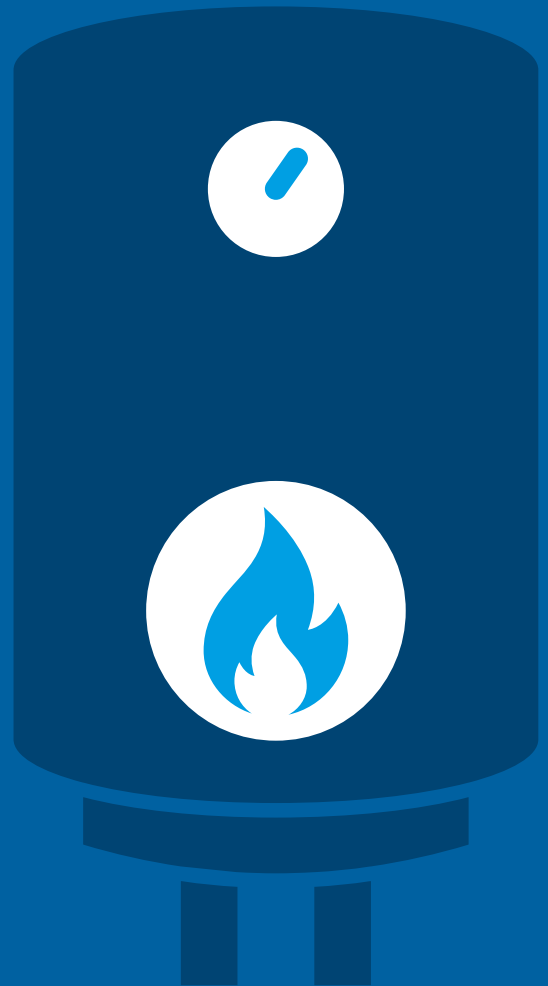


Dover District Council

# Gas and Heating Policy



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# 1. Introduction

- 1.1 Dover District Council ("the Council") are responsible for maintaining and repairing properties within its Housing Revenue Account (HRA) including its shared areas. The Policy outlines the measures the Council will take to ensure the safety of its gas and heating systems within its HRA properties. The Gas Safety (Installation and Use) Regulations 1998 (as amended) covers safe installation, maintenance and use of gas systems and appliances in buildings. The Regulations also place a legal duty on landlords to ensure that gas appliances, fittings and flues provided for tenant's use are safe. The Council are also responsible for maintaining other types of heating systems to ensure safety.

# 2. Definitions

- 2.1 For the purposes of this Policy:
- 'We', 'ours', 'us', and 'landlord' refers to Dover District Council. We are the landlord because we own and manage homes through the HRA tenancy agreement.
  - 'Staff' refers to members of staff who provide housing related services, including housing management, housing options, strategic housing, and property services.
  - 'Contractors' refers to third party organisations who provide housing-related services on our behalf.
  - 'Tenants' refers to an individual or individuals who have an active tenancy agreement with the Council and live in and rent a Council-owned property.
  - 'Gas Safe Register' refers to the official list of gas engineers who are qualified to work legally on gas appliances.
  - 'Landlords Gas Safety Record' (LGSR) refers to a certificate containing the results of the annual safety check carried out on gas appliances and flues for domestic properties.
  - The 'Policy' refers to this Gas and Heating Policy.

# 3. Policy purpose and scope

- 3.1 The purpose of this Policy and its associated procedures is to set out how the Council will maintain gas installations and heating systems and to provide assurance that there are measures to identify, manage and/or mitigate risks associated with all gas and heating installations through compliance with all relevant safety legislation.
- 3.2 In addition to gas installations, the Council is responsible for maintaining other types of heating systems to ensure that all appliances, fittings and flues are safe to use. These include heating by oil, liquid petroleum gas (LPG), electric, solid fuel and renewable energy sources.
- 3.3 We are responsible for maintenance and repairs to our buildings within our HRA, this includes Council properties with an active tenancy agreement, void/empty properties, and internal and external shared areas of properties owned or partially owned by the Council.
- 3.4 This Policy and associated procedures must be used by all Council staff and approved contractors working on the Council's behalf to ensure they understand the obligations placed upon the Council to maintain a safe environment.
- 3.5 The Policy should be read alongside the following Policies:
- Vulnerable Tenant Policy

## 4. Policy aims

- 4.1 The aim of this Policy is to take all reasonable steps to ensure the health and safety of tenants in their homes and associated communal areas (shared areas); the specific aims of the Policy are:
1. Gas appliances and heating systems are well maintained to reduce the risk of harm or property damage.
  2. Council staff and contractors are clear and confident about our responsibilities and procedures relating to gas appliances and heating systems in accordance with relevant and applicable guidance.
  3. The operation of gas appliances and heating systems are prolonged through proper maintenance.
  4. Establish a system to record inspections, tests and maintenance activities to monitor compliance with gas and heating safety.

