

Gas and Heating Compliance Policy

2025-2028

Equalities Statement

Bolsover District Council is committed to equalities as an employer and when delivering the services it provides to all sections of the community.

The Council believes that no person should be treated unfairly and is committed to eliminating all forms of discrimination, advancing equality and fostering good relations between all groups in society.

Access for All statement

You can request this document or information in another format such as large print or **language** or contact us by:

- **Phone:** [01246 242424](tel:01246242424)
- **Email:** enquiries@bolsover.gov.uk
- **BSL Video Call:** A three-way video call with us and a BSL interpreter. It is free to call Bolsover District Council with Sign Solutions, you just need WiFi or mobile data to make the video call, or call into one of our Contact Centres.
- Call with [Relay UK](#) - a free phone service provided by BT for anyone who has difficulty hearing or speaking. It's a way to have a real-time conversation with us by text.
- **Visiting** one of our [offices](#) at Clowne, Bolsover, Shirebrook and South Normanton

CONTROL SHEET FOR Gas and Heating Compliance Policy

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1. Introduction

Bolsover District Council is responsible for the maintenance and repairs to its homes, communal blocks, and other properties they own and manage 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 to ensure they remain safe.

The Council is also responsible for maintaining other types of heating systems to ensure that all heating appliances provided for residents are safe. These include ground source heat pumps/ solid fuel/ solar thermal/ electrical heating systems.

Dragonfly Management (Bolsover) Ltd "Dragonfly Management" is the Council's wholly owned company who delivers the repairs and maintenance service on behalf of the Council, including servicing, maintenance and repairs of these heating appliances. Within this policy, "the Council" this includes the Housing Department and Dragonfly Management delivering their service to the Council.

The key objective of this policy is to ensure The Council, Dragonfly Board, the Council's Senior Leadership Team (SLT), Dragonfly' Senior Leadership Team (SLT), employees, partners, and residents are clear on their legal and regulatory gas/heating safety obligations. This policy provides the framework our staff and partners will operate within to meet these obligations.

This policy forms part of our wider organisational commitment to driving a health and safety culture amongst staff and contractors (as detailed within our Health and Safety Policy). It will be saved on our shared drive and distributed to all relevant members of staff.

2. Scope

This policy is relevant to all employees, residents, contractors, stakeholders, and other persons who may work on, occupy, visit, or use our premises, or who may be affected by our activities or services.

The policy should be used by all to ensure they understand the obligations placed upon The Council and Dragonfly Management to maintain a safe environment for residents and employees, within the home of each resident, and within all communal areas of buildings and other properties we own and/or manage. Adherence to this policy is mandatory.

3. Principles

The Council is committed to maintaining the housing stock to the highest standard and aims to provide a good service to all tenants.

The overall aim of the Gas and Heating Compliance Policy is to contribute to the efficient and effective management and maintenance of the Council's housing stock. It will assist in ensuring the Council provides well maintained properties and ensure that expenditure is managed effectively.

4. Responsibility for Implementation

The Council has overall responsibility for the management of gas and heating safety for all HRA buildings, and ensuring full compliance with legislation and regulatory standards. The Council will formally approve this policy and review it every three years (or sooner if there is a change in legislation or regulation).

Dragonfly Management has operational management and delivery responsibility for gas and heating safety.

For assurance that this policy is operating effectively in practice, Dragonfly Management will provide the Council via bi monthly reporting at Housing Stock Monitoring Group meetings performance information on its gas/heating safety performance and non-compliance. Further performance management reporting will be presented to the Council quarterly as Council Plan Targets Performance and Dragonfly key performance indicators.

The Council's Housing Management team will provide support where gaining access to properties is difficult and will assist as necessary.

5. Legislation, Guidance and Regulatory Standards

Legislation - The principal legislation applicable to this policy is:

- The Gas Safety (Installation and Use) Regulations 1998 as amended (hereafter referred to as the Gas Safety Regulations). We have a legal obligation under Part F, Regulation 36 of the legislation (Duties of Landlords) and we are the 'Landlord' for the purposes of the legislation.
- Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 which came into effect from 1 October 2022.
- This policy also operates within the context of additional legislation (see Appendix 1).

Approved Code of Practice (ACoP) - The ACoP applicable to this policy is:

- ACoP L56 - 'Safety in the installation and use of gas systems and appliances' (5th edition 2018).

