

# Gas Safety and Heating Policy



**Last Review**

**July 2024**

**Next Review**

**June 2026**

## Contents

Relevant Legislation .....	2
1.0 Purpose of the Policy .....	3
2.0 Scope of Policy .....	3
3.0 Definitions .....	4
4.0 Consultation .....	4
5.0 Background and Context .....	5
6.0 Policy Detail .....	6
Annual Gas Safety Checks .....	6
Access Procedure .....	6
Gas Supply Capping Off .....	7
Unsafe Installations .....	7
Tenants Own Appliances .....	8
<i>Smoke, Heat and CO Alarms</i> .....	8
Safety Checks to Non-Gas Heating Systems .....	8
Gas Fires .....	8
Voids .....	9
Heating and Hot Water System Repairs .....	9
Target Response and Fix Times .....	9
Temporary Heaters .....	11
Replacement Heating System .....	12
Certification & Documentation .....	12
Asset Data & Reconciliation .....	12
Contractor Competence, Quality Control and Performance .....	12
7.0 Responsibility under this Policy .....	13
8.0 Risk Management .....	14
9.0 Performance and Management of this Policy .....	14
10.0 Approval .....	15
Appendices .....	16
Access Procedure .....	16

<p><b>Relevant Legislation</b></p>	<ul style="list-style-type: none"> <li>• The Management of Health and Safety at Work Regulations 2006.</li> <li>• Health and Safety at Work Act 1974.</li> <li>• Housing Act 2004.</li> <li>• Housing Health and Safety Rating System (HHSRS).</li> <li>• The Gas Safety (Installation and Use) Regulations 1998.</li> <li>• HETAS Guidance.</li> <li>• Oil Firing Technical Association (OFTEC) Guidance.</li> <li>• The Pressure Systems Safety Regulations 2000 (PSSR).</li> <li>• Social Housing Act 2023</li> <li>• Regulator of Social Housing - Consumer Standards April 2024</li> <li>• The Gas Industry Unsafe Situations Procedure (GIUSP)</li> </ul>
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## **1.0 Purpose of the Policy**

This policy details CCDC's approach to ensuring that all gas installations and heating systems are appropriately maintained and remain safe for use.

The policy establishes the actions CCDC will take to ensure all gas systems, including gas fittings, appliances and flues are appropriately maintained in line with its Landlord obligations under the Gas Safety (Installation and Use) Regulations 1998 (the Gas Regulations). It also details the actions that are taken to ensure that non-gas heating appliances are maintained in line with relevant codes of practice and good practice guidance.

CCDC recognises that as a Landlord it has heating repairing obligations. This policy sets out what CCDC will do to ensure heating system faults are responded to and dealt with appropriately.

The policy aims to demonstrate that CCDC is fulfilling its duties under the Gas Regulations, has measures in place to manage the risks associated with gas installations and that through appropriate heating system maintenance CCDC is providing a comfortable environment for residents and colleagues to live and/or work.

## **2.0 Scope of Policy**

This policy relates to all gas and non-gas heating systems, appliances, and pipework that CCDC has a maintenance and repair responsibility for, including all residential buildings and communal areas of residential and commercial properties that CCDC hold as assets under the Housing Revenue Account and has a defined maintenance and repair responsibility for. For clarity all properties include those held in the HRA now and in the future including residential dwellings, common areas of houses of multiple occupation, specialised housing such as sheltered, retirement living, supported housing, offices, and shop premises.

The policy does not apply to appliances owned by tenants (e.g., cookers) as CCDC has no responsibility for those appliances.

Where buildings and properties are managed by third parties or are let under leases (e.g., CCDC office accommodation, Agency Managed Supported Schemes, commercial property including shops) the heating systems will fall under the scope of this policy so far as the CCDC statutory responsibilities detailed in the terms of the management and lease agreements.

### **3.0 Definitions**

Landlords Gas Safety Record (LGSR) – a certificate issued by a Gas Safe engineer as a record of their inspection of a gas installation. These are issued for gas installation in domestic properties only.

Commercial Gas Installation Safety Record - a certificate issued by a Gas Safe engineer as a record of their inspection of a gas installation. These are issued for commercial gas installation (e.g., district heating boiler, catering equipment).

Gas Industry Unsafe Situations Procedure (GIUSP) – this is the gas industry-agreed document which classifies unsafe gas fittings. The procedure indicates different categories of danger for defective fittings and provides guidance for the repair, making safe or disconnection of defective fittings.

Gas Safe Register - the official gas registration body for the UK. To carry out gas works legally in the UK businesses and engineers must be on the Gas Safe Register.

