

Mid Devon District Council

Gas Safety Policy

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Version Control Sheet

Title: Gas Safety Policy

Purpose: To set out the council's policy for the management of gas safety within domestic properties it owns and/or manages.

Owner: Group Manager Building Services
mbaglow@middevon.gov.uk
Telephone number 01884 233011

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Director of Operations
Cabinet Member for Housing
Tenants Together Group
Group Managers
Leadership Team

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1.0 Introduction

1.1 The failure to adequately maintain, test for gas safety or repair gas pipework, gas appliances and associated flues, could result in the following:

- Death or injury to residents
- Destruction or damage to property
- The exposure of Mid Devon District Council to:
 - prosecution
 - fines
 - regulatory downgrades
 - prosecution and imprisonment of employees

1.2 Mid Devon District Council will check and maintain all of its domestic gas appliances so that any risk to tenants, employees, contractors or others are minimised.

1.3 Mid Devon District Council will check tenant owned gas appliances to ensure they are safe but will not service or maintain them.

2.0 Scope

2.1 This policy applies to all domestic properties within the ownership or control of Mid Devon District Council in its capacity as Landlord. It sets out how the council will address issues related to gas safety and the delivery of its statutory responsibilities.

3.0 Related Documents

- Mid Devon District Council Tenant Compensation Policy
- Mid Devon District Council Recharges Policy
- Mid Devon District Council Tenancy Policy
- Homes & Communities Agency Home Standard
- Homes & Communities Agency Tenancy Standard

4.0 Definitions

4.1 For the purposes of this policy, the following definitions apply:

- **CP12** – document used to record the landlord [annual] gas safety inspection (LGSR)
- **RIDDOR** – we have a statutory duty under Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1998 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 Mid Devon District Council 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
- **IGEM** – Institution of Gas Engineers & Managers
- **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

5.0 Legislation

5.1 This policy is written to ensure that Mid Devon District Council is compliant with the following legislation in respect of gas safety as at April 2018:

- Health and Safety at Work Act 1974
- The Gas Safety (Installation and Use) (Amendment) Regulations 2018
- Construction Design & Management Regulations 2015
- Reporting of Injuries, Diseases & Dangerous Occurrences Regulations 2013

6.0 General Duty

6.1 Mid Devon District Council has a duty to ensure that gas heating and hot water appliances and gas installation pipework are maintained in a safe condition. All Mid Devon District Council owned flues and chimneys into which gas appliances are installed are also maintained in safe condition.

7.0 Servicing and inspection

7.1 MDDC will inspect and issue the record in accordance Part F, Regulation 36A of the Gas Regulations as amended (April 2018) in order to ensure delivery of our requirements as a landlord. A full description of this amended regulation has been included in this policy as Appendix 2.

7.2 Mid Devon District Council has entered into a contract with a Gas Servicing Contractor, who is a Gas Safe registered company, to meet this obligation using an agreed appointment procedure.

7.3 For tenants with Introductory or Flexible Tenancy's, Mid Devon District Council will review the status of tenants who continually / year on year refuse access for the purposes of carrying out the annual service. Where appropriate Mid Devon District

Council will take action to gain possession of the dwelling, or downgrade the tenancy status.

- 7.4 A copy of the CP12 certificate (Landlords Gas Safety Record) will be provided to any person in lawful occupation of the property within 28 days of the annual safety check.

8.0 Void Properties

- 8.1 Prior to reissuing a tenancy agreement a gas safety check will be carried out to all properties when they are void to ensure the system is safe. At the void stage all gas appliances belonging to the previous tenant will be removed, including gas fires. All gas cooker points will be plugged / capped to ensure that only a Gas Safe registered engineer is able to connect a new cooker.

- 8.2 All void properties not under active management, including those within the Homeless Project portfolio, will have the supply capped at the meter outlet to ensure no accidental release of gas.

9.0 Mutual Exchanges

- 9.1 A gas safety check will be carried out on all Mid Devon District Council properties with a gas meter involved in a mutual exchange. The check will be carried out on the day the tenants' move.

- 9.2 When the tenant leaves the property the gas meter will be capped. All gas pipework not connected to an appliance will be plugged. A gas safe engineer must be present to plug the gas outlets. It is the responsibility of the incoming tenant to arrange and pay for a competent engineer to connect their appliances and provide Mid Devon District Council with evidence of this.

- 9.3 Where there is not an immediate transfer between households the supply outlet of the meter will also be capped. Engineers will return to uncap, test and issue the GSR once the new householder is present.