Guidance – The principal guidance applicable to this policy is:

- INDG285 - 'A guide to landlords' duties: Gas Safety (Installation and Use) Regulations 1998 as amended Approved Code of Practice and guidance (3rd Edition 2018).

Regulatory standards – The Council must ensure it complies with the Regulator of Social Housing's regulatory framework and consumer standards for social housing in England; the Safety & Quality Standard is the primary one applicable to this policy, including the tenants satisfaction measure, management information BS01 Gas Safety Checks.

Sanctions – Failure to discharge responsibilities and obligations properly could lead to sanctions, including prosecution by the Health and Safety Executive (the HSE) under the Health and Safety at Work Act 1974; prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007; prosecution under the Gas Safety Regulations; and via a regulatory notice from the Regulator of Social Housing

6. Obligations

The Gas Safety Regulations impose duties on landlords to protect residents in their homes. The main landlord duties are set out in Regulation 36 and require 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 (until at least two further gas safety checks have been carried out).
- Issue a copy of the latest safety check record to existing residents within 28 days of the check being completed, or prior to any new resident moving 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.
- Ensure that no gas fitting of a type that would contravene Regulation 30 (for example, 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.

These obligations apply to all gas heating systems.

Other heating types – Although there is no legal requirement to do so, The Council via Dragonfly Management will carry out safety checks to properties with the other heating types, solid fuel, air source heat pumps, ground source heat pump, heat interface units.

The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022, which came into effect from 1 October 2022, require social landlords to:

- Install smoke alarm on every storey with living accommodation.
- Install carbon monoxide alarms in any rooms used as living accommodation with a fixed combustion appliance (excluding gas cookers).

Repair or replace faulty alarms as soon as reasonably practicable.

7. Statement of intent

The Council acknowledges and accepts its responsibilities under the Gas Safety Regulations and Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 as outlined in Section 5 and all other duties set out in relevant legislation. The Council via Dragonfly Management will undertake the following;

- Carry out an annual gas safety check to all properties with a gas supply, irrespective of whether the gas is connected or not.
- Ensure that copies of all landlord's gas safety records (LGSRs)/certificates are provided to residents or displayed in a common area within 28 days of completion.
- Cap off gas supplies to all properties when the property becomes void. This will be completed by the end of the next working day.
- Cap off gas supplies to all new build properties upon receipt of keys at handover from the contractor/developer to us.
- Ensure that gas safety checks are carried out within 3 working days of the commencement of a new tenancy, subject to the tenant confirming energy supply in place, (void or new build properties), mutual exchange and/or transfer, and that the resident receives a copy of the LGSR
- Ensure a gas safety check is carried out following the installation of a new gas boiler or gas fire by tenant's approved Gas Safe contractor and obtain a gas safety certificate to confirm the necessary checks have been completed. The safety check will include: a gas soundness test of the carcass; gas working pressures being taken; a visual inspection of the meter installation; and a visual inspection, including the safe working operation, on all other gas appliances and associated flues within a property.
- Carry out a five-point visual check of resident owned appliances, The visual safety check (location; flueing; ventilation; signs of distress; and stable and secure) will be done on gas cookers. Where appliances are found to be faulty these will be disconnected, and a warning notice issued.
- Carry out a safety check out on completion of any repair and/or refurbishment works to occupied or void properties where works may have affected any gas fittings, appliances, or flues.
- Install, test, and arrange any remedial work (as required) battery operated and/or hard-wired smoke alarms and carbon monoxide detectors as part of the annual gas safety check (or at void stage).
- Carry out an annual gas safety check to all properties where the gas supply has been capped at the request of the resident, to ensure the supply has not been reconnected by the resident. At the same time, we will check on the resident's wellbeing and assess whether the lack of gas heating is adversely affecting the condition of the property.

