

Agenda for Asset Management Forum

Thursday 3 November 2016, 9.30am



Venue: Council Chamber, Knowle, Sidmouth, EX10 8HL

[View directions](#)

Contact: [Chris Lane](#), 01395 517544 (or group number 01395 517546): Issued 27 October 2016

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- 1 [Public speaking](#)
- 2 Notes for 6 October 2016 (pages 3-5)
- 3 Apologies
- 4 [Declarations of interest](#)
- 5 [Matters of urgency](#) – none identified
- 6 Confidential/exempt items – there is one item which officers recommend should be dealt with in this way.

Part A Matters for Decision

- 7 **Data – Draft ATR Property Records Officer - attached**
- 8 **The Energy Act 2011 – update on action plan – Draft Cabinet report attached**
- 9 **Capital Programme bids against Council for member comment – list attached for discussion**
- 10 **The Vice Chairman to move the following:**
“that under Section 100(A) (4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information, of the description set out on the agenda, is likely to be disclosed and on balance the public interest is in discussing this item in private session (Part B)”.

Part B Matters for Decision

- 11 **Asset Devolution Programme – Update by Donna Best, Principal Estates Surveyor**

Reasons for consideration in Part B:

- 1) Para 3 Schedule 12A Information relating to the finance or business affairs of any particular person

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[Decision making and equalities](#)

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EAST DEVON DISTRICT COUNCIL

Report of a Meeting of the Asset Management Forum held at Knowle,
Sidmouth on Thursday, 6 October 2016

Present:	Councillors: Geoff Pook Philip Skinner Ian Thomas Paul Diviani
	Officers: Donna Best Mark Williams John Golding Chris Lane Andrew Hancock Charlie Plowden John Hudson
Also present:	Councillors: Mike Allen John Dyson Rob Longhurst Tom Wright
Apologies:	Matthew Booth Iain Chubb Alan Dent Andrew Moulding Richard Cohen Simon Davey

The meeting started at 9.30am and finished at 12:15pm.

*1 Notes

Members noted the report of the meeting held on 1 September 2016.

*2 Matters Arising

Sports and Activity Club Rent Support Scheme

Donna Best, Principal Estates Surveyor, reported that the closing date for applications for rent support was 29 September 2016. All 10 of the eligible clubs had applied, some of whom had not yet signed their new heads of terms. Councillor Ian Thomas reported that he considered the assessment form to be filled in by the panel members overly large and requested that the assessment process be made less time consuming for members. The applications would be considered by Community Fund Panel members at their meeting in November.

(Councillor Tom Wright declared a personal interest in this item as a member of Budleigh Salterton Football Club)

*3 Exclusion of the public

There was one confidential item which officers recommended should be dealt with in this way in Part B.

*4 Green Space Strategy

Charlie Plowden, Service Lead - Countryside and Leisure, reported on EDDC's Green Space Strategy 2016-2026. The aim of the strategy was to provide a vision and objective for how EDDC's green spaces would be planned and managed. It set out proposals for how existing green spaces could be made safer, cleaner, more accessible, and more sustainable. It also included proposals for the future management of green spaces in the context of challenging economic times ahead.

The Forum noted that EDDC owned 1500 hectares of green space and 65 hectares of beach, managed at an annual cost of £31 per household. The green space within East Devon underpinned much of its economy. The Green Space Strategy was focused on EDDC's green spaces and set out a framework for managing them long term that was both financially viable and also met the Council's standards of equality and accessibility. The Council was gathering more evidence of use, customer satisfaction, wildlife monitoring etc to help support the budgets needs to manage our green spaces.

During discussions the following points were noted:

- EDDC was looking at new ways of managing green spaces;
- The residents of East Devon greatly valued their green space;
- S105 and CIL money was needed to pay for green space;
- Need to understand the definition of green space;
- Where do private land owners fit in with the Green Space Strategy;
- The way EDDC managed its green space was unique amongst other LA's;
- Need for direct input to DCC re Suitable Available Natural Green Space (SANGs);
- List of where EDDC wishes to increase the SANGs in public ownership;
- What land could be considered as surplus green space and could possibly developed in exchange for purchasing additional open space;
- Whether capital receipts from open space disposal should be retained in a reserve and used to fund ongoing maintenance and development of strategic sites or should go to the General Fund;
- Whether objective 6 in the report should include a social aspect;
- The report was too long and difficult to read and would benefit from an executive summary;

RESOLVED that the Green Space Strategy report be noted and a revised strategy supported by detailed documentation be reported to a future meeting of the Forum.

*5 Exclusion of the public

RESOLVED

that under Section 100(A) (4) of the Local Government Act 1972 and in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public (including the press) be excluded from the meeting as exempt and private information (as set out against the Part B agenda item), is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B).

*6 Asset Devolution Programme

Donna Best, Principal Estates Surveyor, reported on progress made on the Asset Devolution Programme and presented a list of assets and their proposed designation as recommended by the Strategic Management Team. Mark Williams reported that, apart from Beer Parish Council there did not seem to be an appetite for asset devolution amongst the towns and parishes in East Devon.

RESOLVED that Donna Best, Principal Estates Surveyor, and Finance, undertake further work to the Asset Devolution register – this to be discussed fully at the next AMF meeting.

*7 Date of next meeting

The next meeting of the Asset Management Forum would be held on **Thursday 3 November 2016** at 9.30am in the Committee Room, Knowle, Sidmouth.

Staff Requisition Form

Authority to Recruit



- ☐ **All** requests for staff must be expressly authorised by the Chief Executive.
- ☐ This includes permanent, fixed term contractors and temporary (agency or casual) and applies to both new and existing roles.
- ☐ **Please note that the advertising and recruitment process requires an up to date job description, person specification risk assessment profile which MUST be attached.**

Please Note: The post cannot be advertised or filled until this approval has been received.

Part A Contractual Requirements (to be completed by Service in conjunction with the HRBP)						
Job title	Property Records Officer				Service	Property & Estates Services (or Legal Services?)
Has post been job evaluated?		No		Grade/SCP		
Is a market supplement applicable?				Cost Centre	Spread between Housing, Property & Estates, Countryside, Streetscene, Legal & Finance	
Employee replaced	No			or new post	Yes	
Employment status	Permanent					
Length of Fixed Term Contract / Agency						
Reason for Fixed Term Contract						
DBS Disclosure (other than Basic) required? All posts are automatically subject to a basic disclosure. If you indicate a DBS is required you will be contacted by your HRBP to complete a DBS Risk Assessment form				No		
Relocation expenses applicable?				No		
Essential Car User Allowance applicable?				Yes		
Is this a politically restricted post? (please refer to guidance on the intranet regarding which posts are politically restricted)				No		
Working pattern (hours per day) (please specify the number of hours (in decimal) for each working day. Attach shift/rota if applicable. A full time working week is 37 hours)						
Mon	Tues	Wed	Thurs	Fri		
Total hours per week		37				
Any other T&C requirements						

Part B Business Case (to be completed by Recruiting Manager / Authorised by Service Lead)
Please attach updated job description, person specification and Risk Assessment Profile

Following consideration of the SWAP partial assurance report on the Council's Asset Register and Land Record Management, it was acknowledged that there is no specific officer currently responsible for the corporate asset register and associated software data such as emap overlays and the Down to Earth system. They were also advised that neither the corporate system or Open Housing system currently holds records against Housing non dwelling assets.

