

STROUD DISTRICT COUNCIL

HOUSING COMMITTEE

1 FEBRUARY 2022

Report Title	Minimum Energy Efficiency Standards (MEES) Policy			
Purpose of Report	To recommend to Committee the adoption of a policy with regard to the implementation and enforcement of the Minimum Energy Efficiency Standards (MEES) in accordance with the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015.			
Decision(s)	The Committee RESOLVES to: a) Adopt the MEES Regulations Policy contained in Appendix A to this report; and b) Authorise the Head of Environmental Health in consultation with the Chair of Housing Committee to make minor amendments as may be required.			
Consultation and Feedback	None			
Report Author	Maria Hickman, Housing Renewal Manager Email: maria.hickman@stroud.gov.uk			
Options	To not adopt a policy which would be in breach of the Council's legal duties under the regulations.			
Background Papers	Link to information on Energy Performance Certificates (EPC) https://energysavingtrust.org.uk/advice/guide-to-energy-performance-certificates-epcs/			
Appendices	Appendix A – Minimum Energy Efficiency (MEES) Regulations Policy			
Implications (further details at the end of the report)	Financial	Legal	Equality	Environmental
	No	Yes	No	Yes

1. INTRODUCTION / BACKGROUND

1.1 The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 are designed to tackle the least energy-efficient properties in England and Wales – those which are established to be rated F or G on their Energy Performance Certificate (EPC). Known as the MEES (Minimum Energy Efficiency Standards) Regulations they established a minimum standard for privately rented domestic properties, which came into effect for new tenancies granted from 1 April 2018. Since the 1st April 2020, the regulations have applied to all tenancies and landlords are no longer allowed to let or continue to let properties with an EPC rating below E, unless they have a valid and appropriately registered exemption in place.

1.2 Exemptions that can registered relate to:

a. the listing of a property

- b. works which if carried out would devalue a property
 - c. a wall insulation exemption where a chartered surveyor expert advice indicates this could damage the property
 - d. The financial cap on the costs of work of £3,500 has been reached.
 - e. The consent of a 3rd party is required (which will include the tenant) and cannot be obtained.
- 1.3 Written evidence must be provided to support the exemption. More information and guidance on the evidence required can be found here <https://www.gov.uk/guidance/domestic-private-rented-property-minimum-energy-efficiency-standard-landlord-guidance>.
- 1.4 The MEES regulations do not apply to social housing and some listed buildings including properties in conservation areas.
- 1.5 For the Stroud District, the EPC register currently has 594 registered EPC's for privately rented property where the rating is lower than an E (F or G) but only 16 registered exemptions.
- 1.6 Across the Stroud District it is challenging to identify non-compliant properties and dwellings due to dispersed and isolated location of properties especially in the more rural areas and also tenants may be reluctant to approach the Council due to concern of reprisal actions by some landlords.
- 1.7 In order to take enforcement action against those landlords who are not complying with the regulations the Council must have a policy in place particularly with regard to their enforcement approach and how they will deal with financial penalties.

2 MAIN POINTS

- 2.1 The Housing Renewal team on behalf of Stroud District Council jointly with Gloucester City Council submitted a bid to the Department of Business, Environment and Industrial Strategy (BEIS) via the Midland Energy Hub for £80,000 to proactively deliver a compliance and enforcement programme for the MEES regulations.
- 2.2 The funding has enabled an officer to be engaged in the Housing Renewal Team for six months so as to develop an engagement programme for approaching landlords and managing agents with regards to their MEES obligations.
- 2.3 The programme will include an awareness raising campaign and a direct approach to identified landlords and agents. Accurate, appropriate and effective targeted communication materials will be developed to form part of the awareness campaign. The initial approach will be one of information and advice, Officers will liaise with landlords, letting agents and other stakeholders to provide advice, support and guidance on the MEES regulation compliance and penalties for non-compliance.
- 2.4 Where landlords fail to engage or undertake any necessary action then enforcement under the regulations will be required.
- 2.5 As part of that process the MEES Enforcement and Financial Penalties policy contained in Appendix A has been developed to ensure that the Council is complying with the

requirements of the regulations and that they are applied appropriately, fairly and equitably.

- 2.6 The MEES Officer is developing systems and procedures and will share their expertise and learning with the rest of Housing Renewal enforcement team so that the work can continue in the future after the project ends on the 31st March 2022.

3 CONCLUSION

- 3.1 In order to deliver the MEES project and ensure an improvement to the energy efficiency of private rented property in the district and thereby improve the lives and health of vulnerable tenants a MEES Procedure and Enforcement Policy is required. This is contained in Appendix A to be considered for adoption.

4. IMPLICATIONS

4.1 Financial Implications

There are no direct financial implications arising from this report.

Any funding required to deliver a compliance and enforcement programme will be provided from the £80,000 attained from the Department of Business, Environment and Industrial Strategy (BEIS).

Jon Coldridge, Principal Accountant
Tel: 01453 754030 Email: jon.coldridge@stroud.gov.uk

4.2 Legal Implications

The Council is under a statutory duty to enforce the Domestic Minimum Energy Efficiency Standards (MEES) Regulations.

Appropriate officers must have delegated authority under the Council's constitution to take enforcement action. Delegated authority is important as financial penalties are being used as an alternative to prosecution and the level of those fines are not insignificant.

Additionally, it is recommended that legal advice is built into the process for taking enforcement action due to the statutory processes surrounding decision-making and the need to ensure that the steps taken are compliant with the legislation.

One Legal
Tel: 01684 272691 Email: legal.services@tewkesbury.gov.uk

4.3 Equality Implications

There are not any specific changes to service delivery proposed within this decision.

4.4 Environmental Implications

Overall there will be positive benefits from this action with reduced emissions due to the improvement to the energy efficiency of dwellings so as to meet the minimum energy efficiency rating.