Nationally Accredited Certification Scheme (ACS) – The ACS Scheme is the industry recognised and accepted route for gas engineers to gain a certificate of competence, needed to become a member of the Gas Safe Register.

### **4.0 Consultation**

Consultation has taken place with the following. Their feedback has been considered and the policy update:

- Resident Engagement Focus Group
- Senior Gas Officer and gas compliance team
- Tenancy Service Manager, Chief internal Auditor & Risk Manager, Housing Maintenance Manager
- Senior Leadership Team
- External Consultants

The Equality and Diversity Impact Assessment has been undertaken and shared as part of the consultation process.

## 5.0 Background and Context

Gas is a convenient and effective fuel used for space heating, cooking, and other applications. If gas fittings, appliances and flues are however not properly installed or maintained they can pose health and safety risks, including carbon monoxide poisoning, fire, and explosion.

CCDC duties for ensuring that all gas installations and heating systems are appropriately maintained and remain safe for continued use can broadly be considered to be:

- To manage the risk from gas, Regulation 36 of the Gas Regulations places a requirement on CCDC as a Landlord to carry out an Annual Gas Safety Check (AGSC) on all gas systems, gas fittings, appliances, and flues that they have a maintenance and repair responsibility for. There must be robust processes in place to ensure a full and accurate record of all gas installations requiring an AGSC and they must be carried out no later than 12 months after the previous check.
- Where completion of the AGSC requires access to a resident's home, CCDC formal access procedure is to be followed to gain access, evidencing that all reasonable and practical steps have been made to complete the test.
- Upon completion of an AGSC the Gas Safe engineer will produce an LGSR or a Commercial Gas Safety Record as evidence of their inspection of the gas installation. These records should be retained and where applicable shared with the resident.
- In the event of the Gas Engineer being unable to fully complete the AGSC they should take all necessary steps to ensure the gas installation is left safe. If any part of the installation is found to be unsafe the Gas Engineer should take action in line with the Gas Industry Unsafe Situations Procedure (GIUSP).
- In some instances, on a AGSC it may also be necessary to turn off (cap) the gas supply, e.g., if there is insufficient gas credit on the meter to the property and/or the full gas installation cannot be accessed. This is done to ensure that the gas installation cannot be used until tested for safety.
- The AGSC must only include those gas appliances CCDC has a maintenance and repair responsibility for. It is however considered good practice to as a minimum to carry out a visual risk assessment on tenants' own gas cookers and other appliances and record findings in relation to those appliances.
- In addition to the AGSC, CCDC should have processes in place to manage the risk of a gas leak or explosion in empty properties and to also ensure the gas installation is checked for safety when a new tenant moves into a property. This is most commonly done through a "Gas Cap Off" (empty property) and a "Turn on and Test" (new tenant) process.
- Some other non-gas heating systems may also require periodic servicing/safety checks, (e.g., Solid Fuel and Oil Fuel). These should be carried out in line with relevant industry guidance, e.g., HETAS guidance for solid fuel appliances.
- CCDC has an obligation to ensure that any reported faults or failures of a heating system are attended to and rectified in a timely manner. There should be defined time periods for attendance, and these should be determined by the severity/impact of the fault or failure and the circumstances of the resident. In instances where heating cannot be restored alternatives should be offered (e.g., a fan heater).

- Gas works must only be undertaken by appropriately qualified Gas Safe Registered engineers. To be Gas Safe registered engineers must have completed as a minimum an ACS core assessment. To work on certain type of gas installations further ACS assessments are required, e.g., fires, cookers, commercial heating, and catering. Landlords should ensure they have processes in place to verify that only appropriately qualified Gas Safe engineers and businesses are carrying out works to their properties. This should be supported by a framework of ongoing quality assurance and performance management arrangements.

## **6.0 Policy Detail**

The following section details the actions taken and measures that are in place to ensure CCDC appropriately carries out safety checks and repairs to all heating systems.

These actions and measures demonstrate CCDCs commitment to ensuring a safe environment within which our residents can live and within which our staff can work, as well as satisfying our regulatory obligations.

The Gas Safety & Heating Policy will be supported by a Gas Safety & Heating Procedure.

### **Annual Gas Safety Checks**

#### **Access Procedure**

CCDC will operate a Domestic Annual Gas Safety Checks (AGSC) programme that commences at the 10-month anniversary date of the most current LGSR to ensure that sufficient time is available to gain access to properties before the expiration of the existing LGSR.