- 9.4 Mid Devon District Council will charge the tenant any costs associated with organising the necessary safety checks and/or remedial works where:

- A tenant has created an unsafe situation
- A gas appliance has been removed and/or installed without certification

10.0 Evictions

- 10.1 A gas engineer will attend all evictions and make safe the gas appliances at the property by capping the meter at the supply outlet. Depending on the length of time before the current Landlords Gas Safety Record (LGSR) expiry and access restrictions imposed by Housing tenancy, the engineer may decide to issue a new LGSR before the anniversary.

11.0 Record Keeping

- 11.1 Mid Devon District Council retains electronic copies of the annual gas safety certificates for a minimum of two years from the date of the issue to ensure hard copies can be produced when required.

11.2 The Gas Servicing Contractor stores 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. All failed access attempts and the dates and times these occurred are passed to Mid Devon District Council. This will include records/copies of all letters, appointment cards, telephone calls etc. These may be used as part of the evidence pack when seeking access or possession via a court order.

12.0 Quality Audit

12.1 Mid Devon District Council's Gas Database Administrator undertakes a monthly desktop 10% audit of CP12s. An independent auditor carries out an annual post works review of all gas servicing and installations; between 5 – 10%.

13.0 Failure to allow access

13.1 Failure by the tenant to allow Mid Devon District Council or the Gas Servicing Contractor access into the property to carry out the service will result in Mid Devon District Council'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) (Amendment) Regulations 2018. After court action and we receive the Injunction Notice, where a tenant does not provide access, we will, seek to commit the tenant to prison for contempt of Court. Where possible we will request that the order extend to all request for access and span several years.

13.2 In addition to an injunction Mid Devon District Council may also seek possession of the property, which will run concurrently with the injunction.

13.3 The Council, provided it is in its interests to do so, will continue with the legal proceeding(s) to reach a successful conclusion

13.4 Under these circumstances it is the intention to ensure that a new LGSR is issued no longer than four months after the existing certificate has expired.

13.5 Mid Devon District Council has previously approved the use of Gas Inhibitors (Service Interval timers) for interrupting the electrical supply to the boiler so it is disabled for a specified period. Once access has been granted, these devices will be fitted to all properties that enter into the 'No Access' process. Mid Devon District Council will ensure detailed electronic records of all properties that have been installed with a device are kept.

13.6 Mid Devon District Council will always seek to recover the actual cost associated with these procedures from the tenant.

13.7 Where follow on works are identified as part of the annual service visit a separate appointment will be arranged. Where the tenant fails to allow access at this appointment the contractor will hold open the job for 5 working days to enable the householder to contact them and arrange an alternative. Where the tenant fails to make contact within the expected timescale the contractor will cancel the works and return any parts to the supplier. In the case of an "At Risk" situation the job will be left open until resolved. Failure to allow access will result in the application of the no access process, which may result in legal action. See 14.3 to confirm MDDC

action in the event that the At Risk appliance belongs to the tenant. If the appliance is “Immediately Dangerous” it will be isolated.

14.0 Unsafe Situations and RIDDOR

14.1 Registered gas engineers (under the Gas Safe Register,) must report details of any gas appliances or fittings that they consider to be dangerous, to such an extent that people could die, lose consciousness or require hospital treatment. To require a report under RIDDOR the danger (due to the design, construction, installation, modification or servicing of that appliance or fitting) is one likely to cause:

- An accidental leakage of gas
- Incomplete combustion of gas or
- Inadequate removal of products of the combustion of gas

14.2 It is the discovering engineer’s duty to report issues not the client’s. Mid Devon District Council’s Gas Administrator will be informed of these incidents and pass the details on to the Mid Devon District Council Health & Safety Officer.

14.3 Where an “At Risk” notice has been issued for an unsafe situation involving a tenant owned appliance but the tenant has refused to have the appliance switched off, Mid Devon District Council will write to the tenant explaining the need for them to carry out repairs within 5 working days. If the tenant fails to carry out these works Mid Devon District Council will take action, either to complete the works and recharge the tenant or to insist that the appliance is isolated. This may involve Gas Emergency or legal action. Where the appliance is “Immediately Dangerous” is it isolated; if a tenant refuses to allow the engineer to isolate the appliance it is treated as a Gas Emergency and Wales & West Utilities (WWU) are contacted. If the tenant still refuses the appliance to be isolated WWU may choose to isolate the gas supply to the property. This may include excavations in the street, for which the tenant will be recharged

15.0 Gas Fires

15.1 Mid Devon District Council’s annual safety checks and servicing will include the inspection and testing of tenants’ own gas fires, where they are installed on a flue or chimney belonging to a Mid Devon District Council property. It will not include the servicing or repair of any tenant owned appliance, which is the tenants’ responsibility.

15.2 Mid Devon District Council have properties that contain gas fires which are flued through chimneys 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.

