

Issue details	
Title:	Gas Safety Policy
Version number	Version 3.0
Officer responsible:	Compliance & Planned Works Service Manager
Authorisation by:	Housing Review Board
Authorisation date:	December 2023

History of most recent Policy Changes – Must be completed			
Date	Page	Change	Origin of Change e.g (Change in Legislation)
08 December 2023	3	Servicing	Change in Legislation
08 December 2023	3	'MOT' style Gas Check	Change in Legislation

1 Previous Policies/Strategies

Version 2.0

2 Why has the Council introduced this policy?

East Devon District Council have introduced this Gas Safety Policy to ensure compliance with all relevant Legislation. The failure to adequately maintain, test for Gas Safety repair gas pipework, gas appliances and associated flues, could result in death or injury, destruction or damage to property and the exposure of East Devon District Council (EDDC) to prosecution and fines and its employees to prosecution and imprisonment.

The Policy is relevant to residents, contractors and other persons who may work on, occupy, visit, or use its premises, or who may be affected by its activities or services. It should be used by all to ensure they understand the obligations placed upon East Devon District Council to maintain a safe environment for residents and employees within the home of each resident. East Devon District Council will follow a systematic approach to the management of gas work to ensure it meets the requirements set out in The Gas Safety (Installation and Use) Regulations 1998 including all amendments and other relevant Legislation relating to Gas Safety. This is to ensure the safety of residents, employees and members of the public.

3 What is the Council's policy?

3.1 Scope

This Gas Safety Policy covers the management of Gas Safety within East Devon District Council Housing Properties, including individual domestic properties, blocks of flats with communal gas boilers, community centres, district offices and HMO's where gas supplies and appliances are present. It specifically excludes all other properties to which East Devon District Council have responsibility (Property Services, Streetscene, Corporate Estates).

3.2 Introduction

East Devon District Council acknowledges and accepts its responsibilities with regard to Gas Safety under the Gas Safety (Installation and Use) Regulations 1998 which places duties on Landlords to ensure that gas installations in rented properties are:

- Safe when a tenancy begins
- Maintained in a safe condition throughout the tenancy

In order to be compliant under these Regulations, EDDC will will maintain and check all EDDC gas heating and hot water appliances, gas installation pipework, flues and chimneys on which these gas appliances are installed so that any risks to residents, employees, contractors or others are minimised. EDDC will check resident owned gas appliances to ensure they are safe. This is in accordance with the Gas Safety (Installation and Use) Regulations 1998 and subsequent revisions.

3.3 Policy Statement

East Devon District Council has a duty to ensure that gas heating and hot water appliances and gas installation pipework are maintained in a safe and operational condition. This also includes ensuring EDDC owned flues and chimneys serving gas appliances are maintained in a safe condition.

East Devon District Council will maintain a Gas Safety Policy and will work with residents, staff, contractors and the statutory enforcement bodies to agree and deliver legally compliant solutions to Gas Safety.

This Policy is formally accepted by the Chief Executive. The Chief Executive will do all that is reasonably practicable to comply with its requirements, and will make the necessary resources available.

To meet our statutory obligations in relation to Gas Safety Management under the Gas Safety (Installation and Use) Regulations 1998, we will:

- Ensure that works to gas installations are only carried out by qualified and competent persons in line with the above Regulations.
- Ensure that each gas appliance and flue is checked for safety at intervals of no more than 12 months. Wherever possible this is to be conducted within 2 months prior to the anniversary date of the previous safety check.
- Carry out a Gas Safety Check as part of Void property and Mutual Exchange processes.
- Provide a copy of the Landlords Gas Safety Record certificate to the resident of the property.
- Follow all available options for access to support the implementation of this policy.
- Apply protocols to deal with emergencies such as a gas escape.
- Ensure a working carbon monoxide alarm is fitted in any room used as living accommodation which contains a fixed combustion appliance.
- Ensure that manufacturers' recommendations are applied when developing maintenance programmes or carrying out maintenance and installation of gas appliances and carbon monoxide alarms.
- Ensure audits are carried out on works completed to gas fittings. A minimum of 10% gas safety checks and installation will be audited.
- Provide residents and Leaseholders with advice and information about Gas Safety in newsletters; leaflets; on our website; social media; the Resident Handbook and at tenancy visits.

3.4 Policy Development

This Policy has been developed to allow East Devon District Council to comply with the following Legislation in relation to Gas Safety:

- The Gas Safety (Installation and Use) Regulations 1998 (including 2018 amendment)
- Pressure Equipment (Safety) Regulations 2016
- Building Regulations Approved Document Part L 2010 (incorporating 2021 & 2023 amendments)
- Construction Design & Management Regulations 2015
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013
- Health and Safety at Work Act 1974

3.5 Annual Servicing

EDDC is legally required under the Gas Safety (Installation and Use) Regulations 1998 to carry out a Landlords's Gas Safety Check to each property with a gas supply. The Gas Safety Check must be carried out within twelve months of the previous year's safety check, on all gas systems and appliances in EDDC properties, regardless of ownership.

