

## RECORD OF DECISION MADE UNDER DELEGATED AUTHORITY

<b>*PART 1 – PUBLIC DOCUMENT</b>
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Any interest to declare/ or conflict and any dispensation granted <i>[if applicable]</i>	None
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### **DIRECTORATE: REGULATORY SERVICES**

<b>1.</b>	<b>DECISION TAKEN</b>
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1.1	Amendment of the Council's Statement of Intent (see Appendix A) to reflect the Electricity and Gas Energy Company Obligation (ECO) Order 2018 that came into force in December 2018 and subsequent revised guidance issued by the Department for Business, Energy and Industrial Strategy (BEIS) regarding flexible eligibility
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<b>2.</b>	<b>DECISION TAKER</b>
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2.1	Ian Fullstone - Service Director, Regulatory
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<b>3.</b>	<b>DATE DECISION TAKEN:</b>
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3.1	29 April 2019
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<b>4.</b>	<b>REASON FOR DECISION</b>
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4.1	The Government's scheme for promoting energy efficiency measures known as ECO2 came to an end at the end of September 2018. A new scheme has been put into place that is known as ECO3. The Council needs to update its Statement of Intent (Sol) in light of revised guidance issued by BEIS.
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<b>5.</b>	<b>ALTERNATIVE OPTIONS CONSIDERED</b>
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5.1	There are no alternative options as the Council's Statement of Intent needs to reflect current guidance issued by BEIS.
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<b>6.</b>	<b>CONSULTATION (INCLUDING THE EFFECT ON STAKEHOLDERS, PARTNERS AND THE PUBLIC)</b>
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6.1	The Executive Member for Housing and Environmental Health has been kept up to date with regard the new scheme and revised guidance
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<b>7.</b>	<b>RELEVANT CONSIDERATIONS</b>
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7.1	The Council is part of a partnership (the Hertfordshire Warmer Homes Partnership) with Hertfordshire County Council and the other nine districts/boroughs in Hertfordshire to provide assistance to residents with energy efficiency works in their homes. The core funding for the energy efficiency works comes through the Government's ECO scheme, which has sought to help households to cut their energy bills and reduce carbon emissions by installing energy saving measures. The main criteria for accessing the funding are set down by the Government. The Government has allowed local authorities the flexibility to specify additional criteria to extend eligibility under the Affordable Warmth element of ECO. There are two main
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categories of private tenure households that the Government intends to be eligible through this flexible eligibility:

- (i) Fuel poor households
- (ii) Low income households that are particularly vulnerable to the effects of a cold home

- 7.2 The Council first adopted a Sol on 13 December 2017 to enable residents to benefit from this extended flexibility and this and other authorities are receiving requests under the scheme. Minor amendments were made to the Sol in March 2018 and again in December 2018.
- 7.3 The new Sol is based on a slightly changed template. The guidance issued by BEIS outlines good practice and suggests criteria that can be used to target fuel poor households.
- 7.4 The Statement of Intent in Appendix A is an agreed common statement that is being adopted by all the authorities in the Hertfordshire Warmer Homes Partnership.

## **8. LEGAL IMPLICATIONS**

- 8.1 The Scheme of Delegation to Officers sets out those council and executive functions, powers and duties which are delegated to officers and allocates Proper Officer roles. Paragraph 14.6.2 (b) of the Constitution provides that all officers discharging these functions shall also have power to do anything which is calculated to facilitate or is conducive or incidental to the discharge of those functions, including entering into temporary arrangements with other authorities for the delivery of services.
- 8.2 Paragraph 14.6.11 notes the functions that are delegated to the Service Director: Regulatory, which includes under the Environmental Health section at paragraph 14.6.11 (b) (iv) sewers, drains and private water supplies, caravan sites, housing safety and fitness of premises, domestic energy conservation, health and safety at work, food safety and hygiene, pest control, animal welfare and communicable diseases.
- 8.3 The Home Energy Conservation Act 1995 places a duty on all local authorities to prepare a report that sets out the energy conservation measures that the authority considers practicable, cost-effective and likely to result in significant improvement in the energy efficiency of residential accommodation in its area.
- 8.4 The Home Energy Conservation Act 1995, Section 2(6) also requires all local authorities to publish the prepared report and to forward a copy to the Secretary of State.
- 8.5 The Department for Business, Energy & Industrial Strategy has published guidance dated February 2019 entitled 'Energy Company Obligation: ECO3, 2018 -22 Flexible Eligibility Guidance - Guidance for local authorities on engaging with energy suppliers to identify households that would benefit from energy efficiency improvements'. This guidance is aimed at supporting local authorities who wish to start participating in the scheme, and those that are already participating in the scheme. Furthermore, it aims to help local authorities make informed decisions on the criteria to use when identifying eligible households under flexible eligibility. Local authorities may decide to follow this guidance when developing their targeting criteria, or develop their own methodology to identify eligible households based on local data and tools.

