatory framework and consumer standards (Home Standard) for social housing in England, which was introduced by the Regulator of Social Housing (RSH).
- 3.2 **Legislation** - the principal legislation applicable to this policy is 'The Gas Safety (Installation and Use) Regulations 1998 (as amended). TDC has a legal obligation under Part F, Regulation 36 of the legislation (Duties of Landlords) and is the 'Landlord' for the purposes of the legislation. TDC is the 'Landlord' by virtue of the fact that they own and manage homes and buildings housing tenants/leaseholders through the tenancy, lease and license agreement obligations it has with the tenants/leaseholders.
- 3.3 **Code of Practice** - the principal approved codes of practice applicable to this policy are as follows:
 - ACoP L56 - 'Safety in the installation and use of gas systems and appliances' (5th edition 2018)
 - INDG285 - 'A guide to landlords' duties: Gas Safety (Installation and Use) Regulations 1998 as amended Approved Code of Practice and Guidance (3rd Edition 2018)

- 3.4 **Sanctions** - TDC acknowledges and accepts its responsibilities in accordance with the regulatory standards, legislation and codes of practice and that failure to discharge these responsibilities properly could lead to a range of sanctions including prosecution by the Health and Safety Executive under the Health and Safety at Work etc Act 1974, prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007 and via a serious detriment judgement from the Regulator of Social Housing.
- 3.5 **Tenants and HRA Commercial Leaseholders**- TDC will use the legal remedies available within the terms of the tenancy agreement, lease or license should any tenant refuse access to carry out essential gas safety checks, maintenance and safety related repair works. This will be following a controlled access process.

4.0 Additional legislation

- 4.1 This gas and heating safety policy also operates in the context of the following legislation:
- 4.1.1 Health and Safety at Work etc Act 1974
 - 4.1.2 The Management of Health and Safety at Work Regulations 1999
 - 4.1.3 The Workplace (Health, Safety and Welfare) Regulations 1992
 - 4.1.4 Gas Safety (Management) Regulations 1996 (as amended)
 - 4.1.5 The Building Regulations in England and Wales
 - 4.1.6 Dangerous Substances and Explosive Atmospheres Regulations 2002
 - 4.1.7 Pressure Equipment Regulations 1999
 - 4.1.8 Pressure Systems Safety Regulations 2000
 - 4.1.9 Pipelines Safety Regulations 1996
 - 4.1.10 Heat Network Regulations 2014
 - 4.1.11 Health and Safety (Safety Signs and Signals) Regulations 1996
 - 4.1.12 Provision and Use of Work Equipment Regulations 1998
 - 4.1.13 Construction (Design and Management) Regulations 2015
 - 4.1.14 Landlord and Tenant Act 1985
 - 4.1.15 Data Protection Act 2018
 - 4.1.16 Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013
 - 4.1.17 Homes (Fitness for Human Habitation) Act 2018

5.0 Obligations

- 5.1 The Gas Safety (Installation and Use) Regulations 1998 (as amended) impose duties on landlords to protect tenants' safety in their homes with respect to gas safety. The main duties as a landlord are set out in Regulation 36 requiring landlords to:
- Ensure gas fittings and flues are maintained in a safe condition. Gas appliances should be serviced in accordance with the manufacturer's instructions. If these are not available it is recommended that they are serviced annually unless advised otherwise by a Gas Safe registered engineer;
 - Ensure the annual safety check is carried out on each gas appliance and flue within

- 12 months of the previous safety check;
 - Have all installation, maintenance and safety checks carried out by a Gas Safe registered engineer;
 - Keep a record of each safety check for at least two years;
 - Issue a copy of the latest safety check record to existing tenants within 28 days of the check being completed, or to any new tenant when they move in;
 - Display a copy of the latest safety check record in a common area of a building where the gas appliance serves a communal heating system to multiple homes.
- 5.2 In addition, landlords must ensure that no gas fitting of a type that would contravene Regulation 30 (e.g. certain gas fires and instantaneous water heaters) 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.
- 5.3 These obligations apply to both gas heating and liquid petroleum gas heating systems.
- 5.4 **Other heating types** - with regards to all other heating types as set out in 1.4 of this policy, although there is no legal requirement for carrying out safety checks, TDC will complete an annual safety check for all properties with these heating types, in exactly the same way as they do for properties with gas and LPG. The competent person will require alternative qualifications which are set out in section 11 of this policy.

