



Home Improvement:

Tackling poor electrical safety in the private rented sector

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In partnership with

**Electrical
Safety First** 
The UK's electrical safety experts

Supported by

British Gas 

Shelter

Report written by Martha Mackenzie

With thanks to: Liam Reynolds, Hannah Gousy, Bill Rashleigh, Tristan Carlyon, Dan Walker-Nolan.

This project has been carried out in partnership with Electrical Safety First:

Electrical Safety First is the UK charity dedicated to reducing deaths and injuries caused by electrical accidents.

Our aim is to ensure everyone in the UK can use electricity safely. **electricalsafetyfirst.org.uk**

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Jane's Foreword

Six years ago my daughter Thirza moved to Cornwall with her husband Fred and their two young children. They were excited to be starting a new life in a part of the world they had always loved. A few months later, Thirza was found dead in the bath by her five year old daughter.

Thirza and Fred had moved in to a privately rented cottage while they were looking for somewhere more permanent. From the outside the cottage looked perfect. It had been rented out for years as a holiday let and there were no known problems.

Thirza's post-mortem showed that she had been electrocuted. A further investigation showed that the wiring of the whole house was a complete mess and that she had died after an electric current made its way through the bath taps and into the water. Thirza and her family had noticed that the taps seemed 'tingly' but no one ever thought that this could happen.

My daughter died because she was allowed to move into a house where the electrics and wiring had not been checked in years as her landlord was under no legal obligation to do so. If the electrics had been checked then they would have immediately been found to be unsafe. And Thirza would still be with us today.

Later, I was horrified to learn that while landlords have to provide an annual gas safety certificate for properties that they rent out, there is no such law for electricity in private rented properties. Electricity kills, it's as simple as that. And yet there is no law in place to protect tenants like my daughter.

For this reason I'm supporting Shelter and Electrical Safety First's call for a change in legislation and for the introduction of mandatory five yearly checks of electrical installations in private rented properties. It seems like such a simple ask and so I can't understand why, six years on from Thirza's death, there is still no requirement for landlords to ensure the property they are renting out is in a safe condition. I hope that this report will highlight the need for change and that something, finally, will be done to stop the same thing from happening to other families.

Jane Andain

Electricity kills, it's as simple as that. And yet there is no law in place to protect tenants like my daughter.

Foreword

Both Shelter and Electrical Safety First feel an increasing urgency to tackle the issue of poor electrical safety in private rented homes. Our combined frontline experience has shown that this problem is getting worse.

Private rented housing makes up a disproportionate share of the problems Shelter's advisers deal with every day. Last year, Shelter helped more than 3 million people, through online, phone, and face to face advice. Our work gives us direct experience of the problems faced by people who rent privately. Private renters make up more than 40% of our advice clients, a proportion that keeps growing, and is more than double the proportion of the population who rent privately. Too often, renters struggle with unsafe, unstable homes. At Electrical Safety First, we have seen in particular an unacceptable increase in the number of complaints relating to poor electrical safety in rented homes. This is especially concerning given the dangerous nature of electrical hazards. They can lead to serious injury and death.

More than 1.3 million families now rent privately. And many of these families will be living in the private rented sector for the rest of their lives. Shelter and Electrical Safety First have teamed up to write this report as it is time for us to provide these families with hazard-free, stable homes that they can safely raise their children in.

The reforms proposed in this report are common sense and hassle-free. They will not place an undue burden on the vast majority of good, responsible landlords. But they have the potential to transform the lives of renters – ensuring they have access to hazard-free homes and that they are able to enforce their rights. There is a legislative precedent for all the reforms proposed by Shelter and Electrical Safety First – both internationally and across the United Kingdom – and we will work with the industry and with Government, to provide support and advice in implementing them.

At a time when private renting is becoming an increasingly prominent political issue, we are optimistic that this report will lead to real action and real change. Working together, with the support of British Gas, Shelter and Electrical Safety First are committed to making the private rented sector fit for purpose. We hope that the reforms proposed in this report will go some way towards making this happen.



Campbell Robb
Chief Executive, Shelter



Phil Buckle
Director General, Electrical Safety First

Executive summary

- **Private renting is fast becoming the new normal.** The sector is now home to more than 9 million people and 1.3 million families. For the first time in post-war history, more people rent privately than rent their home from the council or a Housing Association.¹
- **Yet standards in the private rented sector have not kept up with this rapid growth.** Homes in the private rented sector are worse than in any other tenure. A third fail to meet the government's own Decent Homes Standard,² and more than six in ten renters (61%) have experienced at least one of the following problems in the past 12 months: electrical hazards, damp, mould, leaking roofs or windows, animal infestation and gas leaks. For families, this figure rises to 69%.³
- **Electrical safety in private rented homes is a particular problem.** Renters and professionals continue to report unacceptable levels of non-compliance. Sixteen per cent of renters have experienced problems with electrical hazards in the last year⁴ and some of the worst instances of landlord neglect relate to poor electrical safety. Research from the British Electrotechnical Allied Manufacturers Association (BEAMA) showed that 30% of periodic inspections by their members in private rented homes indicate 'danger present'.⁵
- **In spite of this, electrical safety in private rented homes is subject to weak and inconsistent regulation.** The houses in multiple occupation (HMOs) management regulations require landlords to carry out five-yearly electrical installation checks – but this covers only a small minority of privately rented homes. And under the Landlord and Tenant Act 1985 landlords are expected to ensure that the electrical installations in their rented properties are safe when tenants move in and maintained in a safe condition throughout its duration. Yet there is no requirement for a professional to prove this: landlords are not required to regularly inspect their electrical installations and appliances. Electrical hazards are often unseen, so the only way to effectively ensure this obligation is met is to programme regular electrical inspections and checks.
- **The issue of electrical safety in private rented homes has been gathering momentum for some time.** There is now a strong political interest in private renting and the need to improve safety standards. This report seeks to ensure that this momentum is acted upon.
- **A wide range of organisations have called for the introduction of electrical safety requirements, including:** the Chartered Institute of Housing (CIH), Chartered Institute of Environmental Health (CIEH), Local Government Association (LGA), London Fire Brigade, Crisis, the Association of Residential Letting Agents (ARLA), Generation Rent, and the Communities and Local Government Select Committee.
- **We have also witnessed increased parliamentary support for tackling poor electrical safety in private rented homes.** In 2011, Electrical Safety First conducted a cross-party survey of 100 MPs in order to gain a sense of their understanding of the risks associated with poor electrical safety and their views on how best to tackle them. Sixty five per cent of MPs surveyed either agreed or strongly agreed about the need for mandatory wiring checks in the Private Rented Sector.

