



**EXECUTIVE OVERVIEW &
SCRUTINY COMMITTEE:
21 October 2021**

CABINET: 2 November 2021

Report of: Corporate Director of Place & Community

Relevant Portfolio Holder: Councillor Gareth Dowling

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SUBJECT: PRIVATE RENTED SECTOR ELECTRICAL SAFETY POLICY 2021

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To consider and agree the Private Rented Sector Electrical Safety Policy 2021.

2.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW & SCRUTINY

2.1 That the Private Rented Sector Electrical Safety Policy 2021 attached at Appendix 1 be put before Cabinet to be approved.

2.2 That any agreed comments be referred to Cabinet.

3.0 RECOMMENDATIONS TO CABINET

3.1 That the Private Rented Sector Electrical Safety Policy 2021 attached at Appendix 1 be approved.

3.2 That any comments from Executive Overview & Scrutiny be considered and agreed.

3.3 That the Corporate Director of Place & Community, in consultation with the relevant Portfolio Holder, be authorised to amend the policy considering any legislative or guidance changes.

3.4 That the Corporate Director of Place & Community, in consultation with the relevant Portfolio Holder, be authorised to review and change the level of financial penalties issued as required.

- 3.5 That the Corporate Director of Place & Community, in consultation with the relevant Portfolio Holder, be authorised to amend the current Private Sector Housing Enforcement Policy, originally approved by Cabinet, to include the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020
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4.0 BACKGROUND

- 4.1 The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020, came into force on the 1 June 2020. The purpose of the Regulations is to improve safety in all residential premises, particularly in the private rented sector.
- 4.3 The Regulations mean that all private landlords are now legally required to make sure that all electrical installations in their rented properties are inspected and tested by a qualified person at least every 5 years. Copies of all safety reports must also be provided to the tenant or any potential tenant as well as to the Council if requested.
- 4.4 The Council will be the enforcing authority and has powers to require landlords to carry out vital remedial works, carry out works in default and recover any costs from the landlord and serve financial penalties for non-compliance.

5.0 APPLICATION OF THE REGULATIONS

- 5.1 The Regulations came into force on the 1 June 2020 and as of the 1 April 2021, they apply to all private rented tenancies and licences to occupy.
- 5.2 The Regulations will also apply to houses in multiple occupation (HMOs) if the property is the tenants only or main residence and they pay rent. For licensable HMOs, the Regulations require a new mandatory condition to be inserted into the licence covering the need to ensure every electrical installation is in proper working order and safe for continued use.
- 5.2 The Regulations do not apply to:
- Social housing tenancies
 - Lodgers (where the tenant shares the property with the landlord or a member of the landlord's family)
 - Long leases
 - A tenancy that grants a right of occupation for a term of 7 years or more
 - Student halls of residence
 - Hostels or refuges

6.0 LANDLORD OBLIGATIONS

- 6.1 Under the Regulations, landlords must:

- Ensure national standards for electrical safety are met as set out in the 18th Edition of the Wiring Regulations (published as British Standard 7671)
- Ensure all electrical installations in their rented properties are inspected and tested by a qualified and competent person at least every 5 years
- Obtain a report from the person conducting the inspection and test which gives the results and sets a date for the next inspection and test
- Supply a copy of the report to the existing tenant within 28 days of the inspection and test
- Supply a copy of the report to a new tenant before they occupy the premises
- Supply a copy of the report to any prospective tenant within 28 days of receiving a request for the report
- Supply the Council with a copy of the report within 7 days of receiving a written request for a copy
- Retain a copy of the report to give to the inspector and tester who will undertake the next inspection and test
- Where the report shows that further investigative or remedial work is necessary, complete this work within 28 days or any shorter period if specified as necessary in the report
- Supply written confirmation of the completion of the further investigative or remedial works from the electrician to the tenant and the Council within 28 days of the completion of the works

6.2 A report will contain the following classification codes:

- Code 1 (C1): Danger present, risk of injury
- Code 2 (C2): Potentially dangerous
- Further Investigation (FI): Further investigation required without delay
- Code 3 (C3): Improvement recommended (further remedial work is not required for the report to be deemed satisfactory)

6.3 If the report contains a code C1, C2 or FI, the landlord must ensure that further investigative or remedial work is carried out by a qualified person within 28 days or less if specified in the report.

7.0 ENFORCEMENT

7.1 Where the Council is satisfied on the balance of probabilities that a landlord has not complied with one or more of their duties under the Regulations, a Remedial Notice must be served within 21 days of that decision.

7.2 If the landlord is in breach and the report has indicated that urgent remedial action is required, the Council can, with the consent of the tenant, arrange for the necessary works to be carried out and recover any costs from the landlord.

7.3 If the Council does not intend to arrange for the works to be carried out, a Remedial Notice will be served requiring the landlord to complete the works within 28 days.

8.0 FINANCIAL PENALTIES

- 8.1 The Council can issue a financial penalty to a landlord that fails to comply with the Regulations. The levels of financial penalties that can be levied can be found at Appendix 1 in the policy.

9.0 RIGHTS OF APPEAL

- 9.1 Landlords have the right to make written representations to the Council against any remedial action that is proposed. Remedial notices must be appealed within 21 days of the notice being served while the imposition of a financial penalty must be appealed within 28 days.
- 9.2 Landlords have a further right of appeal to the First-Tier Tribunal. The Tribunal may confirm, quash or vary any notice served by the Council.

10.0 SUSTAINABILITY IMPLICATIONS

- 10.1 The introduction of the Regulations will result in an improvement in the quality of the Borough's private rented housing stock by making it a legal requirement to carry out electrical tests on a 5 yearly basis.

11.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 11.1 The introduction of these Regulations will have an impact on resources. There is currently only 1 FTE post within the Private Sector Housing Team that is responsible for enforcement. A further FTE equivalent post will be needed to ensure the Council can meet its legal obligations under these and other new Regulations recently introduced.
- 11.2 There are financial implications due to the need for another FTE Enforcement Officer post. Whilst income can be generated through the imposition of financial penalties, enforcement is always a last resort and voluntary compliance is always preferred.

12.0 RISK ASSESSMENT

- 12.1 The Regulations provide an opportunity by increasing the powers available to the Council to ensure the continuous improvement of the Borough's private rented housing stock.
- 12.2 Failure to adequately carry out these functions is a breach of the Regulations and this presents a risk to the Council.

13.0 HEALTH AND WELLBEING IMPLICATIONS

- 13.0 The proposal will empower people in vulnerable, deprived and disadvantaged communities to realise their full health potential by ensuring their homes are safe and secure.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

There is a direct impact on members of the public, employees, elected members and / or stakeholders, therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report

Appendices

1. Private Rented Sector Electrical Safety Policy 2021
2. Equality Impact Assessment
3. Minute of Executive Overview & Scrutiny Committee – 21 October 2021 (Cabinet only)