15.3 Mid Devon District Council will continue to inspect gas fires until they become unserviceable or irreparable. When this happens, Mid Devon District Council will:

- Disconnect and cap off the appliance so that the gas fire cannot be used.
- Where the gas fire was provided by Mid Devon District Council, we will remove it and make good.

- Where the gas fire belongs to the tenant, we will leave this disconnected and in place; Mid Devon District Council are not responsible for the service and repair of any tenant owned appliance.
- Mid Devon District Council will not install a replacement gas fire, except where the gas fire is the primary source of heating. However our preference will always be to install a full gas central heating system.

15.4 If Mid Devon District Council 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) (Amendment) Regulations 2018, 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 a temporary 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 Mid Devon District Council, we will remove it and make good. We will not install a replacement gas fire.
- Where the gas fire belongs to the tenant, Mid Devon District Council will leave it disconnected and in place, although we may remove it if the tenant agrees to pay for this.

15.5 Gas fires left behind when a tenant vacates a property will be removed regardless of age and condition.

16.0 Carbon Monoxide (CO) Detectors

16.1 It is not yet a general legal requirement to install CO detectors in social housing properties where gas is present. However, Mid Devon District Council will install hard-wired carbon monoxide detector(s) to all rooms that contain a Mid Devon District Council gas appliance and any room where a flue passes through.

17.0 Gas cookers and hobs

17.1 Where there is a gas cooker/hob in the property (regardless of ownership), the connection to the appliance up to the gas controls is included in the Gas Safety Check. The engineer will also inspect the overall condition and ensure all safety features operate effectively.

17.2 Where the gas cooker has a lid or cover, a check is made that the automatic gas shut off mechanism works when this is closed. If the appliance belongs to the tenant the check will not include a service of the cooker, since this is the tenant's responsibility.

18.0 Leasehold properties

18.1 Each year during Gas Safety week (September) the Gas Administrator will write to all leasehold flats, regardless of occupation by the leaseholder or a sublet tenant, to make them aware of the importance of gas safety and the dangers of carbon monoxide. This will include information for both tenants and landlords to ensure that

both understand the statutory requirements. It will also serve as a general reminder to private residents to consider the consequences of poorly maintained gas appliances and the potentially lethal outcomes. The letter will contain a self-addressed return envelope to allow them to respond.

19.0 Monitoring and reporting

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

- Properties in receipt of a valid CP12 100%
- Tenant satisfaction with gas servicing 95%

19.2 We monitor tenant feedback and satisfaction levels for servicing via survey questionnaires.

19.3 Where MDDC officers visit properties on gas safety related issues an All Attendance Notes will be generated. This will be clearly marked with the date, time and address of the contact. A concise record of the action and outcome should be recorded. Notes should be signed. A hand written version is acceptable. The original copy should be forwarded to the Gas Administrator.

19.4 Any information about the tenant that may be useful or affect the method in which the authority responds to the no access status should be made available as soon as it comes to light.

Appendix 1 – Summary of additions and revisions

<i>Policy Ref</i>	<i>Description</i>	<i>Date</i>
7.3	<i>Inclusion of suggested additional sanction(s).</i>	<i>v.8.0 Jul' 18</i>
8.1	<i>Confirmation that all gas cooker points in void properties will be plugged/capped to ensure that only a Gas Safe registered engineer can subsequently install a cooker.</i>	<i>v.8.0 Jul' 18</i>
8.2	<i>Clarification that the gas meter in all void properties, including those in the Homeless Project portfolio, will be capped if left unoccupied.</i>	<i>v.8.0 Jul' 18</i>
9.2	<i>Clarification that properties will have the gas meter capped during the MEX process whenever there is a void period.</i>	<i>v.8.0 Jul' 18</i>
9.4	<i>Inclusion of condition to cater for the introduction of charges to tenants where they have created a potentially unsafe gas installation</i>	<i>v.8.0 Jul' 18</i>
10.1	<i>Inserted confirmation that an engineer will attend all evictions [on gas grid] and make safe.</i>	<i>v.8.0 Jul' 18</i>
12.1	<i>Correction of the percentage monthly audit to be carried out by the Gas Administrator.</i>	<i>v.8.0 Jul' 18</i>
13.5	<i>Confirmation that all costs incurred as a result of a household being placed on the No Access register, up to and including legal costs associated with securing an injunction will be reclaimed as per the Recharges policy.</i>	<i>v.8.0 Jul' 18</i>
14.0	<i>Updates to the RIDDOR procedure to reflect changes in national policy</i>	<i>v.8.0 Jul' 18</i>
14.3	<i>Clarification of process to be followed in the event that a tenant owned appliance is identified as 'At Risk' as per TB001, Edition 7a</i>	<i>v.8.0 Jul' 18</i>
15.5	<i>Confirmation that all gas fires will be removed at the void stage regardless of age and condition.</i>	<i>v.8.0 Jul' 18</i>
18.1	<i>Inclusion of provision to raise awareness of gas safety to leaseholders during Gas safety week (Held in September each year).</i>	<i>v.8.0 Jul' 18</i>
19.0	<i>Removal of KPI relating to applications for injunctions. This is not a current KPI. Also, injunctions form a necessary part of the No Access procedure.</i>	<i>v.8.0 Jul' 18</i>

