

Analysis of responses to consultation CD280

Introduction

This is a summary report of the outcome of HSE's consultation on proposals to amend three regulations in the Gas Safety (Installation and Use) Regulations 1998 (GSIUR).

Consultation document CD280 invited responses on the following areas of legislation:

1. Amendment to regulation 36(3) to
 - a. introduce flexibility in the timing of landlords annual gas safety checks
 - b. clarify that only gas safety defects should be recorded
2. Amend GSIUR to incorporate the existing exemption certificate no.1 of 2015 to regulations 26(9)(c), which sets out the circumstances where engineers can carry out alternative safety checks when the prescribed tests are not possible
3. Disapplication from the majority of the requirements of GSIUR for installations fed by a dedicated gas supply and which are primarily used to supply compressed natural gas (CNG) to vehicles, bringing them in line with other industrial premises

Responses were also sought on an administrative change:

4. Designation of Service Layer Engineers (SLEs) as a "member of a class of persons" under regulation 3(3)

Summary

A total of 207 completed questionnaires were received. Additionally, 18 responses containing only comments were received, which could not be added to the online questionnaire.

Total number of responses received = 225

The overwhelming majority of responses supported the proposed changes and recognised the policy intentions. There were a number of nil responses or 'Don't know' to Parts 2, 3 and 4. This is likely to be because some of the different topics were probably not relevant to all respondents. A summary of the responses are broken down against each of the proposed changes. Following consideration of all comments, there were none that suggest the changes are not appropriate.

Comments on the Impact Assessment

- Landlord's gas checks

Most of the consultation responses came from non-governmental organisations, industry and charities. Of particular interest was the issue of whether the proposed flexibility in the timing of the checks could grant the larger dutyholders some logistical savings by being able to group the properties they visit more efficiently. There was overall support for the assumptions, although some respondents thought that such logistical savings

would not be possible for all dutyholders owing to the geographical dispersal of their estate; or the assessment that they were already operating at peak efficiency.

- CNG refuelling sites

Overall, there was agreement with the estimates of the growth in CNG refuelling sites over the next several years, with respondents from industry confirming this was the latest data available. However, they also suggested that assumptions about the percentage of CNG sites that would be in scope of GSIUR without the exemption might grow, as they were aware of several companies that were looking to convert their vehicles.

- Existing exemption

Although the cost estimates in the consultation-stage IA were initial, there was general agreement from respondents that the estimates are about right.

General Questions: Q1 – 5

Question 1: Do you want your comments made publicly available?

The majority of respondents were content for their comments to be publicly available. Only those with approval will be published.

Question 2: What is the size of your organisation?

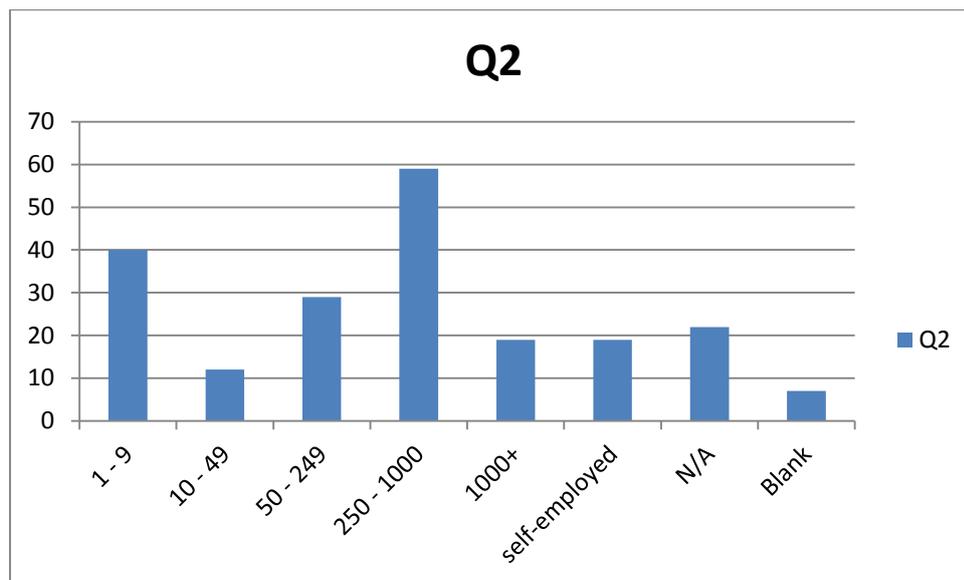


Figure 1: summary of responses for Question 2

100 responses were from Small and Medium Sized business (SMEs) and 78 from large businesses. Of those in the SME category, only 12 were from small businesses.

