

Cheshire West & Chester Council

Council Housing

Electrical Safety Inspection and Enforcement Procedure



Cheshire West
and Chester

Introduction

The UK Government has introduced mandatory electrical safety checks for the social housing sector, aligning it with the private rented sector. These checks will be conducted every five years, and appliances provided by social landlords will undergo regular testing. Landlords are required to complete any remedial works following inspection within 28 days. The regulations come into force in November 2025 for new tenancies and May 2026 for existing tenancies. This initiative aims to ensure that all tenants live in safe, warm, and decent homes, addressing safety gaps highlighted by recent incidents like the Grenfell tower fire.

About this procedure

This procedure outlines how Cheshire West and Chester Council will ensure that the regulations are adhered to and the steps the Council will take in ensuring that all the Council's tenants are housed in electrically safe homes. This procedure also details the action the Council will take should a tenant refuse the Council access to their home in order for the Council to carry out the electrical safety inspection. The Council fully recognises that electrical inspections are an essential task to prevent hazardous situations, such as an electrical fire or failure and has developed an Electrical Safety Policy, this procedure is designed to sit under that policy.

Step 1 – Arranging the inspection

1. All properties requiring an electrical inspection will have an appointment arranged at the four- and half-year point before the inspection is due. This will be carried out by the contractor and is likely to be actioned by the contractor within the first 3 months of this 6-month period. So, for example we have recently issued to BES EICR's due to expire in March 2026. The programme is issued over to the contractor via QL. Bulk jobs are raised via an excel form the surveyor completes and sends to ICT.
2. The programme of inspections is to be overseen by the Compliance Manager, and it is their responsibility to ensure that appropriate processes are adhered to.
3. Once an inspection date has been identified, the contractor is to issue the tenant with an **Electrical Inspection Appointment Letter at appendix 1**. The purpose of the letter is to notify the tenant of the date for the electrical inspection.
4. The date of the electrical inspection must also be recorded on the housing management system.
5. Should a tenant be unable to facilitate the electrical inspection then staff must provide an alternative, and the tenant should be notified in writing using the Electrical Inspection Notification Letter.
6. The Contractor is to attend as arranged unless otherwise advised by the tenant. In cases where the tenant doesn't respond to the letter and the appointment isn't kept then the following Pre-enforcement procedure must be followed.

Step 2 - Pre-enforcement procedure

The following procedure sets out how staff are to work with the tenant should the tenant not be available as part of the above.

7. In cases where the tenant has not been available in order for the contractor to carry out the electrical inspection, the contractor will issue the **Electrical Inspection Notification Second Attempt Letter – appendix 2**. The purpose of which is to remind the tenant of the importance of having an in-date electrical inspection and notify them of the alternative arranged date.
8. Should the tenant miss the second prearranged appointment, the Contractor will make a further attempt to gain access to the property to complete the EICR. The Contractor is to use **Electrical Inspection Notification Third Attempt Letter – appendix 3**. Following each unsuccessful visit a letter is also issued by the contractor to the tenant with another appointment automatically made for a week later following the no access visit. The appointment letters give the tenant necessary contact information to rearrange appointments if the planned visit is inconvenient. Each letter issued to the tenant by the contractor needs to give the tenant 1 calendar week notice of the intended appointment. For example, if the letter is dated 11th September, then the intended appointment date cannot be any earlier than the 18th September.
9. At each unsuccessful visit a no access card is left at the property with a photo being taken of the card in front of the front door as evidence.
10. Following three no access visits by the contractor a 'no access pack' is created by the contractor and sent over to the teams channel owned by HMC Compliance. The no access pack contains evidence of the appointment letters sent to the tenant along with the no access evidence and any additional information supplied by the contractor.
11. Once the "no access pack" is sent over to HMC compliance, either the Electrical Compliance Surveyor or the Compliance Coordinator will make an attempt to gain contact with the tenant via phone to arrange a 4th and final appointment for the EICR to go ahead. This is only made upon examination of the no access pack. If any of the information provided by the contractor is incorrect/process not followed then the contractor is notified, and the no access pack is rejected with feedback provided to the contractor instructing what remedial action needs to be completed before HMC compliance will pursue. Provided the no access pack is correct, regardless of if contact is made with the tenant pertaining to the proposed 4th appointment, a final letter is issued to the tenant with the appointment information.
12. If the 4th appointment is unsuccessful then either the Electrical Compliance Surveyor or Compliance Coordinator will collate evidence of the no access visit and add this to the no access pack on the team's channel. This no access pack is then shared with the Council via a shared teams channel and the expired EICR Master Tracker is also updated.