Appendix 2

Safety in the installation and use of gas systems and appliances

Gas Safety (Installation and Use) (Amendment) Regulations 2018

Regulation 36A Determination of date when next safety check is due under regulation 36(3)

Summary of regulation 36A

This regulation sets out when the next safety check must be completed in order to retain the existing deadline date. It also sets out a one-off flexibility that landlords can use to align the date of an appliance check with that of other appliances at the same premises.

(1) Where a safety check of an appliance or a flue made in accordance with regulation 36(3)(a) or (b) is or was completed within the period of 2 months ending with the deadline date, that check is to be treated for the purposes of regulation 36(3)(a) and (b) as having been made on the deadline date.

(2) Subject to paragraph (3), the landlord may ensure that an appliance or flue is checked for safety within the 2 month period beginning with the deadline date, instead of checking it within the 12 month period ending with that date.

(3) The discretion conferred by paragraph (2) may be exercised –

(a) only once in relation to each appliance or flue in the relevant premises; and

(b) only in order to align the deadline date in relation to the next safety check of that appliance or flue with the deadline date in relation to the next safety check of any other appliance or flue in the same relevant premises.

4) In this regulation “the deadline date”, in relation to a safety check for an appliance or flue, means the last day of the 12 month period within which the check is or was required to be made under regulation 36(3) (a) or (b).¹

304 The changes set out in regulation 36A aim to offer more flexibility in the gas safety checking regime – however, it is not compulsory for landlords to take advantage of this change. If they prefer, landlords can continue with their current regime of gas safety checking, as long as it meets the legal minimum requirements as set out in regulation 36.

305 With the introduction of the new regulation 36A from 6 April 2018 landlords will be 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

Record keeping

306 To benefit from this new flexibility and retain the deadline date, the landlord will have to demonstrate that they have complied with the law and carried out the gas safety checks within the required timescales. The record will need to be kept until two further gas safety checks have been carried out.

307 Where a landlord cannot provide the necessary audit trail/documentation, *including the two previous gas safety records*, the expiry date of the current gas safety check will be taken as 12 months from the date of the last gas safety check.

308 This demonstration that they have complied with the law may take the form of a computerised database or a paper file or other means as long as there are records showing the dates of previous gas safety checks, the date of the latest check, and the preserved deadline date (resetting this as and when necessary – see section below on ‘resetting the clock’), along with copies of the landlord’s gas safety records from the previous two years.

309 There is no legal requirement to include: (a) an expiry date of the landlord’s gas safety record; or (b) the earliest date you can have your next gas safety check (and retain the deadline date)

on the gas safety records, but landlords may find it helpful to include these details to:

- (a) ensure they can demonstrate the necessary audit trail to show that consecutive gas safety checks have been carried out in the prescribed 10–12-month window, thereby retaining the deadline date;
- (b) give tenants confidence and clarity over the period of validity of the gas safety record.

310 Even if the engineers include this information on the gas safety records, the legal duty remains with the landlord to be able to demonstrate that gas safety checks have been made within the required timescales.

Resetting the clock

Gas safety check carried out less than 10 months since the previous check

311 Where a gas safety check is carried out at *less than 10 months* after the previous gas safety check, this will have the effect of ‘resetting the clock’ and the deadline date will now be 12 months from the date of this latest check.

Gas safety check carried out after the preserved deadline date

312 Where the property remains tenanted it is an offence to have no current gas safety check record in place.

Gas safety check carried out after the preserved deadline date (ie where the property was vacant when the previous gas safety check expired)

313 Where a gas safety check is carried out *more than 12 months* after the previous gas safety check, this will have the effect of ‘resetting the clock’ and the new deadline date will be 12 months from the date of this later gas safety check.

One-off flexibility to bring dates of safety checks on different gas appliances in the same premises back into line

314 There is a one-off flexibility to allow landlords to realign the date of the annual gas safety check on an appliance with other appliances in a property. It can only be applied once to each appliance, and the maximum amount of time that the gas safety check for the appliance can be extended is 2 months. For example, if an appliance is found to be faulty and is replaced at the time of the actual check, the annual gas safety check on the new appliance can take place for the first time at the same time as the next annual gas safety check on any other appliances in the same property.