Notice of Decision Taken by Portfolio Holder/Leader of the Council Between Meetings of the Cabinet

(Please read the attached guidance notes before completing this notice)

A. Decision taken by: Councillor N S Kenton, Portfolio Holder for Environment, Waste and Planning

B. Part of the Constitution authorising decision:

Part 3 (Responsibility for Functions); Section 3C; paragraph 13 (Responsibility for Executive Functions)

C. (a) Subject (including whether it is a Key Decision and included within the Notice of Forthcoming Key Decisions):

Kent and Medway Green Deal Partnership (KMGDP)

This is not a Key Decision.

(b) Is the decision likely to disclose exempt information?

No

D. Decision:

(a) To commit to, and support the work of, the KMGDP.

(b) To approve the terms of reference and proposed governance arrangements for the KMGDP (attached at Appendix A) and authorise the Director of Environment and Corporate Assets to sign the Memorandum of Understanding (subject to any further comments from Legal and other Officers on a final draft).

(c) To authorise the Director of Environment and Corporate Assets to (i) execute the service contract with Enterprise Utility Services Ltd to deliver the Warm Homes ECO pilot, and (ii) enter into any future Green Deal/ECO initiatives.

E. Reason(s) for decision (including why the decision cannot wait until the next meeting of Cabinet (or Council where appropriate)):

The Green Deal is the Government’s flagship programme to drive the retrofit of properties with energy efficiency measures nationally. The KMGDP has been set up to maximise the amount of Energy Company Obligation (ECO) funding levered into Kent. It brings together, at a strategic level, all the key partners who are essential for the delivery of a successful retrofit, energy-saving programme.
Initially, 5 pilots have been identified in Kent. Work on these pilots is scheduled to be carried out over the next 12-18 months, and the estimated cost of the pilots is around £11-12 million. Dover has been chosen as one of the pilot areas, with the wards of St Radigund’s, Tower Hamlets, Buckland and Aylesham being selected due to the ability to attract the most ECO funding. It is anticipated that approximately 200 homes in the pilot areas will have measures installed.

As the initial ECO period is from 2013 to March 2015, there is a need to move quickly in order to ensure Dover and Kent residents benefit from as much of the ECO funding as possible. It is hoped that Dover will start the initial engagement with residents during the summer, with a view to pilot homes having measures installed and works completed by autumn 2013. This will help them to achieve affordable warmth for the coming winter, and enable the roll out of the scheme to more homes across the district and county.

The Chairman of the Council has agreed to suspend call-in since any delay would mean the timescales outlined above for communication and installation of energy efficiency measures would not be met, thus affecting the number of residents helped to achieve affordable warmth in time for the forthcoming winter.

F. Details of alternative options considered and rejected:

The Council could decide not to become a partner of the KMGDP and thereby would miss the opportunity to access considerable funding aimed at reducing carbon emissions, alleviating fuel poverty and assisting vulnerable residents to achieve affordable warmth.

G. Any interest declared by the decision-taker or any Executive Member who is consulted by the decision-taker:

None.

H. Where a conflict of interest has been declared, details of any dispensation granted by the Monitoring Officer:

None.

I. Background Documents:

- Cabinet Report (attached)
- Partnership Structure and Terms of Reference (Appendix A)
- Letter to Kent Chief Executives from Graham Harris, Chair of KMGDP (Managing Director, Dartford Borough Council)
- Letter to Kent District Leaders from Cllr Andrew Bowles, Chair of the Kent Environment Champions Group (Council Leader, Swale District Council)
- Climate Local Kent Commitment Cabinet Report – 4 March 2013

Amanda Martin has copies of documents not attached should you wish to view them.
J. Decisions within the Budget or Policy Framework taken by the Portfolio Holder (or Leader of the Council) between Meetings of the Cabinet (Part 3, Section 3C, paragraph 13 - General Responsibilities Delegated to All Members of the Executive)

I confirm that the decision-taker has taken the decision in consultation with me.

Signed: ___________________________ Dated: ____________________
(Leader of the Council or Deputy)

K. Decisions outside the Budget or Policy Framework taken by the Portfolio Holder (or Leader of the Council) between Meetings of the Council (Part 4, paragraph 4 – Budget and Policy Framework Procedure Rules)

Please give reasons why it is not practical to convene a quorate meeting of the Council or General Purposes Committee to take the decision.

Not applicable.

I have given my consent to the decision being taken as a matter of urgency.