## 5. Legal duties

### Legal duties owed to employees

- 5.1 Health and Safety at Work Act 1974 is the primary piece of legislation covering occupational health and safety. The Act requires employers to ensure their work environments are safe and free from risks to health. It sets out the duties which:
- Employers have towards employees and members of the public
  - Employees have to themselves and to each other
- 5.2 Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) is the law that requires employers, and other people in charge of work premises to inform the Health and Safety Executive (HSE) or relevant enforcing authority that a work-related accident or incident has happened. This is so that the HSE can respond to ensure compliance with health and safety law, we must report and keep records of all:
- work-related fatalities
  - work-related reportable injuries
  - diagnosed cases of reportable occupational diseases
  - certain dangerous occurrences (incidents with the potential to cause harm)

### Legal duties owed to tenants

- 5.3 The Gas Safety (Installation and Use) Regulations 1998 (as amended) requires us to ensure that any relevant gas fitting, appliances and flues provided for tenants are safe. This includes conducting annual gas safety checks by a registered engineer, maintaining records of these checks, and issuing a copy of the gas safety certificate to each tenant.

Landlords can carry out gas safety checks up to 2 months before the due date while retaining the original expiry date.

- 5.4 The Landlord and Tenant Act 1985 states that a landlord must:
- Keep in repair and proper working order the installations in the property that supply heating and hot water.
  - Keep in repair and proper working order the installations in the property for space heating and heating water.

- 5.5 The Housing Act 2004 introduces the Housing Health and Safety Rating System (HHSRS) which identifies whether any specified hazards are present and categorises those hazards according to objective criteria. A hazard is any risk of harm to the health or safety of an actual or potential occupier of accommodation that arises from a deficiency in the dwelling, building or land in the vicinity.
- 5.6 The Homes (Fitness for Human Habitation) Act 2018 amends the Landlord and Tenant Act 1985 to require all landlords to ensure that their properties, including any common parts of the building, are fit for human habitation at the beginning of the tenancy and throughout.
- 5.7 The Social Housing (Regulation) Act 2023 introduced new rules that social housing landlords must comply with regarding the safety and quality of homes. The revised consumer standards set a requirement for social housing landlords to take all reasonable steps to ensure the health and safety of tenants in their homes and associated communal (shared) areas. Registered providers must also provide an effective, efficient and timely repairs, maintenance and planned improvements service for the homes and communal (shared) areas for which they are responsible.

### Additional legislation, regulations and associated documents

- 5.8 This Policy also operates in the context of, but is not limited to:
- The Management of Health and Safety at Work Regulations 1999
  - The Workplace (Health, Safety and Welfare) Regulations 1992
  - Corporate Manslaughter and Homicide Act 2007
  - Gas Safety (Management) Regulations 1996 (as amended)
  - Dangerous Substances and Explosive Atmospheres Regulations 2002
  - Pressure Systems Safety Regulations 2000
  - Pipelines Safety Regulations 1996
  - Heat Network (Metering and Billing) Regulations 2014
  - Health and Safety (Safety Signs and Signals) Regulations 1996
  - Provision and Use of Work Equipment Regulations 1998
  - Construction (Design and Management) Regulations 2015
  - Data Protection Act 2018
  - Building Regulations 2010 Part J
  - Institute of Gas Engineers and Managers (IGEM) BS 5440
  - Smoke and Carbon Monoxide Alarm Regulations 2015 (as amended)
  - [GIUSP edition 7](#)

## 6. Policy Statements

### Roles and responsibilities

- 6.1 Staff are responsible for complying with safety legislation, this Policy, and associated processes when maintaining and certifying gas appliances and heating systems. Staff are also responsible for attending training when required as appropriate for their role.
- 6.2 The housing management team will provide key support in gaining access into properties where access is proving difficult. They will also facilitate the controlled access process to gain access as necessary. This is in accordance with our tenancy agreement.