While it was previously agreed that an objective of the new Property and Estates Manager post would be to submit a business case to Strata to ensure that Uniform is fit for purpose and that all data is captured, there have been difficulties in getting the post filled and, it is acknowledged generally that Strata would not currently have capacity to undertake such a study. Also, part of Strata's business strategy is to reduce the number of software programmes run across the 3 partnership councils and that both Teignbridge and Exeter will be moving their property database to Uniform.

In the meantime, work on enhancing Uniform continues: the Business Centre has been set up to process new tenancy agreements and thereby reduce by many weeks the time it takes to grant a licence. Property & Estates Services are continuing enhance the statutory compliance recording on council owned buildings, and the Streetscene engineers are keen to progress the cleansing and updating of the infrastructure asset records to enable inspection regimes and reports to be put in place electronically. Ideally, it would also be good at this time to looking at the use of the system by those that manage the beach huts and 'events' on council owned land. While we could wait for the new post and for Strata to undertake their study, this is likely to cause a further delay to full commitment of Uniform for at least 12 months and in the meantime, events are rather overtaking us.

One of the reasons that this is a good time to examine the business benefits of use by various teams, is that we have a very good IT consultant setting up processes and templates for us at the moment. Poached when he retired from Bristol City Council, given his extensive knowledge of the software, he has been the sole reason the move to the Uniform Estates module has been a success. He is still available at present but this may not always be the case.

It is proposed that the Property Records Officer would input, monitor and assist in the maintenance of records for the Council corporately with the main responsibilities outlined in the draft job description. This is a corporate role spanning all services involved in the management of property assets including Property & Estates Services, Streetscene, Countryside, Housing, Finance and Legal. As such this role is seen as key to supporting the Council in delivering the ambitions of the Council Plan, the Transformation Strategy and the Asset Management Plan.

Among many, potential benefits of the post include the following:-

- All users to be able to see land ownership and property records, including any associated legal interests held on the land eg leases, easements, licences etc (Housing land not available at present but a programme to establish envisaged)
- Better joined up working between the teams involved in managing council owned property
- The emap ownership layers used by many teams within the council, including customer services, could be kept up to date.
- Changes in property records would be made not only on the corporate system but in other related software such as Down to Earth, Cedar and Emap.
- Operational efficiencies can be made through the establishment of processes and associated document creation eg such as applications to take licences at the Business Centre
- Ability for users to see documents relating to property and individual cases (for example Legal could potentially see all documents relating to a lease renewal they've been instructed to act on)
- The role will assist the changeover from paper to the electronic document management system and thereby support the councils Worksmart agenda.
- Users can record different inspections and surveys undertaken and schedule dates for follow up.
- The system links to the Enterprise workflow software which enables managers to monitor and distribute caseload between relevant officers
- Checks can be undertaken in relation to statutory compliance
- Reports could be developed to provide high level information to senior members and management
- Once records on Housing ownership are recorded, the council will be to ensure these are

Please check with an accountant on ext 2357 if uncertain over funding			
Is this request within budgeted FTE for the current financial year	No		
Is the post externally funded?	No		
Is the post funded by the Housing Revenue Account	No		
Request submitted by	Donna Best	Tel Ext	1584
Job Title	Principal Estates Surveyor		
Service Lead (or Strategic Lead / DCE) approval and comments			
Richard Cohen			
Signed:			

Please forward this form to your HR Business Partner to check Part A and submit for approval

Part C Authorisation (completed by Chief Executive)			
Approved	Yes <input type="checkbox"/> No <input type="checkbox"/>		
Comments if approval declined			
Signature – Chief Executive		Date	

PA to Chief Executive to inform requester of the outcome and return the form to Human Resources

Part D iTrent Administration (to be completed by Human Resources)			
DBS Disclosure (criminal records check) HRBP to liaise with Manager to complete DBS Risk Assessment and agree level of check	<input type="checkbox"/> Basic Only	<input type="checkbox"/> Standard	
	<input type="checkbox"/> Enhanced	<input type="checkbox"/> Enh + Child list	
	<input type="checkbox"/> Enh + Adult list	<input type="checkbox"/> Enh + Both lists	
Post Number or instructions for post creation in iTrent			
Externally funded post details (contact manager)	by how much %? and and and = 100%		

<p>Additional details of the post funding – Please enter the funding providers to match above percentages breakdown.</p> <p>These to be updated onto the UDF at POSITION level.</p>	
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Human Resources Recieved	Date	
Entered on iTrent	Initial	Date

Report to: **Cabinet**

Date of Meeting: TBC

Public Document: Yes

Exemption: None

Review date for release None



Agenda item: To be completed by Democratic Services.

Subject: **Energy Act 2011 and the Minimum Energy Efficiency Standards (MEES) from April 2018**

Purpose of report: This report summarises current industry thinking and its potential impact on East Devon District Council's tenanted commercial property portfolio.

Recommendation:

1. Note contents of this report and continue to monitor developments in guidance on the application of this legislation from now until April 2018, and beyond to April 2023. Changes in the legislation between now and April 2018 are possible.
2. Make capital bid in October 2016 in EDDC capital programme for installation of low energy lighting at all of our industrial/workshop units (Riverside, Manstone, and Salterton Workshops) in 2018. The total budget estimate for this is approx. £85,000 + VAT.
3. From now until April 2018, review the dates of lease renewals due over the next two to three years throughout our tenanted portfolio, and consider bringing some forward so that they are renewed before April 2018, and therefore not affected by the regulations until April 2023.
4. From now until April 2018, consider the impact of these regulations in the drafting of any new leases, particularly in relation to alterations to the premises by tenants, and responsibility for improvements required by the new legislation. We must include clauses to protect the future best commercial interests of East Devon District Council as Landlord.

Reason for recommendation:

1. Statutory compliance and good practice as a Local Authority and Landlord of commercial premises.
2. To minimise the potential inability to let certain properties (if exemptions do not apply) and therefore a potential reduction in revenue income.

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3. To avoid the potential reputational damage and financial loss from Trading Standards imposing a penalty notice on us for non-compliance.

Officer: Donna Best, Principal Estates Surveyor
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Simon Allchurch, Senior Building Surveyor
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sallchurch@eastdevon.gov.uk

Financial implications: To be completed by Finance.

Legal implications: To be completed by Legal.

Equalities impact: Low Impact

If choosing High or Medium level outline the equality considerations here, which should include any particular adverse impact on people with protected characteristics and actions to mitigate these. Link to an equalities impact assessment form if necessary.

Risk: Medium Risk

Click here to enter text on risk considerations relating to your report.

