

Gas and Heating Policy

Housing Assets

April 2022

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1 Introduction

- 1.1 Canterbury City Council (hereafter referred to as CCC) is responsible for the maintenance and repairs to its homes and other buildings, 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 in domestic properties and certain commercial premises. The regulations also place a legal duty on landlords to ensure that gas appliances, fittings and flues provided for tenants' use are safe.
- 1.2 CCC is also responsible for maintaining other types of heating systems to ensure that all appliances, fittings and flues provided for tenants' use are safe. These include gas, oil fired, solid fuel and liquid petroleum gas (LPG).

2 Scope

- 2.1 CCC has a duty to maintain a policy which meets the requirements of the Gas Safety (Installation and Use) Regulations 1998 (as amended). In addition to this, the policy will provide assurance to CCC that measures are in place to maintain compliance with these regulations and to identify, manage and/or mitigate risks associated with gas fittings, appliances and flues.
- 2.2 CCC will ensure compliance with gas safety legislation is formally reported to the two Joint Chief Executives, including the details of any non-compliance and planned corrective actions.
- 2.3 The policy is relevant to all CCC employees, tenants, contractors and other persons or other stakeholders who may work on, occupy, visit, or use its premises, or who may be affected by its activities or services.
- 2.4 It will be used by all to ensure they understand the obligations placed upon CCC to maintain a safe environment for tenants and employees within the homes of each tenant, and within all communal areas of buildings and 'other' properties (owned and managed).
- 2.5 The objective of the policy is to set our strategic direction for how CCC will manage gas. Heating and other fuels. The detail on how this will be done is set out in the Procedure for Gas and Heating, which is a separate document.

3 Legislation, Approved Codes of Practice and Industry Guidance

- 3.1 Regulatory Standards - the application of this policy will ensure compliance with the regulatory framework and consumer standards (Home Standard) for social housing in England, which was introduced by the Regulator of Social Housing (RSH).
- 3.2 Legislation - the principal legislation applicable to this policy is 'The Gas Safety (Installation and Use) Regulations 1998 (as amended).

CCC has a legal obligation under Part F, Regulation 36 of the legislation (Duties of Landlords) and is the 'Landlord' for the purposes of the legislation. CCC is the 'Landlord' by virtue of the fact that they own and manage homes and buildings housing tenants/leaseholders through the tenancy, lease and licence agreement obligations it has with the tenants/leaseholders.

3.3 Code of Practice – the principal approved codes of practice applicable to this policy are as follows:

- ACoP L56 - 'Safety in the installation and use of gas systems and appliances' (5th edition 2018)
- INDG285 - 'A guide to landlords' duties: Gas Safety (Installation and Use) Regulations 1998 as amended Approved Code of Practice and Guidance (3rd Edition 2018)

3.4 Sanctions – CCC acknowledges and accepts its responsibilities in accordance with the regulatory standards, legislation and codes of practice and that failure to discharge these responsibilities properly could lead to a range of sanctions including prosecution by the Health and Safety Executive under the Health and Safety at Work etc Act 1974, prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007 and via a serious detriment judgement from the Regulator of Social Housing.

3.5 Tenants and HRA Commercial Leaseholders – CCC will use the legal remedies available within the terms of the tenancy agreement, lease or licence should any tenant refuse access to carry out essential gas safety checks, maintenance and safety related repair works. This will be following a controlled access process.

4 Obligations

4.1 The Gas Safety (Installation and Use) Regulations 1998 (as amended) impose duties on landlords to protect tenants' safety in their homes with respect to gas safety. The main duties as a landlord are set out in Regulation 36 requiring 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;
- 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.

4.2 In addition, landlords must ensure that no gas fitting of a type that would contravene Regulation 30 (e.g. 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.

4.3 These obligations apply to both gas heating and liquid petroleum gas heating systems.

4.4 With regards to all other heating types, although there is no legal requirement for carrying out safety checks, CCC will complete an annual safety check for all properties with these heating types, in exactly the same way as they do for properties with gas and LPG.

5 Statement of Intent

5.1 CCC acknowledges and accepts its responsibilities under the Gas Safety (Installation and Use) Regulations 1998 (as amended).

5.2 CCC holds accurate inspection dates and inspection records against each property it owns or manages electronically.

5.3 CCC will request the internal gas/heating engineers visit all properties on an annual basis to carry out gas and/or heating safety checks, irrespective of whether the property has a gas supply or not (other than those properties not on the gas mains network). Additionally, these properties will be subject to sections 3.5 of this policy irrespective of whether they have a gas supply or not.

5.4 CCC will ensure that each property requiring a gas/heating safety check and/or service will have a landlords' gas safety record (LGSR) or equivalent that has a completion date not more than 12 months following the completion date of the previous LGSR (or equivalent) relating to the property or installation date of new installations.