6.0 Statement of Intent

- 6.1 TDC acknowledges and accepts its responsibilities under the Gas Safety (Installation and Use) Regulations 1998 (as amended).
- 6.2 TDC will hold accurate inspection dates and inspection records against each property it owns or manages electronically.
- 6.3 TDC will have a procedure to ensure that any properties that have a gas supply installed are added to the annual inspection list.
- 6.4 TDC will ensure that each property requiring a gas/heating safety check and/or service will have a landlords' gas safety record (LGSR) or equivalent that has a completion date not more than 12 months following the completion date of the previous LGSR (or equivalent) relating to the property or installation date of new installations.
- 6.5 TDC will ensure that copies of all LGSRs/certification are provided to tenants within 28 days of completion or displayed in a common area where necessary within 28 days of its completion.
- 6.6 TDC will cap off gas supplies to all properties when the property becomes void and a new tenant is not moving in immediately following the previous tenant leaving.
- 6.7 TDC will cap off gas supplies to all new build properties at handover if the new tenancy is not commencing immediately at the point of handover.
- 6.8 TDC will ensure that gas safety checks are carried out on the commencement of any new tenancy (void or new build properties), mutual exchange and/or transfer and that the tenant receives a copy of the LGSR prior to, or immediately after moving in.
- 6.9 TDC will carry out a gas safety check following any new gas appliance installation. The safety check will include a gas soundness test of the system pipework, a visual inspection of the meter installation and a visual inspection including the safe working operation on all other gas appliances and associated flues within a property, issuing a gas safety certificate to confirm the necessary checks have been completed.

- 6.10 TDC will carry out a visual check of tenant owned appliances provided that the tenant is able to provide evidence that the appliance has been installed by a Gas Safe Engineer. This includes a 5 point visual safety check for gas cookers and gas fires where the manufacturers' instructions are available (location, flueing, ventilation, signs of distress and stable and secure). Where appliances are found to be faulty these will be disconnected and a warning notice issued. If the tenant is unable to provide this evidence then the appliance will be capped off until such time it can be deemed safe.
- 6.11 TDC will test or replace smoke alarms as part of the annual gas safety check visit (or at void stage).
- 6.12 TDC will carry out an annual gas safety check to all properties where the gas supply is inactive (capped) at the request of the tenant. This is to ensure that gas supplies have not been reconnected by the tenant, and to ensure continued compliance with the requirements of the Gas Safety (Installation and Use) Regulations 1998 (as amended). Section 3.5 of this policy will apply to these properties.
- 6.13 In any instance where a property has a capped supply, TDC will communicate regularly with the tenants to ensure the property remains capped and inform the tenant of what is required in order to reinstate gas at the property.
- 6.14 TDC will carry out annual assessments of properties where tenants have chosen for personal reasons not to use the gas supply in the property. This is to check on the tenant's wellbeing and also to assess that the lack of gas heating is not adversely affecting the condition of the property.
- 6.15 TDC will ensure that only suitably competent Gas Safe accredited engineers undertake gas or LPG works for the organisation. Section 11 of this policy sets out the competency required to carry out safety checks for other heating types.
- 6.16 TDC will remove any open flue gas appliances found in any rooms that are being used as bedrooms.
- 6.17 TDC will have robust processes and controls in place to ensure that consideration is made when letting properties to the suitability of the accommodation for the prospective tenant with regards to gas/heating safety.
- 6.18 TDC will have a robust controlled access process in place should any tenant refuse access to carry out essential gas/heating safety related inspection and remediation works.
- 6.19 TDC will have a robust process in place to gain access to properties where tenant vulnerability issues are known or identified whilst ensuring the organisation can gain timely access to any property in order to be compliant with this policy and safeguard the wellbeing of the tenant.
- 6.20 TDC will establish and maintain a plan of all continuous improvement activity undertaken with regards to gas/heating safety.
- 6.21 TDC will ensure that where applicable all solid fuel, chimney stacks, oil fired appliances and flues are inspected and maintained at least annually and that this work is completed by a suitably competent engineer.
- 6.22 TDC will ensure that all contractors' employee and public liability insurances are up to date on an annual basis.
- 6.23 TDC will ensure contracts/service level agreements are in place with the contractors responsible for delivering the compliance service.
- 6.24 TDC will ensure there are effective contract management arrangements in place, in the form of client-led meetings taking place regularly, with standard agendas and minutes

