



Lead Member Decision

Published on 06 July 2020

Decision: Minimum Energy Efficiency Standards in Private Rented Property - Revised Policy

Decision taker: Councillor John Donaldson, Lead Member for Housing

Decision Date: 6 July 2020

Is decision subject to Call-in? Yes

Deadline for Call-in: Noon on 9 July 2020

Is decision Exempt? No

Is decision urgent? No

Summary

To request the Lead Member approval of a revised version of the Council's 2018 Minimum Energy Efficiency Standards Policy. The revised policy provides additional flexibility in the setting of civil penalties in cases where landlords do not bring their privately rented properties up to the legal minimum standard set by the *Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (as amended)*.

Decision

Resolved

- (1) That the revised version of the Council's Minimum Energy Efficiency Standards Policy, which provides additional flexibility in the determination of civil penalties, be approved.
- (2) That the determination of appropriate penalties under this Policy be delegated to the Assistant Director of Housing and Social Care Commissioning who may then provide sub-delegations, as required, to other appropriate officers.

Reasons for Decision

The Government has introduced financial penalties as a means of preventing landlords from profiting from non-compliance with legislation and to ensure compliant landlords are not disadvantaged. Penalties for non-compliance are also intended to influence behaviour change and result in pre-enforcement action on the part of those landlords who might otherwise fail to act.

The revised policy continues to support that approach but allows the circumstances of each case to be taken into account when a penalty is being determined. The maximum penalty will still apply for serious offences, but those involving simple error or technical offences can be issued with a reduced penalty.

Chasing payment for unpaid fines can be resource intensive and expensive; it is proposed that fines paid within 14 days of the penalty notice issue will be reduced by 25% to incentivise early payment.

Options Considered

The following alternative option has been identified and rejected for the reasons given below.

Option 1: The Council could choose not to amend its existing MEES policy and continue to issue fines at the maximum level allowed by the legislation. In practice however, the lack of flexibility in being able to adjust fines on a case by case basis, taking into account aggravating and mitigating factors and landlord representations may lead to the issuing of disproportionate fines and/or the Council deciding that it is not appropriate to issue a fine even in cases where there are technical breaches of the regulations.

Conflicts of Interest Declared and Dispensations Granted by Head of Paid Service

None

Information about this decision statement

Call-in

Notice of call-in must be submitted in writing, by email or text to the Chief Executive by the deadline specified above, and must state the reason or reasons why "call-in" has been requested;

Call-in can be requested by any six non-executive members of the Council.

However, if at any point during a municipal year the total number of opposition councillors is six or less the total number of non-executive members required to call-in a decision shall be the total number of opposition councillors less two.

Decisions not called-in by the deadline specified above will become effective immediately the deadline has expired (unless they are recommendations to the Council).

The Council has stipulated that the call-in procedure should not be used to challenge decisions as a matter of course and should be used only when fully justified.

Yvonne Rees
Chief Executive