

Gas safety management and access policy

February 2025

Housing
Management



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

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2	Feb 2025	Operational and SI Review / Merger into new SI Plan template	AK / AR	
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2 **Introduction**

- 2.1 The Royal Borough of Kensington and Chelsea (RBKC) believes that everyone living in its properties, all staff working in its buildings and the general public should be safe from the potential harm caused by gas, oil or solid fuel appliances.
- 2.2 The Council also has a responsibility under the Gas Safety (Installation and Use) Regulations 1998 which require landlords to adequately and competently install, maintain and service all gas installations, appliances, flues and installation pipe work under their liability.
- 2.3 This policy applies to all properties with a connected gas supply, oil appliances and carbon monoxide detectors that are managed by the Council's Housing Management (HM) Department and where it is the landlord or carries out a landlord function. This policy discusses the arrangements in place to ensure the safe management of:
- Domestic/Commercial gas installations
 - Carbon monoxide detectors
 - Tenant installed appliances.
 - Temporary oil commercial boilers
- 2.4 For Commercial leases we will seek assurances that the leaseholder complies with this policy in their areas of responsibilities.

3 **Policy Statement**

- 3.1 In all properties where the HM Department is responsible for gas or oil appliances, they will be installed, maintained, upgraded and tested in accordance with legislation, industry guidance, manufacturers' recommendations.
- 3.2 The Council will ensure that an appliance yearly safety check is undertaken in line with current legislation, and that appropriate notification and warning systems are in place to alert occupiers to potential risks.
- 3.3 The risks associated with oil appliances are similar to those of gas appliances. However, they fall outside the scope of gas regulations. The Council will treat and manage any premises with oil fuelled appliances in the same way as a property with a gas supply, which is an appropriate approach due to the similar nature of the associated risks.
- 3.4 RBKC has a target to achieve net zero carbon emissions in our housing stock by 2030 and reducing gas use will be part of our action plan to achieve this.

4 **Related Documents**

- RBKC HM Gas Safety Check No-Access Escalation Policy / Procedure
- Rechargeable Repairs Policy
- RBKC HM Health and Safety Policy
- RBKC Fire Safety Strategy
- RBKC HM Repairs Policy
- RBKC Data Protection Policy
- Tenants Handbook

5 Legislative Context and Guidance

- Gas Safety (Installation and Use) Regulations 1998 as amended by The Gas Safety (Installation and Use) (Amendment) Regulations 2018
- The Smoke and Carbon Monoxide Alarm (England) Regulations 2015
- The Health and Safety at Work etc. Act 1974
- The Regulatory Reform (Fire Safety) Order 2005
- The Management of Health and Safety at Work Regulations 1999 (MHSW)
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR)
- Homes England Regulatory Framework 2015
- Housing Health and Safety Rating System – Housing Act 2004
- Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018
- Construction (Design and Management) Regulations 2015
- COSHH 2002
- Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR)

6 The Council's Commitments

- 6.1 We will ensure that gas safety checks in tenanted properties and commercial boilers are carried out at least every 12 months by a Gas Safe registered engineer.
- 6.2 Alongside annual gas safety checks, we will ensure that a service is also carried out on all boilers in tenanted properties and commercial boilers by a Gas Safe registered engineer.
- 6.3 We will repair and maintain all gas appliances, flues and pipe work to the manufacturer's standards, where we are responsible.
- 6.4 All gas cooking appliances installed by the tenant will be visually inspected as part of the annual safety check. Unsafe gas appliances owned by the tenant will be made safe and/or isolated from the gas supply and then the tenant becomes responsible for the repair or replacement
- 6.5 Where necessary, a warrant will be applied for and served to gain legal access where access has been unreasonably withheld. This approach would be very much a last resort, following a clear, staged escalation process which gives the tenant several opportunities to provide access prior to legal action and the serving of a warrant. The additional cost incurred by the council including legal costs will be recharged to the tenant in accordance with our recharge policy
- 6.6 We will send a copy of any Landlord Gas Safety Record (LGSR) completed to the tenant within 28 days of the safety check and we will keep records of all completed safety checks for a minimum of two years.
- 6.7 We will promote the importance of gas safety to our residents, including giving information about what we do to manage gas safely, and their responsibilities to manage gas safety.
- 6.8 Where the gas supply to a property has had to be capped for safety reasons, the Gas Manager will consider referring the matter to the neighbourhood team to ascertain if welfare support is required