- Shelter and Electrical Safety First believe that the following measures should be introduced to protect renters and ensure better electrical safety in private rented homes:
 - **Mandatory five-yearly safety checks, by a competent person, of the electrical installation and any electrical appliances supplied with private rented sector properties.** This should be verified by the provision of relevant safety certificates to tenants.
 - **Residual Current Device (RCD) protection should be required within all properties that are rented privately.** RCDs are designed to constantly monitor the electric current flowing along a circuit and almost instantaneously switch off the circuit if they detect electrical faults, such as somebody touching a live part or wire.
 - **These reforms would significantly reduce risks to renters, with only a minimal impact on the majority of landlords.** Electrical safety is a problem, but solving this problem can be quick, easy and non-burdensome for landlords.
 - **There is national and international precedence for these reforms.** In May 2014 Members of the Scottish Parliament (MSPs) voted to accept a government-backed amendment into the new Housing (Scotland) Bill that will make five-yearly electrical installation and appliance checks by a person competent to do so, a statutory duty.
- **We know that a majority of sensible landlords already ensure their electrical wiring is checked at least every five years.** Research carried out by YouGov on behalf of Shelter found that most landlords are already having regular inspections carried out on the electrics in the homes they let. Nearly six in ten landlords (59%) have regular electrical inspections carried out on all their properties, with less than a quarter (23%) saying they never have these done on any of their homes. We need legislation that will not burden these landlords, but will protect the renters who suffer at the hands of rogue or amateur landlords.
- **The cost to landlords will be minimal.** A periodic inspection would only cost a landlord between £100 and £150, which equates to around £3 a month when spread over a five year period.
- **However, while a great step forward, on their own these reforms will not be enough to improve conditions for all those who rent their homes.** We must empower renters to properly enforce their rights. And encourage local authorities to prosecute landlords who do not comply.
- **Restrictions should be introduced to prevent section 21 eviction notices being served when a renter has complained about poor conditions in their home.**
- **Local authorities should take tough, cost-effective enforcement action against landlords who wilfully flout their responsibilities. They should publicise this action in the local press so that its deterrent effect is realised.** If new electrical safety requirements are introduced, local authority enforcement will be vital in ensuring their effectiveness.

Private renting

Private renting is fast becoming the new normal. The sector is now home to more than 9 million people and 1.3 million families. For the first time in modern history, more people rent privately than rent their home from the council or a housing association: it represents 18% of all households in England.⁶

Increasing numbers of families and vulnerable groups are relying on the private rented sector as a long-term housing solution. **Nearly 50% of the growth in the private rented sector in the last two years has come from families with children and almost half of all renters are aged 35 and over.** The high cost of buying a home and the shortage of social housing means many families have no choice but to rent privately for the medium to long term. Nearly a third of renters (32%) expect to be living in the private rented sector for the rest of their lives.⁷

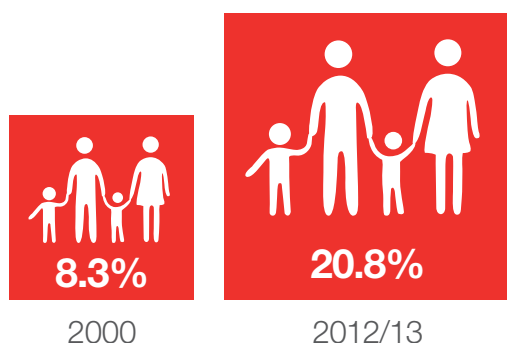
Poor conditions

Standards in the private rented sector have not kept up with this rapid growth. **Homes in the private rented sector are worse than in any other tenure.** A third fail to meet the government's own Decent Homes Standard,⁸ and more than six in ten renters (61%) have experienced at least one of the following problems in the past 12 months: electrical hazards damp, mould, leaking roofs or windows, animal infestation and gas leaks. For families, this figure rises to 69%.⁹

Renters living at the bottom end of the market are particularly vulnerable as they are more likely to be living in poor conditions and are the least likely to report them.¹⁰

As private renting has now risen so far up the agenda of the Westminster parties, we have an important opportunity to address these disproportionately poor standards – and to introduce changes that will improve the lives of the growing number of families living in private rented homes. Securing better standards requires driving out rogue landlords and driving up quality throughout the sector. **With demand high and rising, and the imbalance between landlords' and renters' market power entrenched, the case for regulatory intervention has become urgent.**

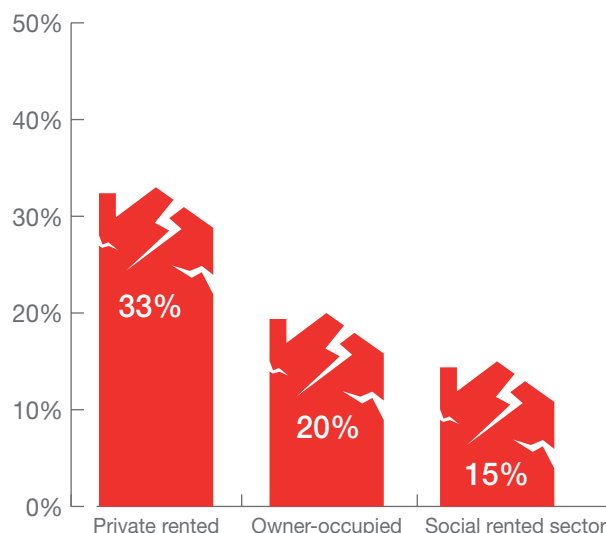
Proportion of families with dependent children living in the private rented sector



Source: Department for Communities and Local Government, English Housing Survey, 2012-13

The proportion of families living in the private rented sector with dependent children has more than doubled since 2000.

The proportion of homes that fail the Decent Homes Standard



Source: Department for Communities and Local Government, English Housing Survey, 2012-13.

A third of private rented homes fail to meet the Decent Homes Standard.

Sustain, a partnership research project between Shelter and Crisis (funded by the Big Lottery) explored the long-term outcomes and wellbeing for vulnerable homeless households who moved into the private rented sector. The project spent 19 months tracking the experiences and wellbeing of 128 people who had been rehoused in private rented homes.

Sustain found that the majority of people had to deal with problem landlords. Landlords became increasingly unresponsive to repair requests over the 19 months. Some didn't do them, some became aggressive or threatening and some charged fees for repairs. This included not addressing gas leaks and boiler problems, as well as poor general maintenance including leaking roof space and exposed electrical wires.

