

REPORT TO THE EXECUTIVE
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DATE	1/12/21
PORTFOLIO	Housing and Development
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<b>Policy for Imposing Civil Penalties Under The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020</b>
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<b>PURPOSE</b>
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1. To implement The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.

<b>RECOMMENDATION</b>
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2. That the Executive approves the Enforcement Policy for Electrical Safety in the Private Rented Sector (Appendix 1).
3. To amend Part 3 of the Council's Constitution to include: *"To take all steps necessary to exercise and/or discharge the Council's functions, powers and duties under The, Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020"*. To note that this change has been requested of the Leader.
4. That Delegated authority be given to the Head of Housing and Development, in consultation with the Executive Member, to approve minor amendments to the policy.

<b>REASONS FOR RECOMMENDATION</b>
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5. To improve electrical safety in the private rented sector to protect the health and safety of residents.

<b>SUMMARY OF KEY POINTS</b>
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6. The council has a statutory duty to enforce The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020, which came into force on 01 June 2020 for new tenancies and existing tenancies from 1 April 2021. The regulations place mandatory duties on private landlords to maintain electrical safety standards in privately rented homes.

7. Under the regulations the Council has a power to impose financial penalties of up to £30,000 on private landlords who breach their duties under the regulations. The guidance - *Guide for local authorities: electrical safety standards in the private rented sector* advises local authorities to prepare and publish a policy which it proposes to follow in determining the amount of a civil penalty charge.
8. Having due regard to the relevant guidance, the proposed “Enforcement Policy for Electrical Safety in the Private Rented Sector” has been developed. The severity of each breach is based on an assessment of culpability, track record, portfolio size, and risk of harm. There is also provision to consider mitigating and aggravating factors.
9. The approach set out in the proposed policy broadly aligns with the council’s “Policy and Matrix for the use of Civil Penalties under the Housing and Planning Act 2016”.

#### **FINANCIAL IMPLICATIONS AND BUDGET PROVISION**

10. The implementation of the new legislation has resource implications for the Private Sector Housing team. Through the service of the civil penalty charges there may be an increase in miscellaneous income. Proceeds of the civil penalties can be used to carry out private rented sector enforcement. Any amount that is not used in this way must be paid into the Consolidated Fund, the government’s general bank account at the Bank of England.

#### **POLICY IMPLICATIONS**

11. Implementing the new legislation helps to meet Aim 2 of the Housing Strategy 2016 to 2021; to deliver transformational improvement in the private rented sector. This in turn helps ensure that Burnley is a Place of Choice for residents to live.

#### **DETAILS OF CONSULTATION**

12. Scrutiny Committee and the Private Rented Sector Forum.

#### **BACKGROUND PAPERS**

#### **FURTHER INFORMATION**

**PLEASE CONTACT: Clare Jackson**

**ALSO: Christian Smith**

