

## Bath & North East Somerset Council

MEETING/ DECISION MAKER:	<b>Cllr TIM BALL, Cabinet Member for Planning and Licensing</b>	
MEETING/ DECISION DATE:	<b>On or after 2nd December 2021</b> (for single Member decision)	EXECUTIVE FORWARD PLAN REFERENCE:
		E 3328
TITLE:	<b>Adoption of an Enforcement Policy for the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015.</b>	
WARD:	All	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b>		
<b>Appendix a - Enforcement Policy for the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015</b>		
<b>Appendix b - Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015</b>		

### 1 THE ISSUE

- 1.1 The Council has a duty to enforce the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 which are fully implemented from April 2020 and needs to adopt a policy to set out how Officers will enforce the Regulations to maintain minimum energy efficiency standards in the private rented sector.

### 2 RECOMMENDATION

The Council is asked to;

- 2.1 Consider the attached Policy (Appendix a)
- 2.2 Adopt the Policy as the way the Council will enforce the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015

### 3 THE REPORT

- 3.1 The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (the Regulations) are designed to improve the standard of the least energy efficient private sector rental properties in England and Wales which are those rated F or G on their Energy Performance Certificate (EPC).

- 3.2 The Regulations provide that from April 2020, domestic privately rented property must have an EPC rating of at least E, unless it is among a small number of properties that can claim and register an exemption. Social housing is not included.
- 3.3 The Council has a duty to enforce the Regulations; this will be done collaboratively by Trading Standards and Housing Services.
- 3.4 Properties with an energy efficiency rating of F and G are the most energy inefficient of our housing stock. They impose unnecessary energy costs on tenants and can lead to poor health outcomes.
- 3.5 Improving the energy efficiency of our domestic rental stock can help reduce greenhouse gas emissions.
- 3.6 Under the Regulations the Council has the power to serve Compliance Notices on those landlords whose properties do not meet the minimum standards.
- 3.7 Further if the landlord fails to comply with the Compliance Notice the Council may serve a Financial Penalty Notice and has discretion to decide on the amount up to £5000. The policy sets the procedure for deciding how much a proportionate financial penalty will be.
- 3.8 In addition, the Council may publicise the penalty.

#### **4 STATUTORY CONSIDERATIONS**

- 4.1 In enforcing legislation particularly where the Council has discretion to set financial penalties it should act in a necessary, proportionate and appropriate manner and this policy sets parameters and guidance for officers to follow.
- 4.2 It is a requirement of the grant funding that the Council adopts an Enforcement Policy.
- 4.3 Achieving compliance with energy efficiency standards will result in public health improvement for tenants, particularly the most vulnerable.

#### **5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 5.1 The Council put in a bid in a competitive process and was awarded funding from the Government.
- 5.2 The Department of Business, Energy and Industrial Strategy, has provided funding of £96,000 to the Council which is distributed via the Midlands Energy Hub.
- 5.3 This is sufficient to fund 2 officers plus a promotional budget to implement an enforcement project up to 31<sup>st</sup> March 2022.
- 5.4 No further central government funding has been awarded after that date and so action after that date will have to come from the Council's current resources.

#### **6 RISK MANAGEMENT**

- 6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

## 7 EQUALITIES

- 7.1 An Equality Impact Assessment has been carried out.
- 7.2 The Policy is not anticipated to have an adverse equalities impact on landlords.
- 7.3 However, we are committed to the open provision of information and advice in a format that is accessible and easily understood and will ensure that everyone we encounter will receive fair and equitable treatment irrespective of their race, ethnicity, gender, disability, religious beliefs, political views or sexual orientation. We will therefore adapt our approach and materials if necessary.
- 7.4 It is anticipated that the policy will benefit tenants who are socio-economically disadvantaged or have vulnerabilities who are living in the least energy efficient rented accommodation.

## 8 CLIMATE CHANGE

- 8.1 The Council declared a Climate Emergency in March 2019, committing it to providing the leadership necessary to enable Bath and North East Somerset to achieve carbon neutrality by 2030.
- 8.2 Domestic properties produce around 40% of carbon emissions in the district, improving the energy performance of these homes is critical to meeting our carbon neutral ambition.
- 8.3 The private rented sector makes up 27% of the B&NES housing stock and although the majority meet the current legal minimum energy efficiency standard, we need to identify those which do not and ensure energy efficiency improvements take place.
- 8.4 Enforcement of these Regulations will encourage landlords to improve the energy efficiency of the worst properties, reduce their energy consumption and contribute to reducing the impact of climate change.

## 9 OTHER OPTIONS CONSIDERED

- 9.1 The Council has a legal duty to enforce the legislation.

## 10 CONSULTATION

- 10.1 Consultation has been carried out the S151 and Monitoring Officers, Director of Place management, as well as the Cabinet member for Planning and Licensing.

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<b>Background papers</b>	

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