



Bristol City Council – Housing and Landlord Services

Private Housing - Electrical Safety Standards - Civil Penalty Policy Addendum – June 2021

Version 0.1

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History of most recent policy change or health-check			
Date	Page	Change	Origin of change (e.g. legislation)

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1. Introduction

The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 (ESSR 2020) came into force on 1st June 2020 and regulations apply in England to new tenancies from 1 July 2020 and existing tenancies from 1 April 2021.

These new regulations require landlords in the private rented sector to ensure that minimum electrical safety standards are met in their properties and ensure the electrical installations are inspected and tested by a competent person at regular intervals of no more than five years. The landlord must provide a copy of the electrical safety report to their tenants within 28 days (and prospective tenants), and if requested, to their local housing authority (LHA) within 7 days. Where the report shows remedial work is necessary, the landlord must complete this work within 28 days and supply written confirmation to their tenants and to their local authority.

If the LHA finds that landlords are in breach of their duties under regulation 3, the ESSR 2020 allow for a financial penalty to be imposed, up to £30,000, and may apply the proceeds to meet the costs and expenses in, or associated with, carrying out any of its enforcement functions in relation to the private rented sector.

2. Aims and objectives and policy statement

The Private Housing Service has an existing civil penalties policy and it remains unchanged.

This addendum should be read in conjunction with the [Private Housing Enforcement Policy 2016 \(revised 2017\)](#) as well as [BCC's policy on Civil Penalties as an alternative to Prosecution under Housing Act 2004](#) (Civil Penalty Policy) which was approved by Cabinet in October 2017.

This document is an addendum to Bristol City Council's existing Civil Penalty Policy and details financial penalties under the ESSR 2020 and the process for determining the level of financial penalty.

The current Civil Penalty Policy sets out how officers determine the appropriate level of financial penalty in a particular case. When determining the level of financial penalty under the ESSR 2020 where a landlord has breached their duties under regulation 3, the procedure set out in the existing Civil Penalty Policy shall be followed.

3. Legal framework

The ESSR 2020 were made the Housing and Planning Act 2016 (HPA 2016) for the purposes of introducing new requirements for electrical safety standards in the private rented sector. There are provisions for the enforcement of the electrical safety standards including the imposition of financial penalties.

The LHA has the power to impose financial penalties of up to £30,000 on landlords who breach their duties. The procedure for issuing a financial penalty are specified in the regulations.

["Guide for local authorities: electrical safety standards in the private rented sector"](#) is non-statutory Government guidance advises that LHA may wish to consider existing policies developed for civil penalties under HPA 2016.

4. Policy specifics

Authorised officers will use the current policy for civil penalty notices and apply it to financial penalties under the ESSR 2020. The procedure for authorised officers to follow for determining the level of financial penalty under the ESSR 2020, up to a maximum of £30,000, will be as set out in the existing Bristol City Council's policy on 'Civil Penalties as an alternative to Prosecution under the Housing Act 2004'.

5. Roles & responsibilities/implementation

Authorised officers within the Council will be responsible for the implementation of this policy during relevant enforcement activities. Decisions to impose a financial penalty are to be jointly made by the case officer and relevant senior officer or manager. This enables the case process, and the proposed course of action, to be reviewed.

6. Monitoring and Performance

The content of this policy will be reviewed where necessary to take account any updated government guidance or legislation relating to the ESSR and the relevant policy changes made.

7. Related documents

[Housing Act 2004](#)

[Housing and Planning Act 2016](#)

[Electrical Safety Regulations 2020](#)

[Government Guidance on the Electrical Safety Regulations 2020](#)

[BCC policy on Civil Penalties as an alternative to Prosecution](#)

[Private Housing Enforcement Policy 2016 \(revised 2017\)](#)