

ELECTRICAL SAFETY COUNCIL

WRITTEN SUBMISSION

1. Overview

- 1.1. The Electrical Safety Council (ESC) welcomes the invitation to submit written evidence to the Infrastructure and Capital Investment Committee inquiry into the Housing (Scotland) Bill.
- 1.2. As the UK's only charity committed to reducing electrical fires and electrical-related injuries at home and at work, our remit is to promote and encourage public awareness of issues surrounding electrical safety.
- 1.3. The Private Rented Sector (PRS) in Scotland is seeing unprecedented growth and has more than doubled over the last decade, from 115,000 dwellings (5% of all homes) in 1999, to 305,000 (12% of all homes) in 2012.¹ In some parts of Scotland, the proportion of PRS stock is significantly higher. For instance, in Glasgow, the City Council estimates that private rented housing accounted for 19% of all dwellings in 2012.²
- 1.4. As a consequence, the PRS will continue to play an important role in meeting Scotland's housing need, with increasing numbers of families and vulnerable people renting privately.
- 1.5. Despite this, tenants often face poor conditions and serious safety hazards. According to government statistics, 69% of all accidental fires in Scottish homes (more than 3,400 annually) are caused by electricity.³ Independent research also suggests that private tenants are more likely to be at risk of electric shock or fire than owner occupiers.⁴
- 1.6. Whilst we welcome the principles behind the Housing (Scotland) Bill and the Scottish Government's continuing efforts to get a better deal for PRS tenants, we are concerned that the Bill as it stands will not create better property standards.

¹ Housing Statistics for Scotland - Key Information and Summary Tables' published 26 August 2013, Scottish Government <http://www.scotland.gov.uk/Topics/Statistics/Browse/Housing-Regeneration/HSfS/KeyInfoTables>

² <http://www.glasgow.gov.uk/CHttpHandler.ashx?id=14215&p=0>

³ Analysis by the Scottish Government of Fire Datasets: DCLG and Scotland for 2012-13

⁴ Research conducted by Ipsos MORI. 25th June-2nd July 2010

1.7. Provisions set out in Part 3 of the Bill (Private Rented Housing), including the introduction of a new First-tier Tribunal to deal with matters relating to private rented housing and creating third party rights in relation to enforcing the Repairing Standard, are a positive step for improving standards in the sector. However, we believe more must be done to reduce risks to private tenants by putting precautionary measures in place to ensure their safety, and that further adjustments to private rented housing legislation are required to do this.

1.8. Our submission focuses on:

- The clear imperative for the introduction of precautionary electrical safety checks for privately rented properties, potentially through an additional amendment to the Repairing Standard.
- The case for improving electrical safety through the inclusion of provisions in the new Code of Practice for Letting Agents (Section 41).
- Our support for Part 6 of the Bill on Private Housing Conditions which includes a number of adjustments which relate to local authority enforcement powers for tackling poor conditions in private housing.
- Wider support for enhanced provisions around inspection and testing of electrical appliances and installations in the PRS, most recently highlighted in a joint letter to the Housing and Welfare Minister Margaret Burgess MSP (See Appendix 1) from 13 businesses, charities and trade associations.

2. Proposals to allow for the introduction of provisions around electrical safety in private rented housing

2.1. The ESC supports proposals in the Bill to help reform the PRS including the new Housing Tribunal which, if approved, will provide landlords and tenants with more efficient and accessible access to justice that will help resolve disputes. In particular, this will help private landlord ensure that their property meets the relatively basic physical criteria of the Repairing Standard.

2.2. However, we believe further provisions should be included in the Bill to improve the safety and condition of private rented homes, and there is

a strong case to introduce measures for mandatory electrical safety checks. This could be achieved by an amendment to the Repairing Standard in the Housing (Scotland) Act 2006. Several amends to the Repairing Standard have already been proposed in Section 23 of the Bill, so the change relates to existing subject matter in the Bill.

- 2.3. Specifically, we want Government to introduce a requirement for five yearly checks, by a registered electrician, of both fixed electrical installations in all rented property and any electrical appliances supplied with lets.
- 2.4. At present, private landlords have a responsibility to ensure the homes they let comply with the Repairing Standard, as set out in the Housing (Scotland) Act 2006. Section 13 of the standard states that landlords must ensure the electrical installation and appliances provided as part of any let are in a 'reasonable state of repair and in proper working order at the start of and throughout the tenancy'.
- 2.5. The process for private landlords to demonstrate that the homes they let meet the electrical safety elements of the Repairing Standard is to carry out checks and tests of the wiring and any appliances supplied with the property. However, private landlords do not currently have to provide documentation proving they have carried out such measures (despite them being required to do so for gas appliances and installations).
- 2.6. In the context of gas safety requirements, there is a legal duty for private landlords to have any pipework, appliances and chimneys/flues checked by a Gas Safe registered engineer on an annual basis. A recent survey carried out by Shelter and British Gas suggests 90% of private landlords comply with this requirement.⁵
- 2.7. We believe there is a dangerous anomaly whereby testing of gas appliances and fittings is legally required but inspection and testing of electrical appliances and installations is not.
- 2.8. With the majority of domestic fires in Scotland caused by electricity, we once again urge the Scottish Government to introduce mandatory five yearly checks, carried out by a registered electrician, of electrical installations and any electrical appliances supplied with privately rented

⁵ http://england.shelter.org.uk/news/may_2013/1_in_10_renters_at_risk_from_gas_safety_hazards

homes.

