



City of London Corporation
Department of Community & Children's Services
Housing Service

Gas Safety Policy

Approved by:	<i>Housing Management & Almshouses Sub-Committee</i>
Approval Date:	
Review Date:	

1. Introduction

The City of London is committed to achieving and maintaining the highest standards of safety in its homes. We have a legal obligation to carry out annual safety checks on relevant gas installations in our tenanted properties and, in addition, we seek to ensure that gas installations and appliances in our properties are used and maintained safely.

Improperly maintained or installed gas appliances can cause death, serious injury or destruction of property. This policy outlines how we will meet our legal obligations and it provides information to residents on their responsibilities in relation to gas safety in their homes.

2. Aims of this Policy

This policy aims to:

- support our aim of achieving 100% compliance with annual gas safety checks
- outline our gas safety responsibilities
- make residents' responsibilities clear to them
- explain what enforcement action we will take for non-compliance

3. Scope

This policy applies to all City of London housing estates which form part of the Housing Revenue Account (HRA) or which are managed as part of the HRA. It also applies to the City of London Almshouses and Gresham Almshouses, which we manage on behalf of the respective trusts.

4. Policy Statement

We take gas safety in our homes very seriously and we expect our residents to cooperate with us to ensure that we can meet our legal obligations as landlord. We also expect leaseholders who sub-let their properties to meet their legal obligations in relation to gas safety.

Most of our properties are in purpose-built blocks of flats and if a gas emergency occurs, it could affect multiple households and have severe consequences.

We take non-compliance with gas safety measures very seriously and will take legal action against those residents that do not allow access to their homes for annual safety inspections, or anyone who does anything to modify, alter or interfere with any gas services or installations without the appropriate consents or approvals.

5. Our Obligations as Landlord

Under the *Gas Safety (Installation and Use) Regulations 1998* (as amended), the City has the following duties to tenants:

- Repair and maintain relevant gas pipework, flues and appliances in a safe condition
- Ensure an annual gas safety check on relevant appliances and flues which are our responsibility
- Keep a record of each safety check for at least two years

We are under a duty to ensure that all reasonable steps are taken to gain access to our tenanted properties for the purposes of carrying out the annual check.

'Relevant' appliances and installations are those owned by the landlord, or which are otherwise our responsibility. This excludes appliances and installations owned by tenants.

6. Tenants' Obligations

Our standard Tenants' Agreement & Handbook contains details of tenants' obligations in relation to gas safety. In summary, tenants are obliged to:

- allow or arrange entry into the property for the annual check to be completed before the current certificate expires
- respond promptly to contact regarding access arrangements
- keep any gas appliances in a safe condition
- refrain from altering or modifying any of the City's gas installations

Failure to allow access for the annual gas safety check is a very serious breach of tenancy and may result in legal action being taken against the tenant, which ultimately could result in them losing their home.

Tenants are obliged to allow us access to their home even where they do not use any gas appliances. This may be because landlords' gas installations are installed in the property (though not currently used), or relevant installations can only be accessed from the property.

7. Leaseholders' Obligations

The City's standard lease requires all leaseholders to keep any gas apparatus or appliances present in their property in a safe condition and proper working order. Leaseholders must ensure that any alterations, repairs or inspections of gas appliances in their homes are carried out by a suitably qualified person and that relevant approvals are sought in advance (e.g. landlords' approval under the lease).

The City is not obliged to perform annual gas safety checks on leasehold properties, though we do strongly recommend that leaseholders arrange their own at least annually.

We offer the option for leaseholders to pay for a gas safety check via our gas contractor at a competitive rate.

8. Leaseholders' Duties to Sub-Tenants

Leaseholders who sub-let their properties have the same legal obligations as any landlord. These include:

- Carrying out annual gas safety checks using a Gas Safe-qualified engineer
- Providing the tenant with a copy of the property's gas safety certificate

More information on landlords' obligations can be found on the Health and Safety Executive website: www.hse.gov.uk/gas/landlords

9. Alterations and Improvements

Our written approval is required before any alterations are made to landlords' gas and other services in residential premises managed by the City of London. In some circumstances, listed buildings consent and building regulations permission may also be required. If in doubt, residents should contact their local estate office for advice.