Step 3 - Enforcement Procedure

The following procedure sets out how staff are to take enforcement action via the Magistrates Court in order to ensure that the Councils duty as a landlord is adhered to.

13. Where all three attempts to gain access to the tenant's home have failed the Housing Officer will be required to prepare a pack for Legal Services who will produce an application for a warrant. The pack must include the following:
 - The details of the property, the tenancy details and tenant.
 - The grounds on which the requirement to inspect arises:

- The date of the last inspection
- The need to inspect electrical services for safety
- The obligation of the tenant to provide access
- The requests made to the tenant for access
- The circumstances of the tenant's denial of access.
- Ramifications of failure to inspect
- A copy of the officer's authorisation to enter on behalf of the council (both sides of ID card usually is sufficient)
- A copy of the tenancy agreement
- Any other relevant information.

14. On receipt of the above, the Council's Legal Team will:

- Check the evidence provided to ensure it satisfies the statutory requirements.
- Draft the warrant application, including a witness statement from a Legal Services Officer and draft warrant of entry
- Submit the application to court and arrange payment of the fee.
- Liaise with court to provide officer telephone numbers and to fix a time for the hearing of the application.

15. The Council's Legal Team will then arrange to present the case to Magistrate Court and will ask the Magistrate Court for a Warrant of Entry under section 239 and 240 of the Housing Act 2004.

16. On successful gaining of the Warrant of Entry, the Council's Legal Team will notify the Compliance Manager of the Court's decision accordingly.

17. Once the Warrant of Entry has been issued, it will be uploaded by Legal Services to the Sharepoint area. The Compliance Manager will then arrange a suitable appointment time in which to gain access to the property and carry out the electrical safety test. The Compliance Manager must notify the Council's Legal Team of the date and time so that Legal Services can include this information in the S239 Letter of Notification.

18. The Compliance Manager to arrange for the following to be in attendance on the appointment date confirmed:

- Electrician
- Locksmith
- Housing Officer

19. The Council's Public Protection Team to arrange for the following to be in attendance on the appointment date confirmed:

- Housing Standards Team Leader
- Community Safety Warden (if applicable)
- PCSO (if applicable)

20. A full risk assessment at appendix ** is to be completed and shared with all parties prior to the execution of the Warrant of Entry taking place.

Step 4 – Execution of Warrant of Entry

21. All appropriate staff to attend the property as per the date on the Warrant of Entry so that the electrician can carry out the inspection test as planned and follow the steps established:

- a. The Housing Officer and The Councils Public Protection Team Officer will knock at the door to establish whether access will be provided voluntarily.
- b. If the tenant is in but refuses access, we will advise that we have a Warrant from the court, giving us legal powers to gain entry via a locksmith in order for an electrician to conduct the necessary checks. We will reiterate that the EICR is vital for their safety and will happen with or without their consent so it would be far easier, and less stressful, for them to cooperate. We will try to establish why they are denying access and attempt to provide any possible reassurance. It may also be appropriate to warn them that not cooperating could have implications for their tenancy, if this is correct.
- c. If access is still denied, unless we have concerns for the tenant's wellbeing or our safety, we will ask the locksmith to provide entry, and The Councils Public Protection Team Officer will attempt to open the door. If there is any concerning physical intervention from the tenant, we will withdraw and abort the inspection.
- d. If there is no significant physical intervention from the tenant, The Housing Officer and The Councils Public Protection Team Officer will enter the property with the electrician and stay with them until the EICR has been completed.
- e. In the event that the tenant is out, or doesn't answer the door, The Housing Officer and The Councils Public Protection Team Officer will gain entry and proceed cautiously to establish that the property is empty. We will take care not to touch anything to prevent damage, or harm to ourselves. The electrician will then be invited in to conduct the EICR.

22. Scenario A – Tenant present at property – Access/force to be obtained to enable electrician access.

23. Scenario B – Tenant does not present at property – Locksmith to gain access and provide a key safe for electrician to place new access keys following completion of works. The following staff are to remain at the property for the full duration of the electrical test if required. The Housing Officer or if not available the Housing Standards Team Leader must remain at the property with evidence of the Warrant of Entry.

24. Upon completion of electrical test, the electrician is to complete any required system and certification and resume to normal procedures.

Appendix 1 - Electrical Inspection Appointment Letter

Appendix 2 - Electrical Inspection Notification Second Attempt Letter

Appendix 3 - Electrical Inspection Notification Third Attempt Letter

Appendix 4 – Warrant of Entry Tenant Notification Letter

Step 5 – Post Execution Steps

25. Legal Services when notified by the Compliance Manager will mark the records to indicate that the warrant has been executed.

