

## **Energy Efficiency in Privately Rented Homes in South West Wiltshire: Opportunities to identify and enforce on properties with poor energy efficiency**

This paper was compiled following a request from the South West Wiltshire Area Board made in light of stock condition mapping undertaken in 2010 showing energy efficiency performance of homes and how the condition of homes was both lower and levels of fuel poverty were higher in South West Wiltshire compared to the rest of Wiltshire. The stock condition survey was initially undertaken in 2009 and the Building Research Centre was commissioned to remodel the information on an area board basis in 2010 (extract for The SWWAB is shown in Appendix 1). At the time there was central government finance available for Private Sector Housing Initiatives provided on a bidding basis requiring a successful bid from a council to have good information about their housing stock. The subsequent bank crises and financial squeeze resulted in the funding opportunities disappearing. This is historic information that is still relevant as it is believed the rankings of areas in terms of the housing condition of the stock will remain. It should be noted that the survey includes both Owner Occupied and Private Rented Housing with Private rented at that time (2009) estimated to be 13% of the stock and Owner Occupied as 70%.

The issue of higher levels of fuel poverty and comparable poorer energy efficiency in the South West was identified some time ago. This can be attributed to several factors including the lack of a gas main (See Appendix 2 Homes off the Gas Main), landlords with older properties having solid walls and the older age profile of housing stock. In 2002/3 the then Salisbury District Council sponsored a part time energy advisor to provide advice and help people install subsidised energy efficiency measures until 2007.

Private Sector Housing provides help to tenants who are experiencing poor housing conditions in the Private Rented Sector. Improvements are made through a combination of persuasion and enforcement. In exceptional circumstances, when all else fails we will prosecute landlords through the courts.

### **Requirement of the Regulation and Enforcement**

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 'The Regulations' (as amended) are designed to improve the least energy-efficient properties in England and Wales – those with Energy Performance Certificates (EPC) rated F or G. Local authorities are required to enforce the Regulations which apply to new tenancies starting after 1 April 2018 and existing tenancy from 1<sup>st</sup> April 2020.

Landlords of domestic property for which an EPC is not a legal requirement (e.g. a property which has Listed Building status and certain charitable housing etc) are not bound by the legislation.

Wiltshire Council has adopted a policy for the enforcement of non-compliant homes which allows fines to be made following the discovery of a breach of the Regulations, in addition the council has tools provided in the Housing Act 2004 using the Housing Health and Safety Rating systems to identify and enforce against excess cold. We would generally engage with the parties.

In relation to our enforcement activities we would always seek the opinion of the tenant and in some cases this may mean that we take no action as to do otherwise would be mean acting in direct opposition to the wishes of the tenant.

## How we identify Poor Performing Homes and Breaches of the Regulations

In most cases Private Sector Housing undertake investigation following complaints directly from tenants. In 2011 we consulted with the Rent Officer and identified address of old established protected tenancies as it was speculated that these properties would be occupied by older vulnerable tenants and the housing condition might be poorer. We mentioned previously that we would only enforce if the tenants were in favour. The door is left open for tenants to come back if they change their mind. In one case the tenant came back to us last year which resulted in an Improvement Notice being served and it is estimated that the landlady spent in excess of £40,000 improving the property. More recently we have been provided access to the register of Energy Performance Certificates in a manner that allows the information to be interrogated to provide lists of Energy Performance Certificates with F & G ratings registered since 2011. The register of Energy Performance Certificates is available to members of the public to search individual properties on the following web page [Find an energy certificate - GOV.UK \(www.gov.uk\)](http://www.gov.uk) .

### Interrogation of the EPC Register

The original data set was checked for all F & G rated private rented properties throughout Wiltshire and addresses extracted for the South West of Wiltshire. Marketed sales which were numerous were excluded from the list.

Table 1 below was collated from The Energy Performance of Buildings Data and details the number of properties in South West Wiltshire that had an Energy Performance assessment between January 2011 – September 2021. Currently landlords of privately rented properties are required to provide an EPC certificate with an A to E rating unless their property is exempt from the regulations.

