



Lancaster City Council

Housing and Property: Council Housing

Gas and Heating Safety Policy

August | 2024

Prepared by:	PM
Effective from:	August 2024
Approved by:	JW
Review date:	August 2027
Revision number:	1.1

(01524) 582929



councilhousing@lancaster.gov.uk



1. Introduction and Policy Objectives

- 1.1. Lancaster City Council (Lancaster) is responsible for the maintenance and repairs to homes, communal blocks, Corporate, Commercial, and other properties – referenced as our property portfolio that 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 to ensure they remain safe.
- 1.2. We are also responsible for maintaining other types of heating systems to ensure that all heating appliances provided are safe. These include solid fuel, hot water pressure cylinders and air source heat pumps.
- 1.3. The key objective of this policy is to ensure our Cabinet, Senior Leadership Team (SLT), Chief Officer – Housing and Property, employees, partners, and tenants are clear on our legal and regulatory gas/heating safety obligations. This policy provides the framework our staff and partners will operate within in order to meet these obligations.
- 1.4. This policy forms part of our wider organisational commitment to driving a health and safety culture amongst staff and contractors. It will be saved on our shared drive and distributed to all relevant members of staff

2. Scope

- 2.1. This policy is relevant to all our employees, tenants, 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.
- 2.2. The policy should be used by all to ensure they understand the obligations placed upon Lancaster to maintain a safe environment for tenants and employees, within the home of each tenant, and within all communal areas of buildings, Corporate, Commercial and other properties we own and/or manage. Adherence to this policy is mandatory.

3. Legislation, Regulatory Standards & Codes of Practice

- 3.1. **Regulatory standards** – For Council Housing, we must ensure that we comply with the Regulator of Social Housing's regulatory framework and consumer standards for social housing in England; the Safety and Quality Standard is the primary one applicable to this policy.
- 3.2. **Legislation** – The principal legislation applicable to this policy is as follows:
 - 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 acting for the 'Landlord' Lancaster Council, for the purposes of the legislation.

- 3.3. **Approved Code of Practice (ACoP)**– The principal ACoP applicable to this policy is:
- ACoP L56 - ‘Safety in the installation and use of gas systems and appliances’ (5th edition 2018).
- 3.4. **Guidance** - The principal guidance applicable to this policy is:
- INDG285 - ‘A Guide to Landlords’ Duties: Gas Safety (Installation and Use) Regulations 1998 as amended Approved Code of Practice and Guidance (3rd Edition 2018).
- 3.5. **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.

4. Additional Legislation

- 4.1. This policy also operates within the context of the following legislation:
- Health and Safety at Work Act 1974
 - The Management of Health and Safety at Work Regulations 1999
 - The Workplace (Health, Safety and Welfare) Regulations 1992
 - 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
 - Heat Network Regulations 2014
 - 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 2013 (RIDDOR)
 - Homes (Fitness for Human Habitation) Act 2018
 - The Occupiers’ Liability Act 1957 (as amended 1984)
 - Defective Premises Act 1972

5. Obligations

- 5.1. 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.
 - With the introduction of the regulation 36A from 6 April 2018 domestic landlords are able to have gas safety checks carried out any time from 10 to 12 calendar months after the previous check but still retain the original deadline date as if the check had been carried out exactly 12 months after the previous 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 (for example, 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. All gas installations should be inspected and tested prior to the commencement of any new tenancies. This means that tests should be carried out whilst properties are void and when mutual exchanges and transfers take place, and a satisfactory gas safety records (LGSRs)/certificate must be issued to the tenant upon moving in.
- 5.4. These obligations apply to both gas heating and liquid petroleum gas heating systems.
- 5.5. **Other heating types** – Although there is no legal requirement to do so, we will carry out an annual safety check to properties with heating types as set out in Section 1.2 of this policy.

6. Statement of Intent

- 6.1. We acknowledge and accept our responsibilities under the Gas Safety Regulations as outlined in Section 5.
- 6.2. We will ensure that copies of all landlord's gas safety records (LGSRs)/certificates are provided to tenants or displayed in a common area within 28 days of completion.
- 6.3. We will cap off gas supplies to all properties when the property becomes void, and a new tenant is not moving in immediately after. This will be completed by the end of the next working day.
- 6.4. We 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.
- 6.5. For Council housing, we will ensure that gas safety checks are carried out within 24 hours of the tenant requesting it, following commencement of their new tenancy (void or new build properties), mutual exchange and/or transfer, and that the tenant receives a copy of the LGSR within 28 days of this safety check.

