

Council – 28 February 2024**Public Questions:****1. From Bryan Rylands to Councillor Shoob, Cabinet Member for Housing and Homelessness**

Landlords who neglect to carry out an EICR (along with any suggested work) prior to the start of a new tenancy may face a fine of up to £30,000. The enforcement of these regulations falls under the jurisdiction of local authorities, as outlined in the Housing Act 2004. How Many Landlords has the Council used the 2004 Housing ACT against for failure to carry out an EICR prior to rental or after rental?

ANSWER:

Thank you for your question.

The Private Sector Housing Team deal with electrical safety issues through the course of their tenant complaint investigations in private rented properties. Generally, most landlords are able to produce an EICR when requested (in compliance of the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020) and those that do not have one in place, once requested have instructed an electrician to carry out the electric test inspection and any hazards highlighted have been addressed in a timely manner. Some landlords automatically send them to the council and the PSH team check these when received. Any visible electrical faults found during HHSRS (Housing Health and Safety Rating System) inspections are reported to the landlord and if not remedied in a timely manner, subsequent enforcement action is taken under the Housing Act 2004 in the form of an improvement notice. Part of the schedule of work for any electrical hazard remedy would always ask for a new test report to be provided as evidence of the safety of the electrical installation after the remedial works having been carried out. Those landlords who fail to remedy any hazard listed on an improvement notice (possibly including electrics) are served with a civil penalty notice (of up to £30,000) or prosecuted in a magistrate's court. Since the inception of the council's civil penalty policy on January 2021, the PSH team have served 8 civil penalty notices totalling £34,370 in fines.

SUPPLEMENTARY QUESTION:

How many landlords has the council used for MEES (this is the EPC rulings against for failure to provide an EPC, either before the tenancy or after the tenancy)?

ANSWER:

I will provide a written response after the meeting.

After the meeting, the following information was provided:

The requirement to provide an EPC is enforced by the local weights and measures authority (i.e KCC Trading Standards) therefore this question would need to be directed at them.

However, the council are responsible for the enforcement of the Minimum Energy Efficiency Standards (MEES) whereby all rented properties must achieve a minimum of EPC grade E. In the course of housing condition complaint investigations we have not come across any F or G rated properties and therefore not had to take any enforcement action under MEES to date.