The number of properties identified with F & G ratings are listed in Table 1 below for South West Wiltshire and are shown in the column titled **Total Number of F & G Rated Properties after Marketed Sales Removed**. Each of these properties was then checked for an exemption and investigated via Council Tax records, Right Move Sold Prices and other resources to conclude on whether there had been a subsequence change in tenure. This process showed that landlord preference had been to sell poor performing properties rather than improve, and a substantial proportion, 64% of let properties with an EPC of F or G appear to have moved over from privately rented to owner occupation.

The column headed **Listed Building or Let on Licence – Exempt without need for Registration** covers listed properties and those let on licence such as Alms House Charities where landlords are not required to apply for an exemption. However, landlords who believe that they fulfil one of the several exemption criteria must apply and if successful they will be placed on the Exemption Register.

Registered Social Housing Providers are excluded from the minimum standards provision.

Area	Postcode	Total Number of F & G Rated Properties listed as Private Rented	Investigation Outcomes					
			Owner Occupier	Exemption Registered	Housing Association Properties which are Exempt	Not Currently Let	Listed Building or Let on Licence – Exempt without need for Registration	Investigations Pending
Mere	BA12 6	46	30	4	3	2	0	7
<del>Netherhampton</del>	SP2 8	20	12	2	0	1	0	5
<del>Quidhampton</del>	SP2 9	19	17	0	2	0	0	0
Tisbury	SP3 5	25	12	3	0	1	2	7
Wilton	SP2 0	16	10	0	1	0	1	4
Total		126	81	9	6	4	3	23

**Table 1**

### Case Studies in South West Wiltshire

Two case studies are exemplified below providing typical outcomes of investigations in South West Wiltshire to date.

<b>CASE STUDY 1</b>
Landlord managed property currently let having an F rated EPC
When contacted the landlord claimed to be unaware of their obligation to reassess when letting the property and stated that extensive works had been carried out since the original assessment which included new windows.
A new assessment was carried out and the property was rerated D.
<b>CASE STUDY 2</b>
Landlord managed flats x2 in the same building having F and G EPC ratings.
When contacted the landlord stated that works including secondary glazing and rubber flooring for heat insulation have been carried out since the original assessment and they believe the property to be compliant.
When reassessed both properties came back with G ratings due to poor heating. Advice given in relation to providing high heat retention heating at the property.
Landlord applying for an exemption due to the cost of improvements to date.

Whilst we are currently investigating the Tisbury area early indications show the number of exemptions registered are significantly higher than the other areas. The exemptions are generally registered in the categories below.

- All relevant improvements have been made and the property remains below an E rating.
- The cost of the improvements exceeds £3,500.
- Recommended wall insulation measures would have a negative impact on the building.

Whilst landlord may be successful in applying for an exemption for their properties there is still potential for hazards which are assessed using the Housing Health and Safety Rating System. In a circumstances where a Category 1 Hazard is identified in a property, for example for excess cold then it may be necessary to seek a remedy using the Housing Act 2004

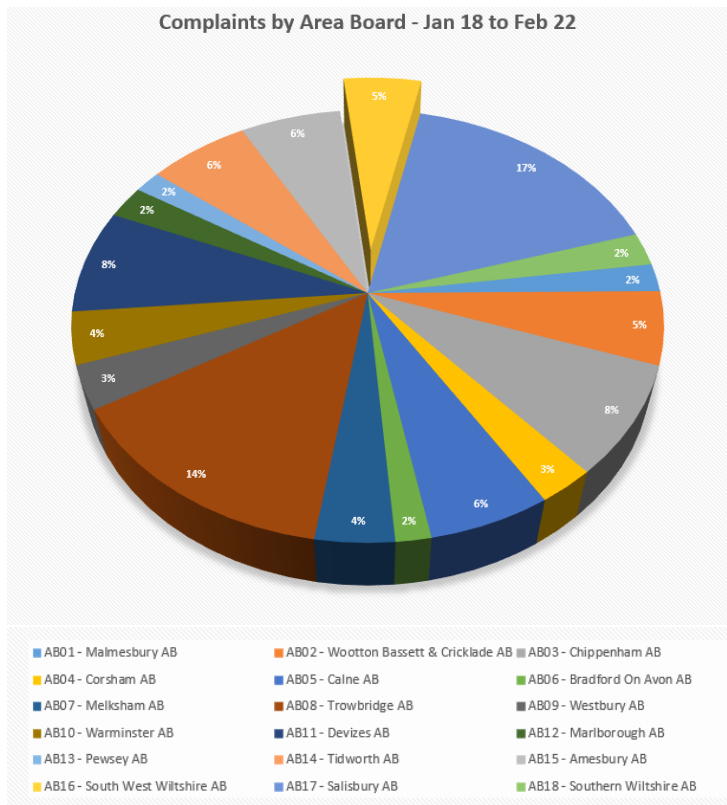
### Complaints about Housing Conditions Private Sector Housing in South West Wiltshire