Access to properties will be managed in line with a documented access procedure as set out in appendix 1. The aim of which is to ensure that most properties are accessed within no more than 3 attempts/before we reach 30 days until expiry. The procedure will allow sufficient flexibility to accommodate resident requests and circumstances. There will be instances where access is not gained within 3 attempts/ before 30 days until expiry, if after further Housing Management intervention access is still not gained, it may be necessary to take more formal action to gain access/make safe the gas. This may include:

- Application to the Magistrates Court for an injunction for access.
- Access to the property carried out under clause 3.33 of the tenancy agreement.
- Capping the gas supply at the external meter.

The above should only be considered once all other attempts and options have been exhausted. In all cases approval to proceed with any of the above must be obtained by the Assistant Manager Compliance and in their absence Assistant Manager Assets or senior line management in the Housing Property Services or Maintenance Service. This request for approval will be supported by a full chronology of all access attempts and a declaration of any known resident vulnerabilities have been considered in line with the Council's Vulnerability Policy and Anti-Social Behaviour Policy (available on the Council's Website). Residents will be notified in writing before the above action is enacted.

In those cases where the gas supply is capped at the external meter, the compliance team, through the contractor or tenancy management Officers as appropriate will ensure details are left to explain to the tenant the action to be taken to get the meter uncapped and will also make every effort to leave an electric fan heater. Follow up action will also be taken – see “Gas Supply Capping Off”.

In order to ensure the AGSC is completed in time, Access is generally gained via enforcement of the Tenancy Agreement. The issuing of Tenancy Breach notices has a proven track record of encouraging tenancy engagement without the need to utilise injunctions.

Capping the external meter is used as last resort. This method is only used where it is believed a property has been abandoned or there is reason to believe the gas installation may be unsafe.

Injunctions are used in very rare cases. Due to the court waiting times, costs, and potential impact on vulnerable tenants, injunctions are only used in extreme cases. Where there is a particular tenant that proves allusive year on year, the injunction application may be pursued so that the Injunction can be used if there are access issues in subsequent years.

For those buildings that require an AGSC to a commercial gas installation (e.g., district heating boiler, shop premises) and where access is not required to individual properties, orders will be issued to the contractor, allowing sufficient time for the completion of the AGSC ahead of the certificate expiry date, with support from the Compliance Team, on-site staff and in the case of shops/ commercial property the Corporate Property Team to ensure access is gained to all necessary areas.

### **Gas Supply Capping Off**

There will be instances where access is gained to a property however the AGSC cannot be completed. The most common reason for this is that there is no or insufficient gas and/or electric credit available to carry out the safety check.

In these instances, the engineer will be required to turn off the emergency control gas valve and cap the gas supply on the Landlord's side of the meter. This is necessary to ensure that the gas installation is left in a safe condition and cannot be used until the AGSC has been completed. The engineer will note on the LGSR that the supply has been "capped off. The engineer will ensure the resident is offered 1 or more electric fan heaters.

CCDC processes will be in place to ensure an up-to-date record is maintained of all properties that have been "capped off" (including those capped at the external meter following access issues). The Compliance Team working with the Tenancy Services Team will actively contact all affected residents and offer all necessary support to assist the resident in getting the gas supply restored and the AGSC completed. Regular progress updates will be provided to the Head of Housing & Corporate Assets, Housing & Property Services Manager and Assistant Manager Compliance.

### **Unsafe Installations**

During the AGSC the engineer may identify gas appliances and/or installation which are defective. The engineer will take action in line Gas Industry Unsafe Situations Procedure (GIUSP), with the appliance/installation falling into one of two types of unsafe categories:

- Immediately Dangerous
- At Risk

In some instances, if the fault is a risk to life or property, the engineer may be required to turn off an appliance at the user control to prevent harm. Should the resident refuse the engineer permission to disconnect the installation or appliance the engineer will be required to report the situation to the gas network provider, Cadent. Cadent have legal powers of entry to make the situation safe and are also able to disconnect the gas supply to the property.

## **Tenants Own Appliances**

Under the Gas Regulations CCDC has no responsibility or obligation for the safety, replacement, or repair of tenants' own gas appliance.

As a duty of care however, as part of the AGSC a visual safety check will be performed on any tenants' own gas appliance, most notably gas cookers. Any defects identified will be managed as an Unsafe Installation, as detailed above.

Where a tenant has their own solid fuel appliance that is connected to the chimney of the property, CCDC will undertake a service to ensure that the chimney is compliant.

## **Smoke, Heat and CO Alarms**

CCDC will, at the same time as the undertaking of the AGSC, ensure that a check is made of any installed Smoke, Heat and Carbon Monoxide (CO) alarms. The gas engineer will test that each appliance is sounding and working in line with manufacturer's instructions and industry best practise.

