



CABINET

21st MARCH 2019

AGENDA ITEM (10)

APPLICATION AND ENFORCEMENT OF DOMESTIC ENERGY EFFICIENCY REGULATIONS

Accountable Member	Councillor Sue Coakley Cabinet Member for Environment
Accountable Officer	Philip Measures Service Leader (Operational Services) 01285 623000 philip.measures@publicagroup.uk

Purpose of Report	To consider delegation arrangements in respect of the powers contained within the Energy Act 2011 to introduce minimum energy standards in the private rented sector.
Recommendation(s)	(a) That the Group Manager for Professional Services (Publica) be given delegated powers to enforce the provisions and sanctions contained within Sections 43 to 45 of the Energy Act 2011 and the Regulations made thereunder. (b) that the approved delegated powers be incorporated within the Council's Constitution.
Reason(s) for Recommendation(s)	To ensure that the Council can apply the legislative powers.

Ward(s) Affected	All (potentially)
Key Decision	No
Recommendation to Council	No

Financial Implications	There are no direct financial implications arising from this report.
Legal and Human Rights Implications	None
Environmental and Sustainability Implications	The Regulations contribute towards energy efficiency.
Human Resource Implications	The application and enforcement of the Regulations will be met from existing resources
Key Risks	There could be a reputational risk from a failure to adopt these powers and engage with partner agencies to ensure their effective implementation.

Equalities Analysis	No negative effect on protected groups identified.
Related Decisions	None
Background Documents	None
Appendices	None
Performance Management Follow Up	Implement Cabinet decision(s)
Options for Joint Working	Similar arrangements will be applied at West Oxfordshire District Council

Background Information

1. The Energy Act 2011 gave powers to introduce minimum energy standards in the private rented sector. The provisions subsequently introduced by The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (made under the 2011 Act) require that a landlord of a domestic Private Rental (PR) property makes energy efficiency improvements to the property
2. Under these Regulations, from April 2018, PR properties in England and Wales must reach a minimum Energy Performance Certificate rating of E before they can be let. This applies to domestic and non-domestic sectors.
3. The Regulations apply to all properties that are:
 - legally required to have an EPC; and
 - let on an assured, regulated or domestic agricultural tenancy.
4. Landlords may apply to Government to have their property exempted from energy performance improvements and be placed on a national exemptions register. This is where the improvements are not possible or practical, as directed by the Regulations - for example, in relation to cost or listed status. Improvements are currently only required where they can be made at no cost to the landlord using Green Deal, Energy Company Obligation (ECO) or third party grant. This is under review though, and is likely to change with a capped financial limit of £3,500.
5. The minimum standard is applied in a phased manner. The standards only apply to new tenancies from 1st April 2018, but they will apply to all domestic tenancies (even where there has been no change in tenancy) from 1st April 2020.
6. Under the Regulations, if a Landlord lets a property which is not in compliance, an authorised officer of the Council may serve a compliance notice. Penalties notices may be issued for any subsequent failure to comply which in total must not exceed £5,000. The Cabinet is requested to delegate powers to officers to enforce the provisions and sanctions of Sections 43 to 45 of the Act and the Regulations made thereunder.
7. The importance of these Regulations should not be underestimated. Improving the EPC rating of a property reduces fuel bills helping to protect vulnerable tenants and families from the effects of excess cold. Improved energy efficiency contributes to national obligations in tackling climate change. These Regulations will be revised and tightened overtime. Advice will be provided to local landlords and it is an agenda item at Landlords Forum.

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