- 8.6 The Council will need to comply with The General Data Protection Regulation (GDPR) (EU) 2016/679 as incorporated by the Data Protection Act 2018 for any personal information they pass on to suppliers, for example, by obtaining the consent of the householder before matching them with a supplier and sharing relevant information such as an address and the reason for the eligibility. Article 35 of the GDPR places a duty on controllers to undertake an assessment of the privacy risk on a project where processing 'is likely to result in a high risk to the rights and freedoms of natural persons'. Accordingly it is noted that Data Privacy Impact Assessment's (DPIA) should be undertaken in respect of this project.

## **9. FINANCIAL IMPLICATIONS**

- 9.1 The update to the Statement of Intent may affect the eligibility of residents for ECO funding but this has no financial implications for the Council as the Council does not administer the scheme.
- 9.2 Participation in the Hertfordshire Warmer Homes project has required a contribution to project management costs. The initial contribution was £12,000, which has covered project management costs for the first two years of the project plus a small element that has been used to fund certain works that are not eligible for ECO funding. The update to the Statement of Intent is not anticipated to impact on project management costs going forward, with any further contributions required expected to be met from existing budget provision allocated for this purpose.

## **10. RISK IMPLICATIONS**

- 10.1 If this revised Statement of Intent is not adopted, there is a risk that applications may be received which would be outside the ECO scheme criteria and the Council could be required to cover the cost of such works.

## **11. EQUALITIES IMPLICATIONS**

- 11.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 11.2 One of the main strands of the ECO scheme is affordable warmth, helping eligible households, which are generally those in receipt of certain types of benefits, to insulate their homes and tackle fuel poverty. The flexibility eligibility extends this opportunity by enabling low income households and households that are vulnerable to the effects of living in a cold home, perhaps because of health conditions, who might not meet the core eligibility criteria to receive benefit from energy efficiency works. Accordingly, this approach aims to alleviate inequality.

## **12. SOCIAL VALUE IMPLICATIONS**

- 12.1 The Social Value Act and "go local" policy do not apply to this decision.

## **13. HUMAN RESOURCE IMPLICATIONS**

- 13.1 Domestic energy conservation activity falls within the remit of the Environmental Health Service. There are no particular human resource implications arising from this decision.

## **14. APPENDICES**

- 14.1 Appendix A – Revised Statement of Intent

**15. BACKGROUND PAPERS**

- 15.1 Department for Business, Energy & Industrial Strategy - Guidance to local authorities on flexible eligibility  
<https://www.gov.uk/government/publications/energy-company-obligation-eco-help-to-heat-scheme-flexible-eligibility>
- 15.2 National Institute for Clinical Excellence – Preventing excess winter deaths and illness associated with cold homes  
<https://www.nice.org.uk/guidance/qs117>

**16. NOTIFICATION DATE**

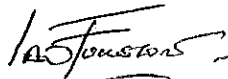
16.1 3 May 2019



**Signature of Executive Member Consulted**

**Date 29 April 2019**

**Signature of Decision Taker**



**Call-in does not apply to NON-EXECUTIVE DECISIONS**

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# Statement of Intent



North Hertfordshire District Council

Date of publication [DD/MM/YY]

Version 4.0

Publication on website <https://www.north-herts.gov.uk/home/housing/private-sector-housing/funding-energy-efficiency-improvements>

## 1) Introduction

The Hertfordshire Warmer Homes scheme partnership, comprising all ten district and borough councils across Hertfordshire, is determined to tackle fuel poverty, reduce excess winter deaths and improve the energy efficiency of homes across Hertfordshire.

The publication of this Statement of Intent (SOI) enables North Hertfordshire District Council to support the Hertfordshire Warmer Homes scheme by providing additional eligibility criteria under the Energy Company Obligation Local Authority Flexibility route (known as LA-Flex).