Case study

Victoria and her two children moved into their home after living in bed and breakfast accommodation. She was fleeing domestic violence. She moved into the property because it was near her children's school and she didn't want to cause them further disruption.

However, she wasn't satisfied with the house when she moved in as it was very cold (even in summer) and there were outstanding repairs in the kitchen and bathroom and her son's bedroom. Electrical wires were exposed in her son's room and there was also a leak. The letting agency tried to cover up the live wires with sellotape but they very quickly became exposed again.



Why electrical safety?

Poor electrical safety kills. A substantial number of domestic fires in Great Britain are caused by electrical appliances and wiring – around 20,000 per year. A further 2.5 million UK adults experience a mains voltage electric shock each year, and around 70 people die from electrical accidents in the home.¹¹

Electrical safety in private rented homes is a very real problem. Renters and professionals continue to report unacceptable levels of non-compliance. **Sixteen per cent of renters have experienced problems with electrical hazards in the last year.** This result increases to 19% among renters claiming housing benefit, 20% among families with children, and 23% among those constantly struggling or falling behind with their rent.¹² Some of the worst instances of landlord neglect relate to poor electrical safety.

In September 2013, Norwich City Council successfully prosecuted a rogue landlord for putting their tenants at risk. A private sector housing officer found that the property had no fire doors or appropriate fire detection system. Some of the windows at the property were broken, a ceiling was cracked, contained loose plaster and had gaps in it; this ultimately compromised its integrity and ability to resist fire and smoke. The landlord was also unable to provide a certificate of testing of the fixed electrical installations to the council. All of these failures put the tenants in serious danger.

Edward Webster pleaded guilty to seven offences under the Housing Act 2004 relating to one property. He received fines totalling £12,000 and was ordered to pay a further £4,115.97 in costs and victim surcharge. The council brought the case against him following two inspections. The five-bedroom house had been operating as a House in Multiple Occupation (HMO) without the necessary licence, and the tenants were living with a number of serious hazards. The judge, quite rightly, commented, ‘You showed disregard for regulations which involve people’s safety, particularly fire safety’.

The experience of renters is mirrored in reports from environmental health officers and other frontline practitioners. In 2010, Shelter conducted a survey with 184 environmental health officers. Ninety per cent of officers who responded said they had encountered electrical hazards in the past 12 months. This was the fourth highest problem (out of 17 that were listed) after damp and mould, excess cold, and fire safety.

The most common reason why privately rented homes fail the Decent Homes Standard is that they do not meet the minimum requirement of the Housing Health and Safety Rating System (HHSRS). According to the latest English Housing Survey, 18.9% of all privately rented homes contained a category 1 hazard. Faulty or dangerous gas or electrical installations is a key HHSRS measure.¹³

Research from the British Electrotechnical Allied Manufacturers Association (BEAMA) showed that 30% of periodic inspections by their members in private rented homes indicate ‘danger present’.¹⁴

Poor electrical safety is rife in the private rented sector. This is particularly concerning given the very real danger of electrical hazards: they can and do kill people. Electrical hazards are often unseen, lying uncovered until a serious accident occurs. For this reason, robust regulations are desperately needed to ensure that renters are protected from unknown faults, and landlords across the sector are enabled to keep their properties safe.

The lack of electrical safety regulation in private rented homes is inconsistent with other safety standards required in the sector. It is out-of step with the duty that exists for gas safety: landlords must carry out annual gas safety checks and provide a gas safety certificate to tenants upon request. But there is no such requirement when it comes to electrical safety. It is a strange anomaly that renters are protected from gas hazards but not electrical hazards, which are also extremely dangerous.

However, there is a precedent. The management regulations for houses of multiple occupations (HMOs) require electrical installations to be checked on a five-yearly basis. Yet private rented homes that are not registered HMOs are not subject to scrutiny. The need to protect renters from electrical hazards has already been recognised in law. It is time for these protections to be extended to all renters.

Sally rented a bungalow in Doncaster that was ridden with electrical faults.

‘Sometimes plugging in an appliance would trip out the lighting circuits. Other times the entire power would cut completely for no reason at all... Some plug sockets didn’t work and the electric shower emitted a burning smell whenever it was used.’

The shower eventually did catch fire while Sally’s friend was using it. Sally’s landlord wasn’t interested and she ended up replacing the unit herself.

As winter approached she quickly discovered that the heating didn’t work. Again the landlord showed no interest in fixing the problem and Sally was left alone as the faulty heating allowed damp and mould to cover her home.

‘Almost every wall in the bungalow was becoming covered in mould. Clothes stored in wardrobes have been ruined by mould going right through them. Even my lounge sofas have been attacked by mould.’



Political will

The issue of electrical safety in private rented homes has been gathering momentum for some time. There is now a strong political interest in private renting and the need to improve safety standards. It is vital that this momentum is not lost. The political will to tackle poor electrical safety has frequently been cited. Now it must be demonstrated through meaningful legislation.

Following an inquiry last year the Communities and Local Government Select Committee recommended that an electrical safety certificate be developed for private rented properties. In order to obtain this certificate, it proposed that properties should be required to have a full wiring check every five years and a visual wiring check on change of tenancy.¹⁵

More recently, the Department for Communities and Local Government (DCLG) conducted a review of property conditions in the private rented sector. This review asked whether there should be a statutory requirement on landlords to have electrical installations regularly inspected.¹⁶ A number of organisations used their responses to this exercise to call for the introduction of electrical safety requirements, including: the Chartered Institute of Housing, Chartered Institute of Environmental Health, Local Government Association, London Fire Brigade, Crisis, Generation Rent, and the Liberal Democrat Communities and Local Government Backbench Business Committee.

We have also witnessed increased parliamentary support for tackling poor electrical safety in private rented homes. In 2011, Electrical Safety First conducted a cross-party survey of 100 MPs in order to gain a sense of their understanding of the risks associated with poor electrical safety and their views on how best to tackle them. Sixty five per cent of MPs surveyed either agreed or strongly agreed about the need for mandatory wiring checks in the Private Rented Sector.

This political interest was visible during a Westminster Hall Debate on electrical safety in private rented homes, which was introduced in December 2013 by Liberal Democrat MP Mike Thornton. Mr Thornton used the debate to flag that 'electrical safety in the private rented sector is an issue that needs addressing urgently'.