Links to background information:

1. Current official guidelines on the Energy Act 2011 and Minimum Energy Efficiency standards (MEES)
2. Hi Devon Report (Unit 8, Riverside Workshops, Seaton)

Link to Council Plan:

1.0 Background

- 1.1 From April 2018, the proposed changes brought about by the **Energy Act 2011** and the **Minimum Energy Efficiency Standards (MEES)** would make it unlawful to let residential or commercial properties with an EPC Rating of F or G (the lowest 2 grades of energy efficiency). Only new leases and lease renewals are within the scope of the legislation from April 2018, with all existing leases coming in five years later, from April 2023.

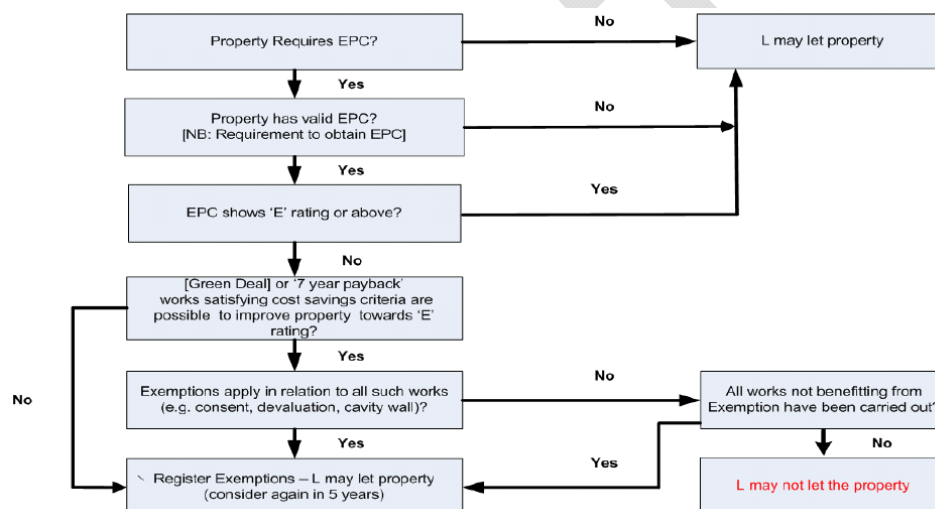
1.2 The legislation is very complex and contains provisions for a range of exemptions which can be applied for from April 2017. There is a lack of clear guidance from The Department of Communities and Local Government (DCLG) on how it will be applied in practice to the range of different lease types and tenure scenarios.

1.3 The MEES applies to landlords, including intermediate landlords but it does not apply to owner occupiers, tenants, licensors, or licensees.

1.4 Relevant properties are those which are tenanted already or are intended to be let, predicated on EPC being required, and below an EPC asset rating of “E” (which is the definition of a sub-standard property).

1.5 This report summarises current industry thinking and its potential impact on East Devon District Council’s tenanted commercial property portfolio.

2.0 From April 2018, can a landlord let the property (new leases and lease renewals) ?



2.0 How will this affect East Devon District Council’s tenanted commercial property portfolio?

2.1 To capture the maximum potential exposure to risk, we have assumed that all of our tenanted industrial units/workshops require an EPC and, due to the easy in/easy out nature of the leases, that they would all be affected by the legislation from April 2018, rather than from April 2023.

2.2 In partnership with qualified energy assessors, HI Devon Energy Assessment of Newton Abbot, we have carried out a trial case study, using Unit 8 Riverside Workshops in Seaton, during a change of tenant period earlier this year. This Unit currently has a D rating, issued in 2010, and valid until 2020. It has since been re-roofed with insulation levels upgraded to current Building Regulations standards.

2.3 They have modelled different scenarios and the results were not consistent with a common sense approach, as it showed that there are no obvious upgrades to the building which are likely to be cost effective and beneficial for the occupier and that will achieve a rating suitable for post 2018, unless alternative approaches are issued to the DCLG assessment methodology. Unit 8, even though it has been re-roofed, comes out

with a lower rating than it did in 2010. This has prompted HI Devon to highlight the issues found with the DCLG, and we await a response and/or updates to the EPC modelling assessment methodology. See Appendix 2 for full Hi Devon Report.

2.4 The list of EDDC tenanted commercial premises currently forecast as affected by new legislation is as follows:

Property	Town	Lease expiry/renewal date	Energy Act Applicable from	Notes
Unit 1 Millwey Rise Workshops	Axminster		Apr-18	
Unit 2 & 2A Millwey Rise Workshops	Axminster		Apr-18	
Units 3-5 Millwey Rise Workshops	Axminster		Apr-18	
Unit 5A Millwey Rise Workshops	Axminster		Apr-18	
Unit 5B Millwey Rise Workshops	Axminster		Apr-18	
Unit 6 Millwey Rise Workshops	Axminster		Apr-18	Streetscene
Unit 7 Millwey Rise Workshops	Axminster		Apr-18	
Unit 8 Millwey Rise Workshops	Axminster		Apr-18	
Unit 9 Millwey Rise Workshops	Axminster		Apr-18	
Unit 1 Salterton Workshops	Budleigh Salterton		Apr-18	
Units 2 & 3 Salterton Workshops	Budleigh Salterton		Apr-18	
Unit 4 Salterton Workshops	Budleigh Salterton		Apr-18	
Unit 5 Salterton Workshops	Budleigh Salterton		Apr-18	
Unit 6 Salterton Workshops	Budleigh Salterton		Apr-18	
Unit 7 Salterton Workshops	Budleigh Salterton		Apr-18	
Unit 8 Salterton Workshops	Budleigh Salterton		Apr-18	
Unit 9 Salterton Workshops	Budleigh Salterton		Apr-18	
Unit 10 Salterton Workshops	Budleigh Salterton		Apr-18	
Unit 1 Riverside Workshops	Seaton		Apr-18	
Unit 2 Riverside Workshops	Seaton		Apr-18	
Unit 3 Riverside Workshops	Seaton		Apr-18	
Unit 4 Riverside Workshops	Seaton		Apr-18	
Unit 5 Riverside Workshops	Seaton		Apr-18	
Unit 6 Riverside Workshops	Seaton		Apr-18	
Unit 7 Riverside Workshops	Seaton		Apr-18	
Unit 8 Riverside Workshops	Seaton		Apr-18	
Unit 9 Riverside Workshops	Seaton		Apr-18	
Unit 10 Riverside Workshops	Seaton		Apr-18	
Unit 11 Riverside Workshops	Seaton		Apr-18	
Unit 12 Riverside Workshops	Seaton		Apr-18	
Unit 13 Riverside Workshops	Seaton		Apr-18	
Unit 14 Riverside Workshops	Seaton		Apr-18	
Unit 1 Manstone Workshops	Sidmouth		Apr-18	
Unit 2 Manstone Workshops	Sidmouth		Apr-18	
Unit 3 Manstone Workshops	Sidmouth		Apr-18	
Unit 4 Manstone Workshops	Sidmouth		Apr-18	
Unit 5 Manstone Workshops	Sidmouth		Apr-18	
Unit 6 Manstone Workshops	Sidmouth		Apr-18	
Unit 7 Manstone Workshops	Sidmouth		Apr-18	
Unit 8 Manstone Workshops	Sidmouth		Apr-18	
Unit 9 Manstone Workshops	Sidmouth		Apr-18	
Madeira Bowling Club	Exmouth	Sep-18	Sep-18	
Foxholes Café	Exmouth	Oct-18	Oct-18	