- 2.9. Our view on these checks was supported by 12 trade associations, businesses and charities in an open letter to the Housing and Welfare Minister Margaret Burgess (sent 07/10/13, see Appendix 1). Supportive signatories included key housing sector organisations such as the Scottish Association of Landlords, Shelter Scotland, RICS Scotland and the Chartered Institute of Housing Scotland.
- 2.10. Our reasons for recommending a five yearly timeframe are largely due to a desire to strike a balance between the likelihood of risks to tenants from deterioration in the electrical installation/appliances due to wear and tear, faults and tampering, versus costs placed on landlords.
- 2.11. We recommend in all our literature that full inspections by registered electricians are supplemented by visual checks from the landlord or managing agent at more regular intervals (i.e. yearly or on change of tenancy, whichever comes first). If such a check were to uncover obvious signs of damage to the installation/appliances, we would expect that, as required by the Repairing Standard, landlords would take appropriate remedial action (please see Appendix 2 for an example checklist as carried on the ESC website).
- 2.12. Improving standards in the PRS will not only benefit private tenants but also help landlords in the sector keep their properties safe from fires and other incidents that could damage their investment.
- 2.13. Our proposal also supports the Scottish Government's recent strategy for the PRS – 'A place to stay, a place to call home' – which aims to deliver for Scotland's people by providing high quality homes. Making private renting a better option is crucial to ensuring everyone has a safe, affordable home to live in.

3. Proposals to allow for the introduction of a Code of Practice for Lettings Agents are welcome, and could go further

- 3.1. The ESC supports proposals to allow Scottish Ministers to introduce a Letting Agent Code of Practice (Section 41). This will ensure consistency of best practice across the industry, and provide a reference point against which to measure poor practice.
- 3.2. If electrical safety requirements are added to the Bill, we believe that there would be a knock on benefit to the effectiveness of the Letting

Agent Code of Practice, provided it restated the requirements.

- 3.3. In particular, given widespread evidence indicating the existence of retaliatory eviction for tenants who complain about poor conditions in their homes, information in the Code of Practice on the legal status of electrical checks would provide greater clarity to landlords and greater confidence to tenants.
- 3.4. If mandatory electrical checks for PRS properties are not introduced, we would encourage the Code to incorporate best practice guidance on how to manage property conditions, including electrical safety.

4. Proposals to amend local authority powers to enforce repairs and maintenance in private homes

- 4.1. The ESC welcomes the inclusion of provisions relating to work notices, maintenance notices and maintenance orders under the Housing (Scotland) Act 2006 in order to improve private housing conditions.
- 4.2. Currently, all social housing is required to meet the Scottish Housing Quality Standard (SHQS) by 2015. The standard includes enhanced criteria concerning the condition of accommodation. However, there is no requirement that private sector housing meets this standard. The only requirement for owner occupied housing is that it meets the tolerable standard, which is a minimum condemnatory standard which all housing must meet.
- 4.3. According to the latest Scottish House Conditions Survey, 72% of private homes suffer some level of basic disrepair and presumably in some cases includes defects to electrical installations.⁶
- 4.4. We believe householders should enjoy the same safety standards, irrespective of the tenure of their property, and that extending local authority powers to require that private owners take action to repair or maintain their properties will stop properties falling into dangerous levels of disrepair.

5. About the Electrical Safety Council

- 5.1. The Electrical Safety Council (ESC) is a charity committed to reducing deaths, injuries and other damage from electricity. As many such

⁶ Scottish House Conditions 2012: <http://www.scotland.gov.uk/Publications/2013/12/3017/290985>

incidents take place within the home, safety in dwellings – particularly the PRS – is a core concern. Poorly maintained homes often have poorly maintained (and therefore dangerous) electrical installations, which can lead to fatal consequences.

- 5.2. According to government statistics, over half of all accidental fires in GB homes (more than 20,000 annually) are caused by electricity. Further, each year about 70 people die and 350,000 receive a serious injury – including skin burns, temporary blindness, and difficulty breathing - from an electrical accident in the home.⁷
- 5.3. Fire statistics also show that Scottish homes are at a disproportionate risk from fires of an electrical origin than the rest of GB. In 2012-13, electrically-related fires accounted for over 69% of all accidental fires in Scotland.⁸

Electrical Safety Council
26.02.14

⁷ ESC Core dataset. Symptoms of 'serious injury' obtained via the South West Public Health Observatory.