- Remove any open flue gas appliances found in any rooms that are being used as bedrooms or for sleeping will be removed.
- Ensure that there is a robust process in place for the management of immediately dangerous situations identified from the gas/heating safety check.
- The Council will operate a robust process if there is difficulty gaining access to a property to carry out the gas/heating safety check or remediation works. The Council will use the legal remedies available within the terms of the tenancy agreement, lease, or license. This is provided the appropriate procedures have been followed, a recommendation is made by the Assistant Director of Housing Management (The Council) and approval given by the Director of Construction (Dragonfly). Where resident vulnerability issues are known or identified, The Council will ensure to safeguard the wellbeing of the resident.
- Operate effective contract management arrangements with the contractors responsible for delivering the service, including; ensuring contracts/service level agreements are in place, conducting client-led performance meetings, and ensuring that contractors' employee and public liability insurances are up to date on an annual basis.
- Ensure that all replacements, modifications and installations of gas appliances and heating systems within our properties will comply with all elements of Building Regulations, Part J Combustion Appliances and Fuel Storage Systems.
- To comply with the requirements of the Construction (Design and Management) Regulations 2015 (CDM) a Construction Phase Plan will be in place in respect of all repairs to void and tenanted properties (at the start of the contract and reviewed annually thereafter), component replacement works and refurbishment projects.
- To comply with the requirements of the Dangerous Substances and Explosive Atmospheres Regulations (DSEAR) 2002, The Council will consider the safety of workspaces and plant/boiler rooms of residential blocks that fall within scope of the legislation.
- Ensure there is a robust process in place to investigate and manage all RIDDOR notifications submitted to the HSE in relation to gas and heating safety and will take action to address any issues identified and lessons we have learned, to prevent a similar incident occurring again.

8. Programmes

Domestic properties – The Council will carry out a programme of annual gas safety checks to all domestic properties it owns or manages; the check will be completed within 12 months from the date of the previous LGSR/certificate.

The Council will carry out an annual safety check to all solid fuel appliances and a chimney sweep once a year Tenants own appliances e.g. wood burners are the responsibility of the tenant.

The Council will carry out safety checks to properties with, air source heat pumps in accordance with the manufacturer's recommendations.

Communal blocks and other properties – The Council will carry out a programme of annual gas safety checks and services to all communal blocks and other properties (Independent Living Schemes), where there is a legal obligation to do so; these will be completed within 12 months from the date of the previous LGSR/certificate. The Council will ensure there is a robust process in place for the management of any follow-up works required following the completion of a gas/heating safety check (where the work cannot be completed at the time of the check).

Any newly identified appliances will be added to the relevant servicing programme and remain on said programme until The Council instructs its removal e.g., if the tenant has not been granted permission for the installation of the appliance.

9. Data and Records

The Council will maintain a core asset register of all properties we own and/or manage, with component/attribute data against each property to show gas/heating safety check requirements.

The Council will operate a robust process to manage all changes to stock, including property acquisitions and disposals, to ensure that properties are not omitted from gas/heating safety programmes and the programme remains up to date.

The Council will hold gas/heating safety check dates and safety check records against each property we own or manage. The Council will hold the dates of the safety checks and safety check records in its management systems.

The Council will ensure the Gas Safe registered engineer records the details of all appliances and other equipment which is served by the gas/heating supply in every domestic property, communal block, or other property.

The Council will keep all completed safety check records, warning notices and remedial work records for at least two years and will have robust processes and controls in place to maintain appropriate levels of security for all its data and records.

10. Resident Engagement

The Council consider good communication essential in the effective delivery of gas and heating safety programmes, therefore we will ensure we undertake regular communication with tenants to support them in their understanding of gas and heating safety.

This will assist in maximising access to carry out gas safety checks, encourage and support tenants to report any concerns about gas and heating safety, and help engage with vulnerable and hard to reach tenants.

The Council will share information clearly and transparently and will ensure that information is available to tenants via regular publications and information on our website.

11. Competent Persons

The Gas Supervisor will demonstrate competence through experience and be Gas Safe Registered.

All operatives/engineers (internal or external) will maintain Gas Safe accreditation for all areas of gasworks that they undertake and will be members of the Nationally Accredited Certification Scheme for Individual Gas Fitting Operatives (ACS).

Only suitably competent Gas Safe accredited contractors will undertake works to gas fittings, appliances, and flues.

Only suitably competent HETAS accredited contractors will undertake works to solid fuel fittings, appliances, and flues.

Only individuals/organisations with a Microgeneration Certification Scheme accreditation (MCS) will undertake works on ground source heat pumps and Air source heat pumps. Only suitably competent NICEIC (or equivalent) electrical contractors and operatives will undertake servicing and repairs to electrical heating systems.

The Council will check our contractors hold the relevant qualifications and accreditations when procured, and thereafter on an annual basis; and will evidence these checks and each contractor's certification appropriately.