Property	Town	Lease expiry/renewal date	Energy Act Applicable from	Notes
Sidmouth Market Building	Sidmouth	Oct-19	Oct-19	
Exmouth Lawn Tennis Club (Madeira Walk)	Exmouth	Jul-21	Jul-21	
Bumble & Bee Cafe	Exmouth	Feb-23	Feb-23	
Axminster Leisure Centre	Axminster	2035	Apr-23	LED
Broadclyst Leisure Centre	Broadclyst	2035	Apr-23	LED
Colyton Leisure Centre	Colyton	2035	Apr-23	LED
Exmouth Leisure Centre	Exmouth	2035	Apr-23	LED
Exmouth Pavilion Theatre	Exmouth	2035	Apr-23	LED
Exmouth Tennis & Fitness Centre	Exmouth	2035	Apr-23	LED
Marpool Workshops	Exmouth	2012	Apr-23	
Octagon Kiosk	Exmouth	TBC	Apr-23	
Phear Park Cafe	Exmouth	2035	Apr-23	LED
Radway Cinema	Exmouth	Jan-16	Apr-23	
Savoy Cinema	Exmouth	2029	Apr-23	
Channel View Café	Exmouth	2080	Apr-23	
Exmouth Cricket Club (The Maer)	Exmouth	2031	Apr-23	
Exmouth Rifle and Pistol Small Bore Club	Exmouth	TBC	Apr-23	
Exmouth Rowing Club (Former Lifeboat Station)	Exmouth	2042	Apr-23	
Exmouth Rugby Football Club (Imp Rec)	Exmouth	2030	Apr-23	
Littleham Village Hall	Exmouth	2040	Apr-23	
Phear Park Bowling Club	Exmouth	2035	Apr-23	LED
Withycombe Rugby Football Club	Exmouth	2028	Apr-23	
Honiton Cattle Market	Honiton	2027	Apr-23	
Honiton Leisure Centre	Honiton	2035	Apr-23	LED
Honiton Swimming Pool	Honiton	2035	Apr-23	LED
Honiton TIC, Lace Walk Car Park	Honiton	TBC - vacant	Apr-23	
Martial Arts Centre (Former Squash Court)	Honiton	Jan-17	Apr-23	
New Street Premises (Former Methodist Chapel)	Honiton	TBC - vacant	Apr-23	
Ottery St Mary Leisure Centre	Ottery St Mary	2035	Apr-23	LED
Seafeld Gardens Tennis Pavilion	Seaton	2035	Apr-23	LED
Chine Café (The Hideaway)	Seaton	2040	Apr-23	
Seaton Bowling Club (Seafeld Gardens)	Seaton	TBC	Apr-23	
Seaton Cricket & Lawn Tennis Club	Seaton	2036	Apr-23	
Seaton Town Football Club	Seaton	2025	Apr-23	
Sailing Club (Port Royal)	Sidmouth	2026	Apr-23	
Sidbury United AFC	Sidmouth	TBC - vacant	Apr-23	
Sidmouth Leisure Centre	Sidmouth	2035	Apr-23	LED
Sidmouth Swimming Pool	Sidmouth	2035	Apr-23	LED
Connaught Gardens Cafe	Sidmouth	2046	Apr-23	Listed Building
Norman Lockyer Observatory	Sidmouth	2035	Apr-23	Listed Building
Sidmouth Bowling Club	Sidmouth	Mar-18	Apr-23	
Unit 42 Greendale Business Park	Woodbury Salterton	2036	Apr-23	SITA Suez Depot

3.0 Changes to draft lease provisions

- 3.1 We need to carefully consider the drafting of new lease terms between now and 1st April 2018 (and 1st April 2023) in respect of EPC's and the Energy Act.
- 3.2 Areas to consider:-
- 3.2.1 EPC: Prohibit the Tenant from carrying out an EPC without express Landlord's approval, as new EPC ratings will supersede earlier ones, and therefore give potential for a property previously rated as an E or higher, to suddenly become a non-compliant F or G.
 - 3.2.2 Alterations: Prohibition on any tenant's works that adversely affect EPC rating and transfer of responsibility to tenant for any consequential energy improvements that are required as a result of their alterations.
 - 3.2.3 Leases of Whole: Should the tenant be required to carry out MEES works as part of their repairing/statutory compliance obligations?
 - 3.2.4 Leases of Part: Should landlord be able to recover the cost of the MEES works via the service charge?
 - 3.2.5 Landlord's rights: Should they be expanded to allow the landlord to enter and carry MEES works?
 - 3.2.6 Rent Review: New assumption that premises can be "lawfully let" and consider treatment of MEES works carried out by landlord or tenant.

The Energy Act 2011

Key Points

1. From April 2018, the proposed legislative changes would make it unlawful to let residential or commercial properties with EPC Rating of F or G
2. Estimated that nationally, 20% of non-domestic properties could be in the F & G rating brackets
3. Transaction trigger is awaited but the risk is that the changes could
 - Apply to all lettings and re-lettings
 - Affect valuations of such properties if their marketability is diminished
 - Affect rent reviews for properties in this situation
 - Have implications for dilapidations assessments



In the meantime....

Display Energy Certificates now required for buildings between 250m² and 500m² from 9th July 2015

Action Plan

1. Identify all buildings requiring an Energy Performance and Display Energy Certificates
2. Undertake re-measurement of all buildings in accordance with RICS new Code of Measuring Practice, log data on Uniform, along with access arrangements
3. Gain quotes to have assessments undertaken
4. Gain energy performance reports and ratings for statutory compliance and marketing purposes across the portfolio
5. Assess current energy efficiency and energy performance risk across the portfolio for individual buildings
6. Fully cost investment projects for achieving the minimum standards where required
7. Assess whether Green Deal government finance could be utilised
8. Analyse stock falling into F & G rating and review options for retention and refurbishment, alternative use/redevelopment or disposal.

Recommendation to enable delivery of the action plan

Take on temporary building or general practice surveyor to oversee implementation or re-prioritise existing workload

APPENDIX 1 –

Current official guidance on the Energy Act 2011 and Minimum Energy Efficiency Standards (MEES)

Scope

The regulations apply to the non-domestic private rented sector in England and Wales. Non-domestic private rented properties are defined in the Energy Act 2011 as any property let on a tenancy, which is not a dwelling. In the regulations they will exclude from this definition any property which is let on a tenancy which is granted for a term of 6 months or less (provided the granting of the tenancy does not mean the tenant will have occupied the property for in excess of 12 months), and any property let on a tenancy for 99 years or more. All non-domestic property types are in scope of the regulations, except for those specifically excluded from existing Energy Performance Certificate (EPC) obligations, as set out in the EPC regulations.

