

# Stevenage Borough Council

## Gas & Heating Safety Policy

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## 01. Table of Definitions / Glossary

SBC	Stevenage Borough Council
LGSR	Landlord's Gas Safety Record – a certificate containing the results of the annual safety check carried out on gas appliances and flues.
Gas Safe Register	The official list of gas engineers who are qualified to work legally on gas appliances.

## 02. Introduction and Objectives

- 2.1 As a landlord, Stevenage Borough Council (SBC) is responsible for the maintenance and repairs to our homes, communal blocks, and other properties we own and manage, 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 to ensure they remain safe.
- 2.2 SBC are also responsible for maintaining other types of heating systems to ensure that all heating appliances provided for residents are safe. These air source heat pumps, solid fuel, solar thermal and electrical heating systems.
- 2.3 The key objective of this policy is to ensure our Senior Leadership Team, employees, partners, and residents are clear on our legal and regulatory gas/heating safety obligations. This policy provides the framework our staff and partners will operate within to meet these obligations.
- 2.4 This policy forms part of our wider organisational commitment to driving a health and safety culture amongst staff and contractors (as detailed within our Health and Safety Policy). It will be saved on our shared drive and distributed to all relevant members of staff.
- 2.5 The policy will also be shared on the Corporate Intranet and uploaded onto the SBC Website to demonstrate our commitment to resident safety.

## 03. Scope

- 3.1 This policy is relevant to all our employees, residents, contractors, stakeholders, and other persons who may work on, occupy, visit, or use our premises, or who may be affected by our activities or services.
- 3.2 The policy should be used by all to ensure they understand the obligations placed upon SBC to maintain a safe environment for residents and employees, within the home of each resident, and within all communal areas of buildings and other properties we own and/or manage. Adherence to this policy is mandatory.

## 04 Roles and Responsibilities

- 4.1 The Executive Housing Working Group (EHWG) has overall governance responsibility for ensuring this policy is fully implemented to ensure full compliance with legislation and regulatory standards. As such, EHWG will formally approve this policy and review it every two years (or sooner if there is a change in legislation or regulation).
- 4.2 For assurance that this policy is operating effectively in practice, EHWG will receive regular updates on its implementation, Gas & Heating Safety performance and non-compliance.
- 4.3 The Senior Leadership Team (SLT) will receive regular performance reports in respect of asbestos safety and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 4.4 The Head of Building Safety has strategic responsibility for the management of gas and heating safety, and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.
- 4.5 The Gas & Water Safety Manager has operational responsibility for the management of gas and heating safety and will be responsible for overseeing the delivery of these programmes. The Gas & Water Safety Manager will also fulfil the role of Responsible Person on behalf of SBC.
- 4.6 Housing teams will provide support where gaining access to properties is difficult and will assist and facilitate any legal processes, as necessary.

## 05. Legislation & Guidance

SBC have given regard to the following legislation and guidance in preparing this policy.

- The Gas Safety (Installation and Use) Regulations 1998 as amended (hereafter referred to as the Gas Safety Regulations). We have a legal obligation under Part F, Regulation 36 of the legislation (Duties of Landlords) and we are the 'Landlord' for the purposes of the legislation.
- Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022
- Homes (Fitness for Human Habitation) Act 2018
- Landlord and Tenant Act 1985
- The Occupiers' Liability Act 1984
- Workplace (Health, Safety and Welfare) Regulations 1992
- Pipelines Safety Regulations 1996
- Health and Safety (Safety Signs and Signals) Regulations 1996
- Gas Safety (Management) Regulations 1996 (as amended)
- Provision and Use of Work Equipment Regulations 1998
- Dangerous Substances and Explosive Atmospheres Regulations (DSEAR) 2002
- Pressure Systems Safety Regulations 2000
- Pressure Equipment (Safety) Regulations 2016
- Management of Houses in Multiple Occupation (England) Regulations 2006
- Building Regulations 2010 (England and Wales)
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulation 2013 (RIDDOR)

### 5.1 Regulatory Standards

The Council must ensure we comply with the Regulator of Social Housing's regulatory framework and consumer standards for social housing in England; the Home Standard is the primary one applicable to this policy. The Social Housing (Regulation) Bill will change the way social housing is regulated and may result in future changes to this policy.

5.2 The Social Housing (Regulation) Act 2023, introduces new standards that the Council must achieve, which include:-

- The Safety and Quality Standard
- The Transparency, Influence and Accountability Standard
- The Neighbourhood and Community Standard
- The Tenancy Standard

The Council will manage all Gas & Heating activity within scope of this policy, with these new standards at the forefront of delivery.

