



HOUSING POLICY



LONDON BOROUGH OF
HARROW

Gas Safety Policy

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1. Purpose

The London Borough of Harrow (LBH) owns and manages around 4000 properties which are heated by a gas appliance. There are numerous other homes which have communal heating systems which are fuelled by gas. We have a legal and moral obligation to ensure that all gas appliances are regularly serviced and safe to use. This policy outlines the steps taken to ensure the safety of all residents within these homes.

2. Scope

Within the Gas Safety (Installation and Use) Regulations 1998 legislation and more widely the Health and Safety at Work Act 1974, there is a duty placed upon landlords to maintain all gas appliances and related pipework that the tenant cannot legally remove from the property. The landlord is responsible for these appliances to be correctly maintained, kept in a safe condition, serviced on an annual basis: and ensures that the risk of injury to any person from carbon monoxide exposure or gas escape is prevented as far as is reasonably practicable.

We will ensure that servicing of gas appliances and associated pipework within all Harrow Council properties is carried out within a 12-month period.

London Borough of Harrow, as a landlord, has no legal responsibilities in respect of appliances which belong to leaseholders, or to the flues serving these appliances under the Gas Regulations. However, the HSE believe that under the Health & Safety at Work Act that the chimneys serving tenants own appliances should be maintained so as to be fit for purpose. Flues serving tenants own appliances will be checked at the same time as the annual safety inspection visit by the Gas Safe Registered operative (will only be a visual check by the engineer).

With regards to tenants' own appliances which are not the responsibility of Harrow, these will not be included within the annual safety check. A visual check will be undertaken by the Gas Safe engineer and appropriate action taken where necessary to make the appliance safe only, responsibility for repairs will remain with the tenant.

3. Definitions

"Us, We, Our" - Refers to The London Borough of Harrow (or 'Harrow').

"You" - Refers to London Borough of Harrow tenants.

Landlord Gas Servicing Record (LGSR) – A certificate produced by a qualified gas safe registered engineer following a service of a gas appliance, a copy of which is given to both Harrow and the resident.

Article 8 of The Human Rights Act - offers some protection for a tenant against forced access from the landlord. This can be overridden on various grounds including where protection of health and safety is an issue. Any action taken must be proportionate to the legitimate aim pursued, legal advice must be sought, and a court order/injunction obtained.

C365 is the London Borough of Harrow's Housing Services' online compliance database which keeps all inspection information and certificates in one place. We use it to track our compliance with asbestos, electrical, fire, gas, lifts and water safety.

Forced entry to undertake an annual gas safety check/service must only be used as a last resort. There are few situations, which would warrant obtaining a court order/injunction to enter a property using force and without the permission of the tenant. Each case must be assessed on its own merits by the Housing Operations Manager. In cases where the situation is so serious, e.g. there is a smell of gas from outside the property, Cadent need to be called, then the decision, as to whether or not to use force to gain entry, should be made by Cadent, not the London Borough of Harrow.

Forcible entry for the purpose of undertaking an annual gas safety check may only be used where there is a clause in the tenancy agreement permitting it (see point 5 below) and where it is justified. In the case where a tenant's health and safety are at

risk, and a statutory body (e.g. probation, social services, CSN etc) is involved, they should be informed as soon as possible, and action taken by the most appropriate organisation.

Landlord Gas Servicing Record (LGSR) – A certificate produced by a qualified gas safe registered engineer following a service of a gas appliance, a copy of which is given to both the LBH and the resident.

4. Objectives

Landlords are required to arrange for their gas appliances to undergo a gas safety check every 12 months. Any remedial action required must be carried out using a LBH approved registered gas installer (gas safe) engineer. It is the duty of the tenant to allow access to the property for the above works to be carried out on an annual basis.

In order to comply with the Regulations, we will ensure an adequate number of fully resourced Gas Safe registered contractors are engaged to carry out the annual servicing, maintenance and repairs of gas appliances and associated pipework. The annual service incorporates the legally required gas safety checks. It is the duty of the tenant to ensure the engineer can access the property to carry out any necessary work and perform the annual service.

The Government introduced regulations in order to minimise the possibility of injury or death from carbon monoxide poisoning or gas escapes and in particular to ensure landlords were made responsible for ensuring gas appliances and associated pipework, that the tenant could not legally remove, within their tenants' dwellings were maintained adequately to meet this commitment.

In addition, we will ensure rigid monitoring of contractor performance to ensure they are compliant with the current Gas Safe regulations and gas safety legislation in line with the Quality Control procedure.

London Borough of Harrow outsources the maintenance, safety checks, installation and repair of gas appliances and the achievement of the aims within this policy is delivered by an appointed contractor.