The minimum standard

The minimum energy efficiency standard will be set at an **E** EPC rating, in line with the domestic sector. This will apply equally to all categories of non-domestic property.

Exemptions on making improvements

The regulations will include a number of safeguards to ensure that only permissible, appropriate and cost effective improvements are required under the regulations. Landlords will be eligible for an exemption from reaching the minimum standard where they can evidence that one of the following applies:

- The measures are not cost-effective, either within a seven year payback, or under the Green Deal's Golden Rule
- Despite reasonable efforts, the landlord cannot obtain necessary consents to install the required energy efficiency improvements, including from tenants, lenders and superior landlords.
- A relevant suitably qualified expert provides written advice that the measures will reduce a property's value by 5% or more, or that wall insulation required to improve the property will damage the property.

Potentially relevant improvements as listed in Building Regulations Approved Document L2B Table 6:

Table 6 Improvements that in ordinary circumstances are practical and economically feasible	
<i>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.</i>	
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

When and how the regulations apply

From 1 April 2018, the regulations will apply upon the granting of:

- a lease to a new tenant, and,
- a lease to an existing tenant (lease renewal)

From 1 April 2023, the regulations will apply to all privately rented property in scope of the regulations, including where a lease is already in place and a property is occupied by a tenant (existing leases).

Where a tenancy is granted in certain circumstances, such as by operation of law, the landlord will have six months from the date they become the landlord under that tenancy in order to comply with the regulations. Similarly, where a non-compliant property occupied by a tenant is sold, or is transferred to a lender in the case of receivership, the new landlord will have six months to improve the property, or seek to demonstrate an exemption applies.

Enforcement

Local authorities will enforce the provisions, and we expect in most cases it will be Trading Standards who undertake enforcement activity, but local authorities may choose to use other functions to undertake this function.

Where a landlord considers an exemption applies allowing them to let their property below an E EPC rating, the landlord will need to notify this on a centralised register (the “Private Rented Sector (PRS) Exemptions Register”). DECC may use this information to assist local authorities in targeting their enforcement activity.

Compliance Notices and Penalties

Where a local authority suspects that a landlord with a property in scope of the 6 regulations is not compliant, or has not sufficiently proved an exemption, the local authority can serve a compliance notice on the landlord requesting further information it considers necessary to confirm compliance. If this is not provided, or is provided and is not sufficient to prove compliance, the local authority may proceed to issuing a penalty notice.

The penalty regime for non-compliance with the regulations will reflect the degree of infringement, and length of non-compliance. In some cases the infringement will be made public to encourage compliance. Penalties may be cumulative. The penalty regime will be as follows:

Infringement	Penalty	
Providing false or misleading information to the PRS Exemptions Register; Failing to comply with a compliance notice from a local authority	£5,000 Publication of non-compliance	
Renting out a non-compliant property	Less than 3 months non-compliance 10% of rateable value, but with a minimum penalty of £5,000 and a maximum penalty of £50,000 Publication of non-compliance	3 months or more of non-compliance 20% of rateable value, but with a minimum penalty of £10,000 and a maximum penalty of £150,000 Publication of non-compliance

Recommended practical steps

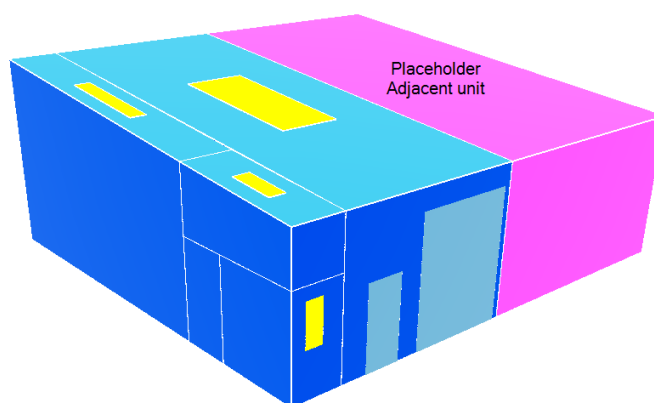
- Check expiry date of any existing lease
- Is an EPC actually required
- Check the EPC asset rating
- Check the age of any EPC
- Check if any cost-effective works can be carried out (seek advice from surveyor)
- Check availability of exemptions (NB exempted properties may suffer stigma in lettings market)
- Review existing lease provisions
- Consider draft lease provisions for any new lease
- Consider upstream approach/protection against future 'ratings slips' / uplift in minimum standard
- Consider availability of tax reliefs and grant funding for Relevant Improvements.

8 Riverside Workshops

Summary of outcomes

HI Devon
For East Devon District Council

25 February 2016

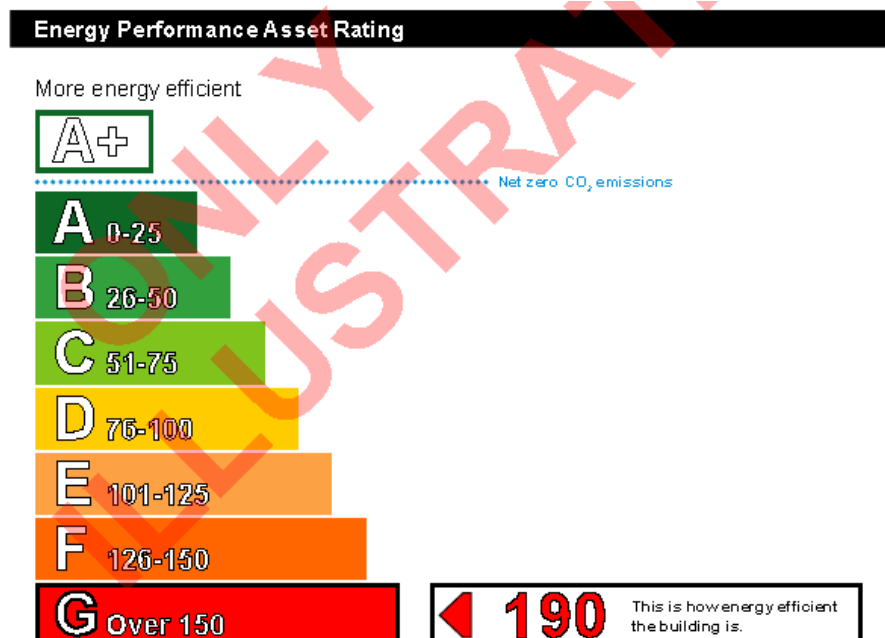


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1) As built (assumed original roof spec otherwise as current)

The following is as per current specification except the roof and roof lights are downgraded to the specification appropriate for original build date. This is the equivalent of the existing EPC created in the current software and to current conventions.



