

## **EXECUTIVE COMMITTEE**

**28<sup>th</sup> June 2021**

Report title: **Electrical Safety Enforcement Charges in the Private Rented Sector**

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| Relevant Portfolio Holder  | Councillor Craig Warhurst   |
| Portfolio Holder Consulted   | Yes   |
| Relevant Head of Service   | Judith Willis   |
| Report Author  | Job Title: Private Sector Housing Officer (EHO)<br>Contact email:<br>Haroon.chaudhry@bromsgroveandredditch.gov.uk<br>Contact Tel: 0152764252 ext 3378 |
| Wards Affected   | All   |
| Ward Councillor(s) consulted   | Yes   |
| Relevant Strategic Purpose(s)  |   |
| Non-Key Decision   |   |
| If you have any questions about this report, please contact the report author in advance of the meeting. |   |

### **1. RECOMMENDATIONS**

Following the introduction of the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020, as set out in this report, it is recommended the related provision of the financial penalties to full Council for approval.

#### **The Executive Committee is asked to RECOMMEND:**

That the proposed financial penalty charges for non-compliance set out within this report are adopted and the respective enforcement powers of the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 are delegated to the Head of Community & Housing Services.

### **2. BACKGROUND**

From 1<sup>st</sup> of July 2020 the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 apply to all new tenancies. From 1<sup>st</sup> of April 2021 these Regulations became applicable to all existing tenancies.

These Regulations have been introduced to make it mandatory for all private rented properties to ensure that every electrical installation in the residential premises is inspected and tested at regular intervals, not more than 5 years, by a qualified person. The landlord must obtain a report of the inspection and supply a copy of the report within 7 days of a request by the Local Authority.

The Local Authority can impose a financial penalty, to a maximum of £30,000, where it is satisfied that beyond reasonable doubt that the landlord has failed in their legal duty. It can also impose more than one penalty if the landlord continues to breach the regulations. It is proposed to set the financial penalty to be £1000 for the first offence. This is in line with the charge for not having a smoke alarm in a privately rented property and the same level of fine set for

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HMO Management Regulation breaches such as failure to provide Gas Safety certification. The proposed penalty for a second or continued offence by the same landlord is £3000. The Private Sector Housing Team will be enforcing the legislation and will be promoting awareness of these changes through local media, the authorities website and Landlord Forums.

Properties with potential breaches in the Regulations will be identified reactively by the Private Sector Housing Team from tenant complaints, letting agent enquiries, Councillor enquiries and other agencies such as solicitors and Citizen Advice Bureau.

**2.1 Recommended Option**

The recommendation is to adopt the penalty charges structure set out below.

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| Charges under the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020. The amount of penalty shall not exceed £30,000 based on the sum of the following |
|---|

|  |       |
|--|-------|
| Penalty for first offence requiring a Remedial Notice                                | £1000 |
| Penalty for any subsequent offences requiring a Remedial Notice by the same landlord | £3000 |

**2.2 Other Options Considered**

The other option considered is not to issue a penalty fine for the offence. While the majority of landlords carry out their legal duties and obligations, the small minority of landlords may disregard their legal obligations if there is no deterrent.

**3.0 FINANCIAL IMPLICATIONS**

This work will be continued with in the existing service resources. Any financial penalty from the Electrical Safety Standards Regulations, received by the Council, is required by the regulation to meet the local authority's costs and expenses incurred, or associated with the carrying out its enforcement function within the Private Rented Sector.

**4.0 LEGAL IMPLICATIONS**

Local housing authority has a legal duty to enforce the Electrical Safety Regulations. There is an appeal process to the Residential Property Tribunal. The private rented sector plays an important role in meeting the diverse housing needs that exist in the Borough. It is therefore important that the accommodation is regulated effectively to ensure good property standards are maintained and hazards associated with dangerous electrics are effectively addressed.

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**5. STRATEGIC PURPOSES - IMPLICATIONS**

**5.1 Relevant Strategic Purpose**

By ensuring all privately rented properties in the Borough comply with the Electrical Safety Regulations will meet the Council's overall objective of providing a safe home, for its residents, which are free from any electrical hazards.

**5.2 Climate Change Implications**

No adverse climate change implication is expected if the Executive Committee accepts the recommendation proposed in this report.

**6.0 OTHER IMPLICATIONS**

**6.1 Equalities and Diversity Implications**

The application of these regulations will have a positive impact on many family households living in private rented sector accommodation as these will reduce the risk and dangers associated with electrical hazards.

**6.2 Operational and Health & Safety Implications**

There are no staffing implications, envisaged at this stage, as the additional enforcement will be undertaken by existing staff in the course of general Private Sector Housing duties. No health and safety implications have been identified to staff by the introduction of new regulations.

**6.3 RISK MANAGEMENT**

There is a risk of legal challenge if the process is not followed correctly, which could result in Residential Property Tribunal over-turning Notices and penalty fines imposed by the Council. A Private Sector tenant could apply to the Housing Ombudsman if they feel the council has failed to act in a case of non-compliance.

**7.0 APPENDICES and BACKGROUND PAPERS**

[Electrical safety standards in the private rented sector: guidance for landlords, tenants and local authorities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/electrical-safety-standards-in-the-private-rented-sector-guidance-for-landlords-tenants-and-local-authorities)

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**8. REPORT SIGN OFF**

| <b>Department</b>   | <b>Name and Job Title</b> | <b>Date</b> |
|---|---------------------------|-------------|
| Portfolio Holder  |                           |             |
| Lead Director / Head of Service                               |                           |             |
| Financial Services  |                           |             |
| Legal Services  |                           |             |
| Policy Team (if equalities implications apply)                |                           |             |
| Climate Change Officer (if climate change implications apply) |                           |             |