



Gas Safety & Open Flue Appliance
Management Policy

Housing Communities and Economic Development

POLICY MANAGEMENT

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Gas Safety & Open Flue Appliance Management Policy

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1. Definitions

For the purpose of this policy the following terms will mean:

Landlord means Nuneaton and Bedworth Borough Council

Gas Safe this is the registered body for Gas Engineers that holds a register of all the Gas engineers who are competent to legally work on gas appliances and installations

Heating Equipment Testing and Approval Scheme – HETAS this is the governing body of solid fuel domestic heating appliances, fuels and services responsible for the registration of competent installers and businesses.

The Health and Safety Executive – HSE is the governing body which is responsible for the regulation and enforcement of workplace health, safety and welfare.

Landlord Gas Safety Record – LGSR this is a form approved by the HSE which the competent Gas Safe Engineer completes once the relevant appliance safety checks have been carried out.

Landlord/Home Owner Safety Record LHOSR – this is the form approved by HETAS which the competent HETAS Engineer completes once the relevant safety checks have been carried out on solid fuel appliances and associated flues and chimneys

Gas Industry Unsafe Situations Procedure – provides the guidance to Gas Safe companies and engineers for dealing effectively with unsafe situations

Gas Appliance – this means any appliance, fitting or flue operated by the use of gas within premises owned or managed by the Landlord

Gas Safety (Installation and Use) Regulations 1998 – GSIUR this is the approved code of practice and provides guidance to anyone who install, maintain repair gas appliances and gas fittings.

Solid Fuel Appliance – means any appliance, fittings or flue operated by the use of solid fuel within the premises owned and managed by the Landlord

Gas Fitting – this means

- a) any gas appliance (other than a portable appliance which the tenant is entitled to remove from the premises owned by the Landlord) or any installation pipework installed in any relevant premises:
and
- b) Any gas appliance or installation pipework, which directly or indirectly serves the relevant premises and which either:
 - Is installed in any part of the premises in which the landlord has an estate or interest:
or
 - Is owned by the Landlord

2. Scope of the Policy

- 2.1 The Gas Safety & Open Flue Appliance Management Policy sets out the roles and responsibilities within the Council as the Landlord for the achievement of gas and solid fuel safety and adherence to statutory responsibilities.
- 2.2 The Landlord is committed to ensure the safety of its tenants, residents and staff who are affected by the gas and solid fuel appliances installed in properties that it owns or manages, where the Landlord has responsibility for the maintenance and servicing of these appliances.
- 2.3 The Landlord will maintain the gas and solid fuel appliances ensuring that an annual safety check is completed ensuring that the appliance is safe to use.
- 2.4 Tenants are responsible for allowing access for the safety check and for reporting immediately any concerns with gas and solid fuel appliances.
- 2.5 Most tenants do allow access for the safety check to be carried out, for the small minority that do not comply, this policy provides a clear framework for escalation ensuring that the Landlord can obtain access to undertake the annual safety check.
- 2.6 As part of the Landlords commitment in maintaining health and safety within all properties the following also form part of this policy :
 - Wood burning stoves are becoming popular as a sustainable way to heat a home. The Landlord will neither install nor support such appliances in its properties. As such, tenants will no longer be given permission to install wood burning stoves or associated opening up of, or alterations to, chimneys in any way. If there are any unauthorised appliances installed, we will progress for their removal where appropriate. Any associated cost to rectify unauthorised installations will be the responsibility of the tenant.
 - Any request from a tenant to install their own gas fire appliance will normally be refused, on the basis that there should be another adequate heat source within the room.
- 2.7 The Landlord is responsible for ensuring that they are aware of all instances where gas and solid fuel appliances are present within their premises. The Landlord is not responsible for the repair and maintenance of tenant's cookers or other temporary installations or portable gas appliances. A visual inspection of any such appliance will be undertaken during the safety check.