EPC England			Please note that these results only deal with criterion 1 of Part L2A
Building Emissions Rate (BER)	114.7 kgCO ₂ /m ² /yr	G	
Target Emissions Rate (Part L)	24.8 kgCO ₂ /m ² /yr	B	
Typical Emissions Rate (Typical)	72.6 kgCO ₂ /m ² /yr	E	
Standard Emissions rate (SER)	30.2 kgCO ₂ /m ² /yr	B-C	
EPC Rating	190	G	

Building Ratings (kWh/m ² /yr)					
	Notional	Reference	Actual	Difference Actual/Notional	Difference Actual/Reference
Heating	57.92	63.52	161.22	103.3	97.7
Cooling	0	12.83	0	0	-12.83
Auxiliary Energy	0	2.16	0	0	-2.16
Lighting	11.29	33.17	58.31	47.02	25.14
DHW	1.79	3.44	1.55	-0.24	-1.89
Total	71	115.12	221.07	150.07	105.95
Equipment	17.6	17.6	17.6	0	0
Total + Equipment	88.59	132.72	238.67	150.08	105.95
Displacement CHP	0	0	0	0	0
Total + Displacement CHP	71	115.12	221.07	150.07	105.95

2) As surveyed (EPC version if lodged)

The following is based on the specification at time of survey which incorporates the upgraded roof and roof lights and entered in accordance with current conventions. This is what an EPC lodged now would indicate.

I ran this model and it is coming up exactly the same as the "As Built". Not only is the EPC rating not changing but the calculated building emission rate is not changing indicating that the difference is less than 0.1 on the Building Emission Rate (BER) or less than 0.09% on the energy consumption of the building.

It is known that SBEM is much less sensitive to fabric improvements than it is to heating and lighting efficiencies but I have to say that I was very surprised to find that the upgraded roof and roof lights made no difference at all to the rating.

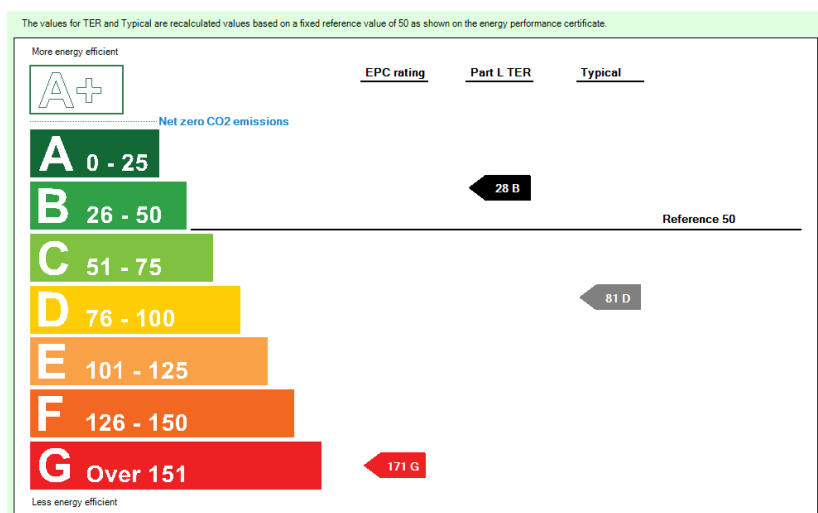
The original roof was assumed to have a U value of 0.45 based on the build date and the new roof has a U value of 0.16. Similarly the original roof lights were assumed to have a U value of about 2.7 and the new ones are believed to be in the region of 1.8

The fact that this makes no difference to the result indicates that fabric improvements, and in particular roof upgrades on relatively modern units are unlikely to contribute significantly to improving EPC ratings for 2018.

3) Workshop treated as unconditioned

The following is also based on the specification at time of survey which incorporates the upgraded roof and roof lights.

It is believed, but not yet guaranteed, that the conventions may soon be altered to allow a workshop of this type to be treated as unconditioned if it has no fixed conditioning equipment. *(Currently it is assumed that occupiers will condition it to provide a suitable working environment and assessors are required to assess on the basis that the only way to do this without “installing” something is plug in electric heaters).*



EPC England

Please note that these results only deal with criterion 1 of Part L2A

Building Emissions Rate (BER)	55.1 kgCO ₂ /m ² /yr	G
Target Emissions Rate (Part L)	8.9 kgCO ₂ /m ² /yr	B
Typical Emissions Rate (Typical)	26 kgCO ₂ /m ² /yr	D
Standard Emissions rate (SER)	16.1 kgCO ₂ /m ² /yr	B-C
EPC Rating	171	G

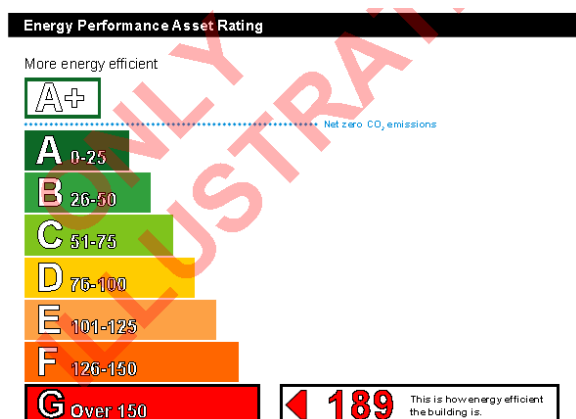
Building Ratings (kWh/m²/yr)

	Notional	Reference	Actual	Difference Actual/Notional	Difference Actual/Reference
Heating	8.14	9.05	46.29	38.15	37.24
Cooling	0	2.03	0	0	-2.03
Auxiliary Energy	0	0.14	0	0	-0.14
Lighting	11.29	33.17	58.31	47.02	25.14
DHW	1.79	3.44	1.55	-0.24	-1.89
Total	21.21	47.83	106.14	84.93	58.31
Equipment	17.6	17.6	17.6	0	0
Total + Equipment	38.81	65.42	123.74	84.93	58.32
Displacement CHP	0	0	0	0	0
Total + Displacement CHP	21.21	47.83	106.14	84.93	58.31

4) Upgraded lighting

Based on the current specification and the current rules for treating the workshop as conditioned, the following outputs are based on upgrading workshop area lighting from low frequency T8 to T5 and the WC light from tungsten GLS to CFL. The hand wash area has a CFL which is retained.

It should be noted that although LED lights would be expected to match or exceed the efficiency of T5 they are currently treated less favourably in the SBEM software and if the aim is to achieve maximum benefit to the EPC rating LEDs will not do so unless a full lighting design is carried out and the calculated data can be entered into the software – replacing the software assumptions.