It was felt useful to consider whether the poorer housing conditions and low energy efficiency performance of homes in South West Wiltshire resulted in a greater number of complaints

An exercise was then carried out to compare area boards by the number of complaints for disrepair and damp and mould received over a 4 year period which is shown in Table 2. This includes details of properties where there is concern about the EPC rating for each property that we have received contact. The results show that compared to other area boards South West Wiltshire does not receive a significantly higher percentage of complaints relating to damp & mould and disrepair see Chart 1. However, when comparing the EPC ratings there were a higher proportion of F rated properties than other area boards.

**Table 2**

Area Board	Number of complaints received Jan 2018 – Feb 2022	EPC RATING A - E	EPC RATING F	EPC RATING G	NO EPC RATING	EXEMPTION REGISTERED (NOT INCL IN TOTALS)
MALMESBURY	16	13	2	0	1	1
RWB & CRICKLADE	42	36	0	1	5	0
CHIPPENHAM	63	52	0	1	10	0
CORSHAM	21	18	0	0	3	0
CALNE	45	37	1	0	7	0
BRADFORD ON AVON	13	9	2	0	2	0
MELKSHAM	29	18	2	0	9	0
TROWBRIDGE	108	92	1	0	15	0
WESTBURY	25	19	2	0	4	0
WARMINSTER	30	22	1	1	6	0
DEVIZES	60	48	4	2	6	1
MARLBOROUGH	19	15	2	0	2	0
PEWSEY	13	9	2	0	2	0
TIDWORTH	49	43	2	2	2	0
AMESBURY	49	38	1	1	9	0
<b>SOUTH WEST WILTSHIRE</b>	<b>39</b>	<b>24</b>	<b>8</b>	<b>0</b>	<b>7</b>	<b>1</b>
SALISBURY	131	113	2	0	16	0
SOUTHERN WILTSHIRE	19	15	1	0	3	0



**Chart 1**

**Moving Forward**

The intention is to investigate further those properties that have been identified, consult with tenants and conclude on whether enforcement would be appropriate. In addition, we have recently received a report showing those householders who are in Private Rented Housing and receiving Housing Benefit and intend to cross reference this information with other sources. Work has started on the SWWAB and Table 3 below shows the number of properties registered for housing benefit in the Area after those not required to have an EPC have been removed. It was found that there were a number of properties not on the register which will require further investigation to determine whether the landlords are compliant.

**Table 3**

<b>Number of SWWAB Properties Currently Registered for Housing Benefit</b>	<b>EPC RATING A - E</b>	<b>EPC RATING F</b>	<b>EPC RATING G</b>	<b>NO EPC RATING</b>
<b>170</b>	<b>74</b>	<b>9</b>	<b>2</b>	<b>85</b>

The available data is a useful tool but the team would welcome communication from tenants in privately rented properties that have low EPC ratings (F & G) or are unrated to allow us to investigate further. It is probable that some landlords will be letting properties illegally and not conforming to minimum standards and the requirement to have an EPC. Individual properties are difficult to identify and we would appreciate information from the public to identify such properties.

