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Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol/
Communities, Equality and Local Government Committee
Bil Rhentu Cartrefi (Cymru)/Renting Homes (Wales) Bill
Ymateb gan: Electrical Safety First
Response from: Electrical Safety First

Christine Chapman AM
Chair – Communities, Equality and Local Government Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

March 2015

Dear Ms Chapman

Consultation on the Renting Homes (Wales) Bill

I am writing in relation to your recent call for evidence on the Renting Homes (Wales) Bill and the terms of reference outlined in Annexe 1 of your letter to stakeholders of 12 February 2015.

Electrical Safety First's comments contained within this response are in relation to Part 4 of the Bill – 'Condition of the dwelling'.

The Committee was very supportive of our concerns during the passage of the Housing (Wales) Bill last year and I would be very grateful if you would give them further consideration during progress through its Committee Stage.

With best wishes

Yours sincerely



Phil Buckle
Director General, Electrical Safety First

1. Introduction

- Electrical Safety First is a UK charity dedicated to reducing deaths and injuries caused by electrical accidents in the home. We have a strong commitment to Wales – having over the last four years given over £152k in grants to trading standards teams, fire services and community groups and distributed thousands of copies of our Landlords' Guide to electrical safety throughout Wales.
- We support the introduction of the Renting Homes (Wales) Bill, however we believe that the Bill should go much further in protecting the safety of Welsh tenants who live in the Private Rented Sector (PRS) in Wales with the introduction of a provision provide 5-yearly electrical safety checks. At present we do not believe the Bill is robust on protecting tenants under Part 4 'Condition of the dwelling'.
- At present, any Welsh tenant could rent a home without having proper information on when or whether the electrics within the home are safe to use. We believe this is an unacceptable situation and this Bill must seek to address this, as is already the case in Scotland.

2. Private Rented Sector in Wales

- As many of these 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.
- The Welsh Private Rented Sector (PRS) now makes up nearly a quarter of homes in Wales and is expected to outgrow the social housing sector in the next few years. there are already parts of Wales where the number of privately rented homes out number social housing properties. This is the case in Cardiff, Ceredigion, Conwy, Denbighshire, Powys and the Vale of Glamorgan.ⁱ
- **Fire statistics show that Welsh homes are at a high risk from fires of an electrical origin. In 2012-13, electricity-related fires accounted for over 68% of all accidental fires in Wales.**ⁱⁱ Across Great Britain, over half of all accidental fires in homes (around 20,000 annually) are caused by electricity, while each year about 70 people die and 350,000 receive an electric shock.
- We are particularly concerned with poor standards in the growing Private Rented Sector (PRS) in Wales, particularly as independent research indicates that private tenants are more likely to be at risk of electric shock or fire than owner occupiers.ⁱⁱⁱ

3. The current situation with safety checks in Wales

- By law, landlords have a responsibility to have gas installations and appliances in the properties they let checked on an annual basis. Every year, there are approximately 40 accidental deaths from Carbon Monoxide (CO) poisoning in England and Wales^{iv}, whilst electrical sources account for over half of all accidental domestic fires, resulting in around 40-50 deaths every year.^v In addition, there are around 20 electrocutions at home in Great Britain every year.^{vi}
- However, despite the comparable statistics on the incidence of deaths caused by gas and electricity in the home, there are no equivalent requirements for electrical installations and appliances. Given that gas typically only supplies a boiler and cooker,

while electricity powers almost every appliance in the home and is supplied to every room, we believe this puts tenants at a particular risk.

- **We are calling for greater parity between gas and electrical safety, and believe the Welsh Government has, through the Renting Homes (Wales) Bill a vital opportunity to enhance electrical safety without adding disproportionate regulatory burdens for landlords. We are asking members of the Communities, Equality and Local Government Committee to support us on this issue.**
- Measures can and should be introduced to protect both tenants, who currently only have the Housing Health and Safety Rating System as a route to seek redress, and landlords, who will themselves benefit from the measures through the greater protection of their property against fire.
- We understand that our proposal to introduce electrical safety tests in the PRS may raise questions around devolved competence, particularly as this document will later make reference and comparisons to the Gas Regulations which are a reserved matter under the directorate of the Health and Safety Executive (HSE). **However, we understand that, as electrical safety checks contribute to a wider programme of tenant safety, the Welsh Government should seriously consider pressing ahead with aiming to protect tenants in Wales.**
- Our position on adoption of mandatory electrical safety requirements in the PRS is supported by a wide range of organisations in Wales, including: British Gas; the Chartered Institute of Environmental Health (CIEH) Wales; Citizens Advice Cymru; National Energy Action Cymru; NUS Wales; Royal Institution of Chartered Surveyors (RICS); Shelter Cymru; Cardiff Council and Welsh Tenants.