### 5.3 Sanctions

Failure to discharge our responsibilities and obligations properly could lead to sanctions, including prosecution by the Health and Safety Executive (the HSE) under the Health and Safety at Work Act 1974; prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007; prosecution under the Gas Safety Regulations; and via a regulatory notice from the Regulator of Social Housing.

## 06. Supporting Documents & Policies

- Stevenage Borough Council Gas & Heating Safety Procedure
- Stevenage Borough Council – Tenancy Agreement

## 07. Obligations

- 7.1 The Gas Safety Regulations impose duties on landlords to protect residents in their homes. The main landlord duties are set out in Regulation 36 and require 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 (until at least two further gas safety checks have been carried out).
  - Issue a copy of the latest safety check record to existing residents within 28 days of the check being completed, or prior to any new resident moving 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.
  - Ensure that no gas fitting of a type that would contravene Regulation 30 (for example, certain gas fires and instantaneous water heaters) are 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.
- 7.2 These obligations apply to both gas heating and liquid petroleum gas heating systems.
- 7.3 Other heating types – Although there is no legal requirement to do so, we will carry out safety checks to properties with the other heating types set out in Section 2.2 (see Section 9 - Programmes for details).
- 7.4 The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022, which come into effect from 1 October 2022, require social landlords to:

- Install a smoke alarm on every storey with living accommodation.
- Install a carbon monoxide alarm in any rooms used as living accommodation with a fixed combustion appliance. Excluding Gas Cookers.
- Repair or replace faulty alarms as soon as reasonably practicable.

## 08. Statement of Intent

- 8.1 SBC acknowledge and accept our responsibilities under the Gas Safety Regulations and Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 as outlined in Section 5 and all other duties set out in relevant legislation.
- 8.2 SBC will carry out an annual gas safety check to all properties with a gas supply, irrespective of whether the gas is connected or not.
- 8.3 SBC will ensure that copies of all landlord's gas safety records (LGSRs)/certificates are provided to residents or displayed in a common area within 28 days of completion.
- 8.4 SBC will cap off gas supplies to all properties when the property becomes void, and a new resident is not moving in immediately after.
- 8.5 SBC will cap off gas supplies to all new build properties at handover from the contractor/developer to us if the new tenancy is not commencing immediately at the point of handover.
- 8.6 SBC will ensure that gas safety checks are carried out within 24 hours of the commencement of a new tenancy (void or new build properties), mutual exchange and/or transfer, and that the resident receives a copy of the LGSR before they move in.
- 8.7 SBC will ensure a gas safety check is carried out following our installation of any new gas appliance and obtain a gas safety certificate to confirm the necessary checks have been completed. The safety check will include: a gas soundness test of the carcass; gas working pressures being taken; 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.
- 8.8 SBC will carry out a five-point visual check of resident owned appliances, provided that the resident is able to provide evidence that the appliance has been installed by a Gas Safe engineer. If the resident is unable to provide this evidence, then the appliance will be capped off until such time it can be evidenced as being safe. The visual safety check (location; flueing; ventilation; signs of distress; and stable and secure) will be done on gas cookers and gas fires, where the manufacturers' instructions are available. Where appliances are found to be faulty these will be disconnected, and a warning notice issued.

- 8.9 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.
- 8.10 SBC will install, test, and replace (as required) battery operated and/or hard-wired smoke alarms and carbon monoxide detectors as part of the annual gas safety check (or at void stage).
- 8.11 SBC will carry out an annual gas safety check to all properties where the gas supply has been capped at the request of the resident, to ensure the supply has not been reconnected by the resident. At the same time, we will check on the resident's wellbeing and assess whether or not the lack of gas heating is adversely affecting the condition of the property. In addition, we will communicate monthly with these residents to ensure the property remains capped and inform the resident of what is required to reinstate gas at the property.
- 8.12 Any open flue gas appliances found in any rooms that are being used as bedrooms or for sleeping will be removed.
- 8.13 SBC will ensure that there is a robust process in place for the management of immediately dangerous situations identified from the gas/heating safety check.
- 8.14 SBC will periodically check properties that are not currently connected to the gas mains network to ensure a gas supply has not been installed without our knowledge.
- 8.15 SBC will operate a robust process if there is difficulty gaining access to a property to carry out the gas/heating safety check or remediation works. We will use the legal remedies available within the terms of the tenancy agreement, lease or license provided the appropriate procedures have been followed and approval given by a Head of Service (or more senior role). Where resident vulnerability issues are known or identified, we will ensure we safeguard the wellbeing of the resident.
- 8.16 SBC will operate effective contract management arrangements with the contractors responsible for delivering the service, including; ensuring contracts/service level agreements are in place, conducting client-led performance meetings, and ensuring that contractors' employee and public liability insurances are up to date on an annual basis.
- 8.17 SBC will ensure that all replacements, modifications and installations of gas appliances and heating systems within our properties will comply with all elements of Building Regulations, Part J Combustion Appliances and Fuel Storage Systems.