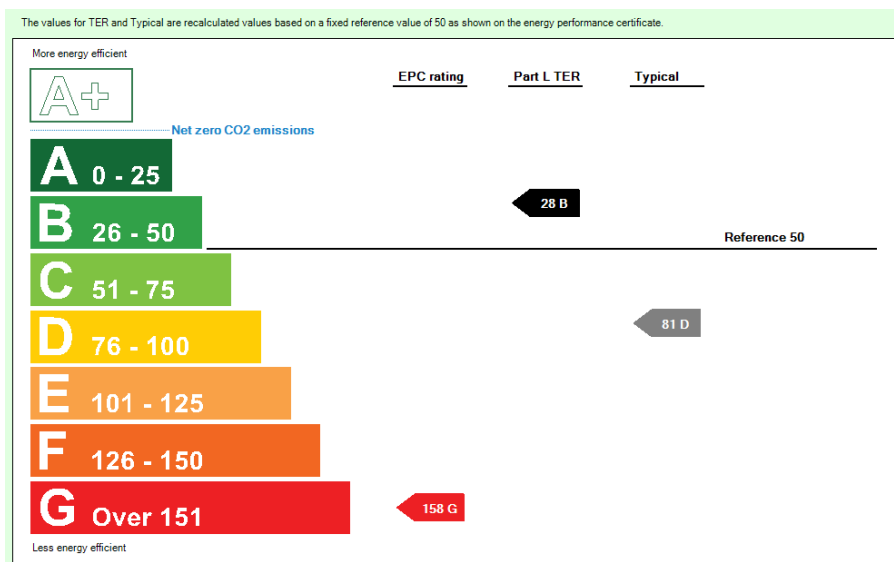


EPC England			Please note that these results only deal with criterion 1 of Part L2A
Building Emissions Rate (BER)	114.2 kgCO ₂ /m ² /yr	G	
Target Emissions Rate (Part L)	24.8 kgCO ₂ /m ² /yr	B	
Typical Emissions Rate (Typical)	72.6 kgCO ₂ /m ² /yr	E	
Standard Emissions rate (SER)	30.2 kgCO ₂ /m ² /yr	B-C	
EPC Rating	189	G	

Building Ratings (kWh/m ² /yr)					
	Notional	Reference	Actual	Difference Actual/Notional	Difference Actual/Reference
Heating	57.92	63.52	179.25	121.33	115.73
Cooling	0	12.83	0	0	-12.83
Auxiliary Energy	0	2.16	0	0	-2.16
Lighting	11.29	33.17	39.21	27.92	6.04
DHW	1.79	3.44	1.55	-0.24	-1.89
Total	71	115.12	220.01	149.01	104.89
Equipment	17.6	17.6	17.6	0	0
Total + Equipment	88.59	132.72	237.61	149.02	104.89
Displacement CHP	0	0	0	0	0
Total + Displacement CHP	71	115.12	220.01	149.01	104.89

5) Upgraded lighting and workshop treated as unconditioned

This has the lighting upgraded as above but also applies the treatment of the workshop as unconditioned which is currently not permitted but may soon become an approved approach.



EPC England

Please note that these results only deal with criterion 1 of Part L2A

Building Emissions Rate (BER)	50.9 kgCO ₂ /m ² /yr	G
Target Emissions Rate (Part L)	8.9 kgCO ₂ /m ² /yr	B
Typical Emissions Rate (Typical)	26 kgCO ₂ /m ² /yr	D
Standard Emissions rate (SER)	16.1 kgCO ₂ /m ² /yr	B-C
EPC Rating	158	G

Building Ratings (kWh/m²/yr)

	Notional	Reference	Actual	Difference Actual/Notional	Difference Actual/Reference
Heating	8.14	9.05	57.27	49.13	48.22
Cooling	0	2.03	0	0	-2.03
Auxiliary Energy	0	0.14	0	0	-0.14
Lighting	11.29	33.17	39.21	27.92	6.04
DHW	1.79	3.44	1.55	-0.24	-1.89
Total	21.21	47.83	98.03	76.82	50.2
Equipment	17.6	17.6	17.6	0	0
Total + Equipment	38.81	65.42	115.62	76.81	50.2
Displacement CHP	0	0	0	0	0
Total + Displacement CHP	21.21	47.83	98.03	76.82	50.2

a) Notes

- a) Fabric improvements to date (roof and roof light upgrades) have made no discernible impact to the rating.
- b) With the current treatment of workshops as having an assumed heating requirement lighting upgrades would also make little difference, presumably because lighting is a low proportion of the energy use relative to heating.
- c) If assessors are permitted to treat small scale workshops as unconditioned in the absence of fixed conditioning equipment it will make limited difference to the current specification rating.
- d) However, if the workshop can be treated as unconditioned and the lighting is upgraded, presumably since lighting is then the greater energy use, there is a significant benefit to the rating.
- e) There are no obvious upgrades to the building which are likely to be cost effective and beneficial for the occupier and that will achieve a rating for this building suitable for rental post 2018 unless alternative approaches to the assessment methodology can be approved.
- f) There are underlying reasons why the methodology appears to be creating results that are disproportionate for this type of building and I am engaged in ongoing debate with the relevant parties over this.

b) Background

This is a typical small (65m²) end of terrace starter unit which the planning website indicates was approved for construction in 1984. It appears to have partial fill wall insulation consisting of a phenolic foam type insulation board in the cavity against the inner skin.

The roof has been replaced with Trisomet 120 having a U Value of 0.16 and incorporating current specification triple layer roof lights.

This is a building which is relatively modern, has an enhanced specification roof by current building regulations standards and appears to be inherently fit for purpose.

Ian Sturt
25 February 2016
E&OE

Disclaimer

Reference to potential changes to the conventions is not based on personal involvement in the process as that knowledge would be confidential. It is based on the fact that at least one accreditation scheme has informed some of its members of the potential change.

	Site	Project Name
1	Honiton Leisure Centre	Resurfacing and replacement of lighting at Honiton Multi Use Games Area (MUGA)
2	EDBC & Tenanted Workshops	Energy Act and Energy Saving/Renewables Initiatives
3	Honiton and Sidmouth Swimming Pools	Pool Plant Filter Vessel Refurbishments at Honiton and Sidmouth Swimming Pools
4	Camperdown Depot and Phear Park Depot	Camperdown Depot and Phear Park Depot Premises Improvements
5	Exmouth Town Hall	Exmouth Town Hall External Repairs 2017

6	Magnolia Centre, Exmouth	Replacement of Exmouth Magnolia Centre Public Clock
7	Various	Re-roofing of seaside tenanted properties 2017-19
8	Allhallows Changing Rooms, Honiton	Refurbishment of Allhallows Pavilion (Changing Rooms)
9	Exmouth Town Centre	Replacement/Upgrade of Exmouth Town Centre CCTV System

10	Public Conveniences	Refurbishment of Public Conveniences 2018-20
11	Various LED	Energy Saving/Renewables Initiatives at LED sites