Together with his colleagues, he highlighted the shocking inconsistencies that currently exist:

'Imagine my shock when I discovered that, under the current regulations, landlords do not have to certify the safety of the electrics in a rented property in any way. As a result, the judgment of what is classed as safe comes down to a personal opinion rather than scientific fact.'

'Gas safety testing is mandatory on a yearly basis. Both gas and electricity are dangerous if there is a fault. So we apparently believe in protecting tenants and their neighbours from fire and injury caused by gas, but fire and injury caused by electricity is fine. Of course, if someone is renting a room in a house of multiple occupation, or in a hotel or bed and breakfast, electrical checks are required, meaning that if someone is staying in a hotel or renting a bedsit they are safer than they would be in their own home'.¹⁷

Local government leaders are also anxious for progress.

With their officers on the frontline dealing with the devastating impact of poor electrical safety, it is unsurprising that they are increasingly keen to see reform.

A survey of local authorities conducted by the Local Government Information Unit (LGIU) in 2013 found that a concern for the health and safety of tenants, particularly in relation to gas and electrical safety, is local government's most important driver for involvement with the private rented sector.¹⁸

Nearly 80% of respondents said they expected the council to take on a greater role in relation to the PRS in future and just under a third (31.9%) said they were interested in pursuing mandatory registration and/or licensing of private landlords. **Those that were interested in pursuing the licensing route overwhelmingly identified gas and electrical safety as the main driver for their work in this area (83.4% of responses).**¹⁹

As mentioned above, the Local Government Association also used its response to DCLG's review of property conditions in the private rented sector to endorse plans to introduce mandatory electrical installations checks every five years.²⁰

The impetus for change on electrical safety also exists in the devolved nations. In May 2014 MSPs voted to accept a government-backed amendment to the new Housing (Scotland) Bill that will make five yearly electrical installation and appliance checks by a person competent to do so a statutory duty. Should this requirement come into force, renters in Scotland will receive badly needed protections against electrical accidents at home. It seems perverse not to extend that same protection to renters in England.²¹

The issue has also given rise to serious debate in Wales. The introduction of statutory requirements for electrical inspections was recently recommended by a committee of the Welsh Assembly. An amendment seeking to introduce it via the Housing (Wales) Bill was also debated by assembly members in the Communities, Equalities and Local Government Committee. The amendment gained cross party support in committee from Plaid Cymru, Conservatives and Liberal Democrats but was narrowly defeated when put to vote.²²

We must grab hold of this momentum. **Politicians of all stripes need to turn this political will into a political reality by introducing simple reforms that will improve private renting for everyone.**

How can we fix electrical safety in private rented homes?

Shelter and Electrical Safety First believe that the following measures should be introduced to protect renters and ensure better electrical safety in private rented homes:

- **Mandatory five-yearly safety checks, by a competent person, of the electrical installation and any electrical appliances supplied with private rented sector properties.** This should be verified by the provision of relevant safety certificates to tenants.
- **Residual Current Device (RCD) protection should be required within all properties that are rented privately.**

Mandatory five-yearly safety checks

Mandatory five-yearly safety checks, by a competent person, of the electrical installation and any electrical appliances supplied with private rented sector properties should be introduced. These checks should be verified by the provision of relevant safety certificates to tenants. These measures would bring electricity more in line with requirements for gas appliances and installations, which by law must be checked by a professional every year.

There is a precedent for these measures. Five-year periodic inspections are already recommended by the Institution of Engineering and Technology (IET). Furthermore, the management regulations require electrical installations in registered houses in multiple occupation (HMOs) to be checked on a five-yearly basis. This simple change will bring electrical safety in line with current regulations for registered HMOs and ensure that all private rented homes are safe.

Residual Current Device protection

RCD protection should be required within all properties that are rented privately. RCDs are designed to constantly monitor the electric current flowing along a circuit and almost instantaneously switch off the circuit if they detect electrical faults, such as somebody touching a live part or wire. Fitting one or more RCDs into a consumer unit is the most effective way to protect against dangerous electric shocks and reduce the risk of electrical fires.

Since July 2008, virtually all circuits in new or rewired homes have been required to have RCD protection.²³ But this does not protect many private rented homes. An increasing number of governments have made the use of RCDs in all domestic properties mandatory, most recently in Western Australia in 2010.²⁴ We would like the UK government to follow suit.

Why these reforms?

These reforms would significantly reduce risks to renters, with only a minimal impact on the majority of landlords. Electrical safety is a problem, but solving this problem can be quick, easy and non-burdensome for landlords.

As we have seen, poor electrical safety has a very real impact on renters' lives. **It can, and does, kill people.** Landlords that neglect electrical safety are putting their tenant's lives at risk, yet some of the worst examples of rogue behaviour relate to poor electrical safety.

Landlords already have a responsibility to ensure that electrical installations in their rented properties are safe when tenants move in and maintained in a safe condition throughout the tenancy.²⁵ However, currently there is no burden of proof. **Electrical hazards are often unseen, so the only way to effectively ensure this is to programme regular electrical inspections and checks.**

If landlords do not ensure their tenants' electrical safety they can be prosecuted under the Housing Act 2004. Following direction from the Legal Aid and Sentencing of Offenders Act 2012, the cap on Housing Act offences will soon be lifted – leaving landlords open to limitless fines. **Our recommendations will save lives and ensure good, responsible landlords are not caught unawares by costly and burdensome enforcement action.**

We know that a majority of sensible landlords already ensure their electrical wiring is checked at least every five years. Research carried out by YouGov on behalf of Shelter found that most landlords are already having regular inspections carried out on the electrics in the homes they let. Nearly six in ten landlords (59%) have regular electrical inspections carried out on all their properties, with less than a quarter (23%) saying they never have these done on any of their homes.

Almost three quarters (73%) of landlords already think that it is a legal requirement to have their electrical supply and appliances checked by a qualified person. Most landlords think this is required annually (38%) or at the start of every tenancy (13%). And in total, 70% of landlords thought this was required every five years or more often.²⁶

Mike had a traumatic experience at the hands of his landlord in Birmingham.

After water entered an unearthed electrical system, Mike suffered a serious injury which resulted in surgery. He also suffered a roof fire after a defective flue set the roof beams alight. The landlord's repair attempt was so botched that he and his family could not use their heating. To add insult to injury, the landlord attempted to claim money from Mike's family because the roof suffered fire damage. In spite of this, Mike was powerless.

'Everything that could be wrong with the property was wrong... It has to be seen to be believed. I called my landlord on over 60 occasions to report the problems we were experiencing but he now claims that I never spoke to him about it at all'.



