

Confidential
Gas safety Management Report 2013

Client:

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RE: Gas Management report for Middlesbrough Borough Council

Background

CORGI Technical Services (CTS) have at the request of Middlesbrough Council (MC) undertaken a review of the delivery of gas safety management aspects, for the purpose of this audit the following has been assumed, but confirmed in interviews undertaken.

Middlesbrough Council (MC); as 'Duty Holders' manage a portfolio of properties of varying different types across the Borough of Middlesbrough. Therefore as duty holder they are the Landlord of those properties for the purpose of statutory duties under relevant legislation.

The purpose of the audit was to evaluate the effectiveness of Middlesbrough Council and its partners. The audit has been carried out with regards to reviewing current Gas Safety Management Procedures and systems. With the aim of identify areas of weakness to allow those with responsibility to take the necessary corrective action if required.

Terms of Reference

This audit is to explore a number of issues:

- To define current legislation, with specific emphasis on 'Places of Work' and 'Landlords Duties'
- To establish if the 'Landlords Duties' are being achieved.

Current Legislation;

The Gas Safety (Installation & Use) Regulations 1998 (GSR)

Content and scope of Regulations;

The above Regulations deal with the safe installation, maintenance and use of gas systems, including gas fittings, appliances and flues, mainly in domestic and commercial premises, e.g. offices, shops, public buildings and similar places. They update, consolidate and replace the Gas Safety (Installation and Use) Regulations 1994 and subsequent amending Regulations 1998. The Regulations generally apply to any 'gas' as defined in the Gas Act 1995). The requirements therefore include both natural gas and liquefied petroleum gas (LPG).

These Regulations place responsibilities on a wide range of people, including those installing, servicing, maintaining or repairing gas appliances and other gas fittings; as well as suppliers and users of gas, including certain landlords. They cover a wide variety of premises and gas

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systems/appliances.

Therefore it can be defined as 30% of the regulations apply specifically to gas suppliers, 60% apply to engineers working with gas fittings (appliances) including users. The remaining 10% being relevant and specific to the 'Duties of a Landlord'.

The enforcing authority for the Regulations is the Health and Safety Executive (HSE) or the relevant local authority, as determined in the particular circumstances by the Health and Safety (Enforcing Authority) Regulations 1989.

These Regulations have an interface with requirements under other legislation:

This includes:

- Health and Safety at Work etc Act 1974 (HSW Act);
- Gas Acts 1986 and 1995 (GA);
- Workplace (Health and Safety) Regulations 1992 (WHSR);
- Gas Appliances (Safety) Regulations 1995 (GASR);
- Pipelines Safety Regulations 1996 (PSR);
- Gas Safety (Management) Regulations 1996 (GSMR);
- Gas Safety (Installation and Use) Regulations 1998 (GSR)
- Management of Health and Safety at Work Regulations 1999 (MHSWR);
- Construction (Design and Management) Regulations 2007 (CDM);
- Building Regulations

Within the scope of the Gas Safety (Installation and Use) Regulations a landlord is defined as; the person providing residential accommodation for occupation to others on the basis of a lease or tenancy agreement for a periodic term.

From documents put forward during this consultancy, it has confirmed the Chief Executive of Middlesbrough Council has accepted responsibility for that position, specific to 'Duties' of a landlord.

Therefore Strategic Asset Management are acting as 'Client' and Property Services as a 'Management Agent' for corporate buildings, all have a direct gas safety management remit and are acting as the 'client' taking on the responsibilities of the Chief Executive as being the landlord.

In respect of Landlord's 'Duties' this is specific in two of the current GSR 98.

Regulation 35

Require an employer or self-employed person to ensure that any gas appliance, flue or installation pipework installed at a **place of work** they control is maintained in a safe condition;

Regulation 36

Require landlords, in specified circumstances, to ensure safe maintenance of gas appliances, flues and installation pipework installed in premises under their control, that annual safety checks are carried on such appliances/flues and that a record is kept and issued (or in certain cases, displayed) to tenants.

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During the interviews that have taken place it became very clear that MC as a whole are operating with a great deal of integrity and are relatively conversant with what is required to manage gas safely.

Gas Safety Assessment; Middlesbrough Council;

Compared to the audit undertaken 12 months previously MC have made significant improvement to the way in which they manage gas safety within the portfolio of properties they are custodians for.

Due diligence aspects;

- Custodians of the Corporate Gas Policy – Policy has been developed, and has now been endorsed by Senior Management within the Council.
- A comprehensive asset and attribute database for the whole of the Council's property portfolio has been established through Technology Forge (TF) for all corporate properties.
- However there are variances on detail depending on who is inputting / managing the data, in particular those staff entering Schools details.
- School property portfolio of assets is being detailed, however, gas attributes not detailed fully; appliances, make, model, serial no, location, therefore liabilities not thoroughly evaluated.
- Statutory events within corporate properties are being controlled and programmed by MC
- Statutory events within School properties are defined as being the responsibility of the budget holder / property managers, with limited verification / control being applied.
- In respect of catering equipment at corporate sites this is managed by Asset Management & maintained by Property Services
- Catering equipment in Schools is managed by the Catering Manager, Wellbeing Care & Learning and has not been included within this audit. It is therefore recommended that the council undertake a separate exercise relating to catering in Schools.