produced, key performance indicators analysed and programmes and performance scrutinised.

- 6.25 TDC will ensure that all replacements, modifications and installations of gas appliances and heating systems within its properties will comply with all elements of Part J Combustion Appliances and Fuel Storage Systems, of the Building Regulations.
- 6.26 TDC will implement a robust process to deal with all changes to stock, including new property acquisitions, disposals and stock transfers, in order to ensure that properties are not omitted from the compliance programme, and to ensure the programme remains up-to-date.
- 6.27 TDC will ensure that there is a robust process in place for the management of immediately dangerous situations identified from the gas/heating safety check.

7.0 Compliance Risk Assessment/Inspection Programmes

- 7.1 **Risk assessment** - TDC will establish and maintain a risk assessment for gas safety management and operations. This risk assessment will set out the organisation's key gas safety risks together with appropriate mitigations.
- 7.2 **CDM** - to comply with the requirements of the Construction (Design and Management) Regulations 2015 (CDM) a Construction Phase Plan will be completed for all repairs work to void and tenanted properties (at the start of the contract and reviewed annually thereafter), component replacement works and refurbishment projects where applicable.
- 7.3 **Domestic properties** - TDC will carry out a programme of annual gas/heating safety checks and services to all domestic properties, covering all heating types. This check will include all gas/heating fittings, appliances and flues in the property and will be completed 12 months from the date of the previous LGSR/certification. This safety check is driven from the anniversary date of the most recent LGSR/certification which may have been carried out at the start of a new tenancy or following installation of new gas appliances.
- 7.4 Within 12 months of the approval of this policy, TDC will adopt the changes introduced in April 2018 to Part F, Regulation 36 (3) of the Gas (Installation and Use) Regulations 1998 that provides landlords with some flexibility around the anniversary date of LGSRs. The new change allows the landlord to carry out a new gas safety check within 10 months and 1 day of the previous safety check and retain the original 12 month anniversary date of the previous LGSR, providing it does not exceed this 12 month anniversary date.
- 7.5 **Communal Blocks and 'Other' properties** - TDC will carry out a programme of annual gas safety checks and services to all communal blocks and HRA properties (commercial, shops, offices, depots, etc.) where it has the legal obligation to do so. These checks will include all gas fittings, appliances and flues in the property and will be completed no longer than 12 months from the date of the previous LGSR/certification, or as detailed within manufacturer's instructions. These safety checks and maintenance services will be carried out by a suitably competent engineer in accordance with the manufacturer's instructions. These installations may include catering equipment, boilers serving communal heating systems, combined heat and power systems, pressure vessels and water heating boilers.
- 7.6 TDC will carry out, where applicable, a programme of annual safety checks and services to all oil fired and solid fuel systems. This check will include all fittings, appliances and flues in the property and will be completed no longer than 12 months from the date of

the previous safety check and service or as detailed within manufacturer's instructions or industry best practice. These safety checks and maintenance services will be carried out by a suitably competent engineer in accordance with the manufacturer's instructions.