- 5.5 CCC will ensure that copies of all LGSRs/certification are provided to tenants within 28 days of completion or displayed in a common area where necessary within 28 days of its completion.
- 5.6 CCC will ensure that gas safety checks are carried out on the commencement of any new tenancy (void or new build properties), mutual exchange and/or transfer and that the tenant receives a copy of the LGSR prior to, or immediately after moving in.
- 5.7 CCC will carry out an annual gas safety check to all properties where the gas supply is inactive (capped), where known. This is to ensure that gas supplies have not been reconnected by the tenant, and to ensure continued compliance with the requirements of the Gas Safety (Installation and Use) Regulations 1998 (as amended). Section 3.5 of this policy will apply to these properties.
- 5.8 CCC will ensure that only suitably competent Gas Safe accredited engineers undertake gas or LPG works for the organisation.
- 5.9 CCC will maintain a plan of all continuous improvement activity undertaken with regards to gas/heating safety.
- 5.10 CCC will ensure that all contractors' employee and public liability insurances are up to date on an annual basis.
- 5.11 CCC will ensure contracts/service level agreements are in place with the contractors responsible for delivering the compliance service.
- 5.12 CCC will ensure that all replacements, modifications and installations of gas appliances and heating systems within its properties will comply with all elements of Part J Combustion Appliances and Fuel Storage Systems, of the Building Regulations.

6 Roles and Responsibilities

- 6.1 Overall responsibility for health and safety and the policy within Canterbury City Council lies with the Joint Chief Executives with support from the Service Director, People and Service Director, Place. These four officers make up the Corporate Leadership Team.
- 6.2 Responsibility for ensuring this policy is being carried out lies with the Extended Management Team for all areas under their direct control. The Extended Management Team will ensure an appropriate system of communication is in place whereby all significant accidents, incidents, audits, reviews or other documents relating to the management of the organisation are brought to the attention of the Director of Corporate Services at the earliest opportunity.
- 6.3 CCC's Head of Facilities Management as part of the Extended Management Team will have overall governance responsibility for ensuring the Gas and Heating Policy is fully implemented to ensure full

compliance with the regulatory standards, legislation and approved codes of practice.

- 6.4 CCC's Head of Facilities Management as part of the Extended Management Team will receive regular updates on the implementation of the Gas and Heating Policy and performance along with notification of any non-compliance issue which is identified. This is so they have assurance that the policy is operating effectively in practice.
- 6.5 CCC's Head of Facilities Management will ensure that this policy is saved on the organisations' shared drive/site for corporate health and safety and distributed to all relevant members of staff.
- 6.6 CCC's Lead Compliance and Building Safety Manager has strategic responsibility for the management of gas and heating and for ensuring compliance is achieved and maintained. They will also oversee the implementation of the Gas and Heating Policy and review it every three years (or sooner if there is a change in regulation, legislation or codes of practice). They will notify the Head of Facilities Management and relevant operational officers/team(s) responsible for the delivery of the compliance programme, of the upcoming review. They will ensure that this review process takes place before the policy expiry date.
- 6.7 A combined group will be responsible for overseeing the operational delivery of the agreed gas and heating programme, and the prioritisation and implementation of any works arising from the gas and heating inspections. This group will include Contract Managers, Compliance Officers, Works Delivery Team Leaders, Case Officers and Case Team Leaders.
- 6.8 Various departments under the Joint Chief Executives will provide key support in gaining access into properties where access is proving difficult, and use standard methods to do so. They will also support in facilitating the legal process to gain access as necessary.

7 Additional Legislation, Approved Codes of Practice and Industry Guidance

- 7.1 This gas and heating safety policy also operates in the context of the following legislation:
 - 7.1.1 Health and Safety at Work etc Act 1974
 - 7.1.2 The Management of Health and Safety at Work Regulations 1999
 - 7.1.3 The Workplace (Health, Safety and Welfare) Regulations 1992
 - 7.1.4 Gas Safety (Management) Regulations 1996 (as amended)
 - 7.1.5 The Building Regulations in England and Wales
 - 7.1.6 Dangerous Substances and Explosive Atmospheres Regulations 2002

- 7.1.7 Pressure Equipment Regulations 1999
- 7.1.8 Pressure Systems Safety Regulations 2000
- 7.1.9 Pipelines Safety Regulations 1996
- 7.1.10 Heat Network Regulations 2014
- 7.1.11 Health and Safety (Safety Signs and Signals) Regulations 1996
- 7.1.12 Provision and Use of Work Equipment Regulations 1998
- 7.1.13 Construction (Design and Management) Regulations 2015
- 7.1.14 Landlord and Tenant Act 1985
- 7.1.15 Data Protection Act 2018
- 7.1.16 Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013
- 7.1.17 Homes (Fitness for Human Habitation) Act 2018
- 7.1.18 Building Safety Act 2022

8 Approval

8.1 Signature

8.2	Name	Marie Royle
8.3	Position	Service Director
8.4	Date Signed	23rd April 2025

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