- 6.9 We will deliver a planned programme of domestic and commercial boiler replacements that will improve the standard of existing installations to improve efficiency and comply with current building regulations and towards meeting carbon targets.
- 6.10 Commercial boilers, and the equipment connected to them, will be subject to a comprehensive regime of planned, preventive maintenance in addition to annual safety checks.
- 6.11 CO alarms will be fitted as standard in all properties (including any newly built or acquired properties taken into management by the Council) where a landlord gas, or solid fuelled, appliance is present. Alarms will be fitted by the incumbent contractor as part of the annual service.
- 6.12 All carbon monoxide (CO) alarms will be tested by the contractor completing the annual gas service. The results of this test will be recorded on the LGSR or other approved document in the case of oil appliances.
- 6.13 Contractors will be procured and managed appropriately and will comply with the Council's procurement and contract management policies and procedures.

7 Key Roles and Responsibilities

- 7.1 **The Chief Executive** will be responsible for ensuring compliance with current legislation and making sure that the Council fulfils its duties and responsibilities, as laid out in this document and others including the Gas Safety procedures document.
- 7.2 **The Executive Director of Housing, Social investment and Property** will ensure, adequate funding, competent staff, contractors, facilities and IT to enable the execution of this policy.
- 7.3 **The Director of HM** is the duty holder for Gas Safety and holds accountability and responsibility for ensuring that the organisation manages the risks associated with Gas Safety. This includes:
- Identifying and assessing sources of risk
 - Implementing, managing and monitoring precautions
 - Appointing a competent person or persons with sufficient authority and knowledge of Gas safety to help take the measures needed to comply with the law as the responsible person(s)
- 7.4 **The Assistant Director for Property Services** is responsible for repair and maintenance policies and procedures related to the Council's assets, including compliance with health, safety and environmental legislation, and for overall implementation of this policy. They will ensure that:
- the Head of Residents Safety and Repairs and the GCM are competent and adequately resourced so that they can implement this policy
 - HMT and the Council Executive are informed about any incidents which may affect the image or reputation of the Council or lead to enforcement action, criminal prosecution or civil action being taken against the Council

7.5 **The Assistant Director of Neighbourhoods** will ensure that Housing Officers support the 'no access' process with visits to, and engagement with, tenants, where access for annual servicing is currently (or has previously been) problematic.

7.6 **The Head of Resident Safety and Repairs** is responsible for the operational implementation of this policy, and will ensure that:

- the GCM is adequately resourced and suitably competent to implement this plan fully
- Adequate resources are provided and allocated to carry out the policy
- This policy and associated processes are integrated into RBKC's operating procedures and measured via appropriate KPIs

7.7 **The Gas Contract Manager (GCM)** is the deputy responsible person for the operational delivery of this policy and will ensure that:

- contractors employed by the Council to deliver the gas servicing, repairs and installation programmes are procured and managed robustly and in accordance with this, and related, policies and procedures
- gas contractors hold appropriate qualifications to carry out works on the range of gas installations carried out by the Council
- contractors employed to work on oil or solid fuel appliances (including biomass) are appropriately skilled and competent, and registered with an approved competent person's scheme (OFTEC or HETAS)
- asset reconciliation is carried out to make sure the assets in the gas safety programme are kept up to date
- Properties are added or removed from the contract daily due to sales, purchases, and changes in tenure. These updates are communicated to the gas contractor, gas consultant, and RBKC Gas Technical Compliance Officer to ensure the Keystone list is updated accordingly.
- Quarterly, the lists from the gas contractor, gas consultant, and Keystone are compared to identify any discrepancies, and a consolidated list of gas properties is produced. This process ensures that all properties are accounted for in the annual landlord gas safety checks.