- 7.7 **Commercial Stock Assigned to the HRA** - TDC will ensure they have records of a valid LGSR where properties they own or manage are managed by another person or organisation (i.e. are managed by managing agents). These properties will be included on the TDC gas safety programme, so a new LGSR can be requested from the managing agent prior to the existing one expiring. If the managing agent fails to carry out the gas safety test, TDC will step in and carry out the test and re-charge the managing agent for the cost of this work.

8.0 Compliance Follow up Work

- 8.1 TDC will ensure there is a robust process in place for the management of any follow-up works required following the completion of a gas/heating safety check.
- 8.2 TDC will test smoke alarms and CO Detection in all domestic properties as part of the annual gas/heating safety check.
- 8.3 A safety check will be carried out on completion of any repair and/or refurbishment works to occupied or void properties where works may have affected any gas fittings, appliances or flues.

9.0 Record Keeping

- 9.1 TDC will establish and maintain a core asset register of all properties that have an active or inactive gas supply. This register will also hold data against each property asset of gas or other heating inspection and servicing requirements, where applicable, for all domestic properties, communal blocks and 'other' property assets.
- 9.2 TDC will hold accurate inspection dates and inspection records against each property it owns or manages electronically on the CORGI system.
- 9.3 TDC will ensure the Gas Safe registered engineer records the details of all appliances and other equipment which is served by the gas/heating supply in every domestic property, communal block or 'other' property.
- 9.4 TDC will establish and maintain accurate records of all completed safety records, and associated remedial works and keep these for a period of not less than two years. These will be held on the CORGI system.
- 9.5 TDC will hold and maintain accurate records on the qualifications of all engineers undertaking gas/heating works for the organisation.
- 9.6 TDC will ensure robust processes and controls are in place to provide and maintain appropriate levels of security for all gas/heating safety related data.

10.0 Key Roles and Responsibilities

- 10.1 TDC Cabinet will have overall governance responsibility for ensuring the Gas and Heating Policy is fully implemented to ensure full compliance with the regulatory standards, legislation and approved codes of practice. As such, they will formally approve this policy and review it every two years (or sooner if there is a change in regulation, legislation or codes of practice).

- 10.2 The Cabinet will receive regular updates on the implementation of the Gas and Heating Policy and gas safety performance, along with notification of any non-compliance issue which is identified. This is so they have assurance that the policy is operating effectively in practice.
- 10.3 TDC's Head of Housing and Planning has strategic responsibility for the management of gas safety and for ensuring compliance is achieved and maintained. They will oversee the implementation of the Gas Safety Policy.
- 10.4 The Compliance Manager will be responsible for overseeing the delivery of the agreed gas safety programme. They will also prioritise and implement any works arising from the gas safety inspections.
- 10.5 The housing teams will provide key support in gaining access into properties where access is proving difficult and use standard methods to do so. They will also facilitate the controlled access process to gain access as necessary.
- 10.6 TDC's Head of Housing and Planning will be responsible for ensuring the policy is reviewed every two years, and will notify TDC's CMT and relevant operational teams responsible for the delivery of the compliance programme, of the upcoming review. They will also ensure that this review process takes place before the policy expires in March 2022.

