

Electrical Safety in the Private Rented Sector – A consultation paper
Response from ARLA Propertymark
March 2018

Background

1. ARLA Propertymark is the UK's foremost professional and regulatory body for letting agents; representing over 9,000 members. ARLA Propertymark agents are professionals working at all levels of letting agency, from business owners to office employees.
2. Our members operate to professional standards far higher than the law demands, hold Client Money Protection and we campaign for greater regulation in this growing and increasingly important sector of the property market. By using an ARLA Propertymark agent, consumers have the peace of mind that they are protected, and their money is safe.
3. ARLA Propertymark was a member of the Ministry of Housing, Communities and Local Government's Private Rented Sector Electrical Safety Working Group and we support its recommendations.

Questions

Q3. The Working Group has recommended that landlords should be required by law to arrange safety checks of the electrical installation in private rented sector residential properties. Do you agree with the recommendation?

4. Yes, we agree with the recommendation that landlords should be required by law to arrange safety checks of the electrical installation in private rented sector residential properties.

Q4. The Working Group has recommended that mandatory electrical installation checks should take place at least every five years. Do you agree with the recommendation?

5. Yes, we agree with the recommendation that mandatory electrical installation checks should take place at least every five years.

Q5. The Working Group has recommended that a report should be issued to the landlord which confirms that an Electrical Installation Condition Report (EICR) has been completed along with confirmation that any remedial work necessary has been undertaken satisfactorily. Do you agree with the recommendation?

6. Yes, we agree with the recommendation that a report should be issued to the landlord which confirms that an EICR has been completed along with confirmation that any remedial work necessary has been undertaken satisfactorily.

Q6. The Working Group has recommended that a copy of the report outlined in question 5 should be issued to the tenant at the beginning of the tenancy. Do you agree with the recommendation?

7. Yes, we agree with the recommendation that a copy of the report outlined in question five should be issued to the tenant at the beginning of the tenancy.

Q7. The Working Group has recommended that a copy of the report outlined in question 5 should be made available to local authorities on request. Do you agree with the recommendation?

8. Yes, we agree with the recommendation that a copy of the report outlined in question five should be made available to local authorities on request.

Q8. The Working Group recommended that legislative requirements should be phased in, beginning with new tenancies, followed by all existing tenancies. Do you agree with the recommendation?

9. Yes, we agree with the recommendation that legislative requirements should be phased in, beginning with new tenancies, followed by all existing tenancies.

Q9. The Working Group has recommended that a private rented sector electrical testing competent person scheme should be set up which would be separate from existing Building Regulations competent person schemes. Do you agree with the recommendation?

10. Yes, we agree with the recommendation that a private rented sector electrical testing competent person scheme should be set up which would be separate from existing Building Regulations competent person schemes.

Q10. Do you agree that the best approach to recognising competent and qualified persons would be to introduce a scheme under ISO/IEC 17024, which would allow one or more UKAS accredited scheme operators to certify the competence of individual electrical inspectors and testers?

11. Yes, we agree that the best approach to recognising competent and qualified persons would be to introduce a scheme under ISO/IEC 17024, which would allow one or more UKAS accredited scheme operators to certify the competence of individual electrical inspectors and testers.

Q11. The Working Group has recommended that visual checks of the safety of the electrical installation by landlords at a change in tenancy should be encouraged as good practice and set out in guidance. Do you agree with the recommendation?

12. Yes, we agree with the recommendation that visual checks of the safety of the electrical installation by landlords at a change in tenancy should be encouraged as good practice and set out in guidance.

Q12. The Working Group has recommended that landlord supplied electrical appliance testing and visual checks of electrical appliances by landlords at a change of tenancy should be encouraged as good practice and set out in guidance. Do you agree with the recommendation?

13. Yes, we agree with the recommendation that landlord supplied electrical appliance testing and visual checks of electrical appliances by landlords at a change of tenancy should be encouraged as good practice and set out in guidance.

Q13. The Working Group has recommended that the installation of residual current device (RCDs) by landlords should be encouraged as good practice and set out in guidance. Do you agree with the recommendation?

14. Yes, we agree with the recommendation that the installation of RCDs by landlords should be encouraged as good practice and set out in guidance.

Q14. Should any regulations introduced be enforced by local housing authorities?

15. Yes, any regulations that are introduced should be enforced by Environmental Health Officers at local housing authorities. This is because Environmental Health Officers also deal with breaches of the Housing Health and Safety Rating System (HHSRS) and other housing standards laws.

Q15. Do you think the penalty for non-compliance of any regulations introduced should be:

- Remedial notice (eg. where no check has taken place)
- Improvement notice (eg. where faults are not rectified)
- A civil penalty of up to £5,000
- A civil penalty of up to £30,000
- Other (please specify)
- Don't know

16. We think the penalty for non-compliance of any regulations should be any or all of a Remedial Notice, an Improvement Notice or a Civil Penalty up to £30,000. We do not think that the penalty should be mutually exclusive. For instance, local authorities can issue one or more of these notices at the same time.

Q16. If local housing authorities are the enforcement body for any regulations introduced, should they retain any monies recovered through financial penalties and use these for future enforcement in the private rented sector?

17. Yes, we agree that if local authorities are the enforcement body they should be able to retain any monies recovered through financial penalties and these should be specifically ring-fenced for future enforcement in the private rented sector.

Q17. Should landlords be restricted from evicting tenants using a Section 21 notice if they have not given the tenant a copy of electrical installation safety documentation.

18. Yes, landlords should be restricted from using a Section 21 notice to evict tenants if they have not given the tenant a copy of electrical installation safety documentation. This would reinforce compliance with the rules and mirror existing requirements where documentation, such as a copy of a valid Gas Safety Certificate, must be given to tenants for a landlord to serve a valid Section 21 notice.

Q18. Do you consider that any of the Working Group recommendations would impact on people who share a protected characteristic, as defined under the Equalities Act 2010, differently from people who do not share it?

19. No, we do not consider that any of the Working Group recommendations would impact on people who share a protected characteristic, as defined under the Equalities Act 2010, differently from people who do not share it.

Q19. Do you have any other comments that have not been captured elsewhere in this consultation?

20. No, we do not have any other comments.