However, figures from Electrical Safety First's latest annual consumer survey show that almost two thirds (65%) of landlords do not regularly test the portable electrical appliances they provide.²⁷ **Any legislation must extend beyond electrical installations to include electrical appliances and ensure this vital protection is not overlooked.**

We need legislation that will not burden these landlords, but will protect the renters who suffer at the hands of rogue or amateur landlords.

Research carried out by YouGov for Shelter at the beginning of the year found that 6% of landlords are currently breaching the law on gas safety.²⁸ This suggests that making requirements mandatory has a substantial impact on compliance.

The changes we are proposing are not difficult to implement. Government could either introduce new primary powers or they could bring forward secondary legislation to the Health and Safety at Work Act 1974.

The requirement for landlords to carry out annual gas installation checks is set out in the Gas Safety (Installation and Use) Regulations 1998.²⁹ A similar mechanism could be employed to introduce mandatory five-yearly electrical safety checks as, for the purpose of the Health and Safety at Work Act (1974) landlords are classified as 'self-employed person(s)' and their rented properties are classified as 'place of work under his control'.

However, Shelter and Electrical Safety First would prefer to see robust, primary legislation introduced. In October 2013, the government used the Energy Act 2013 to give themselves enabling powers to introduce a requirement for carbon monoxide and/or smoke alarms in private rented homes.³⁰ And, as we have seen, the Scottish Parliament is likely to pass a bill that sets out electrical safety requirements for private landlords. The precedent for unchallengeable, robust primary legislation exists and should be followed.

The cost to landlords will be minimal. A periodic inspection would only cost a landlord between £100 and £150, which equates to around £3 a month when spread over a five-year period. By introducing mandatory electrical installation and appliance checks, and requiring the use of RCDs, government can ensure that proper practice is widespread; that all of England's 9 million renters are safe; and that landlords wilfully putting their tenants in danger will be justly prosecuted.

How can they be implemented?

■ How can local authorities be supported to ensure the success of these reforms?

The enforcement of existing gas safety requirements offers a good example of what this could look like. While there is currently no pro-active enforcement by local authorities to ensure that gas safety checks have been carried out (and that gas safety certificates have been provided), officers can ask to see certificates and verify any checks as part of their regular Housing Health and Safety Rating System (HHSRS) enforcement. Local authorities can use any evidence of non-compliance to prosecute landlords, extracting reasonable fines for their illegal activity. The role of local authority enforcement is explored in more detail on page 17.

In addition, the Gas Safe Register, who protect the public from unsafe gas work, have an agreement to look into any complaints on behalf of the Health and Safety Executive (HSE). There are comparable registration bodies for electricians who could take on a similar role.

Any new electrical safety requirements should therefore be added to, and highlighted as part of, the HHSRS guidance. The Department for Communities and Local Government recently consulted on whether they should update the HHSRS guidance to make it more accessible for professionals, landlords, and renters.³¹ Shelter and Electrical Safety First strongly support the need for this additional guidance. The release of this guidance would be a particularly appropriate time to introduce these reforms; it would raise awareness of their existence and the need for compliance.

It may also be possible for a suitable body to help local authorities look in to complaints from renters. This should be investigated if these reforms are introduced.

The introduction of any new electrical safety requirements should be preceded by a local authority-led marketing campaign supported by government. As with many areas of private rented sector regulation, ensuring compliance will require further education of renters and landlords, as well as the introduction of appropriate mechanisms to report non-compliance. Any such campaign should target landlords and renters through existing channels, such as landlord and tenant forums, local advice providers, and housing associations. By making renters aware of their new rights, government can ensure local authorities play a vital role in enforcement and compliance: renters can request the safety they are entitled to, and enforce these rights if their landlord is unwilling to comply.

■ What can national government do to aid compliance?

In this context, the government's current focus on educating renters and landlords is welcome. Any new electrical safety requirements could be promoted through the Department for Communities and Local Government's How to Rent guide which has recently been released. However, the success of these initiatives will be largely dependent on a high profile marketing campaign that is properly resourced and well-targeted. Such commitment is not uncommon across the public sector. The Mayor of London has recently committed a substantial marketing budget to the launch of the London Rental Standard. The marketing campaign will run from spring 2014 to March 2016 at a total cost of £250,000 to the Greater London Authority (GLA).³²

In October 2012 Electrical Safety First and the Local Government Information Unit also looked closely at the role central government could play in opening up new data sources to local authorities so they can better identify private rented properties in order to target enforcement. A range of proposals were outlined in detail in their report *House Proud: how councils can raise standards in the private rented sector*.³³

Support from landlord and letting agent bodies

These reforms have been supported by letting agent and landlord bodies and are frequently cited as good practice.

The Association of Residential Letting Agents used its response to the Communities and Local Select Government Committee's Inquiry into the private rented sector to recommend that Electrical Safety Certificates become a legal requirement, similar to the current procedure for Gas Safety Certificates.³⁴

Both the National Landlords Association (NLA) and the Residential Landlords Association (RLA) endorse the best practice guidance produced by Electrical Safety First:

'The NLA is reminding landlords that by law, they must ensure all electrical wiring and installations in their properties are safe, and the best way to be sure of that is to have the installation inspected periodically (typically every five years) by a competent electrician.

*'Landlords should also ensure there is adequate Residual Current Device (RCD) protection in their properties. They significantly reduce the risk of electrical shock. Ideally these should be installed in the consumer unit but plug in RCDs can be used.'*³⁵

'The RLA recommends landlords have RCD (Residual Current Device) protection installed in their homes as this has seen a decline in shock injuries in recent years.

*'The Electrical Safety Council now recommends that period inspections/tests by a qualified electrician is carried out at least every five years or on a change of tenancy... If the property is a house in multiple occupation of any kind (which will include shared houses) there is a statutory requirement to carry out such inspection/test every five years anyway'.*³⁶

Together these organisations represent almost 45,000 landlords and letting agents and they work hard to promote best practice amongst them. **We now have an opportunity to turn this best practice into the legal norm, protecting all renters, not just those whose landlords are conscientious enough to do all they can to look after their tenants.** This is particularly important as more than three-quarters (77%) of landlords have never been a member of any trade body or held any licence or accreditation.³⁷

On their own these reforms will not be enough

So that renters are better able to enforce their existing rights, we also recommend that new measures are introduced to end the practice of retaliatory eviction and give renters the confidence to report poor electrical safety:

- **Restrictions should be introduced to prevent section 21 notices being served when a renter has complained about poor conditions in their home.**

Councils should also be encouraged and supported to take tough enforcement action against landlords that break the law:

- **Local authorities should take tough, cost-effective enforcement action against landlords that wilfully flout their responsibilities.** They should publicise this action in the local press so that its deterrent effect is realised.

