

THE HOUSING SERVICE GAS SAFETY POLICY

Cabinet Member Cllr Ray Stanley
Responsible Officer Building Services Manager

Reason for Report: To ensure the Council complies with its statutory duty as a landlord under the Gas Safety (Installations and Use) Regulations 1998 and subsequent revisions.

RECOMMENDATION(S): The Cabinet adopt the draft Gas Safety Policy.

Relationship to Corporate Plan: The gas Safety Policy relates to both the 'Better Home' and 'Caring for the Environment' pledges. As part of these pledges the Council needs to provide safe homes to live in, and also aim to reduce energy usage. By carrying the Landlords Gas Safety Check we ensure the safety of the installation whilst at the same time ensuring the boilers are working at optimum efficiency.

Financial Implications: Under the Gas Safety (Installations and Use) Regulation 1998 and subsequent revisions, the Council are required to ensure that a 'Landlord's Gas Safety Check' is carried out to all gas systems and appliances within the Councils housing stock at least once every 12 months. The Building Services Manager has a budget of £350,000 for 2014/15 to allow the Council to meet its obligations under this regulation and carryout the necessary remedial works arising from the checks.

Legal Implications: Under the Gas Safety (Installations and Use) Regulation 1998 and subsequent revisions the Council as a landlord has the obligation to adequately maintain, test, or repair gas pipework, gas appliances and associated flues.

Risk Assessment: Failure of the Council to meet its duties under the Gas Safety (Installations and Use) Regulation 1998 and subsequent revisions, could result in the death or injury of the tenant or third party, destruction or damage of property, and expose the Council to prosecution, heavy fines or imprisonment of responsible officers.

1.0 Introduction

- 1.1 As a social housing provider the Council currently have 2109 properties that have a gas installation.
- 1.2 The Gas Safety (installation and Use) Regulations state that the Landlord should carry out a Gas Safety Check at least once every 12 months.
- 1.3 The Scrutiny and Improvement Group discussed the draft policy on the 10 October 2013.

2.0 **Testing Cycle**

- 2.1 In order to ensure that the Council meet the requirements of the Regulations an 11 month testing cycle has been implemented. This allows a period of 4 weeks of grace to ensure the Council do not 'fall foul' of the law.
- 2.2 Due to the 11 month cycle the Council check approximately 2300 installations per year.
- 2.3 'No Access' to a very small minority of properties is the only reason for failing to maintain a 100% Gas Safety Check record throughout the year.
- 2.4 Where there has been a history of no access, the property is put onto a 10 month cycle to allow an 8 week period to gain access (if necessary through the courts), before we fail our obligations.

3.0 **Service Timers**

- 3.1 Where access has previously been difficult the engineers are instructed to fit a service timer that will interrupt the supply automatically at various times of the day, after an 11 month period has expired.
- 3.2 Where the Council has had to obtain a warrant through the courts to gain access the cost of the service timer is charged to the tenant, and the automatic interruption period is reduced to 10 months.

4.0 **Value for Money**

- 4.1 The Council is currently engaged in a '3 star' servicing contract that covers the Gas Safety Check, the majority of repairs arising from this check and responsive call outs. The cost of this service is approximately £127 per property per annum.

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Circulation of the Report: Councillor Ray Stanley, Cabinet Member for Housing, the Housing Scrutiny & Improvement Group

List of Background Papers: Gas Safety (Installation and Use) Regulations 1998

Mid Devon District Council

Housing Services

Draft Gas Safety Policy

September 2013

Version Control

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Purpose: To confirm the Council's position on gas safety in Council Housing

Owner: Repairs Manager

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Next review date: September 2017

Consultation

This document obtained the following approvals:

Who	Date	Version Approved
SIG		
Management Team		
Decent and Affordable Homes PDG		

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Introduction

The failure to adequately maintain, test for gas safety or repair gas pipework, gas appliances and associated flues, could result in death or injury, destruction or damage to property and the exposure of Mid Devon District Council (MDDC) to prosecution and fines and its employees to prosecution and imprisonment.