The final decision on whether a household is deemed eligible for an energy efficiency measure under the Energy Company Obligation will be made by the named energy supplier(s) or scheme lead. Inclusion in a Declaration made by North Hertfordshire District Council to a supplier will not guarantee installation of measures, as the final decision will depend on the following:

- i. survey carried out by suppliers agents/contractors and installation costs calculated,
- ii. the energy savings that can be achieved for a property, and
- iii. whether suppliers have achieved their targets or require further measures to meet their Energy Company Obligation targets

As set out in Article 17 (1)(a) of The Electricity and Gas (Energy Company Obligation) Order 2018 ("The Order"), only owner occupied premises, certain private rented premises (under Article 17 (2)(a)) and certain EPC unrated premises (Article 17 (3)(a)) are considered eligible for LA-Flex. Therefore social housing (as defined in The Order) is excluded from LA-Flex.

The Hertfordshire Warmer Homes scheme contributes towards the following priorities:

### North Hertfordshire District Council

This will contribute to North Hertfordshire District Council's corporate plan (2017 – 2021) priorities:

- Attractive and Thriving
- Prosper and protect
- Responsive and Efficient

It will help North Hertfordshire District Council fulfil the following objective in its Home Energy Conservation Act Progress Report 2017:

- Measures that we are taking to result in significant energy efficiency improvements of our residential accommodation

It will also contribute to the delivery of the Council's housing and climate change strategies.

### Hertfordshire County Council

This will contribute to the Hertfordshire Health & Wellbeing Strategy 2016-19 as well as the following Hertfordshire County Council's Corporate Plan priorities:

- Opportunity to Thrive: A cleaner, greener county with children and adults given the support they need
- Opportunity to be Healthy & Safe: Healthier lifestyles, tailored social care and less crime

It will contribute towards the following Public Health Strategy 2017 -21 priorities:

- Starting and developing well, healthier lives for 0-25 years
- Keeping Well, supporting longer lives, more disease-free years and self-management of long-term conditions
- Working to reduce health inequalities: Reducing inequalities in health outcomes and life expectancy between most and least affluent

## **2) How the LA intends to identify eligible households**

North Hertfordshire District Council will identify households that may benefit from LA-Flex in a number of ways. To be eligible, households must meet the primary criteria and at least one of the secondary criteria.

'Household income' includes the resident's income and (if applicable), their partner's income combined. Please be advised that non-dependent's income is not included in this calculation.

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### **Primary Criteria**

The household must meet this criteria based upon their current household composition at the time of application to the scheme.

**Table 1: Recommended after housing costs\* equivalised income thresholds, by household composition**

<b>Household Composition</b>	<b>Income Thresholds</b>
<b>1 Adult</b>	£10,230
and 1 child	£13,400
and 2 children	£16,500
and 3 children	£19,800
and 4+ children	£23,100
<b>2 Adults</b>	£16,720

and 1 children	£20,020
and 2 children	£23,210
and 3 children	£26,510
and 4+ children	£29,480

*\*After housing costs is determined as the combined household income after deducting rent or mortgage and council tax expenses. See example detailed within Table 2 below.*

*Table 1: Income thresholds outlined by Department for Business, Energy & Industrial Strategy Energy Company Obligation: ECO3, 2018-22 Flexible Eligibility Guidance (2019) with a 10% increase in recognition of the high housing costs in Hertfordshire.*

**Table 2: Example income threshold – after housing costs**

Annual combined household income	£30,000 per annum
Less annual mortgage expenditure	£11,400 (at £950 per month x 12)
Less annual council tax expenditure	£1,770 (as per Council Tax statement)
<b>Remaining household income</b>	<b>£16,830</b>

### Secondary Criteria

Having met the primary criteria, the household must also meet one of the secondary criteria below.

**Table 3:**

<p><b>High Energy Costs</b> <i>(identifying households in or at risk of fuel poverty)</i></p> <ul style="list-style-type: none"> <li>• 100mm or less loft insulation</li> <li>• Unfilled cavity walls</li> <li>• Uninsulated non-cavity walls</li> <li>• No working heating system</li> </ul>
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**Table 4:**

