



Bristol City Council – Housing and Landlord Services

Private Housing - Electrical Safety Standards - Civil Penalty Policy Addendum – April 2024

Version 1.1

Approved by	John Smith Interim Executive Director Growth and Regeneration
Date approved	17 th May 2024
Date adopted	17 th May 2024
Author	Jonathan Mallinson
Contact	private.housing@bristol.gov.uk
Responsibility	Private Housing Service – Housing and Landlord Services

History of most recent policy change or health-check			
Date	Page	Change	Origin of change (e.g. legislation)
17 th May 2024	1& 2	Updated to reflect change to the Policy to which this addendum relates and to future proof by changing to refer to “current” reference policy.	Revision to the BCC policy on Civil Penalties as an alternative to Prosecution (revised 2024)

Team name: Private Housing
Tel: 0117 3521855
Email:private.housing@bristol.gov.uk

Contents

1. Introduction.....	1
2. Aims and objectives	1
3. Policy statement	2
4. Legal framework.....	2
5. Policy specifics	2
6. Roles & responsibilities/implementation.....	2
7. Monitoring and Performance	2
8. Related documents	3

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

This addendum should be read in conjunction with the current version of the Council's Policy on Civil Penalties as an alternative to the Prosecution under the Housing Act 2004 (Civil Penalty Policy).

This document is an addendum to Bristol City Council's 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 under the Housing Act 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 current 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 current 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 (revised 2024)

Private Housing Enforcement Policy 2016 (revised 2024)