4. Bill Recommendations to the Committee

We would ask the Committee to seriously consider the following three proposals to be included under Part 4 of the Bill ‘Condition of the dwelling’ and recommend to the Welsh Government: -

4.1 Introducing five-yearly safety checks of electrical installations in the Welsh PRS

- **We propose mandatory five-yearly safety checks by a competent person of electrical installations, along with basic visual checks on change of tenancy.** Requirements for regular safety checks currently exist for gas installations and appliances but not electrical installations and appliances. The Gas Safety (Installation and Use) Regulations 1998 specifically deal with the installation, maintenance and use of gas appliances, fittings and flues in domestic properties. Failure to comply with the regulations carries a fine of up to £20,000. If the case is referred to the Crown Court the maximum penalty may be imprisonment, or an unlimited fine, or both.
- The Regulations require landlords to:
 - Ensure an annual safety check is carried out on each gas appliance or flue by a Gas Safe-registered engineer;
 - Ensure gas fittings and flues are maintained in a safe condition, by servicing them in accordance with the manufacturer’s instructions;
 - Keep a record of each safety check for at least two years;

- Provide new tenants with a record of the most recent safety check, and existing tenants with a record within 28 days of the gas safety check record being completed;
 - Take all reasonable steps to ensure work is carried out, including supplying tenants with a written note requesting access to the property if necessary.
- Just as gas safety regulations require this annual check to be carried out by a Gas Safe-registered engineer, we believe checks on electrical installations and appliances should be carried out by a member of a Part P Competent Persons Scheme. Landlords would be required to keep a record of these checks for the full five years after each check, and to provide copies to all existing and new tenants, as appropriate.
 - Visual checks should also be carried out by the landlord or responsible agent on change of tenancy or at least every year, whichever occurs first (Electrical Safety First has developed a checklist to help landlords carry this out).
 - **This precautionary regime would serve to significantly reduce the risks to tenant safety arising from faulty electrical equipment but without placing an undue regulatory burden on landlords (estimated costs are £100-£150 every five years and many already do this as best practice). It would also serve to benefit landlords in terms of helping protect their investments.**
 - Our proposals would not necessarily need to be enforced by local authorities as we believe tenants could have the ability to legal recourse through a court of law and deal with this as a civil matter, should a landlord not comply with the requirement.

4.2 Portable Appliance Testing (PAT)

- As part of these proposals we would also recommend Portable Appliance Testing (PAT). We recommend portable electrical appliances be subject to a combined inspection and test at least every five years, with basic visual safety checks on change of tenancy.
- **Nearly half (46%)^{vii} of Wales' electrical fires were caused by white goods – incl. dishwashers, cookers and fridge/freezers - appliances that are routinely provided by landlords along with lets.**
- In addition, research undertaken by the Electrical Safety First found that 29% of landlords and 40% of tenants did not know who was responsible for ensuring the electrical safety of any appliances supplied with a tenancy.^{viii} Furthermore, the study also showed that 1.7 million private tenants have reported electrical concerns that were either ignored by their landlord or acted on too slowly, and 1.3 million renters are currently waiting for electrical issues to be resolved. We believe these issues highlight a clear imperative for landlords to have their electrical appliances checked on a regular basis, along with their installations.

4.3 Mandatory fitting of preventative life-saving devices in private rented properties

- As with the recommendation to install CO alarms, we propose the Welsh Government take the lead on the installation of preventative safety devices by recommending the installation of RCDs in all PRS properties.
- Across Great Britain, 14 people die every year from carbon monoxide poisoning caused by gas appliances and flues which have not been properly installed or maintained.^{ix} To

this end, the Department for Communities and Local Government recently announced a roll out of carbon monoxide (CO) alarms for the PRS. In the event of gas leakage resulting from inadequate flueing arrangements, CO alarms alert tenants to the presence of excess carbon monoxide in the property.

- Like CO alarms, RCDs are life-saving devices. They are designed to constantly monitor the electric current flowing along a circuit and almost instantaneously switch off the circuit if an electrical fault is detected. However, despite the fact that recent UK Government data shows that each year 4,000 fires caused by electrical faults in homes (20% in total) might have been prevented if an RCD had been fitted, there are currently no equivalent recommendations for their installation.
- Electrical Safety First strongly recommends the provision of consumer unit RCDs in the PRS, which could be made a precondition of any new letting. Fitting an RCD into a consumer unit is the most effective way to protect against dangerous electric shocks and reduce the risk of electrical fires. Such safety devices are already required by law in all new-build homes in Wales. They are relatively low cost, and a requirement for them to be installed would be a cost effective way of improving electrical safety throughout the PRS. Just as we do not believe that mandatory electrical safety checks represent a significant hike in regulatory costs for landlords, we equally believe that this small cost can be absorbed.

ⁱ <http://www.bbc.co.uk/news/uk-wales-31171212>

ⁱⁱ Data based on secondary analysis of Wales Fire Statistics 2012-13

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

^{iv} https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/260211/Carbon_Monoxide_Letter_2013_FinalforPub.pdf

^v GB Fire Statistics 2012/13, compiled by Department of Communities and Local Government (DCLG)

^{vi} <http://www.esc.org.uk/industry/policies-and-research/statistics/>

^{vii} Data based on secondary analysis of Wales Fire Statistics, 2012-13

^{viii} Research undertaken between the 17th and 24th May 2013 by Populus on behalf of the Electrical Safety Council with a sample of 4,093 UK adults. The figures have been weighted and are representative of all UK adults (aged 18+).

^{ix} Health and Safety Executive: <http://www.hse.gov.uk/pubns/indg238.pdf>