7.8 The **Health, Safety and Resilience** team are responsible for supporting the Director of HM in the management of health and safety including implementation of corporate and local arrangements. The team's duties include among other things include:

- regular audit and review of RBKC's systems policies and processes
- investigating all incidents related to gas safety breaches and if there is a RIDDOR breach, it is reported to the Director of HM and to the HSE via the RIDDOR procedures where required
- Liaison with Corporate Health and Safety Team in any investigation, audit or review

7.9 The **Corporate Health and Safety** Team as the competent person for the Council will

- Monitor and audit organisational activities, management, facilities and training take-up

- Investigate major accidents and incidents, and support managers in investigations, making appropriate recommendations where required; and
- Review the health and safety management system on a rolling programme; and escalate and intervene as necessary to protect staff and the public

7.10 **Contractors** will ensure that all their engineers are qualified and registered to undertake work on the required gas appliances, and that they work in line with the Council's procurement, contract management policies, procedures and contractor code of conduct.

8 Resident Responsibilities

8.1 RBKC considers good communication essential in the safe delivery of gas safety management and will publicise the importance of gas safety to our residents, regardless of tenure and ask them to report any concerns to us. Residents are responsible:

- To ensure that we have access to undertake inspection, repairs and maintenance.
- For reporting any concerns about gas appliances to RBKC immediately, and turning the appliance/s off until they are checked by a Gas Safe registered person
- Where a fault has been identified on a gas appliance not owned by RBKC, it must be repaired by a qualified Gas Safe registered engineer.
- Call National **Gas** Emergencies number immediately on 0800 111 999. If there is a gas leak or can smell gas

9 Leaseholders' Responsibilities

9.1 Leaseholders are responsible for the maintenance and safety of the gas supply, appliances, pipe installations, apparatus and equipment exclusively serving their property. This is so that they do not present a safety risk or danger to anyone in the flat or any other flats in the building.

9.2 RBKC has no legal responsibility to ensure that leaseholders maintain their gas installations (unless stated in the lease). However, in order to minimise any risk to council stock, tenants and members of the public, RBKC will inform leaseholders of their obligations within the conditions of their lease and through reminders contained in the annual cover letter.

9.3 They will also be informed of their legal responsibility if they sublet their property to their tenant under the Gas Safety (Installation and Use) Regulation 1998 to carry out an annual safety inspection. And keep the record of the check for at least 2 years

10 Safety Checks

10.1 Annual safety Checks

10.1.1 The Council will carry out annual gas safety checks on all appliances as stipulated in the Landlord Requirements of Gas Safety (Installation and Use) Regulations 1998 on all relevant appliances and issue an LGSR to the tenant within 28 days. Any issues that are identified during the gas safety check will be:

- resolved at the time of the check, where the engineer can do so
- scheduled for remedial work with an appropriate timescale for completion, or
- recorded for later resolution as part of a planned schedule of maintenance work.

- 10.1.2 RBKC will deal with any gas appliance identified as being potentially unsafe in line with the GIUSP (Gas Industry Unsafe Situations Procedure) and if necessary, isolate the appliance from the gas supply and issue warning notices to the tenant.
- 10.1.3 When an appliance or installation is assessed as At Risk, the appliance will be turned off, with the tenant's permission, a warning notice issued to both the tenant and the Council, and the appliance should not be used again until the fault has been repaired.
- 10.1.4 When an appliance or installation is assessed as Immediately Dangerous, our agent will disconnect it and issue a warning notice to both the tenant and the Council, indicating that it must not be used until the necessary work has been carried out to repair the defect(s).
- 10.1.5 If the tenant or resident refuses to allow the disconnection of the installation or appliance that has been assessed as Immediately Dangerous, our engineer will report this to the Gas Emergency Service Provider (ESP) (Cadent) who has legal powers to demand entry to the property to make it safe or disconnect the gas supply to the property.
- 10.1.6 A copy of each LGSR and any supporting documentation will be kept for a minimum of two years, or until two additional annual checks have been completed, preferably in electronic format.
- 10.1.7 LGSRs are stored in the RBKC database (Keystone), with only valid certificates being updated to provide a summary of daily compliance. However, this summary may not fully reflect the actual compliance status due to a delay in updating information on Keystone. The compliance figures provided to senior management are more accurate and consistently higher than those in Keystone for the following reasons:
- When an engineer visits a property and issues an LGSR, the gas contractor manager conducts a Quality Check (QC). Subsequently, RBKC's independent gas consultants perform an additional QC. Once accepted, the LGSRs are forwarded to RBKC's Gas Technical Compliance Officer (GTCO) for upload to Keystone. This process can take up to 6 days. During this period, the property is removed from the jeopardy list once deemed compliant, before the quality checks are completed. If the LGSR is rejected, the property may be returned to the jeopardy list.
 - Each morning, the GTCO reconciles the Keystone report against the jeopardy list (working spreadsheet derived from Keystone). Occasionally, properties with valid LGSRs may not appear on the Keystone report due to delays such as missed uploads caused by holidays.