We aim to comply with our legal duty under **The Gas Safety (Installation & Use) Regulations 1998** to ensure that any gas appliances, associated pipework and flues are safe to use and maintained correctly within their properties. Specifically, the requirements are as follows:

- All landlord's gas appliances, gas pipework and flues must be maintained in a safe condition.
- All landlord's gas appliances and flues must be safety checked every 12 months and records of these safety checks must be kept and made available for inspection until there have been two further checks of the appliances or flues available for inspection for at least two years.

- Tenants will be provided with a copy of the gas safety check record within 28 days of the annual safety inspection taking place. In sheltered housing schemes, served by plant rooms where no gas boilers are inside tenant accommodation, the record will be displayed in accordance with the Gas Safety (Installation & Use Regulations) 1998. This will be issued by the contractor and periodically checked by Harrow to ensure it is taking place.
- New tenants are issued with a copy of the current gas safety record before they take up occupation.
- Any open flued gas appliances within rooms that could be used for sleeping shall be removed unless the appliance is in a room sealed or fitted with the relevant safety device.
- There are no open-flued appliances in bathrooms or shower rooms.
- Tenant owned appliances are checked for gas tightness.

Additionally, we are required to employ only competent engineers who are registered with Gas Safe Register to carry out the installation, servicing and maintenance of these appliances. Competence is determined on the level of training, experience and practical skills demonstrated by engineers. In respect to training and practical skills, operatives must hold the relevant elements of the Accredited Certification Scheme. These qualifications must be kept current and renewed as and when necessary. Operatives must show their ID when visiting a property.

5. Commitments

London Borough of Harrow aims to deliver an excellent service in line with our service standards outlined below:

- Gas appliances will be serviced and safety checked annually in all properties owned by LBH.
- In order to ensure that no property is left without a valid gas safety certificate, a programme of inspection based on a 10-month cycle will be followed. This is to allow us along with any contractors, up to 2 months to negotiate arrangements for access with tenants who are not immediately available.
- We will work with our partnering contractors to ensure that we carry out servicing and repairs to gas appliances and associated pipework promptly and effectively.
- We will work with our partnering contractors to ensure they write to our tenants giving them appropriate advance notice of appointments as detailed in the Gas Safety Procedure.
- We will work with our partnering contractors to ensure that we treat our tenants' homes with respect.

- We will work with our partnering contractors to ensure that we provide an out-of-hour emergency service all year round.
- We will work with our partnering contractors (Liberty Group), to ensure that they provide temporary heating equipment when necessary. If a gas safety inspection shows that a LBH appliance is condemned or in need of repair. We will ensure that the remedial work is completed speedily in accordance with our stated repairs policy.
- A copy of the Landlord Gas Safety Check Certificate (LGSR) will be provided to all existing LBH tenants on completion of a satisfactory inspection.
- We will ensure that new tenancies are let with an appropriate Gas Safety Check Certificate.
- We will work with our partnering contractors to ensure we carry out servicing and repairs to gas appliances and associated pipework promptly and effectively.

We are also committed to the following:

We will ensure that servicing of gas appliances and associated pipework within all LBH properties is carried out within a 12-month period.

We will pursue legal action on all properties failing to allow access for an annual gas safety check once all reasonable steps as per Harrow's servicing process has been exhausted. In those cases where access arrangements are difficult, detailed procedures will be followed to ensure the service takes place as soon as possible (refer to Gas Servicing Procedure).

We will maintain an up-to-date database of all Landlord Gas Safety Certificates (LGSR) issued ensuring the location, age, flue type, combustion performance result, heat input or burner pressure, appliances safe to use, and type and condition of all gas appliances within its dwellings is recorded. We aim to provide value for money in all aspects in the gas servicing process.

We will ensure all properties contain only safe gas appliances prior to any new tenants taking up residence. All gas appliances in communal plant rooms in LBH owned premises, where tenants are living, are serviced annually and inspected in advance of the gas certificate expiry date. Access arrangements are triggered from between the 10th and 11th month and delivered by LBHs appointed contractor.

6. Roles and responsibilities

[Your responsibilities](#)

Tenant's roles and responsibilities have been set out below as per tenancy terms and conditions:

Gas safety check

- We will check all of your gas appliances and pipework (visual check to cookers and tenants own gas fires only) every year to make sure they are safe. You must let us into your home to carry out this safety check in line with your Tenancy Conditions.

Access

Once you have been given 48 hours' notice in writing that we intend to visit your home you must let our officers, agents and contractors come into your home to carry out inspections and any work needed. If we have asked to come into your home but you do not let us in, we may get a court order which says you must let us in. If you continue to prevent us from coming into your home, we may take action to get a possession order from the court.

NOTE: It is the tenant's obligation and duty to allow access to the property for the engineer to carry out gas safety checks and inspections. The aforementioned is in the interest of health and safety to the tenant and their family, safety to the community and to council properties.

Our responsibilities

We will normally give you at least 48 hours' notice in writing if we want to come into your home and will try to give you longer if possible. You should ask to see identification before you let anyone into your home.