EDDC 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.

As part of the service for gas central heating boilers, the Gas Servicing Contractor will carry out a system water test to check the quality of the system water and, if necessary, treat the water in accordance with BS7593:2019. This became a Legal requirement of Building Regulations Approved Document part L from 15 June 2022.

3.6 'MOT' style Gas Safety Check

Since 06 April 2018, Landlords have more flexibility in when they can arrange for Gas Safety Checks for their rental properties. A new regulation 36A was introduced into the Gas Safety (Installation and Use) Regulations 1998 by the Health & Safety Executive .

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 implement this regime.

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.

East Devon District Council are implementing this regime with our current Gas Servicing Partnering Contractor.

This arrangement will not affect EDDC's Legal obligations, however in order to benefit from the new flexibility, we need to prove we have complied with the law. This means that EDDC will have to retain a certificate until at least two other Gas Safety Checks have been carried out.

Under the regulation, if a Landlord is unable to show the necessary documents, then the expiry date of the current Gas Safety Check will be taken as 12 months from the date of the last certificate being issued.

3.7 Servicing Procedure

Our Gas Servicing Contractor will write to the resident advising them of when they will be attending to carry out the service, this will be within two months of the expiry of the last Landlords's Gas Safety Record (CP12).

If the resident is not home when the service is booked or the resident refuses access, our Gas Servicing Contractor will make a further two attempts to enter the resident's property to carry out the gas service.

Should the resident refuse access or the Gas Servicing Contractor is unable to carry out the service on the third attempt for whatever reason, the Gas Servicing Contractor will refer this back to the EDDC to start the process for a Legal appointment.

An appropriate EDDC Officer will attempt to make contact with the resident to arrange an appointment to carry out the gas service. If they are unable to do so, the EDDC Officer will serve the resident with a Legal letter which states that the resident must allow the Gas Servicing Contractor access to carry out the gas service on a specific date and time (Legal appointment).

On the day of the Legal appointment a relevant Officer will attend the property with the Gas Servicing Contractor to carry out the gas service. Should the resident not be home at the time of the Legal appointment, the Council may force entry to carry out the gas service in their absence. In some circumstances, the Council will cap the gas supply off at the meter to ensure compliance.

If the resident is home at the time of the Legal appointment and refuses access to the relevant Officer and the Gas Servicing Contractor for the gas service to take place, we will refer this to our Legal Department to apply for a Court Injunction to compel the resident to allow access to enable the Gas Servicing Contractor to carry out the service.

Any costs associated with the refusal to allow access will be re-charged to the resident in accordance with the relevant re-charge policy.

Following successful completion of the Landlords's Gas Safety Check the resident will receive a copy of the CP12 certificate for the property within 28 days of the annual safety check taking place.

3.8 Void Properties

At the start of the void period, the gas supply will be capped. A Gas Safety Check will be carried out to all properties when they are void to ensure the system is checked before re-letting. All gas equipment, including any appliances left by a previous resident, will be checked for safety or removed before letting. On completion of the main void works, the gas will be uncapped ready for letting. A copy of the new LGSR certificate will be provided to the incoming resident.

3.9 Mutual Exchanges

A Gas Safety Check will be carried out on all EDDC properties with a live gas supply and meter, where a mutual exchange is taking place. Our Gas Servicing Contractor will cap the gas on the day the resident(s) move out (which should be a Friday or a Monday) and re-connect the gas and carry out a Gas Safety Check on the day the new resident moves in.

3.10 Record Keeping

East Devon District Council holds and maintains a core asset register of all properties that require a Gas Safety Check and ensure that the Landlords Gas

Safety Record (LGSR) Certificates are held in a central database or online portal where they can be accessed easily for review and monitoring.

East Devon District Council maintains a register against each property asset of any gas equipment and appliances including:

- Boilers (individual and communal)
- Water heaters
- Meters
- Cookers (those fitted in Community Centres)

East Devon District Council will establish and maintain accurate records of all completed testing, servicing and maintenance of the above equipment, including ensuring all certification is held on a central database.

EDDC 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 of our gas safety records including certificates electronically. EDDC can access these through the Contractor's online portal. 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 EDDC. This includes records/copies of all letters, appointment cards, telephone calls etc.

3.11 Quality Audit

EDDC currently uses existing 'in house' compliance staff in the form of the Compliance Surveyor (Heating) to carry out audits on at least 10% of all gas services carried out. An external auditing company is currently being procured to deliver this; it is hoped this will be in place in early 2024.