11.0 Competent Persons

- 11.1 TDC will ensure that the manager with lead responsibility for operational delivery is appropriately qualified, holding a recognised gas safety management qualification.
- 11.2 TDC will ensure that all operatives (internal or employed by external contractors) maintain Gas Safe accreditation for all areas of gas/LPG works that they undertake.
- 11.3 TDC will ensure that only suitably competent Gas Safe accredited contractors are procured and appointed to undertake works to gas/LPG fittings, appliances and flues.
- 11.4 TDC will ensure that, where applicable, only suitably competent Oil Firing Technical Association (OFTEC) and/or HETAS accredited contractors are procured and appointed to undertake works to oil fired and solid fuel fittings, appliances and flues. HETAS is a not for profit organisation offering competent person scheme for installers of biomass and solid fuel heating, registration for retailers and chimney sweeps and approval of appliances and fuels.
- 11.5 **Other heating types** - TDC will ensure that, where applicable, only individuals/organisations with a Microgeneration Certification Scheme accreditation (MCS) are procured and appointed to undertake works on ground air source heat pumps, solar thermal and biomass heating systems.
- 11.6 The operational team with responsibility for delivery will check the relevant qualifications of in-house operatives or employees working for external contractors to ensure that all persons are appropriately qualified and accredited for the work that they are carrying out. These checks will be undertaken on an annual basis and evidenced appropriately.

12.0 Training

- 12.1 TDC will ensure that all operatives working for, or on behalf of, the organisation have the relevant training required for their role. This will be managed via periodic

assessments of training needs and resulting programmes of internal and/or external training.

13.0 Performance Reporting

- 13.1 Robust key performance indicator (KPI) measures will be established and maintained to ensure TDC is able to report on performance in relation to gas/heating safety.
- 13.2 KPI measures will be produced and provided at CMT level on a monthly basis and at TDC's Cabinet on a quarterly basis. As a minimum, these KPI measures will include reporting on:

Data - the total number of:

- Properties - split by domestic properties, communal blocks and 'other' properties;
- Properties on the gas/heating servicing programme;
- Properties not on the gas/heating servicing programme;
- Properties with a valid 'in date' LGSR/certification. This is the level of compliance;
- Properties where the LGSR/certification has expired and is 'out of date'. This is the level of non-compliance;
- Properties which are due to be serviced within the next 30 days. This is the early warning system;
- The number of follow up works/actions arising from any tests/inspections, and the numbers 'completed', 'in time' and 'overdue'.

Narrative - an explanation of the:

- Current position;
- Corrective action required;
- Anticipated impact of corrective action;
- Progress with completion of follow-up works - number of actions - 'completed', 'in time' and 'overdue'.

14.0 Quality Assurance

- 14.1 TDC will ensure there is a programme of independent third party quality assurance audits of gas/heating safety checks, gas appliance services and gas appliance repair works. This will be a 5% sample of the total gas safety works carried out.
- 14.2 Desktop audits, using the nine-point check, will be completed on 100% of all certification. These will be checked by TDC.
- 14.3 TDC will carry out an independent audit of gas/heating safety at least once every two years. This audit will specifically test for compliance with the regulation, legislation and approved codes of practice and identify any non-compliance issues for correction.

15.0 Non-Compliance/Escalation Process

- 15.1 The definition of non-compliance in relation to this policy refers to any incident which results in a potential breach of legislation or regulatory standard, or which causes or has the potential to cause a significant a risk to health or safety.
- 15.2 Any non-compliance issue identified at an operational level will be formally reported to TDC's Head of Housing & Planning in the first instance.
- 15.3 The Head of Housing & Planning will agree an appropriate course of corrective action with the relevant operational teams in order to address the non-compliance issue and report details of the same to TDC's CMT.
- 15.4 TDC's Head of Housing and Planning will ensure the Cabinet Member for Housing and Safer Neighbourhoods are made aware of any non-compliance issue so they can consider the implications and take action as appropriate.
- 15.5 In cases of a serious non-compliance issue TDC's CMT and Monitoring Officer will consider whether it is necessary to disclose the issue to the Regulator of Social Housing in the spirit of co-regulation, or any other relevant organisation such as the HSE, as part of the Regulatory Framework.

16.0 Glossary

- 16.1 This glossary defines the key terms used throughout this gas and heating policy:
 - 16.1.1 **Gas Safe Register:** the official list of gas engineers who are qualified to work legally on gas appliances.
 - 16.1.2 **LGSR:** Landlords Gas Safety Record - a certificate containing the results of the annual safety check carried out on gas appliances and flues.