- 6.3 Contractors are responsible for complying with all relevant gas and safety legislation in force at the time.
- 6.4 Cabinet will receive updates on the implementation of the Policy and gas and heating safety 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. This is the same report detailed in paragraphs 6.35 and 6.36.
- 6.5 The Head of Property Assets has strategic responsibility for the management of gas and heating safety and for ensuring compliance is achieved and maintained, they will:
- Oversee the implementation of the Policy.
  - Be responsible for overseeing the delivery of the agreed gas safety programme (completing LGSRs).
  - Prioritise and implement any works arising from the gas and heating safety inspections.
- 6.6 As per the Social Housing (Regulation) Act 2023 (amending the Housing and Regeneration Act 2008), our designated health and safety lead has the following responsibilities in relation to the health and safety of tenants:
- Monitoring compliance with health and safety requirements.
  - Assessing risks of failing to comply with these requirements.
  - Assessing hazards under the Housing Act 2004.
  - Notifying the Regulator of Social Housing about:
    - Risks of material failures.
    - Actual material failures.
  - Providing advice to the responsible body as to how we should address these risks and failures to ensure compliance.

Information on our designated health and safety lead is available on our website.

### Inspection Programmes

- 6.7 We will carry out, where applicable, a programme of annual safety checks and maintenance services to all oil fire, solid fuel and any renewable heating systems.
- 6.8 All relevant compliance documentation for new builds will be provided to us at handover.
- 6.9 We will check all appliances for correct operation to prevent carbon monoxide exposure.
- 6.10 Safety checks will include all gas and heating fittings, appliances, flues and ventilation in the property and will be completed no longer than 12 months from the date of the previous safety check and service or as detailed within manufacturer's instructions.
- 6.11 We will ensure that each property requiring a gas/heating safety check and/or service will have a 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.
- 6.12 We will provide existing tenants with a copy of the LGSR within 28 days of the check and new tenants will receive a copy of the latest LGSR before moving in. The record will be prominently displayed in shared areas for properties served by communal plant rooms within 28 days of its completion.

- 6.13 Where applicable, all solid fuel and oil-fired appliances to have their chimney and flues inspected in line with the relevant and applicable guidance.
- 6.14 We will carry out an annual gas safety check to all properties where the gas supply is inactive (capped). This is to ensure that gas supply has not been reconnected by the occupier, and to ensure continued compliance with the requirements of the Gas Safety (Installation and Use) Regulations 1998 (as amended).
- 6.15 As part of the annual gas/heating safety check visit (or at void stage) we will test smoke alarms and CO detection and replace where necessary. We will also carry out a visual check of tenant owned appliances. Where appliances are found to be faulty these will be disconnected, and a warning notice issued.
- 6.16 We will ensure that gas and heating 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 applicable service certification prior to, or within 28 days after moving in.
- 6.17 During safety checks, we will remove any open flue gas appliances found in any rooms that are being used as bedrooms. There will be a robust process in place for the management of immediately dangerous situations identified from the gas/heating safety check.
- 6.18 We will implement a data reconciliation process to deal with all changes to stock, including new property acquisitions, disposals and stock transfers, to ensure that properties are not omitted from the inspection programme, and to ensure the programme remains up to date.
- 6.19 Reports and contracts will detail any follow-up works required following the completion of a gas/heating safety check within the stated timescales.
- 6.20 Circumstances where we will cap off gas supplies
- When the property becomes void and a new tenant is not moving in immediately after the previous tenant leaving.
  - We will cap off gas supplies to all new build properties at handover if not already capped off by the developer or the new tenancy is not commencing immediately at the point of handover.
  - Where gas escape has been identified and/or the appliance is immediately dangerous (ID).
- 6.21 Access to properties
- Our tenancy agreement outlines that tenants must allow staff, contractor operatives, or agents acting on our behalf to enter the property at reasonable hours on requests for the purposes of inspecting the property or carrying out any works including gas safety checks. Unless otherwise agreed or in an emergency, or we are investigating alleged tenancy breaches, we will give tenants at least 24 hours' notice.
  - If we cannot carry out the gas safety check because you do not respond to our request to access your home, we will serve notice on you telling you when we will call. If you do not let us in to complete the safety check, we will force entry into your home. We will take reasonable care in forcing entry and we will secure your home as we leave. If we have had to force entry because of your failure, carelessness or negligence you will be charged the cost of the repairs.
  - In an emergency such as concerns around utilities at the property we may need to get into a tenant's home without notice. If we must do this, we will make sure that their home is secure when we leave. We can repair any damage caused by us forcing our way into your home.