- Only LGSRs that have passed the QC process are uploaded to Keystone. Rejected LGSRs, while legally valid, are not contractually accepted and are only uploaded once amended by the contractor. Additionally, the Keystone report marks a property as non-compliant one day before the actual expiry date of the LGSR.

10.2 **Safety Checks on Communal Units and Commercial Installations**

- 10.2.1 The Council will meet statutory requirements by carrying out an annual gas safety check on all communal installations serving residential premises. We will complete a Gas Installation Safety Report (non-domestic) on form CP15 or equivalent which we will record on the Council's database and make available upon request.
- 10.2.2 Commercial boilers with over 60 kW heat input will be serviced at least once a year (typically visits will take place at least six-monthly) to undertake planned, preventive maintenance. The frequency of visits for planned preventive maintenance will vary from scheme to scheme and will be dependent upon manufacturers' requirements for the equipment installed, as well as the age and condition of the plant.
- 10.2.3 The Council will ensure that a suitable plant room risk assessment is in place and the recommendations contained therein are acted upon to comply with the Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR), the requirements of the Regulatory Reform (Fire Safety) Order 2005 and any other relevant, applicable legislation.

10.3 **Safety checks for voids and new lettings**

- 10.3.1 When a property is vacated, the gas supply and appliances will be tested, the gas supply capped, and a new LGSR issued, before the tenant moves into the property. The gas is recommissioned when keys are issued to a new tenant and a new LGSR issued.
- 10.3.2 No gas appliances will be gifted to an incoming tenant and any gas appliances, other than a gas boiler, or a gas fire connected to an operational back boiler, will be removed by the Council prior to re-letting. gas boilers will be checked for safety and serviced as part of the void process.

10.4 **Safety Checks for Major Repair/Refurbish, New Build and/or Acquired Properties**

- 10.4.1 Any unoccupied properties will be capped and dealt with in the same way as a void. Where unoccupied properties are undergoing substantial refurbishment or major repairs, or where a property is newly built or acquired, a safety check and LGSR will be completed following the practical completion of works and no earlier than 10 days prior to handover. This check will be carried out irrespective of whether an existing LGSR is in place.
- 10.4.2 Due consideration will be given to the impact on gas safety during any major repair, refurbishment or replacement works to occupied properties.

10.5 Properties where RBKC is not responsible for Gas Safety Checks

- 10.5.1 Where RBKC is not the freeholder of a building in which we have placed tenants, we will obtain copies of any relevant Gas Safety checks required by legislation from the freeholder.
- 10.5.2 Commercial tenants who generally have full internal repair leases are responsible for carrying out their own Gas Safety checks. RBKC will request copies of these safety checks from commercial tenants annually, as a means of checking that they are being undertaken.