The engineer will replace any existing defective alarms with a battery-operated replacement as a temporary measure, remedial jobs will be raised for any faulty hard-wired alarms to be replaced.

In line with expected amendments to the Smoke and Carbon Monoxide Alarm (England) Regulations 2015, as amended by The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022, CCDC is working to ensure all properties have an installed smoke alarm and where there are fixed gas appliances a CO alarm in accordance with the Regulations.

## **Safety Checks to Non-Gas Heating Systems**

CCDC has 24 solid fuel and 137 properties with electric heating these are the non-gas heating systems in the stock. Landlords are guided towards carrying out certain safety and/or operational checks for non-gas heating systems. These systems include Solid Fuel, Oil Fuel, Biomass, Air & Ground Source, Mechanical Ventilation Heat Recovery and Solar Thermal.

Where these systems exist CCDC will carry out safety and/or operational checks in line with industry guidance documents, manufacturer's instructions, and best practice advice.

For example, for properties containing a Solid Fuel burning installations/appliances, CCDC will arrange for a HEATAS qualified engineer to sweep and carry out the relevant safety checks to the chimney that serves the appliance and, where appropriate, on the appliance itself on a 6-monthly basis.

Air & Ground Source Heat Pumps and Solar Thermal manufacture instructions recommend an annual service and clean of the equipment and a check/replenishment of Glycol levels.

## **Gas Fires**

CCDC aims to proactively reduce the number of open flued gas appliances within its portfolio to mitigate the possible production of Carbon Monoxide fumes within our residents' homes. As such, CCDC will cap off the supply and remove gas fires from all void (empty) properties during the void process.

CCDC will also not permit the installation of a gas fire within its properties. Any resident requests to install a gas fire will be denied other than those instances where any such appliance is required under proven medical grounds.



## **Voids**

CCDC will ensure that at tenancy turnover/voids any live gas supply is “capped off” within 48 hours of the keys being received from outgoing tenant. During the engineers visit they will turn off the gas supply at the meter (either external or internal), label the meter to state that this is now ‘capped’ and physically fit a security cap on the gas meter. They will also inspect the property and complete an LGSR, clearly noting down any faults found and that the gas supply to the property has been capped.

During the winter months to minimise the risk of damage from burst frozen pipes, the cap off visit may also include isolating the water supply to the property and draining of all water from the system. Voids for over 30 days will have the water supply isolating and water systems drained to meet insurance requirements.

During the void works any gas cooker bayonet fittings or gas fires installed by a previous resident will be removed and capped before re-letting.

New tenants moving in will be advised to make arrangements with an energy supplier and to then contact the Repairs Service to arrange a “Turn on and Test”, i.e., to have the gas supply turned back on and an AGSC completed. This will be carried out within 48 Hours of the resident request being made and an LGSR produced.

## **Heating and Hot Water System Repairs**

### **Target Response and Fix Times**

CCDC have an obligation as a Landlord to ensure that any reported faults or failures of a heating system are attended to and rectified in a timely manner.

A job will be raised for all reported faults or failures and allocated to the appropriate heating contractor. The contractor will be advised of the Target Response Time and the Target Fix Time. These will be determined by the nature of the fault, the impact, and the vulnerability of the resident, as detailed below.

**Priority G1: Response within 1 hour - uncontrolled** gas escapes / fumes / CO detector activation – (not to be used for water leaks)

**Priority G2: Response within 2 hours - controlled** gas escapes / fumes / CO detector activation – (not to be used for water leaks)

**Priority G3: Response within 4 hours** - any other emergency e.g. water leak –

Note: If it is determined that a water leak is of an urgent nature, response will be as soon as is reasonably practicable and will take precedence over less urgent repairs.

**Priority G4: Response same day** - urgent repair – includes –

- (a) Total failure of central heating system.
- (b) Failure of only form of heat in living room – for vulnerable tenants.
- (c) Boiler/central heating overheating / banging.
- (d) Water excessively hot.

Note: For jobs received after 4.00pm, the contractor will contact the tenant(s) concerned to ascertain if attendance the following day will be acceptable; tenants must be offered temporary heating facilities.

**Priority G5: Response next working day** - specified repair – includes –

- (a) No hot water.
- (b) Overflow running.
- (c) Breakdowns for installations under warranty.
- (d) Void checks and abandoned properties / spin cap incoming gas supply.
- (e) New tenancy - 2<sup>nd</sup> gas checks

**Priority G6: Response within 3 working days** - any other repair – includes –

- (a) Gas fire faulty – if radiator fitted in same room.
- (b) One cold radiator.
- (c) Heating & hot water only on together.
- (d) Remove / refit radiator for other trades.
- (e) Faulty time clock/room stat – if heating / hot water still working.
- (f) Check consumption – high gas bills.
- (g) Lost item behind fire – unless safety may be compromised.
- (h) Mutual exchange checks.
- (i) Batten wall and refit radiator.