- 6.6. We 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.
- 6.7. We will carry out a five-point visual check of council housing tenant owned appliances, provided that the tenant is able to provide evidence that the appliance has been installed by a Gas Safe engineer. If the tenant 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.
- 6.8. 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.
- 6.9. As the Landlord for domestic properties, we will test (and replace as required) any smoke or heat detectors/alarms within a dwelling, as part of the annual gas safety check visit, or at void stage and/or as part of the fixed-wire electrical inspection. Those domestic properties that are "off gas", not void or due a periodic EICR will be part of an annual inspection programme.
- 6.10. We will carry out an annual gas safety check to all domestic properties where the gas supply has been capped at the request of the tenant, to ensure the supply has not been reconnected by the tenant. At the same time, we will check on the tenant'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 at least every six months with these tenants to ensure the property remains capped and inform the tenant of what is required to reinstate gas at the property.
- 6.11. Any open flue gas appliances found in any rooms that are being used as bedrooms will be removed.
- 6.12. We will ensure that there is a robust process in place for the management of immediately dangerous situations identified from the gas/heating safety check.
- 6.13. We 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 Council's internal legal team, who in turn 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 the Chief Officer – Housing and Property. Where vulnerability issues are known or identified, we will ensure we safeguard their wellbeing.
- 6.14. The use of controlled access on the day the LGSR expires may be considered and utilised as an option. This will only be undertaken following discussion with the Repairs & Maintenance Manager and Chief Officer – Housing and Property. In the event a controlled access is

undertaken, and the occupier is not present the gas supply will be capped, a key safe installed and instructions provided how to obtain keys.

- 6.15. We 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.
- 6.16. We 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.
- 6.17. To comply with the requirements of the Construction (Design and Management) Regulations 2015 (CDM) a Construction Phase Plan will be in place in respect of all repairs to void and tenanted properties (at the start of the contract and reviewed annually thereafter), component replacement works and refurbishment projects.
- 6.18. We 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.

7. Inspection Programmes

- 7.1. **Domestic properties** – We will carry out a programme of annual gas safety checks to all domestic properties we own and/or manage.
- 7.2. We operate the use of the 'MOT' approach to gas safety checks. This approach, under Part F, Regulation 36 (3) of the Gas Safety Regulations, allows a gas safety check to take place within ten months and one day of the previous safety check whilst retaining the original 12-month anniversary date of the previous LGSR.
- 7.3. We will carry out an annual heating safety check to properties with hot water cylinders and air source heat pumps.
- 7.4. We will carry out a heating safety check to properties with solid fuel every six months.
- 7.5. **Communal blocks and other properties** – We will carry out a programme of annual gas safety checks and services to all communal blocks and other properties (supported schemes/offices/shops/depots/commercial), where we have the legal obligation to do so.
- 7.6. **Properties managed by others** – We will obtain LGSRs 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 inspection and re-charge them for the cost of this work.

8. Follow-up Work

- 8.1. We 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).

9. Data and Record Keeping

- 9.1. We 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 types and servicing requirements.
- 9.2. We will operate a robust process to manage all changes to stock, including property acquisitions and disposals, to ensure that properties are added or removed from gas/heating programmes as required, and the programme remains up to date.
- 9.3. We will hold gas/heating inspection dates and inspection records against each property we own or manage.
- 9.4. We 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.
- 9.5. We will keep all completed safety check records, warning notices and remedial work records for at least two years and have robust processes and controls in place to maintain appropriate levels of security for all gas/heating safety related data and records.

10. Tenant Involvement and Engagement

- 10.1. We consider good communication essential in the effective delivery of gas and heating safety programmes, therefore we will establish a tenant engagement strategy and communication programme to support tenants in their understanding of gas and heating safety.
- 10.2. This will assist us in maximising access to carry out gas safety checks, encourage and support tenants to report any concerns about gas and heating safety, and help us engage with vulnerable and hard to reach residents.
- 10.3. We will share information clearly and transparently and will ensure that information is available to tenants via regular publications and information on our website.