- 8.18 SBC will establish and maintain a risk assessment for gas safety management and operations, setting out our key gas safety risks and appropriate mitigations.
- 8.19 To comply with the requirements of the Dangerous Substances and Explosive Atmospheres Regulations (DSEAR) 2002, we will consider the safety of our workspaces and plant/boiler rooms of our residential blocks that fall within scope of the legislation.
- 8.20 SBC will ensure there is a robust process in place to investigate and manage all RIDDOR notifications submitted to the HSE in relation to gas and heating safety and will take action to address any issues identified and lessons we have learned, to prevent a similar incident occurring again.

## **09. Programmes of Work**

### **Domestic Programme**

- 9.1 SBC will carry out a programme of annual gas safety checks to all domestic properties we own and manage; the check will be completed within 12 months from the date of the previous LGSR/certificate.
- 9.2 SBC will carry out a safety check of electrical heating systems every five years during the periodic electrical inspection and testing programme.
- 9.3 SBC will carry out an annual safety check to properties with, air source heat pumps/ biomass/ solar thermal and similar or hybrid systems.
- 9.4 SBC will carry out an annual safety check to all solid fuel appliances and a chimney sweep at least twice a year when burning wood or house coal, and at least once a year when burning smokeless fuels.

### **Communal Programme**

- 9.5 SBC will carry out a programme of annual gas safety checks and services to all communal blocks and other properties (supported schemes/offices/shops/depots), where we have the legal obligation to do so; these will be completed within 12 months from the date of the previous LGSR/certificate.

### **Properties Managed by Others – Programme**

- 9.6 SBC will obtain LGSRs/gas safety certificates where our properties are managed by a third party. If the third party does not provide the LGSR/certificate, we will carry out the safety check and re-charge them for the cost of this work.

## Leasehold Properties

9.7 SBC will endeavour to obtain LGSRs/gas safety certificates for leasehold properties. We will work with the Leasehold Team, to write to all leaseholders on an annual basis to obtain evidence that boilers are being serviced and maintained. Where a property is sub-let by the leaseholder we will work with them to keep a copy on record.

## 10. Remedial Actions

10.1 SBC 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 (where the work cannot be completed at the time of the check).

## 11. Quality Assurance

11.1 SBC will ensure there is an annual programme of third-party quality assurance audits of gas/heating safety checks, gas appliance services and gas appliance repair works. This will be:

- 20 percent of all new installations
- 10 percent sample of field checks
- 100 percent of all certificates

11.2 Internally we will undertake 100 per cent desktop audits of all LGSRs/certificates.

11.3 SBC will carry out an independent audit of gas/heating safety at least once every two years, to specifically test for compliance with legal and regulatory obligations and to identify non-compliance issues for correction.

## 12. Data and Records

12.1 SBC will maintain a core asset register of all properties we own and/or manage, with component/attribute data against each property to show gas/heating safety check requirements.

12.2 SBC will operate a robust process to manage all changes to stock, including property acquisitions and disposals, to ensure that properties are not omitted from gas/heating safety programmes and the programme remains up to date.

12.3 SBC will hold gas/heating safety check dates and safety check records against each property we own or manage. We will hold the dates of the safety checks in NEC and safety check records on the central server.

- 12.4 SBC 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.
- 12.5 SBC will keep all completed safety check records, warning notices and remedial work records in line with our document retention policy and will have robust processes and controls in place to maintain appropriate levels of security for all gas/heating safety related data and records.