Question 3: Which sector are you from?

Sector	Number	%
Academic	4	2
Charity	28	14
Consultancy	13	6
Industry	53	25
Local government	25	12

Member of public	26	13
National government	0	0
Non-departmental public body	7	3
Non-government organisation	28	14
Pressure group	0	0
Trade association	15	7
Trade union	1	1
Information not provided	7	3
Total	207	100

Table 1: summary of responses to Question 3

The main contributors to the consultation were as expected from industry itself, non-government organisations, local government and representative groups.

Question 4: In what role will you be answering these questions?

Role	Number	%
Employer	94	45
Employee	71	34
H&S professional	26	13
Trade union official	1	1
Training provider	9	4
Information not provided	6	3
Total	207	100

Table 2: summary of responses to Question 4

Question 5: Would you be willing to be contacted about your response to the consultation? If so, please give details.

Those who agreed to be contacted will not have their details made public.

Part 1: Questions 6 – 18

Amendment to regulation 36(3) to:

- a. introduce flexibility in the timing of landlords annual gas safety checks
- b. clarify that only gas safety defects should be recorded

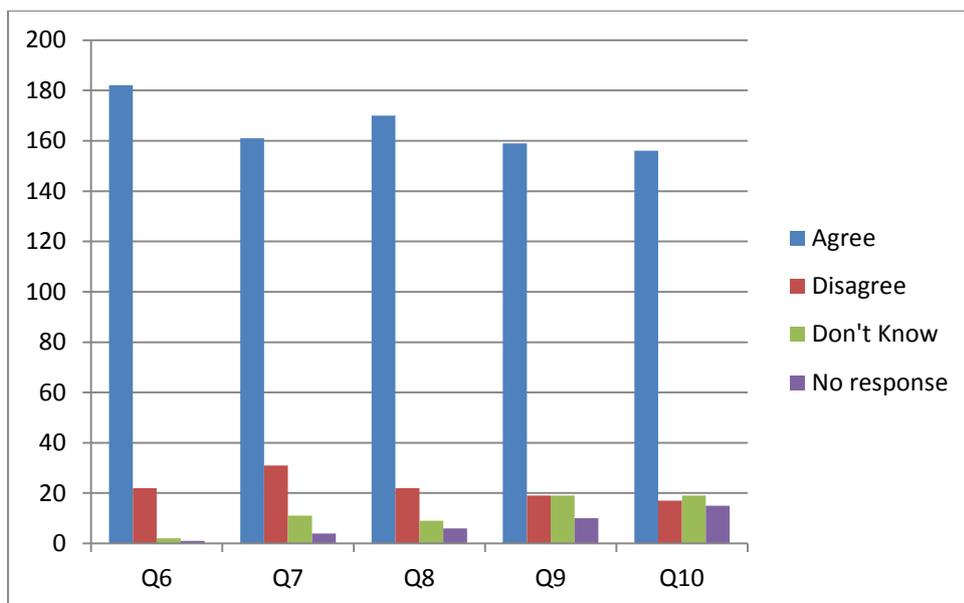


Figure 2: summary of responses for Questions 6 – 10

Question 6: Do you agree or disagree that there should be flexibility in the timing of annual gas safety checks?

There was general approval for the introduction of flexibility, with one respondent noting that the proposal reflected the recommendation of the All-Party Parliamentary Carbon Monoxide 2015 report which called for MOT style landlords annual gas safety checks.

Question 7: Do you agree or disagree with amending the wording of regulation 36(3)(c)(v) to clarify that it is only gas safety defects that should be recorded?

This change was included in the consultation following a number of requests for clarity from industry and the majority of responses are supportive.

Question 8: Do you agree or disagree with the proposed draft amendments to the regulation?

There were no suggested revisions to the revised regulation.

Question 9: Does the draft guidance clearly explain the changes, how to take advantage of the new flexibility, and your duties in terms of record keeping?

There were a few suggestions for proposed wording received on the guidance. These will be taken into account during the revision of the guidance material.

Question 10: Do you agree or disagree with the safety case that has been presented?