- In accordance with our Vulnerable Tenant Policy, if the tenant's vulnerability is preventing the Council from entering the property to complete repairs and maintenance, we will work with the tenant to make adjustments that are reasonable and justified while allowing us to carry out the work.

## Competency and compliance

- 6.22 Only suitably competent Gas Safe accredited engineers will undertake gas or LPG works. This section sets out the competency required to carry out safety checks for all heating types.
- 6.23 We will ensure that the manager with lead responsibility for operational delivery is appropriately qualified and experienced, holding one of the following:
- Level 4 VRQ in Gas Safety Management (if they are not Gas Safe Registered), or equivalent, or a minimum of a level 4 qualification in a related subject such as Level 4 VRQ Diploma in Asset and Building Management Compliance, or qualification and/or experience of equal standing and full membership of the Association of Gas Safety Managers (AGSM).
- 6.24 We will fund training as necessary; the manager with lead responsibility for operational delivery will gain one of the qualifications and membership listed above. Any new employee will commence any required qualification within 12 months of the start of employment.
- 6.25 We will ensure that all operatives (internal or employed by external contractors) maintain Gas Safe accreditation for all areas of gas/LPG works that they undertake; only suitably competent Gas Safe accredited contractors are procured and appointed to undertake works to gas/LPG fittings, appliances and flues.
- 6.26 We will ensure that, where applicable, only suitably competent Oil Firing Technical Association (OFTEC) and/or HETAS accredited contractors are procured and appointed to undertake works to oil fired and solid fuel fittings, appliances and flues.
- 6.27 We will ensure that, where applicable, only individuals/organisations with a Microgeneration Certification Scheme (MCS) accreditation are procured and appointed to undertake works on ground air source heat pumps, solar thermal and biomass heating systems.
- 6.28 The Property Assets team will check relevant qualifications to ensure that all persons are appropriately qualified for the work that they are carrying out. These checks will be undertaken on an annual basis and evidenced appropriately.
- 6.29 We will ensure that all contractors' employee and public liability insurances are up to date on an annual basis. Furthermore, contracts/service level agreements will be in place with the contractors responsible for delivering the compliance service.
- 6.30 We will ensure that all replacements, modifications and installations of gas appliances and heating systems within our properties will comply with all elements of Part J Combustion Appliances and Fuel Storage Systems, of the Building Regulations 2010.

## Record keeping

- 6.31 We will establish and maintain a core asset register of all properties that have an active or inactive gas supply. This register will also hold data against each property asset for gas or other heating inspection and servicing requirements, where applicable, for all domestic properties.
- 6.32 We will hold accurate inspection dates and inspection records against each property we own or manage, and we will retain these for a period not less than 5 years.



- 6.33 We 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.
- 6.34 The approved contractor will ensure that the qualifications of all engineers undertaking gas/heating works are relevant and compliant.
- 6.35 We will have controls in place to provide and maintain appropriate levels of security for all gas/heating safety related data.

### Performance reporting

- 6.36 Robust Key Performance Indicator (KPI) measures will be established and maintained to ensure we are able to report on performance in relation to gas and heating safety. We will also provide further information on our position within our narrative to enable understanding.
- 6.37 KPI measures will be provided to the Corporate Management Team (CMT) and Cabinet on a quarterly basis. These KPI measures may include reporting on:

#### **Data - the total number of:**

- Properties - split by domestic properties and communal installations (installations in shared areas);
- Properties on the gas/heating servicing programme;
- Properties not on the gas/heating servicing programme;
- Properties with a valid 'in date' LGSR/certification (this is the level of compliance);
- Properties where the LGSR/certification has expired and is 'out of date' (this is the level of non-compliance);
- Properties which are due to be serviced within the next 30 days (this is the early warning system).