11. Key Roles and Responsibilities

- 11.1. The Cabinet have ultimate responsibility for ensuring compliance with the consumer standard.
- 11.2. The Cabinet will have governance responsibility for ensuring this policy is fully implemented in order to ensure full compliance with legislation and regulatory standards.
- 11.3. For assurance that this policy is operating effectively in practice, the Cabinet will receive regular updates on its implementation, gas/heating safety performance and any incidents of non-compliance.
- 11.4. The Senior Leadership Team (SLT) and Chief Officer – Housing and Property will receive monthly performance reports in respect of gas and heating safety and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.

- 11.5. The Chief Officer – Housing and Property 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.
- 11.6. The Repairs & Maintenance Manager has operational responsibility for the management of gas and heating safety and will be responsible for overseeing the delivery of these programmes.
- 11.7. The Housing and Property teams will provide support where gaining access to properties is difficult and the legal team will assist and facilitate any legal access processes as necessary.

12. Competent Persons

- 12.1. An Officer of the Compliance Team will hold either the Level 4 VRQ in Gas Safety Management (if they are not Gas Safe Registered); Level 4 VRQ in Asset Management and Compliance, or an equivalent qualification; and also, be a member of the Association of Gas Safety Managers (AGSM). If they do not have one of these already, they will obtain one of them within 12 months of the approval of this policy or within 12 months of appointment.
- 12.2. All operatives/engineers (internal or external) will maintain Gas Safe accreditation for all areas of gas/heating works that they undertake and will be members of the Nationally Accredited Certification Scheme for Individual Gas Fitting Operatives (ACS).
- 12.3. Only suitably competent Gas Safe accredited contractors will undertake works to gas/heating fittings, appliances and flues.
- 12.4. Only suitably competent HETAS accredited contractors will undertake works to solid fuel fittings, appliances and flues.
- 12.5. 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.
- 12.6. Only suitably competent NICEIC (or equivalent) electrical contractors and operatives will undertake servicing and repairs to electrical heating systems.
- 12.7. Only suitably competent Gas Safe registered and NICEIC (or equivalent) third party technical auditors will undertake quality assurance checks.
- 12.8. All contractor checks will be undertaken during procurement and then on an annual basis and evidenced appropriately.

13. Training

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

14. Performance Reporting

- 14.1. 14.1 We will report robust key performance indicator (KPI) measures for gas/heating safety. These will be provided to the Chief Officer – Housing and Property on a monthly basis and to the Cabinet and SLT on a quarterly basis. As a minimum, we will report:

Data – the total number of:

- Properties – split by category (domestic, communal, Corporate, Commercial and others).
- Properties on the gas/heating servicing programme.
- Properties not on the gas/heating servicing programme.
- Properties with a valid and in date LGSR/certificate.
- Properties without a valid and in date LGSR/certificate.
- Properties due to be serviced within the next 30 days; and
- Completed, in-time and overdue follow-up works/actions arising from the programme.

Narrative - an explanation of the:

- Current position.
- Corrective action required.
- Anticipated impact of corrective action; and
- Progress with completion of follow-up works.

In addition:

- The number of RIDDOR notifications to the HSE with regards to electrical safety.

15. Quality Assurance

- 15.1. We 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:

- 100% of all new installations.
- 5% sample site audits of gas servicing work completed by the contractor.
- 5% sample of all LGSR certificates

- 15.2. In addition, Lancaster will undertake 100 per cent desktop 9-point check of all LGSRs certificates as they are received.

- 15.3. We 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.

16. Non-Compliance/Escalation Process

- 16.1. Our definition of 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 becoming aware of it.

- 16.2. Any non-compliance issue identified at an operational level will be formally reported to the Chief Officer – Housing and Property in the first instance, who will agree an appropriate course of corrective action with the Repairs & Maintenance Manager alongside the Breaches Policy and report details of the same to SLT / Cabinet.
- 16.3. In cases of serious non-compliance, this will be reported to Cabinet. SL and Cabinet 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.

17. Glossary

17.1. This glossary defines key terms used throughout this policy:

- Gas Safe Register: the official list of gas engineers who are qualified to work legally on gas appliances.
- LGSR: Landlord's Gas Safety Record – a certificate containing the results of the annual safety check carried out on gas appliances and flues.
- HETAS: Heating Equipment Testing and Approval Scheme – Certification body for installers.
- NICEIC: National Inspection Council for Electrical Installation Contracting – Certification body for contractors.