MDDC will maintain and check all MDDC gas heating and hot water appliances, gas installation pipework, flues and chimneys on which these gas appliances are installed so that any risks to tenants, employees, contractors or others are minimised. MDDC will check tenant owned gas appliances to ensure they are safe but will not service or maintain them.

Objectives

To ensure MDDC complies with the statutory duty as a landlord under the Gas Safety (Installation and Use) Regulations 1998 and subsequent revisions.

Definitions

CP12 – document used to record the landlord's annual gas safety record (LSGR)

RIDDOR – we have a statutory duty under Reporting of Injuries, Diseases and Dangerous Occurrences Regulations to notify the Health & Safety Executive of certain unsafe situations.

Emergency Service Provider (Gas Emergency Services 0800 111 999) - responsible for the gas supplies to MDDC properties and dealing with gas emergencies.

Gas Safe – responsible for gas safety in Great Britain since 2009 previously this role was undertaken by CORGI.

Gas Safe Technical Bulletins – Gas Safe provides the gas industry with technical updates and Health & Safety Executive directives on gas safety issues.

Open Flue – all gas appliances require an air source to ignite and for cooling. An open flue appliance draws this combustion air from the room in which it is situated and therefore it is not sealed from this space or room, whereas a balanced flue gas appliance (otherwise known as a room sealed appliance) draws its combustion air directly from outside and has a much lower risk of carbon monoxide entering a habitable space.

Legislation

This policy is written to ensure that MDDC is compliant with the following legislation in respect of gas safety as at August 2013:

- The Gas Safety (Installation and Use) Regulations 1998
- Construction Design & Management Regulations 2007
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995
- Health and Safety at Work Act 1974

General Duty

MDDC has a duty to ensure that gas heating and hot water appliances and gas installation pipework are maintained in a safe condition. All MDDC owned flues and chimneys on which gas appliances are installed are also maintained in safe condition.

Servicing

MDDC is legally required under the Gas Safety (Installation and Use) Regulations 1998 to carry out a Landlord's Gas Safety Check to each property with a gas supply. The gas safety check is carried out within twelve months of the previous year's safety check, on all systems and appliances in MDDC properties, regardless of ownership. For commercially rated gas appliances, a Gas Safety check is carried out every six months, although this is not a statutory requirement, but recommended by the boiler manufacturers and ensures commercial appliances are always 100% compliant.

MDDC has entered into a contract with a Gas Servicing Contractor, who is a Gas Safe registered Installer, to meet this obligation using an agreed appointment procedure.

The appointment process is documented in MDDC's Gas Safety Procedure. It starts before the expiry of the last Landlord's Gas Safety Record (CP12).

Where a tenant does not allow access, MDDC will apply to the courts for an injunction.

A copy of the CP12 certificate will be provided to any person in lawful occupation of the property within 28 days of the annual safety check.

Void Properties

A gas safety check will be carried out to all properties when they are void to ensure the system is checked before reletting. All gas equipment, including any appliances left by a previous tenant, will be checked for safety or removed before letting.

Mutual Exchanges

A gas safety check will be carried out on all MDDC properties with a gas meter involved in a mutual exchange. The check will be carried out on the day the tenants' move which should be a Friday or Monday. If the tenants' chose to move over a weekend then a charge will be made for the out of hours safety check.

Record Keeping

MDDC retains all records of the annual gas safety certificates for a minimum of two years from the date of the certificate to ensure hard copies can be produced when required.

The Gas Servicing Contractor saves all gas safety records including certificates electronically. The Gas Servicing Contractor keeps accurate records of all their efforts to obtain access to carry out the annual gas safety check and all non-accesses and the dates and times that they were passed to MDDC. This will include records/copies of all letters, appointment cards, telephone calls etc.

Quality Audit

MDDC's Gas Database Administrator undertakes a monthly desktop 100% audit of CP12s. An independent auditor carries out a 5 – 10% check of all gas servicing and installations annually.