11 Access for Safety Checks

- 11.1 Under the Gas Safety (Installation and Use) Regulations 1998, RBKC, as a landlord, has a duty to maintain gas installations in its tenanted properties in a safe condition and to safety check such installations at intervals not exceeding 12 months. This includes checking for the presence of a gas supply, servicing of gas-fired heating and hot water appliances, tightness testing of gas pipework and checking the existence/correct operation of emergency gas control valves.
- 11.2 The Council will make every effort to gain access prior to pursuing legal action and consider new and innovative ways to gain access. Where the Council does seek legal intervention, the preferred first option is the use of council powers which is enforced under your Tenancy Agreement.
- 11.3 Where specific circumstances suggest this route will not be effective, or if this route has failed, the Council will consider injunction or possession proceedings.
- 11.4 Where a Warrant is applied for to gain access, RBKC HM has delegated authority from the Executive to authorise HM staff to act as "Authorised Officers" and apply for and serve a Warrant as necessary, to gain access.
- 11.5 The Council realises that there may be a support need, language or format issue, or specific tenancy management reasons that cause access difficulties. In these circumstances, where the need has been identified, the Council will try to overcome the problem before commencing legal action.
- 11.6 In circumstances where there is a strong suspicion that the property has been abandoned, or where a tenant has indicated that they will be away from the property and is unable to allow access in good time, the Council will cap the supply externally (in the latter case, with the agreement of the tenant).
- 11.7 The Council will consider the effect on vulnerable residents or any potential safe-guarding issues and will undertake a risk assessment prior to capping a supply externally. In the case of a potential health and safety risk, such as a suspected gas leak where the Gas Network Operator – Cadent in this area will be contacted to isolate the supply.
- 11.8 Where a gas supply has been capped following a failure to gain access and carry out the annual check, a competent person will visit the premises at least once every four weeks to confirm that the cap is still in place and that the situation has not changed. If the property is considered to be at risk, weekly visits to the premises will be made and documented until access is gained.

- 11.9 Following the capping of a gas supply to any occupied property or property with a “live” tenancy, the Council will continue to take all reasonable steps in line with the no access policy to gain access for the annual service and safety check. Additional costs incurred by the Council, including legal costs, will be charged to the tenant in accordance with our recharging policy.

12 Repairs and Upgrades

- 12.1 When a tenant reports an emergency repair such as gas leaks and fumes, they will be advised to report it to the National Gas emergency service on 0800 111 999 and who will respond within an hour
- 12.2 Urgent repairs such as loss of heating or hot water from a gas boiler will be attended to within 24 working hours. These and all other gas related repairs will be done in accordance with the HM’s repairs policy.
- 12.3 Gas Heating systems will be replaced on a planned programme prioritised according to age, efficiency and reliability. Where it is determined that a boiler is not economical to repair for whatever reason it will be replaced.
- 12.4 The asset database will be updated whenever a boiler is replaced to ensure that it is included in the maintenance and compliance monitoring programme.
- 12.5 The Council will service and carry out a safety check on any Council owned gas fire. The Council will replace if requested any of its gas fires in residential properties with an electric alternative if requested.
- 12.6 When any tenant owned gas fire reaches the end of their economic life, the Council will remove the gas fire and replace it with an electric fire only if requested.

13 Carbon Monoxide Detectors

- 13.1 New CO alarms will be fitted as standard in all properties (including any newly built or acquired properties taken into management by the Council) where a landlord gas, or solid fuelled, appliance is present. Alarms will be fitted by the incumbent contractor as part of the annual service.
- 13.2 All carbon monoxide (CO) alarms will be tested by the contractor completing the annual gas service. The results of this test will be recorded on the LGSR or other approved document in the case of oil appliances.
- 13.3 Whenever a battery-operated alarm is fitted, this will be powered by a battery designed to last the life of the product which is designed to last no less than five years. The Council will ensure that a suitable regime of alarm device replacement is in place.
- 13.4 If the batteries are found to have run out before the life of the alarm the alarm will be replaced. For hardwired devices, they will replace the battery or take any other remedial action if they are found to be defective.

14 Service Interval Timers

- 14.1 Where a warrant for access has been granted, Service Interval Timers (SIT) will be installed to provide audio visual warnings to customers that their annual service is due.

