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MEES Regulations

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Background

- 6 Pilot Authorities were selected by BEIS to undertake work for the purposes of testing the practical enforcement of the MEES regulations.
- As a unitary we are fortunate in that we have private sector housing (PSH) officers and trading standards under the same organisation.
- Cornwall TS role in this pilot is two-fold; ensuring robust enforcement of EPCs for let properties to support MEES enforcement by PSH, and enforcing MEES for commercial lets.

Understanding the difficulties

- MEES enforcement relies entirely on the EPC scheme. There are concerns regarding the variability of EPC assessments in some cases (often due to assumptions over construction and insulation).
- Confusion over the status of 'listed' buildings. Some contradictory guidance has existed. It wasn't as critical pre-MEES, but now becomes more important.
- GDPR and accessing the right data (including current bulk EPC data) – to help communicate with landlords and other professionals.
- Competing agendas – climate change, fuel poverty, healthy homes – the drivers for non-domestic and domestic are different.

Listed status

- Previously there has been an interpretation that EPCs do not apply to listed properties.
- The exemption is qualified, in the following... “Insofar as compliance with certain minimum energy performance requirements would unacceptably alter their character or appearance”.
- This creates a ‘chicken and egg’ situation, but our view is that most PRS premises will have some scope for energy efficiency improvements, that won’t affect the character of the building, so an EPC should be sought.
- Refusal to obtain an EPC would therefore need some supporting evidence from a qualified surveyor to confirm that it wasn’t appropriate.

Listed status

- Cornwall Council's Planning team offer:
- A discretionary service is available for domestic landlords to apply for the evidence required to request an exemption from the MEES. The following charges are on a cost recovery basis:
Designated domestic properties e.g. listed buildings and/or in a conservation area - £255 (inclusive of VAT) per residential unit. Includes a site meeting with a Conservation Officer of up to one hour. All other domestic properties - £120.



Removal of the 'no-cost' exemption

- The regulations have removed the no-cost exemption and set the higher limit on improvement cost for domestic properties to £3500 (inc VAT). The focus will be on the cheapest improvement.
- PSH colleagues would expect to see improvements made up to this cap.
- Once relevant improvements are made, an exemption can be entered on to the PRS Exemption Register. If the lowest cost improvement is above £3500 then this needs to be evidenced with 3 quotes.
- Refer to the updated guidance, which provides some practical examples.

Marketing F & G properties

- Unlike the EPC regime, the breaches under MEES purely focus on the landlord.
- However... there may be associated offences for agents, where in marketing such a letting, there could be a breach CPUTRs 2008 or BPRs 2008. There is no 'one-size fits all' disclaimer – each property would need to be taken on its merits.
- Recent example; retail unit, F rated. New tenant may want to refit potentially altering any subsequent rating. However, the breach will occur the moment the tenancy is granted. How would you advise a client?

7 Year Pay Back

- The 7 Year Payback exemption relates to those measures listed in Table 6 of the Building Regulations Approved Document L2B: Conservation of fuel and power in existing buildings other than dwellings (see **Appendix C** of the guidance).
- Some of these will overlap with the measures listed in Schedule to the Green Deal (Qualifying Energy Improvements) Order 2012.
- Internal, external and cavity wall insulation can be specifically exempted, provided there is an expert's report to confirm that it is not a suitable improvement for the building.

Table 6 Improvements that in ordinary circumstances are practical and economically feasible

Items 1 to 7 will usually meet the economic feasibility criterion set out in paragraph 6.5. A shorter payback period is given in item 8 because such measures are likely to be more capital intensive or more risky than the others.

No.	Improvement measure
1	Upgrading heating systems more than 15 years old by the provision of new plant or improved controls
2	Upgrading cooling systems more than 15 years old by the provision of new plant or improved controls
3	Upgrading air-handling systems more than 15 years old by the provision of new plant or improved controls
4	Upgrading general lighting systems that have an average lamp efficacy of less than 40 lamp-lumens per circuit-watt and that serve areas greater than 100 m ² by the provision of new luminaires or improved controls
5	Installing energy metering following the guidance given in CIBSE TM 39
6	Upgrading thermal elements which have U-values worse than those set out in column (a) of Table 5 following the guidance in paragraphs 5.12 and 5.13
7	Replacing existing windows, roof windows or rooflights (but excluding display windows) or doors (but excluding high-usage entrance doors) which have a U-value worse than 3.3 W/m ² .K following the guidance in paragraphs 4.23 to 4.28
8	Increasing the on-site low and zero carbon (LZC) energy-generating systems if the existing on-site systems provide less than 10% of on-site energy demand, provided the increase would achieve a simple payback of 7 years or less
9	Measures specified in the Recommendations Report produced in parallel with a valid Energy Performance Certificate

7 Year Pay Back

- Recommended improvements can be combined as a package of measures, although this is not mandatory.
- However, by combining measures, you may be able to meet the 7 year pay back – example below...