Consumer protection

There is currently a significant imbalance of power in the private rented sector. Renters, particularly those competing in an overheated market, have very little consumer power. As a result the fear – and the practice – of retaliatory eviction is widespread. There is currently no specific legislation in place to protect renters who report poor conditions to their landlord or local authority from being evicted. The UK is out of step with other countries in providing such weak protections for renters.³⁸

We know that renters fear retaliatory eviction. **One in eight renters (12%) have not asked for repairs to be carried out in their home, or challenged a rent increase in the last year, because they fear eviction.**³⁹ The figure rises to 19% for households in receipt of housing benefit and 18% for black and minority ethnic (BME) households.

Furthermore, we also know that renters do suffer retaliatory eviction. **One in 33 renters have been evicted, served notice or threatened with eviction in the past five years because they complained to their local council or their landlord about a problem in their home.** This is the equivalent to 324,172 renters every year.⁴⁰ In the past year the incidence of retaliatory eviction increases to one in 10 among BME households and one in 20 for households in receipt of housing benefit.

This situation makes it very difficult for renters to report poor conditions. Often they are too scared to come forward so serious hazards are left unattended. Equally, when landlords do evict someone in retaliation for making a complaint, there is little incentive for them to bring their property up to scratch.

So that renters are better able to enforce their existing rights, we recommend that new measures are introduced to end the practice of retaliatory eviction and give renters the confidence to report electrical hazards.⁴¹

- 1) **Renters who report poor conditions to their landlord and are subsequently served a section 21 notice, should have the right to appeal the eviction notice.** If a renter is able to provide evidence from someone who is trained in the Housing Health and Safety Rating System to show that there are category 1 or 2 hazards present in their home, and that they made a complaint to their landlord or someone who works on their behalf (e.g. letting agent) before the notice was served, then the notice should be treated as invalid. The landlord should not be able to serve a valid section 21 notice for six months subsequently.
- 2) **An improvement notice or emergency remedial action should serve to automatically prohibit a section 21 notice being served for six months.** The fear of retaliatory eviction is more prevalent than the practice. In order to provide renters with the confidence to report poor conditions, Shelter and Electrical Safety First recommend that if a renter complains to their local authority which then serves an Improvement notice or takes emergency remedial action, landlords should automatically be prohibited from serving a section 21 notice. If a section 21 notice is served before the local authority has taken action, it will be suspended. The landlord should not be able to serve a valid section 21 notice for six months subsequently.
- 3) **A hazard awareness notice should serve to automatically prohibit a section 21 notice from being served.** Many local authorities do not serve a landlord with an improvement notice if they find category 1 or 2 hazards in a property. The Housing Health and Safety Rating System enforcement guidance advises that it might be appropriate to wait before serving the notice if the local authority is confident that the landlord will take remedial action quickly. Instead, officers are advised to use a Hazard Awareness Notice. Shelter and Electrical Safety First propose that this Notice should also automatically prohibit landlords from serving a section 21 notice for six months in order to prevent renters from being evicted before the landlord has considered how to respond to the notice. If a section 21 notice is served before the local authority has taken action, it will be suspended.

The private rented sector is incredibly unstable. This makes it very difficult for renters to put down roots and demand the conditions and safety they are entitled to. Sixty per cent of all households that moved last year were in the private rented sector. **Over one third (34%) of households in the private rented sector have been resident at their current address for less than one year, compared to 4% of owner occupiers.** This shocking turnover rate leaves private rented properties open to variable standards and renters entirely at the mercy of the actions their landlords.⁴²

The role of local authorities

If new electrical safety laws are introduced, local authority enforcement will be vital in ensuring their effectiveness. Under the Housing Act 2004 local authorities hold the powers and responsibilities for responding to poor conditions in the private rented sector. **They deal with the daily reality of these issues and they should be supported to take tough enforcement action against landlords that wilfully flout their responsibilities.**

Mal's story

When Mal and his family first moved into their property they noticed problems with the electrics straight away. They pointed these problems out to their letting agent and were told '[landlords] don't have to get them checked by law'. Mal had been struggling to find a property for his family, so felt he had no other choice but to move in.

Mal's flat was filled with hazards: sockets soaked with water; sockets hanging out the wall; electrical wiring that overlapped with the plumbing, so was constantly getting splashed; and a constant smell of burning.

Mal complained to his local council, who visited the property and found it to be very dangerous. After this visit the council contacted the landlord and instructed her to make the necessary repairs. At this point, Mal and his family became victims of retaliatory eviction. The landlord swiftly issued a Section 21 eviction notice and there was nothing Mal could do about it. After two and half years in the property Mal and his three children were forced to leave their home.

"In [the time] we were there she got £27,000 from us.

"There were plugs that were running other sockets. They had put sockets in the conservatory, running the cables. Then there was a plug socket plugged into another plug socket, with two cables coming out of the socket going somewhere else. Really, really dangerous."

Mal reported his case to Electrical Safety First and to his local MP, Mike Thornton who called a debate in Parliament.



We know that many local authorities are already stepping up enforcement action against rogue landlords. Between 2010/11 and 2011/12 the number of successful prosecutions made against private landlords increased by 77%.⁴³ By serving notices under the Housing Act 2004, and making prosecutions where these are not complied with, local authorities can send a strong message to all landlords that poor safety will not be tolerated.

A landlord was prosecuted by Southend Council after concerns about one of his properties were exposed by a local newspaper. The investigation raised concerns about fire safety and maintenance at a former hotel he rented to four vulnerable renters.

A fire exit was padlocked and the tenants had no keys, smoke alarms were faulty, another exit was partially blocked and fire extinguishers were not stored properly. A manhole cover allowed rats to enter the property, while water tanks and a toilet were balanced on bits of wood. Electrical wires and light fittings were loose, while wallpaper and carpets were torn and windows cracked. Water from a hand basin could run on to electrical fittings, there was damp in a living room, a hole in a roof and ill-fitting skylights. The court heard that the electrical wiring in the property was so badly installed and maintained it was a fire hazard.

Despite renting out several properties in Westcliff for about 30 years, the landlord claimed he was oblivious to his legal obligations as a private landlord. He was charged on five offences and was fined almost £20,000.