### **13. Resident Engagement**

- 13.1 SBC consider good communication essential in the effective delivery of gas and heating safety programmes, this will form part of our wider resident engagement strategy and communication programme. This will support residents in their understanding of gas and heating safety, along with a clearer understanding of the Council's responsibilities and duties around Gas & Heating Safety.
- 13.2 This will assist us in maximising access to carry out gas safety checks, encourage and support residents to report any concerns about gas and heating safety, and help us engage with vulnerable and hard to reach residents.
- 13.3 We will share information clearly and transparently and will ensure that information is available to residents via regular publications and information on our website.

### **14. Competent Persons**

- 14.1 SBC must appoint an officer who will become the Responsible Person, they should both be trained, instructed, and informed to the same level and will be responsible for the delivery of Gas and Heating Safety.

The operational lead should hold the relevant Gas Safe accreditation, and full membership of the Association of Gas Safety Managers (AGSM). If they do not have these already, they will obtain them within 12 months of the approval of this policy.

#### **Responsible Person / Officer – Gas & Water Safety Manager**

- 14.2 All operatives/engineers (internal or external) will maintain Gas Safe accreditation for all areas of gas/LPG works that they undertake and will be members of the Nationally Accredited Certification Scheme for Individual Gas Fitting Operatives (ACS).
- 14.3 Only suitably competent Gas Safe accredited contractors will undertake works to gas/LPG fittings, appliances, and flues.

- 14.4 Only individuals/organisations with a Microgeneration Certification Scheme accreditation (MCS) will undertake works on ground/air source heat pumps, solar thermal and biomass heating systems.
- 14.5 Only suitably competent NICEIC (or equivalent) electrical contractors and operatives will undertake servicing and repairs to electrical heating systems.
- 14.6 Only suitably competent Gas Safe registered and NICEIC (or equivalent) third party technical auditors will undertake quality assurance checks.
- 14.7 SBC will check our contractors hold the relevant qualifications and accreditations when we procure them, and thereafter on an annual basis; we will evidence these checks and each contractor's certification appropriately.

## **15. Training**

- 15.1 SBC will deliver training on this policy and the procedures that support it, through appropriate methods including team briefings; basic gas and heating safety awareness training; and on the job training for those delivering the programme of gas and heating safety checks, planned maintenance and repair works as part of their daily job. All training undertaken by staff will be formally recorded.

## 16. Performance Reporting

16.1 SBC will report robust key performance indicator (KPI) measures for gas/heating safety that follow the requirements set out in the Tenant Satisfaction Measures (TSMs) which came in to force 01 April 2023.

The relevant TSM for Gas Safety is defined as follows:

**BS01 – Gas Safety Checks:** Proportion of homes for which all required gas safety checks have been carried out.

16.2 Reporting Lines & Frequency

Performance reports will be presented to the following colleagues and internal committees as below.

From	To	Frequency
Compliance Workstream Manager	Head of Building Safety	Monthly
Head of Building Safety	Assistant Director, Building Safety & Housing Property Services	Monthly
Assistant Director, Building Safety & Housing Property Services	Senior Leadership Team	Quarterly
Head of Building Safety	Exec Housing Working Group	Quarterly

16.3 The reported percentage will include all units which require gas safety checks within a property as well as those served by communal equipment. This ensures that all individual dwellings that may be at risk as a result of any non-compliance are identified, including those within a communal block that share a gas heating source.

16.4 We will also report the following:

**Data** – The total number of:

- Properties – Split by category (Domestic, Communal)
- Properties – Properties on the Gas or other heating programme, split by category (Domestic, Communal)
- Properties, where the Gas Service is due within the next 30 days.
- Properties – With a valid and in date LGSR / Certificate
- Properties – Without a valid and in date LGSR / Certificate

## **17. Significant Non-Compliance and Escalation**

- 17.1 Our definition of significant non-compliance is any incident which has the potential to result in a potential breach of legislation or regulatory standard, or which causes a risk to health or safety. All non-compliance issues will be reported and escalated as soon as possible, and no later than 24 hours after the incident occurred, or of an SBC employee becoming aware of it.
  
- 17.2 Any non-compliance issue identified at an operational level will be formally reported to the Head of Building Safety in the first instance, who will agree an appropriate course of corrective action with the Assistant Director – Building Safety & Housing Property Services and report details of the same to the SLT.
  
- 17.3 In cases of serious non-compliance, SLT will consider whether it is necessary to disclose the issue to the Regulator of Social Housing as required by the regulatory framework, or any other relevant organisation such as the Health and Safety Executive.

## **18. Policy Review Frequency**

- 18.1 This policy will be reviewed every two years, or earlier if there is a planned change in legislation or regulation.