Measure	Gas Saving ²⁶ (kWh/y)	Savings over 7 years (S)	Capital plus installation cost (C)	Interest Rate Factor (F) (based on 0.5% base rate)	7 year repayment cost (R) (CxFx7)	Meets 7 year Payback
Condensing boiler ('A' rated)	6,609	£1,750	£2,000	0.145729	£2,040	NO
Thermostatic radiator valves	4,213	£980	£600	0.145729	£612	YES
Package of measures (boiler plus TVRs)	10,822	£2,730	£2,600	0.145729	£2,652	YES

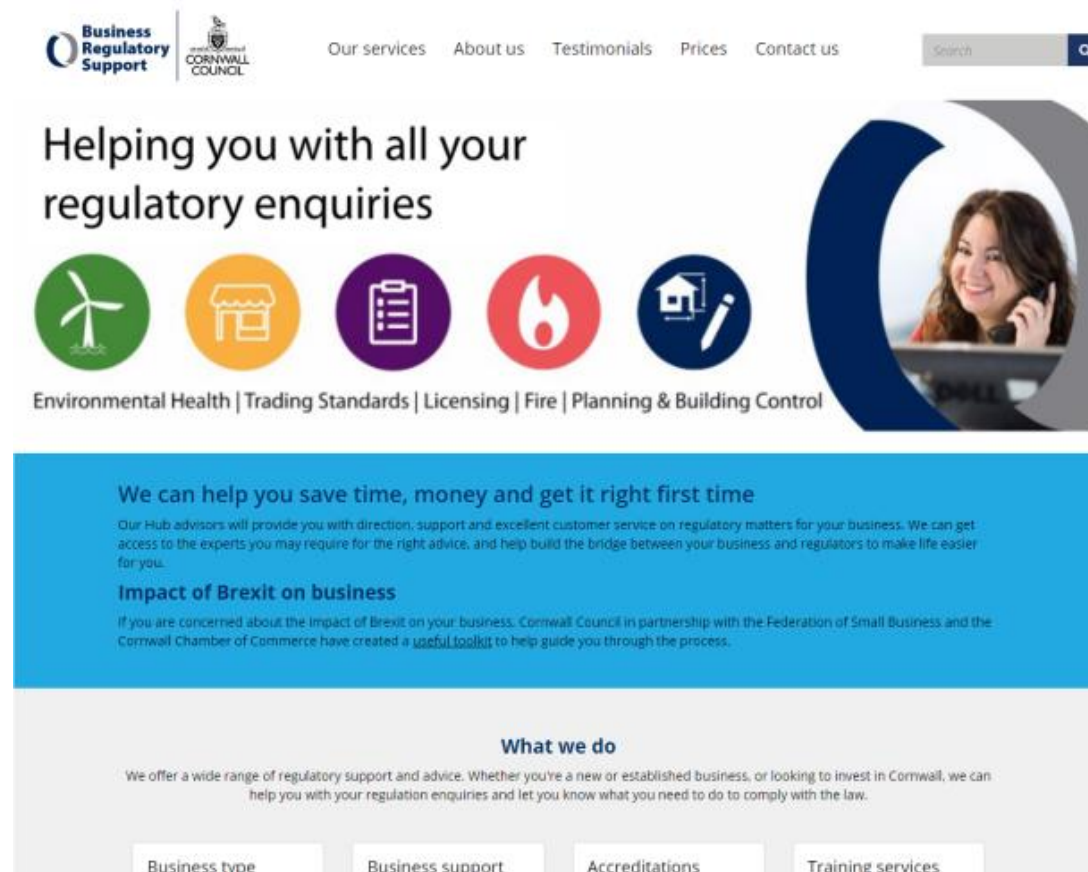
Responsible Landlord Scheme (domestic)

- Encourage landlords to register with the Council's Responsible Landlords Scheme.
- The scheme supports private landlords and lettings agents and enables private landlords and lettings agents to offer safe, well managed and better quality accommodation whilst keeping up to date with what the law requires of them.
- Free to join and provides direct access to the Council's Private Sector Housing Team.



Regulatory Support and Advice

- Advice and support on a variety of regulatory issues, direct from those responsible for enforcement.
- Signposting to free advice or a range of charged for services.
- 0300 1234 212
- businesssupport@cornwall.gov.uk



The screenshot shows the website for Business Regulatory Support, a partnership between Cornwall Council and the Federation of Small Business. The page features a navigation menu with links for 'Our services', 'About us', 'Testimonials', 'Prices', and 'Contact us'. A search bar is located in the top right corner. The main heading reads 'Helping you with all your regulatory enquiries'. Below this, five circular icons represent different regulatory areas: Environmental Health (wind turbine), Trading Standards (shop), Licensing (clipboard), Fire (flame), and Planning & Building Control (house with pencil). A circular inset image shows a smiling woman on a phone. A blue banner contains the text: 'We can help you save time, money and get it right first time'. Below this, two sections provide more detail: 'Our Hub advisors will provide you with direction, support and excellent customer service on regulatory matters for your business. We can get access to the experts you may require for the right advice, and help build the bridge between your business and regulators to make life easier for you.' and 'Impact of Brexit on business'. The final section, 'What we do', states: 'We offer a wide range of regulatory support and advice. Whether you're a new or established business, or looking to invest in Cornwall, we can help you with your regulation enquiries and let you know what you need to do to comply with the law.' At the bottom, four buttons are visible: 'Business type', 'Business support', 'Accreditations', and 'Training services'.



Thank you / Meur ras

If you have any questions...

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