

<b>Committee:</b> Housing Management & Almshouses Sub-Committee	<b>Date:</b> 27/11/2018
<b>Subject:</b> Gas Safety Policy	<b>Public</b>
<b>Report of:</b> Director of Community & Children's Services	<b>For Decision</b>
<b>Report author:</b> Liam Gillespie, Head of Estates	

### Summary

As part of the review of housing management policies taking place in 2018/19, a Gas Safety Policy has been drafted. It underlines our commitment to ensuring the highest standards of safety in homes managed by the City of London's Housing Service.

The policy outlines how we will meet our obligations as a landlord under the *Gas Safety (Installation and Use) Regulations 1998* (as amended). It also explains what action we will take when tenants refuse, or fail to allow, access for annual gas safety checks to be carried out in their homes.

### Recommendation

Members are asked to:

- Approve the Gas Safety Policy for use by the Housing Service.

### Main Report

#### Background

1. In accordance with the *Gas Safety (Installation and Use) Regulations 1998* ("the Regulations"), the City, as a landlord, is obliged to carry out annual safety checks on the gas installations in its tenanted properties.
2. The Regulations stipulate that landlords must:
  - Repair and maintain gas pipework, flues and appliances (belonging to the landlord) in safe condition
  - Ensure an annual gas safety check on each appliance and flue belonging to the landlord
  - Keep a record of each safety check for at least two years
3. Appliances installed by the tenant are not our responsibility, but these will be visually inspected during the gas safety check. Any gas installations serving the

tenant's appliance, and which are the landlord's responsibility, will be checked annually.

4. The regulations do not require landlords to carry out these checks on leasehold properties. The City's standard lease requires leaseholders to keep gas appliances in their homes in a safe condition and proper working order.
5. Tenants are required to cooperate with us to allow access for these annual checks and this is a specific term in our standard Secure Tenancy.
6. The importance of properly maintaining gas installations cannot be overstated. Improperly maintained appliances can cause death, serious injury and destruction of property by fire, explosion, or carbon monoxide poisoning.
7. Despite the obvious and well-publicised risks, officers frequently encounter difficulty in accessing tenanted properties to carry out these vital checks. The City and its gas safety contractor, TSG Ltd, employ a staged process to gain access. This begins well in advance of the expiry date for the property's current gas safety certificate, though some gas safety certificates expire before access can be gained to carry out the annual check. This is normally due to the tenant not engaging with us, failing to honour appointments, or refusing access for whatever reason.

### **Gas Safety Incidents in the United Kingdom**

8. Members may find it helpful to note some health and safety statistics to put this issue in context.
9. Statistics on gas-related incidents are collated by the Health & Safety Executive (HSE) in accordance with the *Reporting of Injuries, Diseases and Dangerous Occurrences Regulations* (RIDDOR).
10. According to the HSE, on average seven people die in the United Kingdom every year from carbon monoxide poisoning.
11. In 2015/16, the latest year for which full figures are available, the HSE reports that in the UK there were:
  - 26 gas-related explosions or fires, injuring 29 people and killing one
  - 146 incidents of carbon monoxide poisoning, which injured 225 people and killed seven others
12. Given the potentially catastrophic consequences of a gas-related incident in one of our residential blocks, the Gas Safety Policy has been drafted to support the work we currently do in this area and to underline the importance of tenants cooperating with us to meet our gas safety obligations. It stresses that we will take

robust action to gain access to properties to complete these checks, as people who refuse to cooperate are potentially putting dozens of lives at risk, not just their own.

### **Current Position**

13. The City services 1,898 properties every year and has difficulty in accessing only a small percentage of these. However, each property with an expired gas safety certificate is a very significant concern and leaves us non-compliant with our obligations under the Regulations.
14. We aim to have valid gas safety certificates in place for 100% of relevant tenanted properties. As this is a rolling process, the figure fluctuates; at the end of the 2017/18 financial year, for instance, we had attained 97.5% compliance. The current figure (November 2<sup>nd</sup>, 2018) is 99.11%.
15. The new Gas Safety Policy explains what steps we will take when we have difficulty gaining access. The Regulations oblige us to take “all reasonable steps” to gain access, including legal proceedings. The new policy explains how we will meet this obligation.
16. When our standard procedure has failed to get us access to a property, we can apply for an injunction in the County Court to enforce the terms of the tenancy and gain access. This may include a clause permitting us to force access to the property should this be justified. In some cases, we could also consider seeking possession of the property.
17. Estate Managers recently underwent training on gas safety injunctions. We will use these injunctions when informal attempts have failed and will seek the costs of doing so from the tenant.
18. Senior Managers are also reviewing the process used to gain access at present, with a view to making it more effective and supporting the aim of achieving 100% compliance with gas safety checks. Learning will be taken from other landlords and the processes they have employed to good effect.
19. Members will note that the policy prompts officers to take account of tenants’ vulnerabilities when dealing with gas safety access. We will provide support and reassurance to any residents requiring this, though we must balance the tenant’s needs with the legal requirement to carry out the safety check and the potential consequences to personal safety of a gas-related incident.

### **Policy Management**

20. This is a new policy and, although there are well-established practices in relation to gas safety in our properties, no stand-alone policy has existed previously. Policy approaches are taken from legislation, clauses in our tenancies and leases, and established practice.

## **Conclusion**

21. The Gas Safety Policy forms part of our review of housing management policies taking place throughout 2018/19. It outlines the respective obligations of the City and those living in its homes and underlines the importance of tenants cooperating with the City to enable annual gas safety checks to be carried out successfully.
22. The policy supports the City's aim of achieving 100% compliance with gas safety checks on tenanted properties and providing high standards of safety in the homes it manages.

## **Appendices**

- Appendix 1 – Gas Safety Policy
- Appendix 2 – Consultation comments and responses

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