No specific comments were received on the safety case.

Question 11: Do you agree or disagree with the impact assessment overall?

The impact assessment was largely supported.

Question 12: Do you agree or disagree with the assumptions for social landlords on logistical savings (see section 8.1 of the impact assessment)?

Specifically:

that under the current system, Gas engineers can carry out, on average, 6 gas safety checks per day.

The assumption for Social Landlords was largely supported, with nearly all of the respondents from industry, non-governmental organisations and charities. Of those who disagreed, there was a view that gas contractors could carry out 8-10 checks per day, depending on geographical location or the contractors themselves.

Question 13: Do you agree or disagree with the assumptions for social landlords on logistical savings (see section 8.1 of the impact assessment)?

- **that under the proposed system, Gas engineers may carry out, on average, 7 gas safety checks per day.**

The estimate for Social Landlords was largely supported. Nearly all of the respondents came from Non-governmental organisations, industry and charities. Of those who disagreed there was a common theme that the number of gas safety checks would not change, due to full services having to be carried out anyway.

Question 14: Do you agree or disagree with the assumptions for social landlords on logistical savings (see section 8.1 of the impact assessment)?

- **and, that approximately 60% of the social housing stock will benefit from these logistical savings. If not, what alternative assumptions could you suggest?**

The estimate was largely supported, with early all of the respondents coming from Industry, charities and local government.

Question 15: For private landlords:

Do you think that private landlords would experience logistical savings like social landlords? Please explain why

The estimate was largely supported. Nearly all of the respondents came from industry, charities or were members of the public. Of those who disagreed there was a common theme around private landlords not having the same access issues or portfolio sizes as social landlords.

Question 16: For private landlords:

Do you agree that it will take private landlords on average 0.5 hours to read and understand the changes? Please explain why

The responses were broadly in agreement.

Question 17: For those private landlords who have to make IT changes, what kind of changes would you have to make?

The responses to this question represented a range of possible actions private landlords could take, varying from none to updating existing IT systems. The majority of the responses seemed to indicate that the action taken would be towards the less burdensome end of the scale, which is in line with what was expected.

Question 18: Do you agree that the average cost of these IT changes will be around £500? Please explain why.

There was broad agreement that the cost would be as stated or slightly less than anticipated.

Part 2: Questions 19 to 24

Disapplication for compressed natural gas (CNG) filling stations fed by a dedicated metered gas supply from the majority of the requirements of GSIUR, bringing them in line with other industrial premises

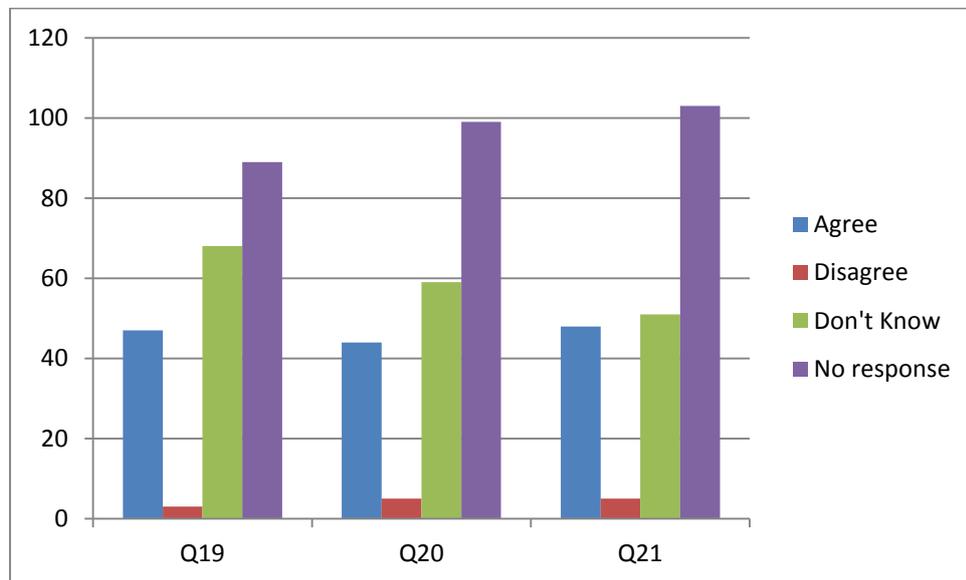


Figure 3: Summary of the responses to Question 19 – 21

Question 19: Do you agree or disagree with the policy proposal to issue a disapplication of GSIUR (save for regulations 37, 38 and 41 and subject to regulation 3(8)) to installations with a dedicated metered supply for the compression of gas for use in the propulsion system of vehicles?

