

Electrical Safety Policy (Private Sector Housing)

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1. Introduction

- 1.1. This policy sets out how the Council will exercise our powers under the *Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020*.
- 1.2. These standards apply to all Private Rented Sector landlords, with the exception of landlords who share their home with their tenants.

2. Landlord Duties

- 2.1. Landlords must ensure that:
 - Their property meets minimum electrical safety standards at all times a property is occupied; and,
 - Fixed electrical cables or fixed electrical equipment located on the consumers side of the electricity supply meter are inspected and tested every 5 years (at least) by a qualified person.
- 2.2. Following inspection, landlords must obtain a written report from the qualified person who carried out the inspection and test, which provides the result and the date of the next inspection & test.
- 2.3. Once the landlord has obtained the written report, they have a duty to:
 - Provide a copy of this report to current tenants within 28 days; and,
 - Provide a copy of this report to the Local Authority on request within 7 days; and,
 - Provide a copy of this report to new tenants before the tenancy begins, and prospective tenants should also be provided with a copy on request; and,
 - Retain a copy of this report for the next inspection & test.
- 2.4. If the report finds that minimum electrical safety standards are not met and requires further work to be carried out to bring the property up to standard, the landlord must:

- Ensure that the work is carried out by a qualified person within 28 days (or the period provided in the report, whichever is sooner);
- Receive written confirmation from a qualified person that the standards have been met; and,
- Supply this confirmation and a copy of the report to all tenants and the Council within 28 days.

3. Enforcement

Remedial Works

- 3.1. If we have reasonable ground to believe that a landlord has failed to comply with the duties in pa. 2, we will serve a Remedial Notice on the landlord. This notice will require the landlord to complete remedial action within 28 days and explain their right to make written representations.
- 3.2. Landlords have a right to make representations when served with a Remedial Notice. We will only consider written representations, sent via email, and received within 21 days of the Notice. Any supporting evidence should be attached.
- 3.3. We will respond to representations within 7 days from the end of the 21-day appeal period. We will always respond in writing (although the response may be sent via email). If our decision is to confirm the Remedial Action Notice, then we will inform you when the period of suspension ends.
- 3.4. Where we have reasonable grounds to believe that a Remedial Notice has not been complied with, we may arrange (with the occupier's consent) to arrange for the remedial works to be carried out. This may be done urgently where this is recommended by the electrical safety report.
- 3.5. Before deciding to take remedial action, we will consider:
 - The nature of the remedial action required, and the danger to residents, neighbours and visitors if no action is taken;
 - Any attempts to comply with the Notice;
 - The likelihood of future compliance and the timescales involved;
 - The landlord's level of compliance with the Regulations prior to issuing the Notice;
 - The landlord's general history of engagement and compliance; and,
 - Any previous orders or notices served on the landlord and their response.
- 3.6. Landlords have the right to appeal against remedial action. Details of this are included in any Notice. Landlords may appeal if all reasonable steps have been taken to comply, or if reasonable progress has been made towards compliance.
- 3.7. We will always attempt to recover any costs we incur when taking remedial action, by providing landlords with an invoice for our costs. We will also provide landlords with information about the procedure of their right to appeal against a demand for costs.

Penalty Charges

- 3.8. We can issue a Civil Penalty Notice when we have evidence that the landlord is in breach in one of the duties under the Regulations.
- 3.9. More information on the process for Civil Penalty Notices can be found in our CPN Policy.

4. Legal Context

- 4.1. This policy is guided by the requirements placed on landlords and local authorities by the [Electrical Safety Standards in the Private Rented Sector \(England\) Regulations 2020](#).

5. Reviewing this policy

- 5.1. Amendments to this policy not reflecting a major change of policy may be made by the Executive Director for Housing in consultation with the Director of Law and Corporate Governance. Such changes will be reported to Members annually.

Replaces: Electrical Safety Regulations Policy 2021

Minor updates for clarity and stronger alignment with Lewisham's broader Private Sector Licensing and Enforcement Framework

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