- 14.2 Where the 'no access' procedure to carry out an LGSR has reached the warrant stage on more than one occasion for the same resident, a SIT will be installed or activated when access is gained to the property. They will be activated if forced entry has to be applied for servicing

15 Quality Control

- 15.1 The GCM will ensure that there is a suitable quality control regime in place covering both desktop and site-based physical assessment of the quality of work undertaken and supporting documentation completed.
- 15.2 The regime in place will be a combination of contractor self-assessment, in-house post inspection and third-party inspection. Details of volumes, outcomes, remedial actions and learning shall be presented as a regular agenda item at contract management meetings.
- 15.3 As part of the Council's commitment to gas safety, and in line with the best practice, a meaningful proportion of gas work undertaken will be assessed by a suitably competent third party, typically a specialist consultancy practice. The third-party provider must be a Gas Safe registered business employing competent staff to assess the quality and validity of workmanship and documentation. Typically, the Council will arrange for third-party post-works checks on no less than 10% of all gas work undertaken by the contractor but this may be increased dependant on performance (request by GCM/RSM)
- 15.4 All new installations will be post-inspected by a Gas Safe registered person.
- 15.5 All LGSR's completed by the Council's gas contractors will be subject to a desktop quality check by the retained third party consultancy and the results reported to contractors and the GCM.

16 Monitoring and Audit

- 16.1 The Duty Holder will monitor performance against key performance indicators on gas safety through the HM Residents Safety Board or a similar Management Board on a monthly basis.
- 16.2 A suitable suite of performance measures will be put in place which allows accurate performance monitoring
- 16.3 HMT and the HM Residents Safety Board will be provided with regular updates on LGSR compliance in line with the KPI reporting schedule
- 16.4 We will ensure that all gas servicing repairs, and installation contractors are gas-safe registered and hold appropriate qualifications to carry out work on the gas installations they are contracted to work on.
- 16.5 The recording of activities for the No Access Process is vital to ensure it's consistent and efficient. It is essential that full and complete records of all actions taken by RBKC HM, and the Gas Safety Contractor, are held and may be referred to as required, especially if any legal processes arise.

16.6 The HM Resident Safety Team (RST) are responsible for the maintenance of all appropriate records and the Contractor will record activities as appropriate on their own systems. Keystone Asset Management database is utilised to record/manage the compliance process. HM RST will also create and administer and close CRM Access Workflows with the relevant details required, including access appointment letters to residents, any phone call records, and appointment dates. We also make a note of any vulnerabilities on CRM which we may need to consider when accessing a property.

16.7 We will manage compliance through keeping comprehensive and accurate records, which will be stored securely and in a manner that enables easy recall.

16.8 Annual reviews of contractor health and safety procedures as well as regular review of contractor compliance and performance will be carried out.

17 Equalities Statement

17.1 The Council is committed to promoting fair and equal access to services and equal opportunities in employment, the procurement of goods and as a community leader. The Council's policies, procedures and day-to-day practices have been established to promote an environment which is free from unlawful and unfair discrimination, while valuing the diversity of all people.

17.2 Discrimination on the grounds of race, nationality, ethnic origin, religion or belief, gender, marital status, sexuality, disability and age is not acceptable: the Council will take action to ensure no person using the council's premises or services receives less favourable treatment or is disadvantaged by requirements or conditions that cannot be justified. The Council will tackle inequality, treat all people with dignity and respect and continue to work to improve services for all service users.

18 The General Data Protection Regulation (GDPR) and the UK Data Protection Act 2018

18.1 As a directorate of RBKC, HM shares the commitment to ensure that all data is:

- Processed lawfully, fairly and in a transparent manner.
- Collected for a specific and legitimate purpose and not used for anything other than this stated purpose, or as provided for in our privacy and fair processing notices.
- Relevant and limited to whatever the requirements are for which the data is processed.
- Accurate, and where necessary, kept up to date. Any identified inaccuracies will be amended or removed without undue delay.
- Stored for as long as required, as specified within RBKC's Records Retention policy.
- Secured with appropriate solutions, which protect the data against unauthorised or unlawful processing and accidental loss, destruction, or damage.

18.2 For further information about the Council's commitment to GDPR, please see the Council's website at www.rbkc.gov.uk.

19 Compliance, Monitoring and Review

19.1 We will measure and monitor our performance against our key performance indicators and will make changes and improvements to the service where required.

19.2 The overall responsibility for the approval of this Policy sits with the HM Directorate.

19.3 This policy will be reviewed every five years, or when legislative or regulatory changes take place that could affect it. The next review will take place by: February 2030

20 Appendixes

20.1 Appendix 1 – Glossary ([Link](#))