Signed: ___________________________ Dated: ____________________
(Chairman of the relevant Scrutiny Committee)

L. Urgent decisions not subject to call-in

I confirm that this decision is an urgent one and should not, therefore, be subject to call-in.

Yes

Signed: ___________________________ Dated: ____________________
(Decision-taker)

On the advice of the decision-taker, I agree that the decision is reasonable in all the circumstances and, as a matter of urgency, should not be subject to call-in.

Yes

Signed: ___________________________ Dated: ____________________
(Chairman/Vice-Chairman/Head of Paid Service or their nominee)

(Please note that M-O relate to Key Decisions not in the Notice of Forthcoming Key Decisions (Part 4; Rules 15 and 16 of the Access to Information Procedure Rules))

M. Reason(s) for General Exception/Special Urgency (i.e. why the decision was not included in the current Notice of Forthcoming Key Decisions and why it would be impracticable to defer the decision until the period covered by the next Notice)

Not applicable.
N. Notice of use of General Exception Procedure (to be followed where at least five clear days will have elapsed between issuing a General Exception Notice and informing the Chairman of the relevant Scrutiny Committee, and the Key Decision being taken)

I have informed the Chairman of the relevant Scrutiny Committee.

Not applicable.

Signed: _______________________________ Dated: __________________________

O. Agreement to use of Special Urgency Procedure (to be followed where it is not possible to give five clear days’ notice that a Key Decision will be taken)

I agree that the taking of the decision cannot reasonably be deferred.

Not applicable.

Signed: _______________________________ Dated: __________________________

(Chairman of the relevant Scrutiny Committee)

Signed: _______________________________ Dated: __________________________

(Decision-Taker)
Subject: THE KENT & MEDWAY GREEN DEAL PARTNERSHIP

Report of: Roger Walton, Head of Environment and Corporate Assets

Portfolio Holder: Portfolio Holder for Environment, Waste and Planning

Decision Type: Non-Key Decision

Classification: Unrestricted

Purpose of the report: To explain the work of the Kent & Medway Green Deal Partnership (KMGDP), and seek Cabinet agreement to commit to the Partnership, support the implementation of a ‘Warm Homes’ ECO pilot scheme in Dover district and any subsequent programmes of this type.

Recommendation: Cabinet are asked to confirm agreement to:-

1. Commit to and support the work of the KMGDP

2. Approve the terms of reference and proposed governance arrangements for the KMGDP (attached at Appendix A) and authorise the Director of Environment and Corporate Assets to sign the Memorandum of Understanding (subject to any further comments from Legal and other Officers on a final draft)

3. Authorise the Director of Environment and Corporate Assets to: Execute the service contract with Enterprise Utility Services Ltd to deliver the Warm Homes ECO pilot, and enter into any future Green Deal/ECO initiatives

Summary

The KMGDP has been established to work in parallel with the Government’s flagship ‘Green Deal’ programme and to enable Kent to maximise the amount of Energy Company Obligation (ECO) funding levered into the County and to secure additional benefits at the district and County level that large scale energy saving programmes would bring. The KMGDP is a broad partnership reflecting the multifaceted nature of the Green Deal and reports back to the Kent Leaders Group. A Project Board has been set up to oversee the programme as a whole and enable key decision making. Key decisions will be made through the Project Board with consultation and ratification by the partnership group as a whole.

The KMGDP is currently taking a lead role in the implementation of a Warm Homes ECO pilot scheme which will provide eligible households with energy saving improvements at no cost to the resident. The scheme was launched by the Government in January 2013 and funding is provided by N Power. Dover is one of 6 district councils which have been identified as pilot areas for the project to be rolled out.
2. **Introduction and Background**

2.1 The Green Deal is the Government’s flagship programme to drive the retrofit of properties with energy efficiency measures nationally. The Green Deal is made up of two parts:

(a) The Energy Company Obligation (ECO) – the large energy companies are obligated to pay for their carbon emissions by funding energy efficiency improvements in homes to the value of approximately £1.3bn a year.

(b) Green Deal – a new finance mechanism will allows householders to make energy efficiency improvements to their home with no upfront cost, paying for them through their energy bill.

2.2 The KMGDP has been set up to maximise the amount of the £1.3bn a year `ECO’ funding levered into the county of Kent. It brings together, at a strategic level, all the key partners who are essential for the delivery of a successful retrofit, energy saving programme.

