


REPORT TO AUDIT AND RISK ASSURANCE COMMITTEE

09 January 2020

Subject:	The Council's Process for Gas Safety Within Council Owned Public Buildings.
Director:	Director – Regeneration & Growth Amy Harhoff
Contribution towards Vision 2030:	
Contact Officer(s):	<p>David Harris Service Manager – Strategic Assets 0121 569 3447</p> <p>Lee Constable Development and Regulatory Services Manager 0121 569 4037</p>

DECISION RECOMMENDATIONS

That Audit and Risk Assurance Committee:

Reviews and comments upon the changes being made to the Council's process for Gas Safety within council owned public buildings.

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1 PURPOSE OF THE REPORT

- 1.1 The report updates the Committee on internal audit recommendations made in recent audit reports on Gas Safety within council owned public buildings.

2 IMPLICATIONS FOR SANDWELL'S VISION

- 2.1 The Audit and Risk Assurance Committee helps strengthen the risk, governance and internal control environment.

3 BACKGROUND AND MAIN CONSIDERATIONS

- 3.1 The council has a legal requirement as landlord to undertake annual checks on gas appliances and to obtain a corresponding gas safety certificate. The certificate must then be renewed annually, in advance of the expiry date of the current certificate.
- 3.2 An internal audit report back in September 2018 identified issues around information extracted from the council's asset database identifying properties around the borough, where the annual gas safety certificate had expired.
- 3.3 It was however confirmed that gas safety checks had been undertaken in the required timescales however timely receipt of the relevant gas compliance certificates to enable the council's data base to be updated had caused the discrepancy with the data sets.
- 3.4 In some cases, checks had not been undertaken due to the presence of asbestos and the lack of resources to undertake remedial work.
- 3.5 The sites identified as part of the original audit, with restricted access due to asbestos, have been identified and access has been facilitated to allow gas service to be completed. This isn't however a static position as other sites will become access restricted over time under the requirements to manage asbestos. Obviously, this will have major implications for budgets, but may inevitably lead to further missed servicing at affected sites into the future. We will however continue to manage and mitigate these risks if this occurs and will look to prioritise any remedial works needed.
- 3.6 For future reference sites where access is restricted will be dealt with as a priority, which will put significant on-going pressure on available budgets. If servicing is delayed Risk and Insurance will be notified so the council can mitigate its insurance liabilities.

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- 3.7 Regarding the council discharging its responsibilities as landlord, initial processes have been implemented to make the tenant aware of their obligations to complete required compliance checks.
- 3.8 Moving forward there is currently an on-going project to understand the full implications for the council around all compliance responsibilities. Dependent upon the type of asset being considered the council may have a duty as either landlord, employer, statutory provider or a combination of the three of the elements noted.
- 3.9 The project will consider the different elements and look to identify the resources required to help implement the required measures, outcomes and recommendations. The project is set to be completed by no later than March 2020.
- 3.10 Further to the above background; with regards to the implementation of recommendations from the internal audit review of Gas Safety, the following actions have taken place:

Recommendation	Update
Gas Safety checks should be undertaken and brought up to date as a matter of urgency.	Actions completed, on-going monthly compliance meetings are taking place to monitor all compliance elements including Gas Safety Checks.
Whilst checks are waiting to be undertaken, Health and Safety should ensure that every precaution and any necessary mitigating actions are put in place until the situation is rectified.	As part of the original report findings and on a small number of sites with access issues, mitigated actions were put in place to undertake visual inspections in lieu of servicing. However, these particular sites have now been brought up to date.
The Insurance and Health and Safety Teams should be informed over any future missed checks.	Process is now in place to alert both Insurance and Health and Safety teams should any future checks be missed.
The Insurance Team should clarify whether they need to declare any missing gas safety checks and confirm to senior management whether insurance on these buildings is still valid.	Communication will take place with the Insurance Team and if there is a statutory duty to undertake the gas inspections, they will be carried out.

Immediate action should be taken to ensure the remedial work is carried out and the council complies with legislation.	This forms part of the servicing and certification process. Remedial works are approved and carried out as part of the first visit to site where possible through an updated authority process. Any required return visits are prioritised and completed within the appropriate compliance period.
Where the council is the landlord and the tenant are responsible for checks, we must still ensure these checks are being undertaken and chasing as necessary.	Initial work has been completed to alert tenants as to their obligations. Work is on-going to help finalise the required process and quantify the resources required to support this task. This process would be across all compliance elements.

- 3.11 Ensuring that all combustion appliances are inspected and serviced regularly ensures that operational efficiency is maintained, minimising energy requirements and associated carbon dioxide emissions'
- 3.12 Internal audit will review and comment upon these actions as part of their 2019/20 Internal Audit Plan. Once completed, the outcome of this review will be reported back to the committee.

4 THE CURRENT POSITION

- 4.1 The report does not require a decision and therefore, no position analysis is necessary.

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

- 5.1 The outcome of the individual audit report has been discussed with the relevant stakeholders and reported to the respective Director.

6 ALTERNATIVE OPTIONS

- 6.1 The report does not require a decision and therefore, alternative options do not need to be considered.

7 STRATEGIC RESOURCE IMPLICATIONS

- 7.1 The potential resource implications arising from this report are still to be fully assessed and form part of the project considering on-going landlord responsibilities. The project is due for completion by no later than March 2020.

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8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 A strong governance framework will allow the council's process for gas safety to operate in a fair and transparent manner.

9 EQUALITY IMPACT ASSESSMENT

- 9.1 It was not necessary to undertake an Equality Impact Assessment.

10 DATA PROTECTION IMPACT ASSESSMENT

- 10.1 It was not necessary to undertake a Data Protection Impact Assessment.

11 CRIME AND DISORDER AND RISK ASSESSMENT

- 11.1 There are no direct risk implications arising from this report.

12 SUSTAINABILITY OF PROPOSALS

- 12.1 There are no direct sustainability issues arising from this report.

13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

- 13.1 There are no direct health and wellbeing implications from this report.

14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

- 14.1 This report looks to consider compliance in its wider context. Having appropriate compliance measures in place support the effective and efficient management of the council's property.

15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 15.1 The purpose of the report is to inform the Audit and Risk Assurance Committee of changes being made to the council's process for Gas Safety within council owned public buildings and on the implementation of Internal Audit recommendations made in the report dated 13 August 2018. As such, no decision is required.

16 BACKGROUND PAPERS

16.1 None.

17 APPENDICES:

17.1 None

Amy Harhoff
Director – Regeneration & Growth

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