



Report to Policy Committee

Author/Lead Officer of Report: Alison Charlesworth, Service Manager

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Report of: *Alison Charlesworth*

Report to: *Housing Policy Committee*

Date of Decision: *15th December 2022*

Subject: *Gas Servicing Policy*

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If YES, what EIA reference number has it been given? 1340				
Has appropriate consultation taken place?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Does the report contain confidential or exempt information?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-				
<p><i>“The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended).”</i></p>				

Purpose of Report:

To seek approval of a new policy on gas servicing.

We have not had a policy relating to gas servicing before as we have legal and statutory duties to carry out the annual safety inspections. This policy provides a clear position statement of those duties and Sheffield City Council’s commitment to achieve 100% compliance.

Recommendations:

That the Housing Policy Committee –

- 1) *Approve the Gas Safety Policy for Sheffield City Council*

Background Papers:

Appendix 1 – Gas Servicing Policy

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: <i>Helen Damon</i>
		Legal: <i>Stephen Tonge</i>
		Equalities & Consultation: <i>Louise Nunn</i>
		Climate: <i>N/A</i>
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	EMT member who approved submission:	<i>Ajman Ali</i>
3	Committee Chair consulted:	<i>Councillor Douglas Johnson</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: <i>Alison Charlesworth</i>	Job Title: <i>Service Manager, Repairs Policy and Improvement Team</i>
	Date: <i>28th November 2022</i>	

1. PROPOSAL

- 1.1 Sheffield City Council has specific duties under the Gas Safety (Installation and Use) Regulations 1998 as amended in 2018. This requires any gas appliance in a property that is owned by Sheffield City Council and subsequently let, must be inspected for Gas Safety within 12 months of its installation and within every subsequent 12-month period thereafter.
- 1.2 At the current time Sheffield City Council does not have a policy statement that outlines these responsibilities and our duties under the legislation. We feel that we should introduce a clear policy that can be shared with customers that shows our duties and outlines our intention to comply with the law.
- 1.3 Sheffield City Council aims to protect the occupiers of its properties, visitors, staff, contractors and the public, from the risks associated with the usage of gas for domestic purposes. Sheffield City Council will conduct a programme of gas safety checks to all its domestic properties where a gas supply is installed and aims to hold a valid Gas Safety Certificate for 100% of these properties.
- 1.4 Alongside the requirements outlined in law Sheffield City Council will also be required to report to the Regulator of Social Housing, its performance in meeting its compliance obligations. The Regulator of Social Housing has a set of four consumer standards, one of which relates to the standard of homes. As part of the repairs and maintenance standard Sheffield City Council will need to ensure that we can meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes.

2. HOW DOES THIS DECISION CONTRIBUTE ?

- 2.1 This policy plays a part in helping the Council meet its commitments in the Council's wider One Year Plan - Communities and Neighbourhoods. Every community in Sheffield should be a great place to live, with excellent local services, access to high quality green spaces, and a great local centre; where everyone has a home they are proud of, that suits their needs, and that supports their health; where everyone feels safe and is able to live without fear of prejudice or discrimination; where people get along and everyone can play a full part in the life of their local area, and have an expectation of health, wellbeing and happiness.
- 2.2 The Housing and Neighbourhood Service Plan has a key theme of Safe Spaces which states that our delivery outcomes meet our Landlord Commitment to 'take care of your neighbourhood' and the Regulator themes and Tenancy and Neighbourhoods. This includes having safe homes and buildings.

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1 It has not been relevant to consult on this policy as the duties are legislative and statutory in nature.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality Implications

- 4.1.1 The Council has a duty under section 149 of the Equality Act 2010 (the public sector equality duty) in the exercise of its functions to have regard to the need to:

- a) eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under this Act.
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

This duty has been considered in creating this Gas Servicing Policy.

4.2 Financial and Commercial Implications

- 4.2.1 There are no direct financial or commercial implications for this policy.
- 4.2.2 The cost of gas servicing is funded by the Council's Housing Revenue Account (HRA), as part of its repairing and maintaining obligations and is included in the existing revenue repairs budget. The services are carried out by the Council's Repairs Maintenance Service (RMS).
- 4.2.3 Additional staffing resources will be required in the Repairs Policy and Improvements Team (RPIT) within the Housing and Neighbourhoods Service to implement the policy, to manage the procedure for failed access. The cost of this additional resource will be around £280k per year, this additional cost will need to be managed within the existing available resources within the HRA.

4.3 Legal Implications

- 4.3.1 The Council is under a statutory obligation to undertake the gas servicing work annually. The obligations are set out in Gas Safety (Installation and Use) Regulations 1998 (as amended). As such the Council is not

required by law to have a policy per se but officers consider that the Council and its tenants would be best served in implementing a policy. The Gas Servicing Policy contained in Appendix 1 sufficiently explains the legal aspects.

4.3.2 The Council is a regulated provider of social housing and must comply with the Regulator of Social Housing's Regulatory Standards including the Home Standard that includes the requirement to "meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes". Compliance with Gas Safety (Installation and Use) Regulations 1998 through this Policy will enable the Council to discharged its regulatory obligations.

4.3.3 Insofar as the legal enforcement remedies are concerned the Council is able to seek injunction orders requiring the tenant to permit access for the gas servicing to take place, to seek possession for persistent refusals to allow access for that purpose and now intends to utilise measures provided under environmental legislation (Environmental Protection Act 1990). The latter option is a remedy employed by other authorities to address this issue but not as yet by this Council. As such it will require monitoring as to its effectiveness. The Councils Legal Service has advised relevant officers including the author of this report as to the pros and cons of employing the EPA 1990.

4.4 Climate Implications

4.4.1 None

4.4 Other Implications

4.4.1 None

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 Sheffield City Council are not required to have a clear policy for gas servicing due to the legal and statutory obligations to carry out this activity, but we feel it is best practice to have one in place.

6. REASONS FOR RECOMMENDATIONS

6.1 It is recommended that the Housing Policy Committee approve this policy.