Description
<p>Honiton Leisure Centre has an outdoor games area for tennis and netball which is used by the community and the school. The playing surface is in poor condition and due for renewal (it has exceeded its design life of 10 years). The floodlighting is of old fashioned inefficient type, and has exceeded its design life of 15 years. Leisure East Devon Ltd have made a funding bid on EDDC behalf and have been successful in obtaining a Sport England contribution of £12K. Sport England would like this funding has to be spent by the end of April 2017.</p>
<p>1. Installation of roof mounted solar PV system and low energy lighting at East Devon Business Centre, Honiton. £60K (£5K per annum estimated savings). 2017</p> <p>2. Installation of low energy lighting in all of the Council's tenanted units at Millwey Rise Workshops Axminster, Salterton Workshops Budleigh Salterton, Riverside Workshops Seaton, and Manstone Workshops Sidmouth (a total of 41 no. units). £85K. 2018</p> <p>Salix Finance Ltd interest free loan part funding would be explored.</p>
<p>Refurbishment of pool filter vessels.</p> <p>The filter vessels are an integral part of the swimming pool water quality systems. They require refurbishment every 5-7 years. Honiton and Sidmouth were last done in 2010 so are now due (Exmouth was last done in 2015 so is not required).</p> <p>The filter vessels are large steel vessels that contain a sand filter media, which the swimming pool water is constantly cycled through to keep it clean.</p>
<p>1. Improvements to buildings and facilities at Exmouth Camperdown Depot, including additional water supply in yard, CCTV system, replacement of perimeter fencing, emergency lighting and fire detection systems in buildings. £42K</p> <p>2. Improvements at Exmouth Phear Park Depot, including replacement of gates to compound, and refurbishment of dilapidated and under-utilised store buildings. This is a logical next phase following on from the reconfiguration of the Phear Park Depot site as part of the new ATC Cadet Hut Project by Wessex RFCA. £62K</p>
<p>Cyclical external repairs, redecoration, and re-roofing at Exmouth Town Hall.</p> <p>The scope of the HQ relocation major refurbishment project is limited to internals only.</p> <p>The external mansard roofs, soffits (asbestos), fascias, rainwater goods, stonework, and external décor are due repair or replacement.</p> <p>There would be the option to defer the works by 12 months, as it is not currently H&S, but some of the elements are reaching poor condition, so we recommend that this work be carried out concurrently with the major refurbishment project. Thereby, when the building re-opens it will be in top condition and appearance, both inside and out. This project will require external scaffolding so, from a public perception, would also be better that this is done during the refurb project, rather than putting scaffold up 12 months later.</p>

<p>Replacement of Magnolia Centre Public Clock (00/0517I) in 2018. The clock is believed to have been originally manufactured and installed in 1979. It is now reaching the end of its life, is in poor condition, and of no architectural merit. The existing clock mechanism is quite likely to fail and its overall external appearance is already of detriment to its environment.</p> <p>As part of this project, we will seek a funding contribution from and possible transfer of asset to Exmouth Town Council or the owners of the Shopping Centre.</p> <p>We will also seek funding contribution from the private sector in the form of sponsorship.</p> <p>We would propose to hold a design competition to create a good news story about the project and to achieve a modern public realm that the Town can be proud of.</p> <p>An alternative would be decommissioning and complete removal of the clock, which would cost approx. £1K</p> <p>The clock currently costs approx. £300 per year in electricity supply costs.</p>
<ol style="list-style-type: none"> 1. Re-roofing of Seafeld Gardens Café, Seaton (LED) in 2017. The slate roof covering to this building is over 30 years old and in poor condition. 2. Re-roofing of Foxholes Chalet Beach Huts, Exmouth in 2018. The profiled metal roof cladding to these chalets is over 20 years old and starting to corrode and does not currently reflect the long term aspirations of the Queens Drive Regeneration plans. 3. Re-roofing, replacement of external wall cladding, and removal of asbestos at Octagon Kiosk, Exmouth in 2019. The felt roof covering and plastic wall cladding to this building is almost 20 years old and does not currently reflect the long term aspirations of the Queens Drive Regeneration plans. 4. Re-roofing of Foxholes Café, Exmouth in 2019. The timber shingle and felt membrane roof coverings to this building are over 20 years old and does not currently reflect the long term aspirations of the Queens Drive Regeneration plans.
<p>Refurbishment of Allhallows Pavilion/Changing Rooms (60/0148B) in 2018. The changing rooms were last refurbished in 1987. The works would comprise new floor and wall finishes, doors, sanitaryware, plumbing, heat source, and electrics. BCIS gives a typical life expectancy of 25 years for wall tiles, 20 years for sanitaryware, and 20 years for boilers.</p> <p>As part of this financial investment, EDDC would at the same time look to devolve ownership of the asset or increase the responsibilities that the Rugby Club has for it.</p> <p>An alternative would be demolition of the building and alternative use of the site. Demolition would cost approx. £10K.</p>
<p>Replacement/upgrade of cameras and recording equipment in Exmouth Town Centre. The existing infrastructure is over 10 years old and due for replacement within the next 5 years. Advances in technology mean that the new system will provide higher quality HD images and operate on a wireless network. As well as providing more flexibility on the location of the control room, this wireless network would remove the need for BT fibre optic cables, which currently cost £10K per year in line rental.</p> <p>As part of this financial investment, EDDC would at the same time look to devolve ownership and ongoing responsibility for this asset to Exmouth Town Council or a newly formed Exmouth CCTV Community Interest Company (CIC). EDDC currently provides a revenue budget of £28K per year to maintain the systems and pay for BT line rental and electricity etc.</p>

Re-commencement of the ongoing programme of refurbishments at Public Conveniences, starting with Magnolia Centre (London Inn Car Park) in January 2018 and then another in January 2020 (subject to Council Public Conveniences Policy which is due to be produced by Streetscene in near future).

Magnolia Public Conveniences is one of the busiest and heavily used in the district. It was last refurbished in 2003.

1. Installation of roof mounted solar PV system at Honiton Leisure Centre. £40K (£3K per annum estimated savings for LED). 2018
2. Installation of roof mounted solar PV system at Sidmouth Leisure Centre. £40K (£3K per annum estimated savings for LED). 2018
3. Installation of roof mounted solar PV system at Exmouth Pavilion. £40K (£3K per annum estimated savings for LED). 2018
4. Installation of roof mounted solar PV system at Exmouth Tennis Centre. £80K (£6K per annum estimated savings for LED). 2019
5. Installation of roof mounted solar PV system at Ottery Leisure Centre. £60K (£5K per annum estimated savings for LED). 2019
6. Installation of roof mounted solar PV system at Broadclyst Leisure Centre. £50K (£3K per annum estimated savings for LED). 2019

These schemes are most successful at sites with buildings that are orientated for maximum sunlight, have large simple roofs, that consume a considerable amount of electricity during the daytimes, and that have relatively new roof coverings.

Salix Finance Ltd interest free loan part funding would be explored.

Total Value	External funding	Year	Notes
42,000	12,161	2017/18	
147,500	-	2017/18	
40,000	-	2017/18	
106,000	-	2017/18	
60,000	-	2017/18	

38,000	-	2017/18	This bid was declined in previous years
85,000	-	2017-19	
71,000	-	2018/19	This bid was declined in previous years
90,000	-	2018/19	

200,000	-	2018-20	
312,500	100,000	2018-20	