



BABERGH & MID SUFFOLK DISTRICT COUNCILS

PRIVATE SECTOR HOUSING

APPENDIX 3: Statement of Principles and penalties under Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 (“The Electrical Safety Regulations”)

Introduction

The Electrical Safety Regulations require all landlords to keep their properties safe by having their electrical installations inspected and tested by a person who is qualified and competent, at least every five years. The regulations give powers to Local Authorities to require inspections to be carried out and, where necessary, to ensure that installations are made safe.

Enforcement Action

- In situations where officers find immediate danger, Emergency Remedial Action would normally be taken under Part 1 of the Housing Act 2004.
- Where a number of other significant hazards exist alongside electrical hazards, but there is no immediate danger, officers will usually serve an Improvement Notice under Part 1 of the Housing Act 2004.
- Officers may require an up-to-date Electrical Installation Condition Report (EICR) to be provided under The Electrical Safety Regulations. Where necessary, breaches of the regulations will be followed up by a “remedial notice” requiring the landlord to make the installation safe or to carry out further investigations.
- Where remedial notices are breached, the Council may seek to carry out the works itself and will then recover its costs from the landlord. It may also impose a civil penalty on the landlord of up to £30,000.
- Where a landlord has not carried out urgent works required under an EICR, the Council may exercise its power to carry out Urgent Remedial Action under The Electrical Safety Regulations. The costs of the works will be recharged to the landlord and the option of issuing a Civil Penalty Notice will be considered.
- An EICR will be required in advance of every licensing inspection under our mandatory licensing schemes, if these certificates were not submitted in the licence application.

Electrical Safety Matrix

Electrical Installation Condition Reports (EICR) should be completed by a qualified electrician and provide a guide to officers as to the severity of any hazardous elements of an electrical installation. The EICR, categorises hazards into risk-based classification codes. These are:

C1 – Danger present – Risk of injury. Immediate remedial action required
C2 – Potentially Dangerous – Urgent remedial action required
C3 – Improvement Recommended

Starting Points for Offences

First Offence	Second Offence	Subsequent offences for C1 and/or multiple C2/C1 Codes present
C1 Codes present £5,000	C1 code present £15,000	£30,000
C2 codes present (4+) £2,500		
C2 codes present (1-3) £1,000	C2 codes (no C1 codes) £10,000	
Failure to obtain EICR (includes situations when a satisfactory report has been produced by the Council under remedial action (no remedial works required) £500		

This electrical matrix also takes into account the culpability of offender as penalties increase for subsequent offences. The severity of the offence, incorporating the harm posed to the occupants, is linked to the condition reported by the qualified electrician and the relevant penalty increases to reflect the number and/or type of hazardous conditions found.

If a landlord has failed to provide a report, where the Council takes remedial action to commission such a report, with the installation found to be in a satisfactory condition, a penalty will be imposed to reflect:

- the attitude of the landlord
- failure to comply with the requirement for the report to be carried out
- the cost of obtaining a report, with the penalty being a deterrent with a £500 maximum fine for this offence.