

BROMSGROVE DISTRICT COUNCIL

Cabinet
2021

20th October

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

Relevant Portfolio Holder	Councillor Shirley Webb
Portfolio Holder Consulted	Yes /
Relevant Head of Service	Judith Willis
Report Author Haroon Chaudhry	Job Title: Private Sector Housing Officer Contact email: Haroon.chaudhry@bromsgroveandredditch.gov.uk Contact Tel: (01527) 64252 Ext: 3378
Wards Affected	All Wards
Ward Councillor(s) consulted	No
Relevant Strategic Purpose(s)	Affordable & Sustainable Homes
Key Decision / Non-Key Decision	No
If you have any questions about this report, please contact the report author in advance of the meeting.	

1. RECOMMENDATIONS

The Cabinet RECOMMEND that:-

- 1. 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

- 2.1 From 1st of July 2020 the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 apply to all new tenancies. From 1st of April 2021 these Regulations became applicable to all existing tenancies.
- 2.2 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 but is not routinely required to furnish a copy of a satisfactory report to the Local Authority unless requested in which case the landlord must provide a copy within 7 days. Where the electrical inspection report identifies any non-compliance with electrical standards the landlord has a duty to furnish the Local Authority with a copy of the report and provide evidence to

show the non-compliance issues were rectified by a qualified person within a 28 day period commencing from the date of the original inspection report.

- 2.3 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 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 authority's website and Landlord Forums.
- 2.3 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.
- 2.4 The recommendation is to adopt the penalty charges structure set out below. 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.

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

3. FINANCIAL IMPLICATIONS

- 3.1 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. LEGAL IMPLICATIONS

- 4.1 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 Council. 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.

5. STRATEGIC PURPOSES - IMPLICATIONS

Relevant Strategic Purpose

- 5.1 The adoption of a the proposed penalty charges for non-compliance provides a deterrent to discourage landlords from failing their statutory duties to maintain rented properties in a safe and health protective condition, in keeping with the Councils Strategic Purpose of Affordable & Sustainable Homes.

Climate Change Implications

- 5.2 There are no climate change implications.

6. OTHER IMPLICATIONS

Equalities and Diversity Implications

- 6.1 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.

Operational Implications

- 6.2 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.

7. RISK MANAGEMENT

- 7.1 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.

8. 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)

9. REPORT SIGN OFF

Department	Name and Job Title	Date
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)		