

Ref:

Called in

Yes/No

**THE THANET DISTRICT COUNCIL**

**RECORD OF DECISION OF CABINET**

Cabinet Member

Councillor Helen Whitehead

Relevant Portfolio:

Deputy Leader of the Council and Cabinet Member for Housing and Community Services

Date of Decision:

19 November 2020

Subject:

Policy for imposing financial and publication penalties under The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015.

Key Decision

No

In Forward Plan

Yes

Brief summary of matter:

The council has a statutory duty to enforce The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 in respect of domestic private rented property. Since 01 April 2020, private landlords have been prohibited from renting out homes that are subject to an Energy Performance Certificate ("EPC") with an energy efficiency rating of F or G, unless they have registered a valid exemption on the PRS Exemptions Register.

As the enforcement authority, the council is empowered to impose financial and publication penalties on private landlords who breach their duties under the regulations. However, before the council can impose such penalties it must first adopt a just and proportionate policy which provides a framework for determining the penalties that should be imposed for each breach identified.

Decision made:

Cabinet agreed:

1. To approve the adoption of the proposed "Policy for imposing financial and publication penalties under The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015" annexed to this report; and
2. To delegate authority to the Director of Housing and Planning, in consultation with the Cabinet Member for Housing and Community Services, to approve minor amendments to the policy.

Reasons for decision:

Local authorities are expected to adopt a policy that will allow them to impose financial and publication penalties so they can effectively enforce the regulations. Having an adopted policy will help to ensure that private tenants are protected from substandard homes which fail the minimum standard for energy efficiency. Improving energy efficiency in privately rented homes will help tenants, particularly those who are

vulnerable and the fuel poor, to enjoy a more comfortable and healthier living environment and lower energy bills. Effective enforcement of the regulations will also help to reduce greenhouse gas emissions.

Alternatives considered and why rejected:

The option to adopt an alternative policy was rejected on the basis that the proposed policy was deemed to be just and proportionate.

The option to not adopt a policy was rejected on the basis that such a decision would deprive the council of an enforcement capability that is intended to help protect private tenants from energy inefficient homes

Details of any conflict of interest declared by any executive Member who has been consulted and of any dispensation granted by the Standards Committee:

None

Author of Officer report:

Richard Hopkins

Background papers

Cabinet Report 19\_11\_20 - MEES Financial Penalties Policy - Google Docs  
MEES Financial & Publication Penalties Policy (DRAFT v2) - Google Docs  
Annex 2 - TCHF Project - Letter to Landlords (July 2020)  
EIA (MEES F&PP Policy 2020) - Google Docs

Statement if decision is an urgent one and therefore not subject to call-in:

None

Last date for call in: 27 November 2020