

Report to the Burnley Private Rented Sector Forum – 14 October 2021

Minimum Energy Efficiency Standards (MEES)

1.0 Introduction

- 1.1 Burnley Council has been successful in a BEIS government funding bid for a 6 month Minimum Energy Efficiency Standards (MEES) project running up to the end of March 2022. The report is an overview and update on the project.

2.0 Background

- 2.1 Since 2008, landlords have been required to provide a valid EPC when marketing a property for sale or rent. Tenants should receive a copy of the EPC before they move in the property. Lancashire County Council Trading Standards are responsible for enforcing the need to have an EPC.
- 2.2 Since 01 April 2020 all domestic private rented properties must have an Energy Performance Certificate (EPC) with a minimum rating of an E to be lawfully let out.
- 2.3 Landlords with properties that have an EPC rating of F or G (as shown on a valid EPC for the property) must not continue letting the property until it is improved to an EPC rating of E or above.
- 2.4 If a landlord is not able to improve the property, a valid exemption must be registered on the PRS national exemptions register. The exemptions are:
1. Where improvements up to the value of £3500 have been made and the property still cannot achieve an E rating
 2. High Cost exemption. Where the cheapest improvement works exceed £3500 (no low cost measures are available).
 3. Wall insulation isn't suitable
 4. Third party consent denied, ie Local Planning Authority, freeholder etc
 5. Property devaluation
 6. 6 month temporary exemption for a new landlord
- 2.5 Non-compliance with Minimum Energy Efficiency Standards may lead to a penalty of up to £5,000. Burnley Council are responsible for enforcing MEES.

3.0 The Burnley MEES Project

- 3.1 Two officers will be working on the project from September 2021 to March 2022. Contact details for Officers working on the MEES project in Council's Private Sector Housing Team:-

Christian Smith, Project Officer – 01282 425011 ext 3198, csmith@burnley.gov.uk

Kerry Smith, Administration Officer – 01282 425011 ext 3270, kerrysmith@burnley.gov.uk

- 3.2 An extract of EPCs completed within the Borough of Burnley was taken from the governments BEIS database from the dates between 01/01/2008 and 31/03/2021. The following table outlines the number of EPCs with F and G rated properties:

`F` Rated EPCs	2,229
`G` Rated EPCs	968
Total	3,197

- 3.3 Officers are checking the national EPC register for all F and G rated EPCs on the extracted BEIS spreadsheet for any up to date EPCs that may have been recently lodged.
- 3.4. Council tax records are then checked to confirm ownership and rental details. An informal `nudge` letter is then sent out to owners advising that is unlawful to let out an F or G rated property. It is requested that a new EPC with a rating of E or higher, or an exemption is submitted within 14 days. Gas Safety Certificates and Electrical Installation Condition Reports (EICRs) are also requested to be submitted within 30 days.
- 3.5 Of the 968 `G` rated EPCs, a total of 100 were identified as having a F or G rated EPC and were being rented. To date, 56 owners (56%) have replied to the letter and most have either commissioned new EPCs or have confirmed owner occupation.
- 3.6 Of the 2,229 `F` rated EPCs, a total of 901 EPCs have been checked to date, with 182 identified as having a F rated EPC and were being rented.
- 3.7 For owners who do not respond to the initial `nudge` letters, a compliance notice will be served requesting further information i.e. a copy of the most recent EPC and tenancy agreement. Non compliance of the notice, or continued rental of a property with an F rated EPC may result in a civil penalty notice being served.
- 3.8 By the end of the project all properties with F and G rated EPC will have been written to with the expectation that that majority of owners will have complied with the MEES legislation. Formal action will be taken against owners who do not comply with the MEES legislation and continue to rent out their property.
- 3.9 At the end of the project, procedures will be in place to check the EPC register regularly for any privately rented properties with recently lodged EPCs with an F or G rating, and enforcement action taken if necessary. Properties inspected (HHSRS) or in Selective Licensing areas will also have EPC ratings checked.

4.0 Recommendation

- 4.1 That the report be noted.
- 4.2 That the Forum be kept updated on the outcome of the project.

Appendix 1: For further information about EPCs/MEES:-

1. For landlord information about the Minimum Energy Efficiency Standards go to:
www.gov.uk/guidance/domestic-private-rented-property-minimum-energy-efficiency-standard-landlord-guidance

www.burnley.gov.uk/mees
2. The governments EPC register can be searched to find the most recent EPC that has been lodged for a property:
<https://find-energy-certificate.digital.communities.gov.uk/>
3. Guidance about exemptions, information about exemptions register evidence requirements, and advice on how to register your exemption go to:
<http://www.gov.uk/government/publications/private-rented-sector-minimum-energy-efficiency-standard-exemptions/guidance-on-prs-exemptions-and-exemptions-register-evidence-requirements>
4. All exemptions must be registered on the national PRS exemptions register. To apply for an exemption please go to:
<https://prsregister.beis.gov.uk/NdsBeisUi/used-service-before>
5. Cosy Homes in Lancashire :-
www.chil.uk.com