12. Training

The Council will deliver training on this policy and the procedures that support it, through appropriate methods including team briefings; basic gas and heating safety awareness training; and on the job training for those delivering the programme of gas and heating safety checks, planned maintenance and repair works as part of their daily job. All training undertaken by staff will be formally recorded.

13. Performance Reporting

The Council through Dragonfly Management will report robust key performance indicator (KPI) measures for gas/heating safety that follow the requirements set out in the Tenant Satisfaction Measures (TSMs) which came in to force 01 April 2023. Performance must be reported to the Regulator on an annual basis; however, Dragonfly Management will report internally to The Council, Dragonfly Board and SLT on a regular basis. The Council will engage with customers and develop our approach / systems to report to them on a regular basis. The relevant TSM for Gas Safety is defined as follows:

BS01 – Gas Safety Checks: Proportion of homes for which all required gas safety checks have been carried out.

The reported percentage will include all dwellings which require gas safety checks within the block as well as those served by communal equipment. This ensures that all individual dwellings that may be at risk because of any non-compliance are identified, including those within a communal block that share a gas heating source. The completion of remedial works is not included.

The Council will also report the following:

Data – the total number of:

- Properties –
- Properties with a valid and in date LGSR
- Properties requiring a LGSR Properties without a valid and in date LGSR – broken down by how long since the last LGSR (under 3 months, 3-6 months, 6-12 months and 12months +)
- Properties where the gas supply is capped
- Properties where the gas supply has been capped for over 3 months
- Overdue follow-up works/actions arising from the programme.

Narrative - an explanation of the:

- Current position;
- Corrective action required;
- Anticipated impact of corrective action; and
- Any mitigation of risk to tenants
- Progress with completion of follow-up works

14. Quality Assurance

Internally, Dragonfly Management Limited, will undertake 100% desktop audits of all LGSRs/certificates. Post inspections are completed on 2% of all completed works.

The Council's Audit team will carry out an independent audit of gas/heating safety at least once every two years, to specifically test for compliance with legal and regulatory obligations and to identify non-compliance issues for correction.

15. Significant Non-Compliance and Escalation

Our definition of significant non-compliance is any incident which has the potential to result in a potential breach of legislation or regulatory standard, or which causes a risk to health or safety. All non-compliance issues will be reported and escalated as soon as possible, and no later than 24 hours after the incident was identified, or of a Council or Dragonfly Management employee or agent becoming aware of it.

Any non-compliance issue identified at an operational level will be formally reported to the Gas Supervisor (Dragonfly Management) in the first instance, who will agree an appropriate course of corrective action with the Compliance Manager (Dragonfly Management) and a senior officer within the Councils Housing Management Team. A report detailing the same to be presented to the SLT of Dragonfly and the Council.

In cases of serious non-compliance The Council will consider whether it is necessary to disclose the issue to the Regulator of Social Housing as required by the regulatory framework, or any other relevant organisation such as the Health and Safety Executive.

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Appendix 1 - Additional Legislation

This policy also operates within the context of the following legislation:

- Defective Premises Act 1972
- Health and Safety at Work Act 1974
- Landlord and Tenant Act 1985
- Homes (Fitness for Human Habitation) Act 2018
- The Occupiers' Liability Act 1984
- Workplace (Health, Safety and Welfare) Regulations 1992
- Pipelines Safety Regulations 1996
- Health and Safety (Safety Signs and Signals) Regulations 1996
- Gas Safety (Management) Regulations 1996 (as amended)
- Provision and Use of Work Equipment Regulations 1998
- Management of Health and Safety at Work Regulations 1999
- Management of Houses in Multiple Occupation (England) Regulations 2006
- Pressure Equipment (Safety) Regulations 2016
- Pressure Systems Safety Regulations 2000
- Dangerous Substances and Explosive Atmospheres Regulations (DSEAR) 2002
- Housing Act 2004
- Building Regulations 2010 (England and Wales)
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)
- Construction (Design and Management) Regulations 2015
- Data Protection Act 2018

Glossary

This glossary defines key terms used throughout this policy:

- **Gas Safe Register:** the official list of gas engineers who are qualified to work legally on gas appliances.
- **LGSR:** Landlord's Gas Safety Record – a certificate containing the results of the annual safety check carried out on gas appliances and flues.
- **RIDDOR:** Reporting of Injuries, Diseases and Dangerous Occurrences Regulations
- **NICEIC:** National Inspection for Electrical Installations Contracting