

Ref:

Called in

Yes/No

THE THANET DISTRICT COUNCIL

RECORD OF DECISION OF CABINET

Cabinet Member

Councillor Helen Whitehead

Relevant Portfolio:

Deputy Leader of the Council and Cabinet Member for Housing and Community Services

Date of Decision:

19 November 2020

Subject:

Policy for imposing financial penalties under The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.

Key Decision

No

In Forward Plan

Yes

Brief summary of matter:

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. The regulations place mandatory duties on private landlords to maintain electrical safety standards in privately rented homes.

Local housing authorities have been empowered to impose financial penalties of up to £30,000 on private landlords who breach their duties under the regulations. However, before the council can impose such penalties it must first adopt a just and proportionate policy which provides a framework for determining the level of penalty that should be imposed for each breach identified.

Decision made:

Cabinet agreed:

1. To approve the adoption of the proposed "Policy for imposing financial penalties under The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020" annexed to this report; and
2. To delegate authority to the Director of Housing and Planning, in consultation with the Cabinet Member for Housing and Community Services, to approve minor amendments to the policy.

Reasons for decision:

All local housing authorities are expected to adopt a policy that will allow them to impose financial penalties so they can effectively enforce the regulations. Having an adopted policy will help to ensure that private tenants are protected from unsafe electrical installations that have the potential to cause harm by way of electrical shock and/or fire. Furthermore, the council's ability to retain the financial penalties collected will help fund future private sector housing enforcement activities, which will ultimately contribute to safer housing in Thanet.

Alternatives considered and why rejected:

The option to adopt an alternative policy was rejected on the basis that the proposed policy was deemed to be just and proportionate.

The option to not adopt a policy was rejected on the basis that such a decision would deprive the council of an enforcement capability that is intended to help protect private tenants from suffering harm as a consequence of being exposed to unsafe electrical installations.

Details of any conflict of interest declared by any executive Member who has been consulted and of any dispensation granted by the Standards Committee:

None

Author of Officer report:

Richard Hopkins

Background papers

Cabinet Report 19_11_20 - Electrical Safety Financial Penalties Policy - Google Docs
Electrical Safety Financial Penalties Policy (DRAFT v2) - Google Docs
EIA (Electrical Safety FP Policy 2020) - Google Docs

Statement if decision is an urgent one and therefore not subject to call-in:

None

Last date for call in: 27 November 2020