If we need to enter your home forcefully, we will ensure your home is left secure. You will be provided with keys for any new locks that need to be installed. Please note that you may be responsible for covering the costs associated with forced entry, such as new locks or doors. These costs may be added to your rent account.

London Borough of Harrow and our appointed gas contractor (Liberty Group) will, throughout all stages of the gas servicing process, keep comprehensive and accurate records of all the action taken. These records will be required if Harrow are to commence appropriate legal proceedings. This will help to safeguard Harrow's interests should there be an injury resulting from our failure to complete the Safety Check.

In the majority of cases tenants cooperate with the appointed contractor and LBH allowing access to carry out the necessary gas safety check and repairs. In some instances, access cannot be gained. For these instances we have a Gas Servicing Procedure in place. This ensures the safety of council tenants and ensures that we comply with appropriate regulations. Taking court action to force entry into a property will always be used as a last resort. Court action will happen when all other reasonable attempts to gain access in accordance with the gas servicing procedure have been followed.

[Roles and responsibilities related to this policy](#)

The roles and responsibilities for key stakeholders across LBH are detailed below. Note these are the roles and responsibilities in specific relation to the delivery of this policy only.

- **Managing Director of Paid Service as the Duty Holder** will need to ensure that resources are made available to allow for the appropriate management of Gas Safety. They will have ultimate accountability for the proper implementation of this policy, will discharge their responsibilities to the Director of Housing. They should however retain an oversight on progress/performance.
- **Director of Housing as the Responsible Person** is responsible for the overall implementation, and regular review of this policy and ensuring its objectives are achieved. They are also responsible for compliance performance reporting to the Health and Safety Asset Board, and the Chief Executive. They will ensure that any compliance and/or H&S related issues are dealt with.
- **Gas Contract Manager as the Deputy Responsible Person** will be responsible for the day-to-day operational delivery of all aspects of this policy. They will support the Head of Housing in the writing and implementation of the Lift Management Plan. They will act as the organisation's lead for gas safety management providing technical advice and guidance to staff. They will ensure that Harrow continues to work in line with the most up to date industry guidance.

Building Safety & Compliance Manager will ensure that a suitable and sufficient information is being provided in the form of KPIs and overall performance.

[7. Legislation and regulations](#)

This policy has been created in line with the following legislation and regulations:

- Gas Safety (Installations, and Use) Regulations 1998 as amended.
- Health and Safety at Work etc Act 1974 (HSW Act)
- Pipelines Safety Regulations 1996 (PSR)
- Gas Safety (Management) Regulations 1996 (as amended) (GSMR)
- Workplace (Health, Safety and Welfare) Regulations 1992 (WHSR)
- Management of Health and Safety at Work Regulations 1999 (MHSWR)
- Provision and Use of Work Equipment Regulations 1998 (PUWER)
- Construction (Design and Management) Regulations 2015 (CDM)
- Pressure Systems Safety Regulations 2000 (PSSR)
- Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR)

The risks of not following this policy are that Harrow will not comply with the requirements of the Gas Safety (installation and Use) Regulations 1998 leading to a

potentially detrimental impact on the safety of customers and staff. This may result in:

- Risk of serious harm to residents and other users of Harrow's buildings
- Prosecution by the Health and Safety Executive under Health and Safety at Work Act 1974.
- Risk of serious harm to residents and other users of the London Borough of Harrow's buildings.
- Prosecution by the Local Authority under the Housing Act 2004.
- Prosecution under Corporate Manslaughter and Corporate Homicide Act 2007.
- Reputational damage.
- Loss of confidence by stakeholders in the organisation.
- Breach of the Consumer Standards as part of Social Housing Regulation Act 2023.

8. Service performance

London Borough of Harrow will have specific procedures and targets in place to ensure that we meet the required service standards relating to performance as outlined below:

- 100% access achieved.
- 2 - 5% quality control checks carried out by the London Borough of Harrow or by externally appointed consultants.
- 100% tenant satisfaction
- 100% gas services completed within required timeframe.

9. Data protection, record storage and retention

Harrow shall keep appropriate and up to date records and certification relating to the gas safety for a period of at least 3 years.

All LGSRs will be stored at a property or building specific level within C365, our compliance database. There should be no requirement to retain any records which contain personal data on customers.

10. Review

This policy will be reviewed every two years, or sooner if required by statutory, regulatory, best practice, emerging developments, or circumstances arising from reviews of other group wide policies. The policy will be reviewed by the Building Safety & Compliance Manager.

11. Equality and Diversity

This policy will be applied in a way which ensures equality of treatment for all customers without discrimination, or victimisation on account of any protected

characteristic as defined within the Equality Act 2010. In drafting this policy Harrow has had regard to its public sector equality duties under s149 of the Equality Act 2010, namely the need to:

- Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited under the Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The policy pays regard to diversities around access to and delivery of any services. On request the London Borough of Harrow will provide translations of all its documents, policies and procedures in various languages and formats.