In a time of tight resources it is important to emphasise that tough, well-publicised enforcement can save money in the long run. By ensuring that successful prosecutions of rogue landlords are publicised locally, all landlords will be encouraged to make sure that their properties meet legal requirements, reducing the need for enforcement in future. Following prosecutions against 15 landlords in 2008/9, complaints to Oxford City Council fell at a time when the sector came under increasing pressure. Similarly complaints about harassment fell from 35 to 25 between 2008/9 and 2010/11.⁴⁴

Councils can encourage local residents, business, and other local groups to report landlords that are evading the law. As local authority resources are currently extremely strained – and that is not set to change – it is vital that councils make better use of external partners to aid their enforcement activity. For example, in October 2013 Northampton Borough Council launched a ‘rogue landlords hotline’ to encourage local residents to report rogue landlords and any instances private rented neglect. The council has urged local residents to aid their enforcement efforts, promising that, ‘A quick call... is all that is needed to start an investigation that could result in enforcement action or prosecution’.⁴⁵

Strong, local political leadership is also vital to ensure that tough enforcement is prioritised. Last year the Local Government Information Unit (LGIU) and Electrical Safety First argued that political leaders have a key role to play in clearly articulating how their borough will tackle poor conditions and the landlords that cause them.⁴⁶ Their report also identified how local ward councillors can share their knowledge on the ground, identifying potential enforcement opportunities.

In September 2012 the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) 2012, subject to secondary legislation, removed the £5,000 cap on Housing Act 2004 related offences. In order for local authorities to feel like enforcement activity is worth their time it is vital that they are able to extract the maximum possible fine for their efforts. A very high fine is a far more powerful deterrent than anything under £5,000. **So that the benefits of this regulation can be felt, Shelter and Electrical Safety First urge that the commencement order on LASPO 2012, section 85 is laid as soon as possible.**

Conclusion

- **Poor electrical safety in private rented homes is a very real problem. It can, and does, kill people.** Sixteen per cent of renters have experienced problems with electrical hazards in the last year. This increases to 19% among renters claiming housing benefit, 20% among families with children, and 23% among those constantly struggling or falling behind with their rent.⁴⁷
- **Yet the regulation protecting renters from electrical hazards is piecemeal.** The houses in multiple occupation (HMOs) management regulations require landlords to carry out five-yearly electrical installation checks – but this covers only a small minority of privately rented homes. And, under the Landlord and Tenant Act 1985 landlords are expected to ensure that the electrical installations in their rented properties are safe when tenants move in and maintained in a safe condition throughout its duration. They can be subject to huge fines – and even imprisonment – if they don't.
- **But there is no requirement for landlords to regularly inspect their electrical installations and appliances.** Electrical hazards are often unseen, so the only way to effectively ensure this is to programme regular electrical inspections and checks.
- **This situation feels even more anomalous when considered against the existing legal requirement for landlords to inspect their gas installations every year and provide a gas safety certificate.**
- **Most landlord and letting agent bodies recommend that their members carry out five-yearly electrical installation and appliance checks, and install Residual Current Device protection.** And most sensible landlords will already take this course of action.
- **These reforms are common sense and will bring electrical safety into step with existing legislation.** They will significantly reduce risks to renters, but will have a minimal impact on the vast majority of landlords.
- **However, Shelter and Electrical Safety First believe that on their own they will not be enough.** Renters must be protected from retaliatory eviction, so that they have the confidence to report electrical hazards, and are able to demand that something is done about them. Equally, local authorities should be encouraged and supported to take tough enforcement action locally, to ensure that rogue landlords are unable to wilfully evade their responsibilities.
- The issue of electrical safety in private rented homes has been gathering momentum for some time. **We must now grab hold of this momentum and introduce reforms that will improve private renting for everyone.**

Appendix A:

List of recommendations

- 1) **Mandatory five-yearly safety checks by a competent person, of the electrical installation and any electrical appliances supplied with private rented sector properties should be introduced.** These checks should be verified by the provision of relevant safety certificates to tenants. These measures would bring electricity more in line with requirements for gas installations, which by law must be checked every year.

There is a precedent for these measures.

Five-yearly periodic inspections are already recommended by the Institution of Engineering and Technology (IET). Furthermore, the management regulations require electrical installations in registered houses in multiple occupation (HMOs) to be checked on a five-yearly basis. This simple change will bring electrical safety in line with current regulations for HMOs and ensure that all private rented homes are safe.

- 2) **RCD protection should be required within all properties that are rented privately.** RCDs are designed to constantly monitor the electric current flowing along a circuit and almost instantaneously switch off the circuit if they detect electrical faults, such as somebody touching a live part or wire. Fitting one or more RCDs into a consumer unit is the most effective way to protect against dangerous electric shocks and reduce the risk of electrical fires.

This is standard international practice. An increasing number of governments have made the use of RCDs in all domestic properties mandatory, most recently Western Australia in 2010.⁴⁸

- 3) **So that renters are better able to enforce their existing rights, we recommend that new measures are introduced to end the practice of retaliatory eviction and give renters the confidence to report poor electrical safety.**⁴⁹
 - **Renters who report poor conditions to their landlord and are subsequently served a section 21 notice, should have the right to appeal the eviction notice.** If a renter is able to provide evidence from someone who is trained in the Housing Health and Safety Rating System to show that there are category 1 or 2 hazards present in their home, and that they made a complaint to their landlord or someone who works on their behalf (eg letting agent) before the notice was served, then the notice should be treated as invalid. The landlord should not be able to serve a valid section 21 notice for six months subsequently.

- **An improvement notice or emergency remedial action should serve to automatically prohibit a section 21 notice being served for six months.** The fear of retaliatory eviction is more prevalent than the practice. In order to provide renters with the confidence to report poor conditions, Shelter recommends that if a renter complains to their local authority which then serves an improvement notice or takes emergency remedial action, landlords should automatically be prohibited from serving a section 21 notice. If a section 21 notice is served before the local authority has taken action, it will be suspended. The landlord should not be able to serve a valid section 21 notice for six months subsequently.
 - **A hazard awareness notice should serve to automatically prohibit a section 21 notice from being served.** Many local authorities do not serve a landlord with an Improvement Notice if they find category 1 or 2 hazards in a property. The Housing Health and Safety Rating System enforcement guidance advises that it might be appropriate to wait before serving the notice if the local authority is confident that the landlord will take remedial action quickly. Instead, officers are advised to use a hazard awareness notice. Shelter proposes that this notice should also automatically prohibit landlords from serving a section 21 notice for six months in order to prevent renters from being evicted before the landlord has considered how to respond to the notice. If a section 21 notice is served before the local authority has taken action, it will be suspended.
- 4) **Local authorities should be supported to take tough, cost-effective enforcement action against landlords that wilfully flout their responsibilities.** They should publicise this action in the local press so that its deterrent effect is realised. Any new electrical safety requirements should also be promoted at a local level and integrated into guidance on housing conditions such as HHSRS, to ensure awareness in key audiences.

