

# Tenant and Leaseholder Services

## Gas Safety Policy

### 1.0 Introduction

#### 1.1

Thanet District Council (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

This policy meets the requirements of the Gas Safety (Installation and Use) Regulations 1998 (as amended).

#### 2.2

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.

### 3.0 Regulatory Standards, Legislation, and Approved Codes of Practice

#### 3.1 Regulatory Standards

This policy will ensure compliance with the Regulator for Social Housing's regulatory framework. 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.

## 3.2 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)

## 3.3 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, **Tenants and HRA Commercial Leaseholders** – TDC will use the legal remedies available within the terms of the tenancy agreement, lease or licence should any tenant refuse access to carry out essential gas safety checks, maintenance and safety related repair works. Additional legislation

## 3.4

This gas safety policy also operates in the context of the following legislation:

- Gas Safety (Management) Regulations 1996 (as amended)
- The Building Regulations in England and Wales
- Dangerous Substances and Explosive Atmospheres Regulations 2002
- Pressure Equipment Regulations 1999
- Pressure Systems Safety Regulations 2000
- Pipelines Safety Regulations 1996
- Health and Safety (Safety Signs and Signals) Regulations 1996
- Provision and Use of Work Equipment Regulations 1998
- Construction (Design and Management) Regulations 2015
- Landlord and Tenant Act 1985
- Data Protection Act 2018
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013
- Homes (Fitness for Human Habitation) Act 2018

## 4.0 Obligations

### 4.1

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.

## 4.2

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.

## 4.3

TDC will hold accurate inspection dates and inspection records against each property it owns or manages electronically.

## 4.4

TDC will ensure that each property requiring a gas safety check and/or service will have a landlords' gas safety record (LGSR) completed every 12 months 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.

## 4.5

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.

## 4.6

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.

## 4.7

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.

#### 4.8

TDC will carry out a gas safety check following any new gas appliance installation, issuing a gas safety certificate to confirm the necessary checks have been completed.

#### 4.9

TDC will carry out a visual check of tenant owned appliances TDC will test or replace CO and smoke alarms as part of the annual gas safety check visit.

#### 4.10

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.

#### 4.11

TDC will ensure that only suitably competent Gas Safe accredited engineers undertake gas works. Section 11 of this policy sets out the competency required to carry out safety checks for other heating types.

#### 4.12

TDC will have a robust controlled access process in place should any tenant refuse access to carry out essential gas safety related inspection and remediation works.

#### 4.13

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.

#### 4.14

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 the programme remains up-to-date.

#### 4.15

TDC has a robust process in place for the management of immediately dangerous situations identified from the gas safety check.

## 5.0 Compliance Follow up Work

### 5.1

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 safety check.

### 5.2

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.

## 6.0 Record Keeping

### 6.1

TDC maintains a core asset register of all properties that have an active or inactive gas supply.

### 6.2

TDC holds accurate inspection dates and inspection records against each property it owns or manages electronically on the Compliance Database the Gas Safe registered engineer will record the details of all appliances and other equipment which are served by the gas supply in every domestic property.

### 6.3

TDC maintains accurate records of all completed safety records, and associated remedial works and will keep these for a period of not less than two years. These will be held on the Compliance database.

## 7.0 Key Roles and Responsibilities

### 7.1

The Head of Tenant and Leaseholder Services has strategic responsibility for the management of gas safety and for ensuring compliance is achieved and maintained. TDC's Building Safety and Compliance Manager will be responsible for overseeing the delivery of the agreed gas safety inspection programmes and the prioritisation and implementation of any works arising from the gas service.

### 7.2

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 legal process to gain access as necessary.

### 7.3

TDC's Head of Tenant and Leaseholder Services will be responsible for ensuring the policy is reviewed every two years, and will notify the CMT and operational team responsible for the delivery of the compliance programme, of the upcoming review.

## 8.0 Competent Persons

### 8.1

TDC will ensure that the manager with lead responsibility for operational delivery is appropriately qualified, holding a recognised gas safety management qualification.

### 8.2

TDC will ensure that all operatives (internal or employed by external contractors) maintain Gas Safe accreditation. These checks will be undertaken on an annual basis and evidenced appropriately.

## 9.0 Performance Reporting

### 9.1

KPI measures will be produced and provided at CMT level on 6 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 with a valid 'in date' LGSR/certification. This is the level of compliance;

## 10.0 Quality Assurance

### 10.1

TDC will ensure there is a programme of independent third party quality assurance audits of gas safety checks, gas appliance services and gas appliance repair works. This will be a 5% sample of the total gas safety works carried out.

### 10.2

TDC will ensure the independent third party quality assurance audits will take place on 100% of new boiler installations/replacements.

### 10.3

Desktop audits, using the nine-point check, will be completed on 100% of all certification. These will be checked by the TDC Compliance database.

### 10.4

Internal audit will look at tenants and leaseholders every 5 years or more frequently is necessary

## 11.0 Non-Compliance/Escalation Process

### 11.1

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 risk to health or safety.

### 11.2

Any significant non-compliance issue identified at an operational level will be formally reported to TDC's Director of Place in the first instance.

### 11.3

The Head of Tenant and Leaseholder Services and Director of Place will agree an appropriate course of corrective action with the relevant operational teams in order to address the non-compliance issue and make a decision on if the non compliance should be reported to TDC's CMT.

### 11.4

TDC's Director of Place will consider if the non compliance is significant enough to report to the Cabinet Member for Housing.

### 11.5

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.

## 12.0 Glossary of Terms

This glossary defines the key terms used throughout this electrical safety policy:

### 12.1 Gas Safe Register

The official list of gas engineers who are qualified to work legally on gas appliances.

### 12.2 Landlords Gas Safety Record (LGSR)

Landlords Gas Safety Record – a certificate containing the results of the annual safety check carried out on gas appliances and flues.

# 15.0 Document Control

Date	Version	Action	Amendments
January 2024		Policy draft	
		EIA	
		Policy approved for adoption by cabinet	