Any approval will be given in accordance with our *Standard Conditions for Works and Alterations*. We reserve the right to inspect any improvements or alterations in accordance with the terms of our leases and tenancies.

10. Access for the Annual Check

In accordance with the terms of their tenancy, tenants are obliged to allow access for the annual gas safety inspection to be carried out by the City, or its agents or contractors.

We will be as flexible as we reasonably can be when it comes to setting appointments for access.

We expect tenants to cooperate with us and our contractor when we are seeking to arrange access and to take steps to rearrange appointments if they are not convenient.

11. Failing to Provide Access – Enforcement Action

When a tenant refuses or otherwise fails to provide access, we will take enforcement action against them after reasonable attempts have been made to gain access. This may include:

- Injunction proceedings requiring access to carry out the check
- Possession proceedings for breach of tenancy

In some circumstances we may commence both injunction and possession proceedings simultaneously.

We will seek to recover any legal costs from the tenant.

12. Forced Entry

When seeking an injunction to gain access to a tenant's home, we may ask the court for permission to carry out a forced entry to the property if this is reasonable in the circumstances of the case.

In emergency situations we may force entry to the property or isolate the gas supply, for instance if there is a suspected gas leak or other dangerous situation. Further details can be found in the Tenants' Agreement & Handbook.

13. Vulnerable Tenants

We recognise that some residents may require extra support and reassurance to enable them to comply with the terms of their tenancy in relation to allowing access to their homes. We will provide appropriate support, while balancing this with our obligation to complete annual safety checks and our duty to ensure the safety of neighbouring residents.

14. What the Annual Check Covers

The annual safety check covers any installation or appliance that we own. Where tenants have bought their own appliances, we do not service these, but we remain responsible for any pipework or other components that service the appliance.

If we become aware of a faulty appliance owned by a tenant, we will isolate it. It is the tenant's responsibility to repair the appliance or find a replacement.

15. Timing of Checks

We are required to carry out a safety check at least every twelve months, though we begin the process of gaining access some time before this to allow for any problems. Most properties will therefore be checked before the current gas safety certificate expires. This may mean that two checks take place within a twelve-month period.

We will also carry out a gas safety check on all properties when they are empty between tenancies.

16. Complaints

Any complaints about the application of this policy, or any aspect of our service relating to gas safety, will be addressed via the housing complaints procedure. Please see the Complaints Policy for more details.

17. Policy Exceptions

In exceptional circumstances, we may consider a variation to this policy. This will depend on the individual circumstances of the case. The decision and its reasoning can be provided in writing on request.

18. Monitoring and Performance

We will monitor our use of this policy and the way in which it is implemented, ensuring that any relevant information is reported at appropriate intervals.

19. Training

We will provide all staff responsible for implementing this policy with comprehensive training as required.

20. Equality and Diversity

This Policy has been subject to a full Equalities Analysis and will be implemented in accordance with our responsibilities and duties under relevant legislation, including the Equalities Act 2010.

21. Accessibility

We will ensure that residents' needs are considered when implementing this Policy to ensure that they are treated fairly. We will make appropriate arrangements to ensure that residents with communication needs are not unreasonably and disproportionately affected. This could involve providing communications in alternative languages or formats, or providing interpretation or transcription as appropriate.

22. Data Protection and Information Exchange

We will comply with our obligations under relevant data protection legislation and regulations. We will process and store personal information securely.

There are some circumstances in which we are required by law to disclose information given to us.

23. Policy Review

We will review this policy at least every three years, or following relevant changes to legislation, regulation or policy.

24. Legislation & Guidance

- [Gas Safety \(Installation and Use\) Regulations 1998](#) (as amended by the [Gas Safety \(Installation and Use\) \(Amendment\) Regulations 2018](#))
- Health and Safety Executive - [Approved Code of Practice and Guidance](#) on the 1998 Regulations

25. Supporting Documents

- City of London's Standard Conditions for Works and Alterations
- Standard Lease

- Secure Tenants' Agreement & Handbook

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