Appendix B: Sources

This report draws on:

- A YouGov online survey of 4,544 English private renters between 11 December 2013–16 January 2014, looking at their experiences of private renting and their responses to proposals for improving the sector. All YouGov figures, unless stated otherwise, refer to adults in England. Where ‘families with children’ are referenced in relation to YouGov findings, this refers to adults living in England with children under 18 in the household. This research has been jointly commissioned by Shelter and British Gas. All grossed estimates are based on 2012–13 figures from the Department for Communities and Local Government English Housing Survey which show there are 9.3 million people living in private rented accommodation, based on number of households multiplied by mean number of persons per household.
- The Department for Communities and Local Government’s English Housing Survey 2011–12 full household report and 2012–13 headline report.
- A YouGov online survey in December 2013 of 1,064 UK private landlords who are members of the YouGov panel. While this is not a sample that is conclusively representative of the landlord sector, the profile of the YouGov panel fits well with the small, buy-to-let or more ‘accidental’ landlord that was desired for this study. Fieldwork was undertaken between 11 December–19 December 2013. This research has been jointly commissioned by Shelter and British Gas.
- The final report of the Shelter and Crisis Big Lottery funded Sustain PRS project. The Sustain PRS project is a longitudinal qualitative research on the experiences and wellbeing of 128 previously homeless households over 19 months who have been resettled in the private rented sector
- *House Proud: how councils can raise standards in the private rented sector*, a report from the LGiU and Electrical Safety First (née Electrical Safety Council), published in September 2013. This report was supported by a survey of local authorities carried out by the LGiU. Two hundred and fifty seven individuals responded to the survey, representing 175 councils. Roughly 70% of the responses were from officers and 30 per cent were for councillors.
- The 2014 Electrical Safety First Annual Consumer Survey, Topline Results. This survey was carried out by Ipsos MORI on behalf of Electrical Safety First (née Electrical Safety Council). The research was carried out on Ipsos MORI’s Capibus, the weekly face-to-face omnibus survey, using a nationally representative quota sample across Great Britain. Fieldwork in 2014 was conducted between 11 and 17 April 2014 and a booster for landlords was carried out between 25 April and 1 May. In total, 2,118 interviews were conducted in 2014. The results have been weighted to reflect the known profile of the adult population in Great Britain. They are weighted on age, social grade, region and work status- within gender. The data are also weighted on tenure and ethnicity. Results from 2014’s landlord booster are also weighted to the proportion of landlords interviews achieved in the first wave.

Appendix C: Housing (Scotland) Bill, Amendment 54

Electrical safety inspections

- (1) In section 13 of the 2006 Act (the repairing standard), after subsection (4) insert—

‘(4)(A) In determining whether a house meets the standard of repair mentioned in subsection (1) (c) and (d) in relation to installations for the supply of electricity and electrical fixtures, fittings and appliances, regard is to be had to any guidance issued by the Scottish Ministers on electrical safety standards.’

- (2) After section 19 of the 2006 Act insert—

‘19A Duty to ensure regular electrical safety inspections

- (1) The landlord must ensure that regular inspections are carried out for the purpose of identifying any work which—

- (a) relates to installations for the supply of electricity and electrical fixtures, fittings and appliances, and
- (b) is necessary to ensure that the house meets the repairing standard.

- (2) The duty in subsection (1) is complied with if—

- (a) an inspection has been carried out before the tenancy starts (but not earlier than 5 years before the start of the tenancy), and
- (b) inspections are carried out during the tenancy at such intervals to ensure that there is a period of no more than 5 years between each inspection.

- (3) The landlord must—

- (a) before the start of the tenancy, provide the tenant with a copy of the record of the most recent inspection carried out, and
- (b) provide the tenant with a copy of the record of any inspection carried out during the tenancy.

- (4) For the purposes of sections 16(4), 17, 22 and 24 and schedule 2, references to a duty under section 14(1) include the duties under this section.

- (5) In relation to a tenancy which started before the day of commencement of section (*Electrical safety inspections*)(2) of the Housing (Scotland) Act 2014 (asp 00)—

- (a) subsections (2)(a) and (3)(a) do not apply, but
- (b) the landlord must ensure that an inspection is carried out no later than the end of the period of 12 months beginning on that day (unless the tenancy ends before the end of that period).

19B Electrical safety inspections

- (1) An inspection carried out in pursuance of section 19A must be carried out by a competent person.
- (2) The person carrying out the inspection must prepare a record of the inspection including the following information—
- (a) the date on which the inspection was carried out,
 - (b) the address of the house inspected,
 - (c) the name and address of the landlord or the landlord’s agent,
 - (d) the name, address and relevant qualifications of the person who carried out the inspection,
 - (e) a description, and the location, of each installation, fixture, fitting and appliance inspected,
 - (f) any defect identified,
 - (g) any action taken to remedy a defect.
- (3) A copy of the record must be—
- (a) given to the landlord, and
 - (b) retained by the landlord for a period of 6 years.
- (4) The Scottish Ministers must publish guidance on the carrying out of inspections.
- (5) In determining who is competent to carry out an inspection, the landlord must have regard to the guidance.’

Appendix D: Housing (Wales) Bill, Amendment 152

Electrical Safety Checks and Carbon Monoxide Detectors

Section 28, page 15, after line 35, insert—

- ‘(3) Standards under subsection (1) must include an expectation that—
- (a) electricity safety checks will be carried out at intervals of no more than five years;
 - (b) carbon monoxide detectors will be installed and maintained.’.

Adran 28, tudalen 15, ar ôl llinell 37, mewnosoder—

- ‘(3) Rhaid i safonau o dan is-adran (1) gynnwys disgwyliad—
- (a) y caiff archwiliadau diogelwch trydan eu cynnal ar gyfnodau o ddim mwy na phum mlynedd;
 - (b) y caiff synwryddion carbon monocsid eu gosod a’u cynnal a’u cadw.’

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22. See Appendix D for the text of the amendment. The full text of the amendment is available here: <http://www.assemblywales.org/bus-home/bus-business-fourth-assembly-laid-docs.htm?act=dis&id=254863&ds=3/2014>
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