<p><b>Vulnerability to the Cold</b> <i>(identifying low income and vulnerable to the cold households)</i></p> <p>A health condition made worse by the cold:</p> <ul style="list-style-type: none"> <li>• People with cardiovascular conditions</li> <li>• People with respiratory conditions <i>(in particular chronic obstructive pulmonary disease and childhood asthma)</i></li> <li>• People with mental health conditions</li> <li>• People with disabilities</li> <li>• People who are terminally ill</li> <li>• People with autoimmune and immunodeficiency diseases <i>(e.g. lupus, cancer treatment, multiple sclerosis, diabetes, HIV)</i></li> <li>• People with neurobiological and related diseases <i>(e.g. fibromyalgia, myalgic encephalomyelitis [ME])</i></li> </ul>
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- People with Haemoglobinopathies (e.g. sickle cell disease, thalassaemia)

A vulnerability to the cold:

- People aged over 60 years old, particularly those over 75 years old
- Children aged under 5 years old and pregnant women
- People with addictions
- People who have attended hospital due to a fall
- People diagnosed with dementia
- Recent immigrants, asylum seekers and refugees (if living in private tenure)
- People who move in and out of homelessness
- Other illness exacerbated by the cold (confirmed by GP)
- People with musculoskeletal conditions (e.g. arthritis, limited mobility)
- Households that have acute or long term debt
- Householders that are in their home during working hours and/or have declared that they restrict heating use due to concerns about the energy bills

\*Table 4 source: National Institute for Health and Care Excellence (NICE) Quality Statement and Guidance (2015) on Excess Winter Deaths and Illnesses Caused by Cold.

### 3) Governance

North Hertfordshire District Council works in partnership with the 9 district and borough councils in Hertfordshire and Hertfordshire County Council to promote the provision of home energy efficiency improvements across the county. Hertfordshire County Council will process all relevant referrals (as received from the named single-point-of-access provider HertsHelp) and client self-declarations, determining client eligibility North Hertfordshire District Council will review and approve any LA-Flex declarations and request relevant supporting information. Hertfordshire County Council work with a commissioned delivery partner and their network of subcontractors.

#### *Responsible officer(s)*

The officer(s) below will be responsible for signing Declarations on behalf of the local authority.

Job title: Environmental Health Manager  
 Current postholder: Peter Carey  
 Telephone: 01462 474861  
 Email: [peter.carey@north-herts.gov.uk](mailto:peter.carey@north-herts.gov.uk)

Job title: Environmental Protection & Housing Manager  
 Current postholder: Shayne Crowe  
 Telephone: 01462 474360  
 Email: [shayne.crowe@north-herts.gov.uk](mailto:shayne.crowe@north-herts.gov.uk)

Job title: Senior Environmental Health Officer  
 Current postholder: Sarah Scotchmer  
 Telephone: 01462474460  
 Email: [sarah.scotchmer@north-herts.gov.uk](mailto:sarah.scotchmer@north-herts.gov.uk)

#### 4) Referrals

Referrals into the scheme can be made as follows:

- Self-referrals from Hertfordshire residents
- Referrals from health and social care professionals
- Referrals from voluntary and charitable organisations

All referrals and enquiries should be made via the schemes single-point-of-access service HertsHelp. Contact details are as follows:

**By phone:** 0300 123 4044

**By email:** [info@hertshelp.net](mailto:info@hertshelp.net)

**Website:** <https://hertfordshire.gov.uk/hertswarmerhomes>

#### 5) Evidence, monitoring and reporting

Hertfordshire County Council will provide the central administration and management of the Energy Company Obligation LA-Flex in Hertfordshire.

Eligible residents will be required to undertake a telephone eligibility assessment with the Hertfordshire Warmer Homes team (application forms are available upon request). Residents considered potentially eligible under the LA-Flex criteria will be required to complete and return a self-declaration form to confirm their eligibility based upon the criteria outlined in section 2 above.

Scheme activity is reported to the Hertfordshire Warmer Homes partnership on a monthly basis. The scheme reports to the Healthy Places Implementation Group on a bi-monthly basis.

An annual evaluation of the scheme is conducted to review the outcomes and value of the scheme alongside the effectiveness of targeted promotions to identify eligible households across the county. The evaluation includes post-installation surveys with residents to determine the potential health impacts resulting from the Hertfordshire Warmer Homes scheme.

North Hertfordshire District Council will audit 10% or more eligible referrals on a quarterly basis to prevent and detect fraud.

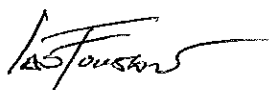
#### 6) Signature

**SIGNED ON BEHALF OF**

**NORTH HERTFORDSHIRE DISTRICT COUNCIL**

by

Signature:



Name:

Ian Fullstone

Job Title:

Service Director, Regulatory