2.3 The purpose of the KMGDP is not only to ensure maximum `ECO’ funding for Kent residents but also secure additional benefits from a large scale programme of retrofit. It is not simply about physical measures, but low carbon regeneration with retrofit at its core and includes the ability to:

(a) Save residents money, tackle fuel poverty and improve the health of vulnerable residents.

(b) Ensure residents and businesses get a clear and consistent message about the Green Deal and the best options available to them

(c) Maximise benefits for local businesses and SMEs, and take advantage of economic growth and opportunities in the sector

(d) Improve the links between industry, skills and training providers including apprenticeships.

(e) Reduce carbon emissions in Kent & Medway

2.4 The KMGDP has developed a two phase programme of activity:

2.5 Phase 1 – March 2013-2015 (Initial ECO period) KCC on behalf of the KMGDP will engage with an ECO provider to help facilitate early pilot projects (Enterprise were procured formally through the OJEU process). Enterprise are a large national company with experience in delivering a wide range of contracts across the UK for clients. nPower and Enterprise have come together to form a strategic partnership to deliver Green Deal and ECO across the UK. Enterprise will provide supply chain management and delivery (End to end customer journey – pre-assessment – EPC – technical survey – installation - aftercare ) whilst nPower will have financial leverage through ECO obligations and The Green Deal Finance Company

Initially 5 pilots have been identified in Kent. Work on these pilots is scheduled to be carried out over the next 12-18 months, and the estimated cost of the pilots is around £11-12m. Dover has been chosen as one of the pilot areas, with the wards of St Radigunds, Tower Hamlets, Buckland and Aylesham being selected due to the ability to attract the most ECO
funding. It is anticipated that approximately 200 homes in the pilot areas will have measures installed.

The expansion of the programme outside the pilot areas 5000+ homes over the initial eco period (to March 2015) will result in far greater value (up to £40m). It is anticipated that the total cost of these pilots will be covered by the ECO provider.

Phase 2 – 2015 onwards Consolidation of the process across Kent and Medway and the establishment of a long term relationship with an ECO funder and/ or Green Deal Provider.

2.6 KMGDP will work with Enterprise to :-

- Maximise the benefits for local business and SMEs, including the generation of new job opportunities
- Generate higher levels of local economic growth
- Improve the links between industry and skills training providers, including the introduction of more effective apprenticeship and training programmes
- Develop opportunities around research and development activities and the supporting of the local supply chain.

2.7 Initial engagement with residents in Dartford has already commenced. The Gravesham and Swale pilots are due to start in the near future, with Dover, Medway and Thanet following shortly.

2.8 A Memorandum of Understanding setting out the key aims of the project, the principles of collaboration and the governance structures of the KMGDP is being prepared by KCC in readiness for circulation, agreement and signature by all Partners.

2.9 The Council’s commitment to the Warm Homes ECO pilot scheme will be related to supporting the marketing campaign by identifying key contacts and stakeholders, responding to general enquiries and identifying both social housing and private sector housing that would potentially be eligible for energy saving improvements.

2.10 There is no financial commitment for pilot Councils and it is anticipated that a number of the Council’s own properties would benefit from the improvements.

2.11 The aims of the KMGDP supports :-

- Priority action outlined in the Council’s Corporate Plan (Increasing funding into the district (Council or Communities)
- Actions and targets set out in Climate Local Kent (Approved by Cabinet 4 March 2013)
- Kent Environment Strategy ( Approved by Cabinet in July 2011)
- The Green Deal programme
- Climate Change Act 2008
3. **Identification of Options**

3.1 Option 1. Decide to not to work in partnership with KMGDP and not participate in the pilot schemes.

Option 2. Agree to DDC partnering and supporting the work of the KMGDP in accordance with the terms of reference and memorandum of Understanding and to enter into the Service Contract with Enterprise in order to facilitate the implementation of the Warm Homes ECO pilot scheme in Dover district.

4. **Evaluation of Options**

4.1 Option 1. This is not a preferred option because:

- Dover would miss the opportunity to access considerable funding aimed at reducing carbon emissions, alleviating fuel poverty and assisting vulnerable residents to achieve affordable warmth both in the social and private housing sector.

Option 2. This is the preferred option because:

- The Warm Homes ECO pilot scheme will improve the energy efficiency of the housing stock in Dover district, including the Council’s own homes and will help tackle the problem of fuel poverty in the district.

