

EXECUTIVE DECISION

made by a Cabinet Member



REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL CABINET MEMBER


Executive Decision Reference Number – HCDI0 20/21

Decision	
1	Title of decision: Approval of Electrical Safety Standards Policy 2020
2	Decision maker (Cabinet member name and portfolio title): Councillor Chris Penberthy (Cabinet Member for Housing and Co-operative Development)
3	Report author and contact details: Andrew Elvidge (Technical Lead – Housing Improvement – Community Connections)
4	Decision to be taken: To implement the Electrical Safety Standards Policy 2020.
5	<p>Reason for the decision: The implementation of new legislation</p> <p><i>The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020</i> are designed to ensure electrical safety within the private rented sector in England by requiring landlords to have the fixed electrical installation within rented properties inspected at least every five years.</p> <p>A private landlord (as defined in section 122(6) of the Housing and Planning Act 2016) who grants or intends to grant a specified tenancy must ensure that the fixed electrical installation is safe during the period of the tenancy.</p> <p>The regulations set out excluded tenancies which include amongst others, registered providers of social housing, shared accommodation with a landlord or landlord's family, long leases, student halls of residence, hostels and refuges, care homes, hospitals and hospices and other accommodation relating to healthcare provision.</p> <p>The regulations apply to HMOs and introduced a new mandatory condition for HMO licences from the 1st June 2020. These changes to PCC's processes were incorporated in accordance with the legislation.</p> <p>The attached briefing note sets out an overview of the policy and procedures which are expanded on within the attached policy.</p>
6	Alternative options considered and rejected:

	None, this is new legislation that we have a duty to enforce and therefore we are required to produce a policy to reflect how we will look to do this.			
7	Financial implications: There are no financial implications from implementing the policy, however there is expected to be a modest income generated through enforcement of offences, particularly in the early stages of policy implementation (i.e. first 12-18 months) of approximately £0.012m. After this, it is expected that the fines will drop away as landlords comply with the policy.			
8	Is the decision a Key Decision? (please contact Democratic Support for further advice)	Yes	No	Per the Constitution, a key decision is one which:
			X	in the case of capital projects and contract awards, results in a new commitment to spend and/or save in excess of £3million in total
			X	in the case of revenue projects when the decision involves entering into new commitments and/or making new savings in excess of £1million
		X	is significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the local authority.	
	If yes, date of publication of the notice in the Forward Plan of Key Decisions	N/A		
9	Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:	<u>Corporate Plan</u> Values – Responsible – By having a policy in place we are taking responsibility for process and our actions in delivering our statutory duty. We are also taking steps to ensure that standards are continuously reviewed to positively impact on the safety of housing conditions for our citizens. Values – Fairness – Having a policy ensures that key stakeholders can be fully informed of the local authority's procedures and requirements from them. It provides guidance, reassurance and also a benchmark of consistency for the majority of situations. Caring Council – Having a policy, will enable us to take enforcement where offences have occurred, and the action is deemed appropriate. Improvement in safety of accommodation across the city helps to reduce health inequalities. This is achieved through the provision of safer rented accommodation to the citizens of Plymouth, and robust enforcement of Rogue Landlords.		

		<u>Plymouth Plan for Homes 3</u>		
		Improving Housing Conditions in PRS – Having a policy, as well as regularly reviewing and improving standards within the private rented sector in Plymouth, helps to reduce health inequalities. This is achieved through the provision of safer rented accommodation to the citizens of Plymouth, and robust enforcement of Rogue Landlords. Improvements to accommodation can be physical in terms of the building but can also be in the management of the property.		
10	Please specify any direct environmental implications of the decision (carbon impact)	This policy has no direct environmental implications.		
Urgent decisions				
11	Is the decision urgent and to be implemented immediately in the interests of the Council or the public?	Yes		(If yes, please contact Democratic Support (democraticsupport@plymouth.gov.uk) for advice)
		No	X	(If no, go to section 13a)
12a	Reason for urgency:			
12b	Scrutiny Chair Signature:		Date	
	Scrutiny Committee name:			
	Print Name:			
Consultation				
13a	Are any other Cabinet members' portfolios affected by the decision?	Yes		
		No	X	(If no go to section 14)
13b	Which other Cabinet member's portfolio is affected by the decision?	N/A		
13c	Date Cabinet member consulted	N/A		
14	Has any Cabinet member declared a conflict of interest in relation to the decision?	Yes		If yes, please discuss with the Monitoring Officer
		No	X	
15		Name	Craig McArdle	

	Which Corporate Management Team member has been consulted?	Job title	Strategic Director for People						
		Date consulted	11/12/20						
Sign-off									
16	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DS75 20/21						
		Finance (mandatory)	djn.20.21.177						
		Legal (mandatory)	lt/35412/2/031220						
		Human Resources (if applicable)	N/A						
		Corporate property (if applicable)	N/A						
		Procurement (if applicable)	N/A						
Appendices									
17	Ref.	Title of appendix							
	A	Briefing report for publication							
	B	Electrical Safety Standards Regulations Policy 2020							
	C	Civil Penalties Policy							
	D	EIA							
Confidential/exempt information									
18a	Do you need to include any confidential/exempt information?	Yes		If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in 18b below. (Keep as much information as possible in the briefing report that will be in the public domain)					
		No	X						
		Exemption Paragraph Number							
		1	2	3	4	5	6	7	
18b	Confidential/exempt briefing report title:								
Background Papers									

19	Please list all unpublished, background papers relevant to the decision in the table below. Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.							
Title of background paper(s)		Exemption Paragraph Number						
		1	2	3	4	5	6	7
https://www.legislation.gov.uk/ukxi/2020/312/contents/made Electrical Safety Standards Regulations 2020								
Existing Civil Penalty Policy								
http://www.legislation.gov.uk/ukpga/2004/34/section/249A								
http://www.legislation.gov.uk/ukpga/2004/34/schedule/13A								
Cabinet Member Signature								
20	I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. For further details please see the EIA attached.							
Signature				Date of decision	12/01/2021			
Print Name	Councillor Chris Penberthy							