3. Legislation

- 3.1 The following is a list of the current legislation that is applicable to this policy:
 - The Gas Safety (Installation and Use) Regulations 1998
 - Health and Safety at Work etc Act 1974
 - Building Regulations (England & Wales) Including Approved Documents G, J and L
 - The Housing Act 1985
 - The Equality Act 2010
 - The Control of Asbestos Regulations 2012
 - Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013.
 - The Management of Health and Safety at Work Regulations 1999.
 - Environmental Protection Act 1990, under Section 79(1)(a).

3.2 The Gas Safety (Installation and Use) Regulations 1988 GSIUR (Regulation 36) requires the Landlord to ensure that the following are maintained in a safe condition :

- Any relevant gas fitting: and
- Any flue which serves any relevant gas fitting, so as to prevent the risk of injury as to any person and in lawful occupation of relevant premises.

Regulation 36 also requires that a Landlord shall ensure that:

- Each appliance, flue and gas fitting is checked for safety within 12 months of being installed and at intervals of not more than 12 months since it was last checked for safety.
 - Safety Checks are carried out by a Gas Safe registered engineer
 - The Landlord shall ensure that in any room occupied or to be occupied as sleeping accommodation by a tenant, there is not fitted a relevant gas fitting or a type of installation which would contravene regulation 30(2) or (3) of these Regulations.
 - The Landlord must retain written annual safety records for at least 2 years
 - The Landlord must provide their tenant with a copy of the written safety record within 28 days of the safety check being completed, or provide a copy of the last record to any new tenant before they occupy the premises.
- 3.3 There currently is no specific legislation for the Solid Fuel Appliance check, however the HSE takes the view that Section 3 (1) of the Health and Safety at Work Act 1974 can be applied.
- It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health or safety.

4. Monitoring Performance

4.1 The Landlord will monitor the programmes for gas and solid fuel installations, servicing and safety inspection in each area to ensure that Landlord's obligations are met.

4.2 An agreed percentage of gas installation servicing and repairs work will be monitored for quality through an appropriately qualified person contracted by the Landlord.

4.3 An audit of administrative procedures will be carried out by nominated staff from the Landlords internal audit team (Governance and Recreation), the report following this audit will be prepared for the Director of Housing & Communities and all other Directors to review.

4.4 Key Performance Indicators (KPI's) should be in place for gas and solid fuel installation servicing and safety inspection contractors. The below is a summary of KPI items which may or could be reported against:

- Number of premises with a current gas and solid fuel safety certificate
- Number of premises where a quality inspection has been carried out and % failing to comply with Gas Regulations or the terms of the contract

- Response times for maintenance
- Appointments kept
- Customer Satisfaction for service and installation
- Number of RIDDOR reports

4.5 Formal quality monitoring systems for monitoring contractors installing gas heating systems are to be in place as part of the agreed capital programme monitoring arrangements.

5. Access Escalation

5.1 Tenants who do not provide access for the annual safety check to be completed in their property will be in breach of the terms of their tenancy agreement. The Landlord will serve tenant(s) with an Abatement Notice in accordance with the Environmental Protection Act 1990, under Section 79(1)(a) to progress with access.

5.2 The Landlord will then apply to the Court for a Warrant to enter the property so the annual check can be undertaken, if necessary by force and the associated costs incurred for this process (court costs and any lock change) will be recharged to the tenant.

5.3 The Council will then seek to raise a rechargeable invoice against the tenant for the costs associated to obtaining access and the warrant court costs. The repayment and recovery of this invoice will then be progressed in accordance to the agreed recovery process.

6. Customer Complaints

6.1 If a tenant is not satisfied with a decision based on the principles and scope of this policy they should raise a complaint through the Council's Corporate Customer Feedback process.

7. Equalities

7.1 This policy and associated procedures will apply to all. Nuneaton and Bedworth Borough Council is committed to promoting equality of opportunity and to eliminating unlawful discrimination on the grounds of race, age, disability, gender, sexual orientation, religion, belief, class, financial status and any other difference that can lead to discrimination or unfair treatment fully considering the principles of the Equality Act 2010.

8. Review Date

8.1 This policy will be reviewed every 3 years or at a time when a change in legislation is identified or received.