**Priority G7: To be completed within 10 working days** unless agreed otherwise –  
programmed work.

**Priority G8: Servicing only**

Note: If a tenant reports a breakdown and requests attendance outside the Priorities, the works order should be issued with the priority that matches the timescale

e.g. Total failure is normally Priority G4 – tenant will not be available until next working day – priority should be G5.

Staff raising reports of faults or failure will have guidance to refer to in order to make an informed decision and judgment as to the required response and fix time. This will include specific guidance on the action required should a resident report concerns of a smell/leak of gas and/or CO alarm activation/symptoms.

The Compliance Team will have processes in place to monitor that contractors are adhering to Target Response and Fix Times, with action taken to address service failures.

**Temporary Heaters**

Some faults may mean that it is not possible to restore the heating on the initial visit, e.g., if parts are required. In these instances, the gas engineer will ensure the resident is offered 1 or more electric fan heaters. Compensation for the inconvenience and possible increased utility costs for the use of these heaters will be offered to residents in line with the CCDC Compensation Policy and current Central Heating Installations and Servicing contract.

## **Replacement Heating System**

Planned replacement of heating systems will form part of the Planned Investment Programme, to ensure where possible heating systems are proactively replaced and upgraded before they go beyond economic repair and start to suffer high rates of failure. Programmes will be determined based upon Age, stock condition survey information held within CCDC data base, supported by repairs data, servicing feedback and suggestions from the Compliance Team (e.g., appliances with obsolete parts).

It is however recognised that outside of any planned replacement programme there will be instances where a heating appliance fails and cannot be repaired. CCDC will ensure that there are processes in place to accommodate urgent reactive component replacements.

## **Certification & Documentation**

Upon completion of an AGSC the contractor will provide a copy of the relevant certification to CCDC, i.e., the LGSR or Commercial Gas Service Record. LGSRs will also be sent to the resident within 28 days of the AGSC being undertaken.

All AGSC certification will be saved against the property/building within the NEC, ICT Housing Management System.

## **Asset Data & Reconciliation**

CCDC will hold and maintain accurate records against each property and scheme, details of the heating system, the requirements for servicing along with the associated due and completion dates. This will be held with the NEC and ICT Housing Management System.

Processes will be in place to ensure records are updated to reflect any property divestments, acquisitions (including new builds) and any changes to maintenance and repair responsibility.

In addition, on an annual basis a full property reconciliation will be carried out. This will reconcile the information within the ICT Housing Management System against the rent roll or other compliance data to ensure all applicable building and properties remain captured in the relevant servicing schedule.

As part of this reconciliation process CCDC will work toward ensuring that where the responsibility for the safety checks falls to a third party (e.g., CCDC office accommodation, Agency Managed Supported Schemes, commercial property including shops) action is taken to ensure evidence is obtained that all necessary safety checks have been undertaken.

In addition, it is the intention that to provide assurance that all properties with a gas supply are included within the AGSC programme, all properties identified as not having a current gas supply will be subject to review, which is likely to include a physical property inspection.

## **Contractor Competence, Quality Control and Performance**

CCDC must be able to satisfy themselves that all those carrying out gas works within its buildings and properties are competent to do so, specifically they must ensure that all businesses and engineers carrying out Gas works are Gas Safe Registered. In addition, it must be ensured that those individual engineers carrying out works hold the appropriate qualifications (i.e., ACS assessments) for the specific types of gas works they are undertaking.

The Compliance Team will maintain a register of all Gas businesses and engineers carrying out works for CCDC. This will include the specific qualifications of the engineers and the expiration date. Processes will be in place to ensure that the register is kept up to date, e.g., new engineers are added, and that evidenced is obtained of renewed qualifications.

The performance of gas and heating contractors will be managed by the Assistant Manager Compliance, supported by the compliance and assets team, and aided by a suite of KPIs reported in accordance with governance requirements. Regular Operational Meetings will be held with contractors within which performance is discussed and documented, with procedures in place to take more formal action in accordance with the contracts for service to address performance issues if required.

All LGSRs are checked/validated by CCDC's Senior Gas Officer to verify that all fields have been completed and completed with valid data. The checking system output will provide confirmation on if each LGSR has Passed or Failed, allowing corrective action to be taken if necessary. A desktop audit is carried out of all Commercial Gas Service Records by the Senior Gas Officer.

