

MIDDLESBROUGH COUNCIL

EXECUTIVE REPORT

Gas Safety Management

Deputy Mayor & Executive Member for Resources, Councillor David Budd
Executive Director of Neighbourhood & Communities, Kevin Parkes

10th April 2014

PURPOSE OF THE REPORT

1. The purpose of the report is to set out the Council's approach to gas safety management and the adoption of a revised corporate policy in respect of this issue.

SUMMARY OF RECOMMENDATIONS

2. Adopt the approach set out in this report across the Council regarding gas safety management.

Adopt the revised corporate policy for gas safety management as part of the Council's approach to managing work in this area (see Appendix 1).

IF THIS IS A KEY DECISION WHICH KEY DECISION TEST APPLIES?

3. It is over the financial threshold (£150,000)
It has a significant impact on 2 or more wards
Non Key

X

DECISION IMPLEMENTATION DEADLINE

4. For the purposes of the scrutiny call in procedure this report is

Non-urgent
Urgent report

X

BACKGROUND AND EXTERNAL CONSULTATION

5. Any work undertaken on gas appliances must be undertaken by law via a 'Gas Safe Registered' operative. The Health and Safety Executive oversees this process and could take out enforcement/prosecution where the legislation has been breached.
6. All of these provisions are covered by the Gas Safety (Installation and Use) Regulations 1998 and practical guidance is provided by the Approved Code of Practice (ACOP). The Approved Code of Practice requires that the Council ensure that all work on gas appliances be undertaken by a 'Gas Safe Registered' operative.
7. In January 2010 the Corporate Asset Manager engaged the services of CORGI Technical Services to undertake an audit to establish if the council was compliant with the Gas Safety (Installation and Use) Regulations 1998. This led to the council producing a Gas Policy and a further audit in April 2011. Since 2010 The Corporate Asset Management team and Property Services have worked with CORGI Gas Services to develop procedures to ensure compliance with the policy. A further Audit was undertaken by CORGI Technical Services in September 2013 (appendix 2&3). The original policy now requires revising to reflect the changes to the Council's management structure.
8. Corporate Asset Management is responsible for the Council's 'Corporate Asset Portfolio, with Middlesbrough Council Property Services being responsible for the role of Client Agent & Delivery Agent. Property Services has Gas Safe Registration and fully complies with the legislation in terms of Gas Safety (Installation and Use) Regulations 1998. Where Property Services does not have the capacity to do the work, they employ Gas Safe Registered companies to undertake the work.
9. Test certificates and other relevant documentation are completed by Property Services, with the original hard copy held by Property Services, a separate copy provided to the responsible person at each site, where they are required by third party inspectorates such as Mouchel H&S unit and Care Quality Commission and an electronic copy is saved on the Task Forge system.
10. Schools and Academies procure their own maintenance contracts, which include servicing of gas appliances & pipework. However the Corporate Asset Management team is responsible for ensuring the schools are in compliance, so is therefore in the process of providing each school with an information pack which will provide the school with core gas plant data, CAD plan of plant and meters, a standard servicing specification, guidance on the requirements of Gas Safety (Installation and Use) Regulations 1998, a note explaining why they should ensure contractors undertaking gas works hold the required Gas Safe Registration and how they can check their certification. The Health and Safety Unit within Mouchel asks to see test certificates as part of the annual property inspection regime.
11. Where contractors have either misled the Council in respect of their registration status or knowingly undertaken work on Council property without the appropriate certification they should be excluded from future work on Council property.

12. As well as ensuring that the Council fully satisfies itself that it employs genuine Gas Safe Registered contractors and obtains and collates the necessary test/maintenance documentation, it needs to have in place a robust quality assurance programme to ensure compliance.
13. The Corporate Asset Manager will employ the services of CORGI Technical Services to undertake annual sample Quality Checks to review procedures, record keeping and quality of engineers' works on both Property Services and external contractors employed directly by schools / academies. These QC should provide assurance that work is being carried out in accordance with the regulations. If non-compliance is identified, then further QC will be undertaken to establish the extent of the problem. Concern has been raised by Property Services relating to the procurement arrangement for schools in respect of external contractors being employed directly by the school management and have requested that schools are included within the corporate arrangement. It is accepted that this would ensure consistency across all sites; schools continue to have the option to use external contractors.
14. From the original report October 2010 a number of concerns were raised relating to the extent of the Council's responsibility in relation to commercial asset. The Council's Legal Section advised that there was limited responsibility for the Council to service appliances to properties that are 'on full repair leases, however commercial lets should be subject to a safety inspection prior to a new leaseholder occupying a site. These records should be retained within the property file and existing leaseholders should be aware of their responsibility in respect of regulation 35 and 36

IMPACT ASSESSMENT

15. An IA is not applicable as the Gas Safety Management is statutory legislation under the auspices of the Health and Safety Executive.

OPTION APPRAISAL/RISK ASSESSMENT

16. Should the Council not implement the revised policy it could lay itself open to incident that were identified in the original audit. In the event of an incident involving a gas appliance, any Health and Safety Executive investigation would want to understand the culture of the organisation in respect of how important gas safety was to the organisation along with reviewing the audit trail, namely how the Council procured contractors, managed the documentation, quality assurance and overarching policy framework. The Council could also compromise its insurance cover if it was not seen to have in place a robust regime to manage gas appliances on its property.
17. The proposal set out in this report would enable the Council to have in place a robust management system, which should be applied across the entire portfolio. Ideally, the management of the testing and inspection for gas appliances should be managed corporately to ensure continuity of compliance.

FINANCIAL, LEGAL AND WARD IMPLICATIONS

18. The only financial impact on the Council would be the cost of independent audits/checks, which would be funded from the Corporate Asset Budget.
19. Both corporate properties and schools will be monitored by the Corporate Asset Management Team and appropriate paperwork will be gathered centrally as well as carrying out spot checks, all in accordance with the Corporate Gas Policy. Failure to comply with the legislation could lead to fines and loss of reputation for the Council in the event of a successful Health and Safety prosecution. Clearly, the management of gas appliances impacts across the portfolio and therefore affects every ward.

RECOMMENDATIONS

20. The Council adopts the revised Corporate Gas Policy as set out in Appendix 1.
21. Both corporate and education properties are monitored by the Corporate Asset Management Team to ensure service dates are maintained and work is undertaken by suitably qualified Gas Safe Engineers, in accordance with the Corporate Gas Policy.
22. The Council agrees to hold/monitor gas certification documentation centrally.
23. An independent quality assurance programme is set up across the Council to ensure gas work is carried out by Gas Safe Registered engineers and the work is to an acceptable standard.

REASONS

24. To ensure that the Council fully dispenses its duties under the Gas Safety (Installation and Use) Regulations 1998.
25. To ensure that the Council has in place a comprehensive policy, procedures and systems to manage and mitigate the risks.
26. Such an approach is in accordance with best practice in terms of asset management and the use of resources.

BACKGROUND PAPERS

The original Gas Policy October 2010, the original CORGI Technical Services Audit Reports and the latest CORGI Technical Services Audit reports.

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