If you have concerns about the EPC rating for a privately rented property please click on the link below to check the current rating. You will need a postcode and house number for this search.

[Find an energy certificate - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

If the property has a F or G rating you can also check to confirm whether it is on the exemption register via the link below.

[Property exemption - PRS exemptions register \(beis.gov.uk\)](http://beis.gov.uk)

Should the property prove to have no EPC or a low rating then please refer the details to Private Rented Housing using our online form

[Private rented and owner occupier housing - Wiltshire Council](#)

or phone 0300 4560100

APPENDIX 1

**BRE 2010: Remodelling of private sector house condition survey data using BRE Housing Stock Models to Provide information for Each Community Area in Wiltshire (2010)**

Extract pages 49 -52 for South West Wiltshire Area Board

49 Combining Wiltshire PSHCS data and BRE Housing Stock Models for Community Area reports

**South West Wiltshire**

The South West Community Area is estimated to contain around 8,700 private sector dwellings. It is estimated that 53% of dwellings do not meet the definition of a 'Decent Home'. This is the highest in Wiltshire and is due to the high number of dwellings with a Category 1 Excess cold hazard as shown in

**Figure 35.** The average number of dwellings failing the standard in Wiltshire is 31% and in England 34%. The number of households in fuel poverty is shown in **Figure 36** at 16%. This is also the highest rate in Wiltshire and is due to the rural terrain of the Community Area and the lack of availability of mains gas.

**Figure 34 The percentage of Non Decent dwellings in South West Wiltshire**

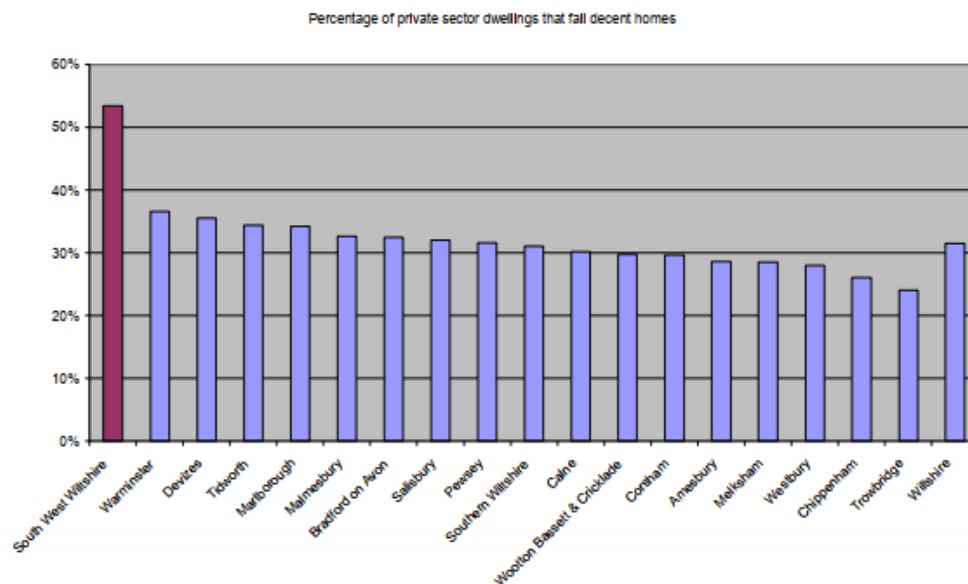


Figure 35 Estimated percentage of dwellings with a Category 1 hazard of Excess cold in South West Wiltshire