To support performance management and to provide assurance on the quality and safety of work CCDC will employ an Independent Third Party to carry out on-site independent post works, servicing, and installation inspections including validation of AGCS certification as well as 'Work in Progress' (WIP) on site audits. Residents will be made aware that they may be contacted to request access for an audit. Independent Third-Party assessors provide technical and corrective advice as well as reporting and trend analysis to CCDC regarding the performance of the engineers.

CCDC commission as a standard a 3% assurance check. These levels may fluctuate depending on the results provided and it is proposed subject to funding and procurement to increase to 10% assurance checks and could be higher if the factual evidence points towards a lack of reputable workmanship undertaken by the contractor's engineers.

## 7.0 Responsibility under this Policy

The roles and responsibilities for key stakeholders across CCDC are detailed below.

Note - these are the roles and responsibilities in specific relation to the delivery of this policy only The Gas Safety & Heating Procedure will provide further details on the roles and responsibilities of all staff with day-to-day responsibility for Gas safety.

- **Chief Executive** has overall responsibility for ensuring the Council's Housing Stock is safely managed. They will discharge their responsibilities for the delivery of services and Health and Safety Duties to the Deputy Chief Executive, Place and Head of Housing & Corporate Assets however the Chief Executive will retain an oversight on progress/performance.
- **Housing Board Members** will review reports and/or performance indicators that provide progress updates to the Council's Cabinet to ensure that CCDC is meeting the requirements of its regulatory obligations and the policy measures.
- **Deputy Chief Executive, Place and Head of Housing & Corporate Assets** will be responsible and accountable for the overall implementation and regular reviews of this policy ensuring its objectives are achieved. They will ensure adherence to the gas procedure ensuring timely action is taken to secure access to properties and approve requests to take forced measures to gain access/make safe the gas supply. They will maintain an oversight of those properties with a capped gas supply and seek assurances from the Assistant Manager Compliance that appropriate action is being taken to support affected residents. They will ensure that any compliance and/or Health & Safety related issues are brought to the attention of the Council's Cabinet and provide regular updates on service delivery against budget to the Housing Board, and the Chief Executive.

- **Housing Property Services Manager** will work closely with the Assistant Manager Compliance to ensure that regulatory obligations and policy measures are being adhered to and services delivered in line with budget. They will carry out quarterly strategic performance reviews of contractors to ensure compliance with their contractual obligations.
- **Assistant Manager Compliance** will be responsible for the overall implementation, and regular review, of this policy and ensuring its objectives are achieved. They are also responsible for compliance performance reporting to the Housing & Property Services Manager. They will manage the compliance Officers and team members responsible for the day-to-day operational delivery of all gas and heating related servicing and maintenance.
- **Tenancy Service Manager** will ensure Housing Management staff's adherence to the access procedure, ensuring appropriate and timely action is taken to secure access to properties, ultimately maximising the number of properties accessed ahead of the LGSR expiry date.
- **Compliance Officers as appropriately** will be responsible for the day-to-day operational delivery of all gas and heating related servicing and maintenance. They will effectively manage the performance of the service delivery contractors, including their ongoing competence, and proactively monitor service delivery against targets. They will be responsible for monitoring the quality of work undertaken by the contractor and ensuring all servicing certification is received and verified. They will act as the organisations technical lead for gas safety and heating systems, ensuring that CCDC continue to work in line with the most up to date regulations and industry guidance.

## 8.0 Risk Management

The risks of not following this policy are that CCDC will not comply with industry guidance and will fail to appropriately maintain heating installations, leading to a potentially detrimental impact on the safety of residents and staff. This may result in:

- Prosecution by the Health and Safety Executive under Health and Safety at Work Act 1974.
- Prosecution under the Gas Safety (Installation and Use) Regulations 1998.
- Prosecution by the Local Authority under the Housing Act 2004.
- Prosecution under Corporate Manslaughter and Corporate Homicide Act 2007.
- Reputational damage.
- Loss of confidence by stakeholders in the organisation.
- Regulator of Social Housing - acting in accordance with Consumer Standards April 2024 and Social Housing Act 2023

## 9.0 Performance and Management of this Policy

The completion of LGSR's in line with their due date forms part of the compliance reporting. This is reported to the Housing Board through to Cabinet in accordance with governance requirements.

The compliance report specifically includes progress on the servicing programme and is presented monthly to the Head of Housing & Corporate Assets and Housing & Property Services Manager as part of the KPI performance information.