This aspect of the consultation is fairly niche and we were not expecting many comments. We are inclined to believe that the large number of respondents who indicated “Don’t know” were actually registering a “no response”. Very few comments were received, but this is reflective: “we believe this is a sensible update in response to the increased prevalence of this type of filling station.”

Question 20: Do you agree or disagree with the proposed draft amendment to the regulation?

No comments were received on the wording of the draft amendment.

Question 21: Do you agree or disagree with the safety implications as presented?

Only 2% disagreed with the safety implications as presented and no comments were received on the safety implications.

Question 22: Do you agree or disagree with the impact assessment overall?

There was general agreement with the impact assessment amongst those who expressed a definite view.

Question 23: Do you agree or disagree with HSE’s estimate of the number of new CNG refuelling sites in Great Britain each year over the course of the next 25 years (in section 8.2 of the IA)? Please explain why.

There was general support for the IA, including from the relevant trade association and CNG companies that responded to the consultation.

Question 24: Do you agree or disagree with HSE’s assessment of the proportion of these CNG refuelling sites that would otherwise fall under GSIUR (in section 9.2 of the IA)? Please explain why.

The proportion assumed in the Impact Assessment is about 7%. The number of respondents who expressed any view was very small, but this is probably not unexpected since this is still a very small industry. There was a view by some respondents that the proportion may grow as the sector expands. The sensitivity of the figures to this will be explored in the final-stage IA.

Part 3: Questions 25 – 29

Amend GSIUR to incorporate the existing exemption certificate no.1 of 2015 to regulations 26(9)(c), which sets out the circumstances where engineers can carry out alternative safety checks when the prescribed tests are not possible

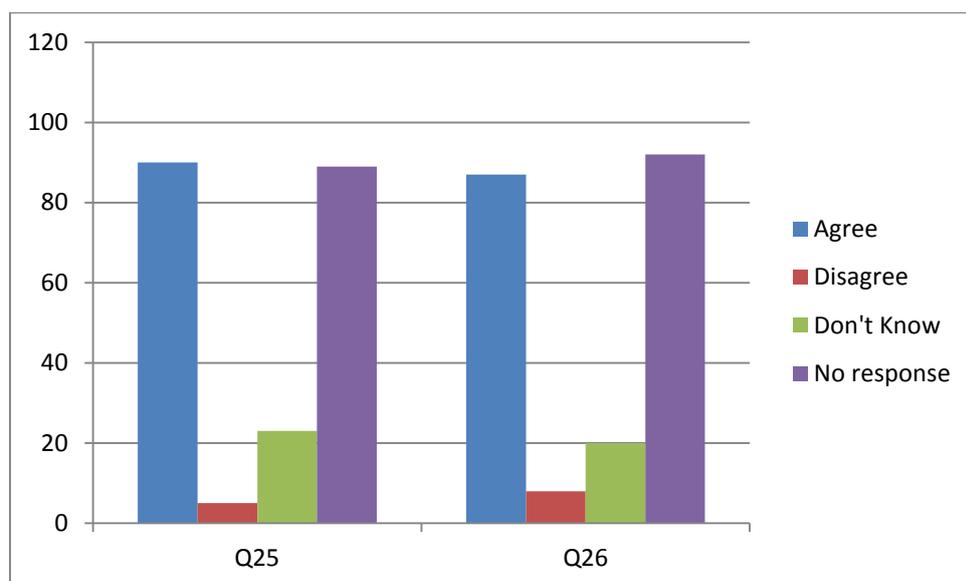


Figure 4: Summary of the responses to Questions 25 and 26

Question 25: Do you agree or disagree with the policy proposal to regularise the existing exemption?

Of those respondents who expressed a view there was general approval of the proposal to regularise the existing exemption.

Question 26: Do you agree or disagree that the scope of the existing exemption should be expanded to include scenarios where it is not reasonably practicable for the heat input and/or operating pressure to be measured?

There were very few comments, but this is indicative of those received: “We feel that with gas boilers, particularly modern condensing appliances (which will usually incorporate a “test-point” for combustion analysis as part of the appliance or flue system) combustion analysis will be a valid and practical alternative method of confirming safety. “

Question 27: Do you agree or disagree with the impact assessment overall?

