



**Report to: Policy and Resources Committee, 9<sup>th</sup> June 2020**

**Report of: Corporate Director - Homes and Communities**

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**Subject: ELECTRICAL SAFETY ENFORCEMENT CHARGES IN THE PRIVATE RENTED SECTOR**

**1. Recommendation**

**1.1 To note the introduction of the Electrical Safety Standards in the Private Rented Sector (England) Regulations, as set out in this report, and recommend the related provision of the financial penalties to full Council for approval, for inclusion within the Worcester City Council Fees and Charges Schedule for 2020/2021.**

**2. Background**

- 2.1 From 1<sup>st</sup> July 2020 the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 apply to all new tenancies. From 1<sup>st</sup> April 2021 these Regulations will apply 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 and supply a copy of the report with in 7 days of a request by the Local Authority.
- 2.3 The Local Authority can impose a financial penalty, to 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 £1,000 for the first offence. This is in line with the charge for not having a smoke detector in a rented property and the same level of fine set for HMO Management Regulation Breaches such as Gas Safety certification. The proposed penalty for a second or continued offence by the same landlord is £3,000. The Private Sector Housing Team will be enforcing the legislation and will be promoting these changes prior to the legislative start date.
- 2.4 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 CAB.

### **3. Preferred Option**

- 3.1 The recommendation is to insert the below table into the Housing section of the 20/21 approved fees and charges:

<b>Charge under The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 - effective 1 July 2020 - The amount of penalty shall not exceed £30,000 based on the sum of the following</b>		
First Offence requiring a Remedial Notice.	NA	1,000.00
Subsequent offences requiring a Remedial Notice by the same landlord.	NA	3,000.00

### **4. Alternative Options Considered**

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

### **5. Implications**

#### **5.1 Financial and Budgetary Implications**

This work will be continued with in the existing Service resources. Any financial penalty from the Electrical Safety Standards Regulations is required by regulation for the proceeds to meet the costs and expenses occurred in, or associated with, carrying out its enforcement function with in the private rented sector. Any recovered financial penalty which is not applied in accordance to this must be paid into the Consolidated Fund.

#### **5.2 Legal and Governance Implications**

There is a Legal duty from the regulations for the local housing authority to enforce the regulations for electrical safety. There is an appeals process as part of the Regulations with the First Tier (Property) Tribunal being the appeals body.

#### **5.3 Risk Implications**

There is a risk of legal challenge if this process is not followed to correctly which could result in First Tier Property Tribunals over turning Notices and penalty fines.

#### **5.4 Corporate/Policy Implications**

These Regulations contribute to Theme 1 in the City Plan (2016 - 2021) – stronger and connected communities. It supports the City Plan by reducing the number of substandard rental properties in Worcester City. The recommendations also support delivery of priorities within the Worcestershire Strategic Housing Partnership Plan, the Strategic Direction for Homelessness and the Private Sector Housing Strategy.

### 5.5 Equality Implications

The application of these regulations will have a positive impact on many family households living in private rented sector accommodation.

### 5.6 Human Resources Implications

There are no human resources implications as this will be undertaken using existing skilled staff.

### 5.7 Health and Safety Implications

There are no health and safety implications which have been identified to staff. The enforcement of these Regulations will reduce the implications of electrical hazards to residents living in private rented accommodation in the City.

### 5.8 Social, Environmental and Economic Implications

The private rented sector plays an important role in meeting the diverse housing needs that exist in the City. It is therefore important that the accommodation is regulated effectively to ensure good property standards are maintained. Tenants within the City will have properties which are safe from electrical hazards with these Regulations being enforced.

**Ward(s):** **All Wards**  
**Contact Officer:** **Ismene Broad, Private Sector Team Manager**  
**[Ismene.broad@worcester.gov.uk](mailto:Ismene.broad@worcester.gov.uk), 01905 7225252**  
**Background Papers:** **None**