## 10.0 Approval

Strategic Lead:

Sign/Date

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Chair of Cabinet

Sign/Date

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Cabinet Member

Sign/Date

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DRAFT

## **Appendices**

### **Access Procedure**

#### **General**

The Gas service / safety check programme is carried out on a 10-month cycle.

If access is gained at any point during the access procedure the Contractor will carry out a full service / safety-check to the relevant manufacturer's recommendations of all appliances within the dwelling (with the exception of the Tenants own appliances most notably gas cookers which are the subject of a visual inspection only), any defects identified will be managed as Unsafe Installations in line with the Gas Policy. The engineer will complete a Landlord's Gas Safety Record (LGSR) that will be signed by the engineer and the tenant. A copy of the LGSR will be provided by post or other means to the tenant within 28 days of the service being completed.

When access cannot be gained, the engineer will try to contact the tenant by phone whilst they are outside the property.

The Compliance Support Officer will generate and send a weekly 'set to expire report' to the Housing Assistant in the Tenancy Services Team. The report outlines all properties that are set to expire within the next 2 months of the day the report is generated, the date the gas certificate expires, the number of no accesses, the date of the next appointment and any notes. The Housing Assistant will be asked to provide/confirm any key information regarding the tenant's contact details / next of kin / abilities / disabilities / support needs and / or any other issues Which may not be accessible to the Compliance Team on the NEC, ICT Housing Management System.

The Compliance Support Officer will check how access was gained to the property previously, taking into account the day and time access was gained, any notes on how access was gained such as avoid school runs and any vulnerabilities the tenant may have. Any details that can assist in gaining access will be shared with the contractor and tenancy services.

Attempts by the Compliance Support Officer to contact the tenant will include phone calls, text messaging and emails as well as appointment letters. All actions taken by the Compliance Support Officer will be recorded on the Gas Service Schedule.

Where access is proving to be difficult additional measures may be used based on evidence gathered throughout the no access process. These measures may include taping over the door lock and returning another day to check the tape is still in place and/or taping a warning sign to the door to notify the tenant the gas service is due. Photographs will be taken of any additional measure used and saved for evidence. This should be monitored by Housing Property Services (HPS) and confirm if the property has been accessed. If there is no evidence of a tenant living in the property then Neighbourhood Team should be contacted.

The Housing Assistant will provide regular updates on progress they have made with all of the properties that have less than 60 days until expiry.

Where Tenancy Services have commenced a procedure such as the Abandonment Procedure or Notice of Seeking Possession procedure, the procedure will be followed through accordingly.



### **Between 70 – 60 days until the expiry date of the LGSR**

The tenant will be sent an appointment letter or other agreed format generated by the contractor; the appointment will be generated by the contractor and the letter will be sent out to the tenant giving at least 5 working days notice of the intended service date. The letter will contain a contact name and telephone number should the tenant need to change the appointment.

The contractor will try to contact the tenant by phone to confirm the appointment. If the tenant cannot be contacted by phone, the contractor will assume the generated appointment is agreeable and attend the property.

### **56 – 49 days until the expiry date of the LGSR**

If access visits are unsuccessful the engineer will leave a calling card indicating the next appointment date and stating if the appointment will be an AM or PM call. Appointments will usually take place the following week from the previous visit. The calling card will contain contact details for the tenant to use should the appointment be inconvenient. The new appointment will be for a different day of the week and if last appointment is AM the new appointment will be PM and vice versa. The No access date will be logged on the Councils system.

The Compliance Support Officer will use the daily no access report and try to contact all tenants to make/ confirm the next appointment. If contact cannot be made the Compliance Support Officer will send a letter 1 by post that is signed by the Assistant Housing Property Services Manager. Letter 1 will contain the date from the engineer's card for the next service appointment and contact details should the appointment be inconvenient.

The Housing Assistant will check the weekly report for any properties where there may be an issue that could prevent access such as a vulnerability or Anti-social behaviour issues.

### **49 – 35 days**

The Contractor will attempt an additional visit on a planned date and if access is not gained a calling card will be left stating the next appointment date within 10 working days. The Senior Gas Officer may put tape over the barrel of the lock and take a photograph for evidence if it is felt the property may be abandoned.

The Council's Compliance Support Officer will continue to use the daily no access report and try to contact the tenants to make/ confirm the next appointment. If contact cannot be made the Compliance Support Officer will send a letter 2 by post that is signed by the Assistant Housing Property Services Manager. Letter 2 will contain the date from the engineer's card for an additional gas service appointment and contact details should the appointment be inconvenient. The letter states that the Council will take appropriate legal action where necessary to gain access to the property. The new appointment will be for a different day of the week and if the last appointment was AM the new appointment will be PM and vice versa. The No access date will be logged on the councils system.

