

East Herts Council – Non-Key Decision Record

Record of executive decision made by an individual under Regulation 13 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Reference Number: NKD22/01

Taken by: Councillor Peter Boylan, Executive Member for Neighbourhoods

(using delegated authority under Part 3e para 1.3 n of the Council's constitution –to agree minor matters and non-material amendments to policy)

Decision

The council's Policies for Enforcing Standards for Private Sector Landlords are amended to include the use of financial penalties for breaches of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.

Date of Decision

17 January 2021

Reason(s) for decision

The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 will help the council to promote safe and healthy housing for residents in private rented accommodation in the district. Poor electrical installations bring the risk of electric shock and fire. The potential for a significant penalty may encourage those landlords who have not been keeping their properties under proper review to do so.

The process for imposing a financial penalty and the matters to be considered in determining the level of the penalty are fully in line with those for determining and issuing a Civil Penalty under the Housing Act 2016. There are similarities between certain offences covered by the existing policy and those included in the new

regulations and therefore to be consistent it is proposed that the existing matrix for determining the level of penalty is used. This is in line with the non-statutory guidance to local housing authorities on the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.

Details of alternative options considered and rejected

No action. The regulations place a duty on the council to serve a remedial notice on landlords who we believe have not complied with one or more of their duties under the regulations. They also allow that we may, in some circumstances, arrange for remedial action to be undertaken by a competent person and can then recover our costs. Guidance states that authority should have a policy on how they determine appropriate financial penalty levels and hence without this policy change recalcitrant landlords would have no incentive to comply and may simply wait to be caught out.

Create a separate policy with its own penalty matrix specifically for financial penalties under the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020. The guidance suggests consideration of the matrix and policy created for Civil Penalties under the Housing and Planning Act 2016 and so a separate policy would be unnecessary and arguably confusing when set alongside the council existing policies. Having a combined policy and matrix for calculation of penalties promotes consistency and helps to make the imposition of penalties more transparent for landlords.

Does the decision or report contain exempt information?

No.

State nature of any declaration of conflict of interest made by any Executive Member who is consulted by the Member taking the decision

None

State, in respect of any declared conflict of interest, whether any dispensation has been granted

N/A

Contact Officer

Jonathan Geall, Head of Housing and Health, Tel: 01992 531594

jonathan.geall@eastherts.gov.uk