#### **Narrative - an explanation of the:**

- Current position;
- Corrective action required;
- Anticipated impact of corrective action;
- Progress with completion of follow-up works.

### Quality assurance

- 6.38 We will appoint an independent competent person and/or consultant to complete an audit of compliance at least once every two years. This audit will specifically test for compliance with the regulation, legislation and codes of practice and identify any non-compliance issues for correction.

### Non-compliance / escalation process

- 6.39 The definition of non-compliance in relation to this Policy refers to any incident which results in a potential breach of legislation or regulatory standard, or which causes or has the potential to cause a significant risk to health or safety, including RIDDOR (see para 5.2).
- 6.40 Any non-compliance issue identified at an operational level will be formally reported to the Head of Property Assets and the Designated Health and Safety Lead in the first instance.

- 6.41 The Head of Property Assets will agree an appropriate course of corrective action with the relevant operational team(s) to address the non-compliance issue and report details of the same to CMT.
- 6.42 CMT will ensure the Portfolio Holder for Housing, Skills and Education is made aware of any non-compliance issue so they can consider the implications and take action as appropriate.

## 7. Implementation, monitoring and review

- 7.1 Monitoring is necessary to ensure that the Council delivers the aims and objectives set out in this Policy. Senior Managers will be responsible for ensuring that staff are complying with this Policy and national applicable and relevant guidance on gas and heating.
- 7.2 Staff will be provided with procedures to ensure that they comply with the Policy provisions and both legislation and regulation. The procedures will also ensure that staff are providing a consistent approach to gas and heating.
- 7.3 This Policy will be reviewed every three years, or in response to relevant changes in legislation, organisational structure, development of good practice, or to address operational issues.
- 7.4 Any minor amendments required will be made by Officers of the Council. Any significant amendments required as a result of changes to legislation or regulation, or Council operations, will be approved by the Council's cabinet. Where significant changes are required, relevant Officers and teams will be consulted before these are implemented.

## 8. Complaints

- 8.1 The Council's definition of a complaint is:  
"An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or a group of residents."
- 8.2 The Council takes complaints made about any service it provides, officers who work for the Council or contractors who provide our services, seriously. If a tenant wishes to make a complaint about the service they have received, a Council officer or contractor, they can be made:
- In writing (letter or email)
  - Using our online complaint form
  - Using the Council's Complaint Leaflets (these are available at the Council's office reception, or our residents can request them to be posted)
  - Via telephone; or
  - In person by an appointment
- 8.3 Reasonable adjustments will be made during the complaints process for vulnerable residents (please see our Vulnerable Tenant Policy).
- 8.4 All complaints received will be dealt with in accordance with the Council's Complaints Policy and Procedure. More information about how to make a complaint can be found on our website: [If you are unhappy \(dover.gov.uk\)](https://www.dover.gov.uk).

## 9. Equality, diversity and inclusion

- 9.1 The Council is committed to promoting equality of opportunity and to eliminating unlawful discrimination on the grounds of race, age, disability, gender, sexual orientation, religion, belief, financial status, and any other difference that can lead to discrimination or unfair treatment considering the principles of the Equality Act 2010. Please see our Equality Policy for more details.
- 9.2 A full Equality Impact Assessment (EIA) was conducted for this policy in accordance with our Public Sector Equality Duty (PSED) when carrying out our duties (s149 of Equality Act 2010). The overall impact for each characteristic is deemed to be positive. Where potential negative impacts to individuals have been identified, particularly in relation to age and disability, mitigative actions have been documented on the EIA.

## 10. Data protection and confidentiality

- 10.1 We process personal data in compliance with data protection legislation including the Data Protection Act 2018 & General Data Protection Regulation 2016. All processing of personal data will be done in line with the data protection principles and where appropriate the necessary exemption applied.
- 10.2 Full details of how we store and use personal information about our residents can be found on our website and in our privacy statement at [www.dover.gov.uk/privacy](http://www.dover.gov.uk/privacy). This will also contain contact information if you have any questions or require assistance from the data protection/information governance team.

## 11. Version control

<b>Approval date</b>	September 2025
<b>Approved by</b>	Cabinet
<b>Policy owner</b>	Property Assets
<b>Scheduled review</b>	September 2028

Policy controls sheet		
Date	Summary of change	Author and approver
		<b>Author:</b>  <b>Approver:</b>