

EXECUTIVE DECISION

made by a Cabinet Member



REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL CABINET MEMBER


Executive Decision Reference Number – HCD04 20/21

Decision	
1	Title of decision: Minimum Energy Efficiency Standards (MEES) (Private Rented) Policy
2	Decision maker (Cabinet member name and portfolio title): Councillor Chris Penberthy (Cabinet Member for Housing and Co-operative Development)
3	Report author and contact details: Andrew Elvidge (Technical Lead – Housing Improvement) 01752 398255
4	Decision to be taken: Implementation of policy for enforcement of the minimum energy efficiency standards.
5	Reasons for decision: To implement the Local Authority's MEES policy and procedure in enforcing these standards. It provides advice and guidance to interested parties that may be subject to enforcement which include: <ul style="list-style-type: none"> • A civil penalty up to a maximum of £5,000. • Publication of details of the landlord's breach on a publicly accessible part of the PRS Exemptions register.
6	Alternative options considered and rejected: This policy has been produced following the implementation of primary legislation which the Local Authority is responsible for enforcing as such other options have not been considered or rejected.
7	Financial implications: There are no additional costs as enforcement of this policy will be absorbed into the existing resource of the Housing Improvement Team. There is expected to be a small amount of income generated through fines, which is currently forecast in FY20/21, as an approximate £6000. However, this is not expected to be a sustainable source of income as once fined, it is unlikely that an offender will re-offend.

8	<p>Is the decision a Key Decision? (please contact Democratic Support for further advice)</p>	Yes	No	<p>Per the Constitution, a key decision is one which:</p>
			X	<p>in the case of capital projects and contract awards, results in a new commitment to spend and/or save in excess of £3million in total</p>
			X	<p>in the case of revenue projects when the decision involves entering into new commitments and/or making new savings in excess of £1million</p>
			X	<p>is significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the local authority.</p>
<p>If yes, date of publication of the notice in the Forward Plan of Key Decisions</p>		N/A		
9	<p>Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:</p>	<p><u>Corporate Plan</u></p> <p>Values – Fairness – The policy sets out how all persons renting domestic dwellings should have a minimum level of energy efficiency and should reduce those that are being disadvantaged. The policy sets out how the Local Authority will apply the legislation in a consistent and fair manner.</p> <p>Caring Council – The imposition of Civil Penalties is to penalise where landlords have failed to comply with specified legislation. Hitting ‘Rogue Landlords’ hard will help drive standards and management improvements to accommodation across the city. Keeping our citizens in safer rented accommodation, and will help to address/reduce health inequalities.</p> <p><u>Plymouth Plan for Homes 3</u></p> <p>Improving Housing Conditions in PRS – The application of Civil Penalties is enforcement when other measures to secure improvements have failed. It also does not remove the requirement to undertake improvements. Improvements to accommodation can be physical in terms of the building but can also be in the management of the property.</p> <p>The policy is part of a toolkit of policies aimed at securing improvements to rented housing within the city to improve our citizens’ health and wellbeing.</p> <p>Revenue raised through these Penalty fines can then be used to support further enforcement functions in relation to the Private Rented Sector.</p>		

10	Please specify any direct environmental implications of the decision (carbon impact)	The policy supports the drive to improve energy efficiency within the housing stock which in turn will deliver carbon emission reductions.		
Urgent decisions				
11	Is the decision urgent and to be implemented immediately in the interests of the Council or the public?	Yes		(If yes, please contact Democratic Support Support (democraticsupport@plymouth.gov.uk) for advice)
		No	X	(If no, go to section 13a)
12a	Reason for urgency:			
12b	Scrutiny Chair Signature:		Date	
	Scrutiny Committee name:			
	Print Name:			
Consultation				
13a	Are any other Cabinet members' portfolios affected by the decision?	Yes		
		No	X	(If no go to section 14)
13b	Which other Cabinet member's portfolio is affected by the decision?	N/A		
13c	Date Cabinet member consulted	N/A		
14	Has any Cabinet member declared a conflict of interest in relation to the decision?	Yes		If yes, please discuss with the Monitoring Officer
		No	X	
15	Which Corporate Management Team member has been consulted?	Name	Craig McArdle	
		Job title	Strategic Director for People	
		Date consulted	13/10/2020	

Sign-off								
16	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DS45 20/21					
		Finance (mandatory)	djn.20.21.104					
		Legal (mandatory)	34508/hm					
		Human Resources (if applicable)	N/A					
		Corporate property (if applicable)	N/A					
		Procurement (if applicable)	N/A					
Appendices								
17	Ref.	Title of appendix						
	A	Briefing report						
	B	MEES Policy						
	C	MEES Penalties calculation tool						
	D	Civil Penalties Policy						
	E	EIA						
Confidential/exempt information								
18a	Do you need to include any confidential/exempt information?	Yes	If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in 18b below.					
		No	X	(Keep as much information as possible in the briefing report that will be in the public domain)				
		Exemption Paragraph Number						
		1	2	3	4	5	6	7
18b	Confidential/exempt briefing report title:							

Background Papers								
19	<p>Please list all unpublished, background papers relevant to the decision in the table below.</p> <p>Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</p>							
Title of background paper(s)		Exemption Paragraph Number						
		1	2	3	4	5	6	7
Existing Civil Penalty Policy								
http://www.legislation.gov.uk/ukpga/2004/34/section/249A								
http://www.legislation.gov.uk/ukpga/2004/34/schedule/13A								
http://www.legislation.gov.uk/ukpga/2016/22/schedule/9								
Cabinet Member Signature								
20	<p>I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. For further details please see the EIA attached.</p>							
Signature				Date of decision	14/10/2020			
Print Name	Councillor Chris Penberthy (Cabinet Member for Housing and Co-operative Development)							