

Penalty Charge Notice - Failure to comply with the requirements of The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015

These regulations place a responsibility on landlords to ensure that domestic rental properties let on a new tenancy after 1st April 2018 have an Energy Efficiency Certificate (EPC) rating of not less than an E. Properties with EPC rating of F & G should not be let until suitable remedial works have been undertaken. In addition from 1st April 2020 it is an offence to continue to let such a property, even where a tenancy is already in place. However both are subject to certain exemptions.

Where the Council has reasonable grounds to believe that a landlord has failed to fulfil their duties under these regulations, the Council can take the following action.

Compliance Notice – this notice can be used in circumstances where the Council requires the landlord to provide specified documents in order to determine the current efficiency banding and tenancy.

Penalty Notice – where the Council is satisfied that an offence has been committed, a notice can be issued requiring the landlord to pay a financial penalty of such amount as decided by the Council, and to carry out such works as may be required in order to ensure the regulations are being complied with.

Boston Borough Council has determined that the following amounts will be charged.

Where a landlord fails to comply with a Compliance Notice:-

First occasion – £ 500

Second occasion - £ 1000

Third and any subsequent occasions - £ 1500

Where a landlord has registered false or misleading information:-

First occasion – £ 500

Second occasion - £ 750

Third and any subsequent occasions - £ 1000

Where a landlord has let a property in contravention of these regulations:-

If the breach is for less than 3 months –

First occasion – £ 1000*

Second occasion - £ 1500*

Third and any subsequent occasions - £ 2000*

If the breach is for 3 months or more –

First occasion – £ 1500*

Second occasion - £ 2500*

Third and any subsequent occasions - £ 4000*

(*A 50% discount will be offered where a landlord completes any specified work by the required date)

Penalty Charge Notice - Failure to comply with The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

The above regulations place a responsibility on landlords to ensure that Electrical Safety Standards within rented properties are met during any period that the property is occupied. This includes a requirement that the installation is inspected/tested by a suitably qualified person at intervals of no more than 5 years (or less if specified within the previous report), and to undertake such further investigative or remedial work as may be identified within that report.

Copies of the report must also be provided to new occupants before that tenant occupies the property, to existing tenants within 28 days of the inspection and test, and to the Council within a period of 7 days of receiving a request to do so.

Where the Council has reasonable grounds to believe that a landlord has failed to fulfil their duties under these regulations, the Council must serve on that landlord a Remedial Notice requiring the landlord to take remedial action within 28 days.

Should a landlord fail to comply with this notice, the Council may arrange for a suitable contractor to carry out the work, and in addition may require the landlord to pay a financial penalty of such amount as the authority may determine. The amount of the penalty charge must not exceed £30,000.

Boston Borough Council has determined that where a landlord fails to fulfil his obligations under these regulations, the following Financial Penalties will be applied.

Failure to supply a certificate to the Council following a formal request to do so - £360

Failure to ensure that an inspection/test was carried out by the required date (as specified within Section 3(1)(c) of the Act - £500

Failure to comply with the requirements of a Remedial Notice –

First occasion – £1000

Second occasion - £2500

Third occasion - £5000

Fourth and any subsequent occasions - £7500

Failure to carry out Urgent Remedial Action within the specified period –

First occasion – £3000

Second occasion - £6000

Third occasion - £10000

Fourth and any subsequent occasions - £20000