- It will secure significant investment in the district and should benefit local suppliers and will offer training/apprenticeship opportunities.

- Dover, as Energy Conservation Authority, has a statutory duty under the Home Energy Conservation Act (HECA) to act on reducing fuel poverty, reduce carbon emissions, and assist householders to achieve affordable warmth.

- the KMGDP is a key initiative which will help to achieve and deliver targets/actions outlined in International legislation for carbon reduction, National policies and programmes and local strategies and plans (outlined in 2.8 above).

- KMGDP reports to the Kent Leaders Group, and representatives of the Kent Chief Executives, Kent Environment Champions Group and Kent Housing Group are members of the partnership.

4.2 Partnership working affords a better opportunity to attract more funding into the District. A strong partnership approach and shared resources enable projects of this scale to be realised with reduced staff levels at district level.

5. **Finance Summary**

5.1 It is anticipated that the total cost of the energy efficiency measures being installed in the pilots will be covered by the ECO provider. The pilots and future energy efficiency programmes will have resource implications for existing Council staff, in particular the Private Sector Housing Manager, members of the Private Sector Housing team and the Climate Change and Energy Conservation Officer.
6. **Corporate Implications**

6.1 Comment from the Director of Finance (linked to the MTFP): Accountancy has been consulted and has no further comment to add (DL)

6.2 Comment from the Solicitor to the Council: The Council’s Legal Advisor has been involved in the production of this report and has no further comment.

6.3 Comment from the Equalities Officer: No adverse impact has been found and that the Equality Impact Assessment (forwarded electronically). The Equality officer has been consulted during the development of this report and has no further comments to make other than to remind members that in discharging their responsibilities they are required to comply with the public sector equality duty as set out in section 149 if the Equality Act 2010 [http://www.legislation.gov.uk/ukpga/2010/15](http://www.legislation.gov.uk/ukpga/2010/15)

7. **Appendices –**

Appendix A – Terms of Reference

8. **Background Papers**

– Letter to Kent Chief Executives from Graham Harris, Chair of KMGDP (Managing Director, Dartford Borough Council)

– Letter to Kent District Leaders from Cllr Andrew Bowles, Chair of the Kent Environment Champions Group (Council Leader, Swale District Council)

– Climate Local Kent Commitment Cabinet Report – 4 March 2013

Amanda has copies of these documents should you wish to view them.

Contact Officer: Amanda Martin Climate Change and Energy Conservation Officer, Extn 2128.
Kent and Medway Green Deal Partnership
Governance structure and terms of reference

This document provides a summary of how local authorities and their partners will work in partnership to develop and deliver a Green Deal for Kent and Medway homes and businesses. It includes a method for future working, including governance and terms of reference.

Background
The Green Deal is a new finance framework that will provide householders and businesses with the upfront capital to carry out energy efficiency improvements to their property, with the finance repaid through the savings made on their energy bill. The Green Deal will not only provide an opportunity to significantly improve the energy efficiency of local homes and businesses, but with thousands of Kent and Medway properties requiring insulation, the Green Deal also offers an opportunity for the partnership to help drive economic growth, unlocking millions of pounds worth of investment and supporting thousands of jobs.

Role
The scope of the Green Deal means there are opportunities for business, education, housing, health, welfare, communities and the environment. Whilst some sectors could attempt to deliver these opportunities alone, there are many areas where progress could be enhanced through a collective approach and use of resources. Working alongside a range of stakeholders, the partnership will:

1. Develop an action plan for Kent and Medway to best exploit the opportunities of Green Deal and the Energy Company Obligation.
2. Coordinate the action plan’s delivery and monitor performance.
3. Oversee the planning and procurement of Green Deal Provider(s), securing the best Green Deal offers for Kent and Medway residents and businesses.
4. Support the innovative use of funds to deliver Green Deal opportunities, including the identification of external funding sources or the development of Kent and Medway specific funding mechanisms.
5. To advise on and oversee the development of Kent and Medway-wide communications on the Green Deal.
6. Identify and manage risks to non-delivery by monitoring the risk register.
7. Take a holistic view of Green Deal policy, mapping out joint and shared outcomes and identifying the scope for collaboration.
8. Build upon the successful initiatives and excellent partnerships that are already established and utilise their strong local expertise and knowledge.
9. Encourage partnership members to act as champions for the Green Deal within their respective organisations.