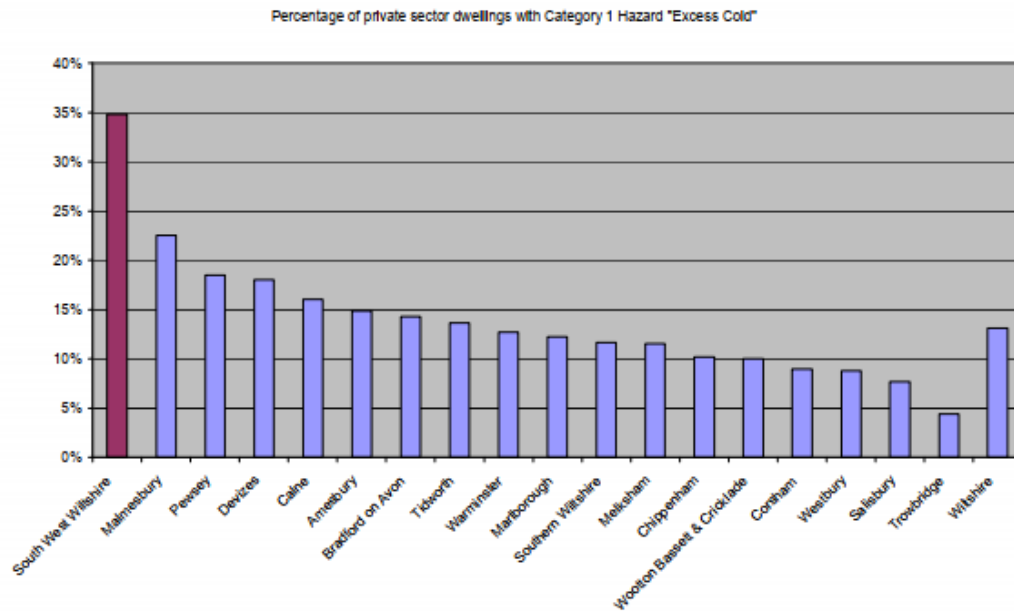
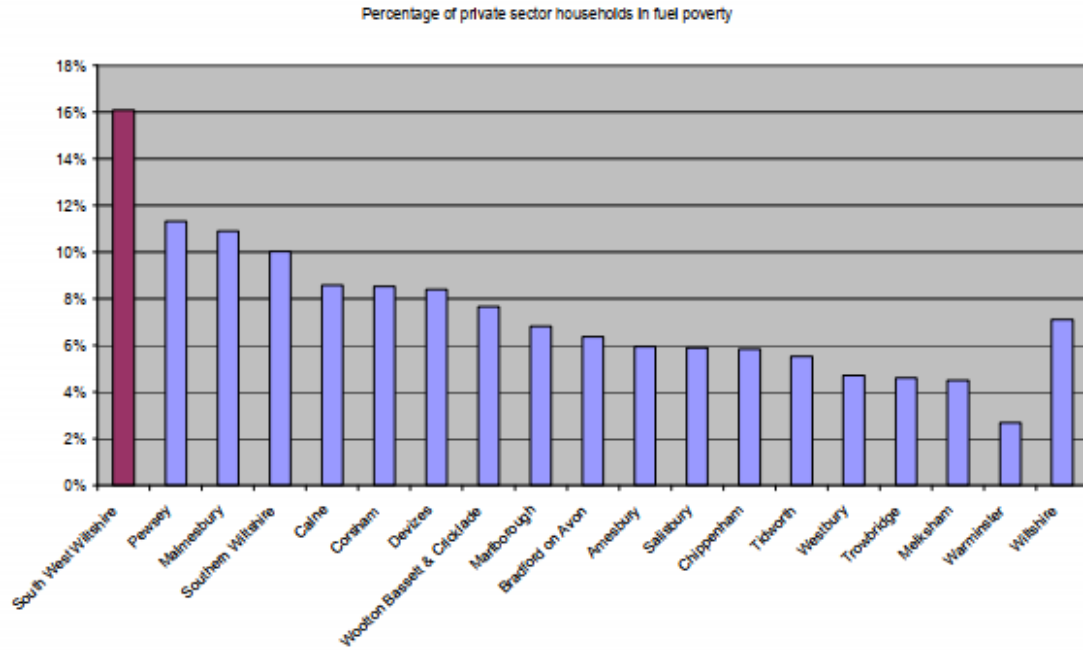






Figure 36 Householders estimated to be in Fuel Poverty in South West Wiltshire



## Appendix 2

### Homes Off Gas Map