The weekly report sent to the Housing Assistant will highlight all properties where the LGSR will expire within 60 days; the Housing Assistant with HPS will decide the best course of action to take on a case by case basis. At this point they will try to contact the tenant and if they make contact they will arrange a new/confirm the existing appointment. If contact cannot be made, they will investigate further starting by attending the property to check if they feel it is abandoned. As a minimum the housing assistant/HPS will use non legal tools to gain access but could choose to commence more formal legal proceedings such as, applying for a warrant of entry in the Magistrates Court or Abandonment notice if it is deemed necessary.

A warning Tenancy Breach letter will be served by 37 days remaining to allow scope for any relevant notices to follow. The warning Tenancy Breach letter will be hand delivered by either the Senior Gas Officer or the Compliance Support Officer, A picture of the letter being posted will be taken and the Council's system will be updated confirming that the Breach letter has been served.

A decision on what legal action will be taken must be made at 30 days remaining at the latest so that any letters and notice periods can be served within time of the expiry of the gas certificate.

### **35 – 28 days**

If access is still not gained, the Council's Compliance Support Officer will continue to use the daily no access report and will try to contact the tenants to make an appointment. If contact cannot be made they will liaise with tenancy services regarding progress on legal action. The No access dates and contacts will be logged on the Council's system.

Tenancy services/ HPS will await a response from the notice of action to be taken at the 49 -35 days part of the process above, and where the tenant makes contact with Tenancy services following a notice, the member of tenancy services that takes the call will arrange an appointment for the earliest possible date the tenant can agree to.

### **28 - 14 days**

If access is still not gained, the Compliance Support Officer will continue to use the daily no access report and will try to contact the tenants to make an appointment. If contact cannot be made, they will liaise with tenancy services regarding progress on legal action any No access date or contacts will be logged on the council's system.

If after 7 days, access has still not been gained, the Compliance Support Officer will request a generated appointment from the contractor and issue a Letter 3. Letter 3 will contain the generated date for the next gas service appointment and contact details should the appointment be inconvenient and state that the Council will begin legal proceedings, detailing whichever course of action Tenancy services/HPS have decided will be stated. The proceedings may include applying for a warrant of entry in the Magistrates Court, utilising powers granted under the Environmental Protection Act 1990 (the "1990 Act"). Section 2 of Schedule 3 of the 1990 Act provides a power to grant a warrant of entry to a local authority for ascertaining whether there exists a statutory nuisance and taking any action or executing any work to abate it. The argument advanced in the case of an outstanding gas service for example, is that a faulty gas appliance may leak, resulting in a situation prejudicial to health, which would amount to a statutory nuisance.

The new appointment will be for a different day of the week and if the last appointment was AM the new appointment will be PM and vice versa.

Tenancy services/HPS will continue with the relevant legal process they have commenced. Where the tenant makes contact with tenancy services as part of the process the member of tenancy services that takes the call will arrange an appointment for the earliest possible date the tenant can agree to.

### **14 - 7 days**

If access is still not gained the Compliance Support Officer will make final attempts to contact the tenant by phone and email where possible. If contact cannot be made the Senior Gas officer will ask the contractor to attend out of hours (an evening before 17:30 or a Saturday between 08:00 – 13:00). If access is still not gained the Senior Gas Officer will seek authority in line with the Gas Policy to instruct the contractor to cap the gas meter. This will be no more than a week prior to the expiry date to ensure the tenants safety and the safety of the neighbouring properties and tenants.

Tenancy services/HPS will continue the relevant legal process they have started and where necessary hand deliver the relevant notice to confirm that access will be gained into the property and on what date and time it will be gained.

### **On the expiry date of LGSR**

If by the expiry date of the LGSR access has still not been gained, the contractor will make a final attempt at gaining access.

If the final attempt at access is unsuccessful then tenancy services will see through the legal process they have commenced. The Senior Gas Officer will provide all evidence required for any legal case.

In the case of proceeding relating to an abandoned property, once legal proceedings are finalised tenancy services/HPS will take back possession of the property. They will arrange for the front door lock to the property to be replaced, giving the contractor access to the property so the contractor can either carry out the safety checks or if there is no gas on at the meter the gas meter will be capped off to ensure the safety of the property, potential inhabitants and the adjoining properties. The Senior Gas officer and either the Housing Assistant or the Neighbourhood Officer will be in attendance. The front door lock will be changed, and a notice left on the front door detailing who the tenant (prior to the completion of the possession proceedings being secured) needs to contact relating to the property.