3.12 Carbon Monoxide Detectors & Smoke Alarms

EDDC will ensure carbon monoxide (CO) detectors are installed in all rooms with a EDDC gas appliance and any room where a flue passes through.

EDDC will also ensure that an adequate number of smoke alarms are installed in all properties.

The carbon monoxide detectors and smoke alarms will be tested for those properties that have a gas appliance during the Landlords's Gas Safety Check and a record of this will appear on the CP12.

3.13 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 resident's responsibility. Should the cooker fail the relevant safety check, the Gas Servicing Contractor will condemn the cooker and isolate it. It will be the resident's responsibility to have the cooker either repaired by a qualified engineer or replaced.

3.14 Performance Management

The following key performance indicators (KPI's) are reported to East Devon District Council's Leadership team & Housing Review Board:

- % of Gas Servicing carried out within 12 months of previous service
- % of emergency repairs completed within target
- % of routine repairs completed within target
- % of repairs outstanding and overdue

These key performance indicators are also used to monitor the contractor's performance.

3.15 Equality and Diversity

EDDC will apply this Policy consistently and fairly, and will not discriminate against anyone on grounds of their racial or ethnic origin, disability, gender, religious belief, sexual identity, or any other relevant characteristic. EDDC will make this Policy available in other languages and formats on request.

We will carry out an Equality Impact Assessment on this Policy, in line with our corporate procedure.

3.16 Monitoring and Review

We will monitor this Policy to ensure it meets good practice and current Legislation and will review it in accordance with our review timetable for all policies. The Policy should be reviewed within 3 years from the date of approval, or sooner if Legislation changes.

3.17 Competent Persons

East Devon District Council will ensure that the manager(s) with lead responsibility for operational delivery are appropriately qualified holding a recognised safety management qualification.

East Devon District Council will ensure that only suitably competent Gas Safe Registered Contractors are procured and appointed to undertake gas inspection, testing, installation and repair works.

The operational team with responsibility for delivery will check the relevant accreditations for the work that they are carrying out as part of the due

diligence checks carried out at the procurement of any new contract. These checks will be undertaken on an annual basis to ensure competency and training is up to date.

3.18 Training

The manager(s) with lead responsibility for operational delivery will hold a relevant qualification in respect of Gas Safety compliance management.

3.19 Gas Safety Information

East Devon District Council considers good communication essential in the safe delivery of Gas Safety management and will therefore ensure that relevant information is provided to residents. East Devon District Council will develop on their website information and advice to customers regarding Gas Safety and will publish this information through other outlets such as social media and in the Housing Matters Magazine.

3.20 Regulatory & Legislative Compliance

The application of this Policy will ensure compliance with the regulatory framework and consumer standards (Home Standard) for social housing in England.

4 Policy Administration

4.1 Appendices and other relevant information

None

4.2 Links related Policies/Strategies, Procedures and Legislation

- The Gas Safety (Installation and Use) Regulations 1998:
<https://www.legislation.gov.uk/ukxi/1998/2451/contents/made>
- Pressure Equipment (Safety) Regulations 2016: Great Britain:
<https://www.gov.uk/government/publications/pressure-equipment-safety-regulations-2016/pressure-equipment-safety-regulations-2016-great-britain#product-classification>
- The Building Regulations 2010 Approved Document Part L:
https://assets.publishing.service.gov.uk/media/63d8ed5de90e0773d8af2c97/Approved_Document_L_Conservation_of_fuel_and_power_Volume_1_Dwellings_2021_edition_incorporating_2023_amendments.pdf

4.3 Standards

- The Consumer Standards (Home Standard)

4.4 Code of Practice

- Gas Safety (Installation and Use) Regulations 1998 (GSIUR) as amended. Approved Code of Practice and guidance:
<https://www.hse.gov.uk/pubns/books/l56.htm>
- BS7593:2019 Code of practice for the preparation, commissioning and maintenance of domestic central heating and cooling water systems:
<http://twc-services.co.uk/wp-content/uploads/2020/04/BS-7593.2019.pdf>

4.5 Data Protection

b) The collection and use of resident's personal data will not exceed that agreed to in their tenancy agreement

The [EDDC Data Protection Policy](#) provides further information on how we store and use personal information.

The following privacy notice(s) provide further information on how we will use resident's personal data, how it is gathered, and how long we will retain this information, and what rights residents have in relation to this.

Property and Assets - Completion of programmed, servicing and cyclical works

All our privacy notices can be found on the EDDC website (<https://eastdevon.gov.uk/access-to-information/data-protection/privacy-notices/>)

4.6 Policy consultation

Involved Residents & Housing Review Board

4.7 Policy review

December 2026 by the Compliance & Planned Works Service Manager, or sooner if Legislation changes during this time.