Of those respondents who expressed a strong view, there was general agreement with the impact assessment.

Question 28: Do you know of any scenarios (other than those listed in section 8.3 of the IA) where it is not reasonably practicable to measure the heat input and operating pressure of the appliance?

Those circumstances listed in section 8.3 of the IA are:

- **When a property is served by a remote or inaccessible meter**
- **Where one meter serves multiple properties, as is the case in many apartment buildings (e.g. a communal meter)**

The responses indicate that there are some possible additional events that could fall in scope of this change, justifying the decision to extend the scope of the existing exemption.

Question 29: A large energy provider has estimated that they will encounter a scenario whereby it is not reasonably practicable to test the heat input and operating pressure of the appliance in approximately 0.1% of meter visits. Does this seem reasonable in your experience?

Although there was general agreement from those respondents who expressed a definite view, the number of “Don’t knows” was not surprising given the highly technical nature of the question. This is being followed up with stakeholders.

Part 4: Questions 30 – 32

Designation of Service Layer Engineers (SLEs) as a “member of a class of persons” under regulation 3(3)

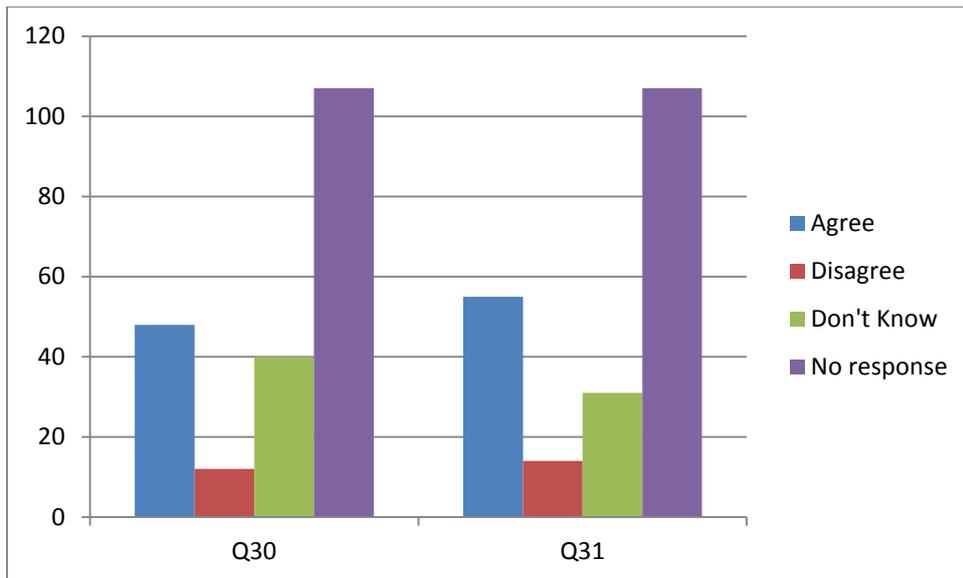


Figure 5: Summary of the responses to Questions 30 and 31

Question 30: Do you agree or disagree with the policy proposal to designate SLEs as a member of a class of persons under regulation 3(3)?

Very few comments were received with most supporting the clarification for when SLE’s can carry out this work, and although one respondent thought the changes may result in a reduction of safety, the overwhelming majority did not.

Question 31: Do you agree that our proposed restrictions on the new “member of a class of persons” category (tightly defined scope of work and what qualifications will be required) will ensure it is clear when gas work can legally be carried out by non-Gas Safe registered engineers?

There was only one respondent who felt that SLE’s carrying out this prescribed work should be Gas Safe registered: “[It] might be better to restrict the scope of the activities allowed by SLE’s that aren’t Gas Safe Registered, to not actually include removal of dead meters, but simply capping operations associated with Emergency Call outs.”

Question 32: Do you agree or disagree with the Business Impact Assessment (BIT) assessment (impact assessment) at Annex F?

This question is rather broad, in part because the analysis had been based on the detailed information provided by gas distribution networks (GDNs) and the smaller independent gas transporters (IGTs), who are the only stakeholders in scope of these changes. Public consultation was not expected to add greatly to the understanding we already had. There was overall support for the estimates in the BIT Assessment, particularly from industry.