⁸ Analysis by the Scottish Government of Fire Datasets: DCLG and Scotland for 2012-13

Margaret Burgess MSP
Minister for Housing and Welfare
The Scottish Parliament
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07.10.13

Dear Ms Burgess,

ELECTRICAL SAFETY IN THE PRIVATE RENTED SECTOR

How we live is changing. The Private Rented Sector (PRS) in Scotland has more than doubled in size over the last decade, with ever more families and vulnerable people renting privately. As a consequence, the PRS will continue to play an important role in meeting housing need. But all too often, private renters face poor conditions and serious safety hazards.

According to government statistics, over two thirds of all accidental fires in Scottish homes (more than 3,000 annually) are caused by electricity. Independent research also suggests that private tenants are more likely to be at risk of electric shock or fire than owner occupiers.ⁱ

Whilst we welcome the Scottish Government's efforts to improve conditions in the sector and drive up standards, more must be done to reduce risks to private renters by putting precautionary measures in place to ensure their safety.

We the undersigned believe that housing standards in the PRS can be improved without placing a significant additional burden on landlords, and that improving electrical safety for tenants should be a core part of any new requirements.

Given that a new Housing Bill is due to be considered in Holyrood before the end of this year, we urge you to seriously consider any future regulation that would further improve the PRS, including:

- Mandatory five-yearly safety checks by a competent person of electrical installations and any electrical appliances supplied with lettings
- Mandatory provision of RCD protection in all propertiesⁱⁱ

Improving standards will not only benefit tenants but also help landlords keep their properties safe from the risk of fire. Making private renting a better option is crucial to ensuring everyone has a safe, affordable home to live in so we hope that you will seek to introduce these much-needed changes and will await your response with great interest.

Landlords' Interim Electrical Safety Checklist



This Landlords' Interim Electrical Safety Checklist is designed to help you, the landlord, or your representative, to carry out a regular electrical safety check on a property you let. The checklist supplements formal periodic inspection and testing, and should be used during the interim period (at least annually), to help identify any electrical safety risks that may exist at the property. In addition, if your electrical installation is new, this checklist may be used for the Interim period up to the first formal inspection and test.

As a landlord, you are legally obliged to provide and maintain your rental property in a safe condition. For this reason, the Electrical Safety Council (ESC) recommends that the electrical installation is formally inspected and tested at least once every 5 years, by a competent person, and a report confirming its condition is issued (*Electrical Installation Condition Report - EICR*). Any remedial work that is required should be undertaken by a registered electrician.

Conditions of Use: this checklist should only be used where both of the following conditions have been met:

- A formal inspection and test (EICR) has been carried out on the property (within the last 5 years)
- Actions recorded on the EICR have been addressed

(Tick to confirm)

Name: (of person carrying out the electrical safety check)

Date: (date carried out)

Address of property: (Print the full address of the property being checked)

Checklist summary: (Provide details of the electrical safety risk(s) and state the required action)

| Record the risk and its location | State the action to be taken |
|----------------------------------|------------------------------|
| 1 | |
| 2 | |
| 3 | |
| 4 | |
| 5 | |
| 6 | |

(Where additional risks need to be recorded, attach an additional page to this checklist)

Comments: (Insert, as appropriate, any other comments regarding the electrical safety of the premises)

Electrical Safety Checklist:

Use the items listed below as a guide for carrying out the electrical safety check. Where a safety risk is identified record the details on the Checklist summary, overleaf. *(Please note: This list is not exhaustive)*

Fusebox (Consumer unit)

- 1) All covers are in place and fitted correctly (a damaged cover could lead to a shock or fire risk)
- 2) Residual Current Device (RCD)* trips when the test (or 'T') button is pressed
- 3) Combustible materials are not stored on or near the Fusebox (e.g. paint, newspapers, cleaning fluids)

Sockets and lighting

- 1) Sockets, lights and switches are securely fixed and in good condition (e.g. not broken or cracked)
- 2) Sockets, lights and switches show no signs of overheating (e.g. blackening, scorch marks)
- 3) Flexible cables are not in a position where they are likely to suffer damage (e.g. under carpets or rugs, passing through door/window openings)
- 4) Sockets are not overloaded with too many appliances (e.g. inappropriate use of adaptors and/or extension leads)

Electrical appliances

- 1) Appliances are not subject to a product recall (Visit www.esc.org.uk/recall to check the appliances in your property)
- 2) All covers are in place and in a satisfactory condition (a damaged casing could lead to a shock or fire risk)
- 3) Flexible cables are in a satisfactory condition and show no signs of deterioration (e.g. fraying/ splitting)
- 4) Flexible cables are securely attached to the appliance and plug

Additional safety checks

- 1) Smoke alarm sounds when the test button is operated
- 2) Carbon monoxide alarm sounds when the test button is operated

*An RCD is designed to protect against the risks of electrocution and fire caused by earth faults.

Electrical Safety Register

incorporating



If you have identified any electrical work that needs to be carried out at the property, you can find a registered electrician by visiting **www.electricalsafetyregister.com**. It contains details for over 34,000 registered contractors based throughout the UK.

To find more advice and resources for Landlords, visit www.esc.org.uk/landlords