Middlesbrough Council; as 'Duty Holders' manage a portfolio of properties of varying different types across Middlesbrough. Therefore as duty holder they are the Landlord of those properties for the purpose of statutory duties under relevant legislation.

Corporate;

Strategic Asset Management have previously completed full surveys of corporate buildings and all liabilities have been detailed and entered into the asset management system Technology Forge (TF).

Schools;

Strategic Asset Management are in the process of completing gas surveys of all Schools, this will be saved in TF and follows the same exercise as that undertaken on Corporate "All plant will be identified and recorded in TF using the agreed coding system from the standard specification".

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It was communicated that the council intend to provide the Schools with a copy of the Council's Gas Policy, the standard specification and detail of their plant & gas pipe / meter, gas regulations and a note explain what their responsibilities are.

Also implemented are detailed records of the contractors they are using; recording service dates / next due date on TF. The Schools also have an online TF module that allows them to understand when all Planned Maintenance is due.

Schools; as 'Budget Holders' manage their own affairs with regards to specific areas of gas safety in doing so become managing agents for the Council. Therefore are also liable to prosecution should an incident occur within their portfolio of properties.

Ultimately all parties could be 'At Risk' if an incident occurred within a School, therefore policies and procedures need to be developed and adopted to mitigate that risk.

Overall irrespective of the contractual situation the Council are the 'Duty Holders' and could be held accountable for the actions of the Schools. Therefore guidance and monitoring systems and processes should be introduced.

- The Council has also entered into contracts / 25year leases with the newly established Academies. In respect of this it is suggested that the Council take legal guidance on the short; medium and long term risks associated with this arrangement.
- Legal compliance for all Council buildings – In a professional capacity we believe that statutory duties for all corporate properties remain with the Council.
- The Council in respect of its corporate properties have developed procedures that ensure compliance.
- In respect of those properties that control their own finances, basic safety requirements have been provided for budget holders / property Managers to adhere to.
- The Council have developed a full strategy for compliance and verification of all properties.
- MC communication channels internal are well co-ordinated, and advice is freely given to other departments

Summary of Actions Needed;

- Due to internal organisational changes, a revised Corporate Gas Safety Policy should be put forward for endorsement by the Senior Management Team.
- Asset database management through Technology Forge should be uniformed and operated the same for Education and Corporate.
- Assets for each property should be definitive, confirm attributes and liabilities within each property managed including catering. This has been completed apart from School catering, which is to be subjected to a quality assurance inspection regime in the future.
 - Boilers
 - Catering equipment
 - All other appliances / controls
 - All other fossil fuel burning equipment

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- All electrical appliances and other equipment
- Identify properties which should comply with GSR Regulation 36; all that have living accommodation either direct or indirectly attached to a gas provision. Technology Forge is utilised to identify and manage the following;
 - Statutory event of annual servicing and safety check along with specific documentation that facilitates the recording of information as detailed in the GSR 36 (3c)
- Policy statements required on access arrangements by Asset Management; in the interim Property Services are in the process of developing an access procedure.
- Policy statement on entry and exit strategy for all accommodation based properties. To be included in the Corporate Gas Safety Policy; in the interim Property Services are in the process of developing a checking procedure.
- Identify properties which should comply with GSR Regulation 35; all places of work of Middlesbrough Council staff, as there is a specific duty to maintain. Technology Forge is utilised to manage these events.
 - Statutory duty to maintain along with specific documentation that facilitates the recording of information as deemed necessary, as a minimum in respect of gas, that as detailed in GSR 26(9c)
- Policy statement on gas tightness testing; To be included in the Corporate Gas Safety Policy; in the interim Property Services are in the process of developing a checking procedure
- Policy statement on entry and exit strategy for rented and leased buildings. To be included in the Corporate Gas Safety Policy; in the interim Property Services are in the process of developing a checking procedure.
- Nominated person to be responsible for co-ordinating these events. This aspect is fulfilled by Asset Management personnel and supported by Property Services.
 - This will require an understanding of relevant legislation, especially GSR Regulations 35 & 36
- Channels of communication need to exist between Middlesbrough Council and the Schools to demonstrate that the Council's and Schools liabilities are being attended too. *This is on-going.*

Conclusion

Middlesbrough Council are to be complimented on their achievements to date, current position has been achieved due to the due diligence and skills of the assigned members of staff. Additional improvements can be made by addressing the points detailed above.

Should you require clarification on any of the above please do not hesitate to contact me.

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