Members will need to represent both the individual needs and concerns of their organisation and those of the collective industry or sector in which that organisation belongs.
**Structure**
To ensure consistency, the partnership’s structure will mesh with the existing governance structures developed to deliver strategies such as the Kent Environment Strategy and Kent and Medway Housing Strategy. The partnership will therefore include members of the Kent Environment Champions Group and Kent Housing Group, ultimately reporting back to the Kent Forum. A project board will also be set up to oversee the programme as a whole and enable key decision making. Key decisions will be made through the project board with consultation and ratification by the partnership group as a whole. Any communications, minutes and agendas from the board will be circulated to all partnership members and comments will be sought prior to meetings. Through a transparent communication network, all stakeholders will have the opportunity to be involved and will be able to track the partnership’s achievements.

The Kent and Medway Green Deal partnership will be a broad partnership reflecting the multifaceted nature of the Green Deal. In addition to the partnership, smaller working groups may be established to oversee day-to-day delivery of specific work packages within the action plan, for example around supporting the local economy, working with registered housing providers and communicating key messages.

**Kent and Medway Green Deal Partnership terms of reference**

**Overarching purpose**
The Kent and Medway Green Deal Partnership is an executive level group providing overall direction to the establishment of a Green Deal for Kent and Medway. Its overarching purpose is to support opportunities that can be developed in partnership, to agree shared priorities, and to identify and resolve risks and barriers that could jeopardise the best Green Deal offers being obtained by Kent and Medway residents and businesses.

Where it is unable to resolve matters it will make recommendations to the Kent Environment Champions Group. It will call upon specialist knowledge when required and establish working groups to undertake specific activities as necessary.

**Key aims:**
- To ensure residents and businesses get a clear and consistent message about what Green Deal is and the best options available to them
- To tackle fuel poverty by drawing in as much ECO and other funding to Kent as possible
- To support our local network of SMEs to be ‘Green Deal Ready’ and take advantage of economic growth and opportunities in the sector
- To reduce carbon emissions in Kent & Medway

**Membership**
Kent County Council, Medway Council, Ashford Borough Council, Canterbury City Council, Dartford Borough Council, Dover District Council, Gravesham Borough Council, Maidstone Borough Council, Sevenoaks District Council, Shepway District Council, Swale Borough Council, Thanet District Council, Tonbridge & Malling Borough Council, Tunbridge Wells Borough Council, Kent and Medway NHS, South East Water, Southern Water, Affinity Water SE, Amicus Horizons, East Kent Housing, Golding Homes, MHS Homes, MOAT Housing, Orbit South, Town & Country Housing Association, West Kent Housing, National Landlords Association, ACRK, Federation of Small Businesses, Business Support Kent CIC, and SUSCON. Other appropriate members will be invited as identified.

The Partnership will be supported by KCC’s Green Deal Partnership Manager.
Frequency of meetings
The full partnership will meet twice a year, with the majority of communications taking place virtually. A project board will be agreed and smaller working groups will be established as necessary.

Communications
All stakeholders need to feel engaged with the partnership’s work programme and discussions. It is therefore necessary to establish an effective two-way communications network that enables everyone with an interest in the Green Deal to stay in touch with developments. A Green Deal portal on Kent Connects will be set up to ensure monitoring reports, papers and meeting minutes are available to all. There will also be an obligation on partnership members to seek the views of the bodies they represent prior to meetings and to feedback to these bodies after meetings.

Kent and Medway Green Deal Partnership Project Board

Purpose and representation
The Project Board will oversee implementation of key actions agreed by the partnership. It will for a decision making group able to act quickly to take advantage of funding opportunities and progress projects rapidly. The group will meet every eight weeks initially, with the option to remove meetings or insert new ones depending on project progress or the need to address particular issues. The group will report to the Kent and Medway Green Deal Partnership and through them to the Kent Leaders.

Group membership will include, Kent County Council, Medway Council, District representation from the pilot areas and for North, West, East and Mid Kent, Housing Technical Group, Kent and Medway NHS, Registered Housing providers (Amicus Horizons and the South East Consortium), National Landlords Association, Voluntary section (ACRK) and the ECO funding provider.

Representation from local business support groups, educational establishments and water companies will be sought for specific items when relevant.

As consultants working on the ECO pilots and the ECO funding provider, E3 and Enterprise representatives will be co-opted members of the project board and will attend future meetings to input into the development of the ECO projects and rollout of ECO across Kent. As the funding provider Npower representatives will also be co-opted members.