Failure to allow access

Failure by the tenant to allow MDDC or the Gas Servicing Contractor access into the property to carry out the service will result in MDDC's solicitors issuing County Court proceedings to obtain an Injunction ordering the tenant to give access to the Gas Servicing Contractor pursuant to the Gas Safety (Installation and Use) Regulations 1998. After court action and we receive the Injunction Notice, where a tenant does not provide access, we will, if necessary force entry into the property to carry out the safety check and leave the property secure.

The legal process will be stopped only when the CP12 has been completed. It is the intention where possible to ensure that an appliance is serviced no longer than four months after the CP12 certificate has expired where court action is taken.

MDDC has approved the use of Gas Inhibitors (Service Plus Time clocks) for interrupting the electrical supply to the boiler so it is disabled for a specified period. These devices will be fitted to all properties that are issued with an Injunction notice. MDDC will ensure detailed electronic records of all properties that have been installed with a device are kept.

RIDDOR

Under RIDDOR, MDDC or the Gas Servicing Contractor is required to notify the Health & Safety Executive of certain unsafe situations as outlined in Gas Safe's Technical Bulletin 001.

Unsafe conditions include where:

1. Someone has died or suffered a major injury in connection with gas. This must be reported under RIDDOR 6(1) and can only be issued by the Emergency Service Provider within 2 hours of attending the incident;
2. Due to the 'design, construction, manner of installation, modification or servicing' pose a risk of death, or major injury to gas users. MDDC or the Gas Servicing Contractor must report this under RIDDOR 6(2) within fourteen days of discovery by MDDC or the Gas Servicing Contractor.

MDDC's Gas Database Administrator will be informed of these incidents.

Gas Fires

MDDC's annual safety checks and servicing will include the inspection and testing of tenants' own gas fires free of charge, where they are installed on a flue or chimney in a MDDC property. It will not include the servicing or repair of any tenant owned appliance as this is the tenant's responsibility.

MDDC has many properties that contain gas fires that are flued through chimneystacks or that pass through neighbouring flats. In these cases, the Gas Safety Check will include an inspection of the other flats sharing the same chimney, and the lofts, to ensure that there is no leakage.

MDDC will continue to inspect and/or maintain gas fires until they become unserviceable or breakdown. When this happens, MDDC will:

- disconnect and cap off the appliance so that the gas fire cannot be reconnected
- where the gas fire was provided by MDDC, we will remove it and make good

- where the gas fire belongs to the tenant, we will leave this disconnected and in place
- MDDC will not install a replacement gas fire, except where the gas fire is the primary source of heating

If MDDC is unable to gain access to neighbouring properties to inspect the entire flue length we are legally bound under the Gas Safety (Installation and Use) Regulations 1998 to leave the gas fire disconnected, even if the gas fire is sound. If after subsequent attempts access has not been achieved to complete the flue inspection, we will:

- provide an alternative form of heating, where the gas fire is the primary source of heating
- where the gas fire is either the primary or the secondary source of heating and was provided by MDDC remove it and make good. We will not install a replacement gas fire
- where the gas fire belongs to the tenant, MDDC will leave it disconnected and in place

Gas fires left behind when a tenant vacates a property will be removed.

Carbon Monoxide Detectors

MDDC will install hard-wired carbon monoxide detector(s) to all rooms that contain an MDDC gas appliance and any room where a flue passes through.

Gas Cookers

Where there is a gas cooker in the property, the connection to the gas cooker up to the gas controls on the cooker is included in the Gas Safety Check. Where the gas cooker has a glass lid, a check is made that the automatic gas shut off mechanism works when the glass lid is closed. These checks do not include a service of the cooker, since this is the tenant's responsibility.

Monitoring and reporting

We regularly monitor our performance on gas servicing and provide regular updates on the following performance indicators:

	Target
Tenant satisfaction with gas servicing	100%
Properties in receipt of a valid CP12	100%
Applications for injunctions	Nil

We monitor tenant feedback and satisfaction levels for both servicing and breakdown works through questionnaires.

Review of the policy

Mid Devon District Council will review its policy regularly in light of changes to legislation, regulatory guidance, best practice and customer feedback.

We will review this policy to ensure that it continues to reflect principles of best practice. The next review is due September 2017 and every four years thereafter.