26. Legal Services will submit an invoice in the agreed sum and these costs will be added to the rent account of each tenant.

Appendix 1 - Electrical Inspection Notification Letter

Dear Occupier,

REF: Electrical Inspection Appointment Letter

The Council as your landlord has a legal responsibility to carry out an electrical safety check every five years, and this is now due. It is essential that we complete this check to confirm your home is electrically safe.

We have been appointed to carry out this electrical safety check on behalf of your landlord and have made an appointment for you on:

Tuesday 25th February 2025 08:00 and 13:00

We hope this appointment is convenient for you, if not please let us know by contacting us on **01772 585 802** or you can email **housing@lantei.co.uk** We will always do our utmost to ensure that an appointment can be made available to suit you.

Due to the importance of this check, we do need to let you know that failure to allow access for your electrical check is a breach of your Tenancy Agreement and could result in legal action being taken, however we trust and hope this will not be necessary.

Should you wish to validate the above please contact us **on xxx**, please only **contact the Council** to validate this information as they do not have access to our system and cannot make changes to the appointment scheduled above.

Yours Sincerely

Lantei Compliance Services

Appendix 2 – Electrical Inspection Notification Second Attempt Letter

Dear Occupier,

REF: Electrical Inspection Notification Second Attempt Letter

The Council as your landlord has a legal responsibility to carry out an electrical safety check every five years, and this is now due. It is essential that we complete this check to confirm your home is electrically safe.

We have been appointed to carry out this electrical safety check on behalf of your landlord.

Unfortunately, we were unable to gain access to complete this essential electrical safety check on the previous appointment which took place on **XXX 2026** therefore another appointment has been made for you on...

Thursday 13th March 2025 between 08:00 and 13:00

We hope this appointment is convenient for you, if not please let us know by contacting us on **01772 585 802** or you can email housing@lantei.co.uk. We will always do our utmost to ensure that an appointment can be made available to suit you.

Due to the importance of this check, we do need to let you know that failure to allow access for your electrical check is a breach of your Tenancy Agreement and could result in legal action being taken, however we trust and hope this will not be necessary.

Should you wish to validate the above please contact **The Council direct on XXX**, please only contact **the Council to validate** this information as they do not have access to our system and cannot make changes to the appointment scheduled above.

Yours Sincerely

Lantei Compliance Services

Appendix 3 - Electrical Inspection Notification Third Attempt Letter

Dear Occupier,

REF: Electrical Inspection Notification Third Attempt Letter

The Council as your landlord has a legal responsibility to carry out an electrical safety check every five years, and this is now due. It is essential that we complete this check to confirm your home is electrically safe.

We have been appointed to carry out this electrical safety check on behalf of your landlord.

Unfortunately, we were unable to gain access to complete **xxx 2026**

And xxx 2026 therefore a final appointment before legal escalation has been made for you on...

Wednesday 9th April between 12:00 and 17:00

We hope this appointment is convenient for you, if not please let us know by contacting us on 01772 585 802 you can email housing@lantei.co.uk We will always do our utmost to ensure that an appointment can be made available to suit you.

Due to the importance of this check, we do need to let you know that failure to allow access for your electrical check is a breach of your Tenancy Agreement and could result in legal action being taken, however we trust and hope this will not be necessary.

Should you wish to validate the above please contact the Council on XXX, please only contact the Council to validate this information as they do not have access to our system and cannot make changes to the appointment scheduled above.

Yours Sincerely

Lantei Compliance Services

Appendix 4 – Warrant of Entry Tenant Notification Letter

Dear Occupier,

RE: EICR Electrical Testing

I am writing to you as your landlord following your persistent failure to allow access to carry out the above safety check, which is now overdue. The matter has been allocated to the Legal Services team for urgent legal action.

Despite numerous attempts to gain access to the property and reminders that have subsequently been sent to you, we have still received no contact. We have therefore had no option other than to apply to the courts for a Warrant of Entry to the premises in accordance with section 239 and section 240 of the Housing Act 2004.

The Warrant of Entry was granted on _____ and we therefore inform you that we have arranged for an EICR electrical test to be carried out on

[INSERT DATE] between [time] and [time]

We would urge you to ensure that access is permitted on this date to avoid the need for forced entry.

If you would like to discuss this matter further or do not fully understand the content of this letter, please do not hesitate to contact **Stephen Caine** at the Council on **xxx** or me, on **xxx**

Yours Sincerely,

Helen Cornes

Legal Support Officer