



A grassroots campaign taking action against mammoth fuel bills and working towards an affordable, sustainable and democratic energy system

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Response to the Mayor's draft Fuel Poverty Action Plan for London

Thousands die every year in the UK because they cannot afford to heat their homes. In London, the draft Fuel Poverty Action Plan document estimates 1,300 – 4,000 such deaths between 2011 and 2016 -- totally unacceptable tragedies taking place all around us, in a city with great wealth. Many thousands more suffer ill health and lasting damage to their education, work, prospects and relationships. We are therefore very glad to see an action plan on fuel poverty for London.

There is much in the Action Plan that we very much welcome, including recognition of the need for strong action against bad practice in the private rented sector, the proposal for a London Borough Private Sector Partnership to increase the enforcement powers of London councils, the GLA's pledge to directly invest in energy efficiency programmes, and your commitment to put pressure on central government for badly needed changes in their policies.

On a number of specific issues, however, we do not think Londoners will be adequately protected. And on one particular point, estate regeneration, we believe the Mayor's policies actually put more Londoners at risk.

We thank you for this opportunity to contribute our experience.

1. Prepayment Meters

The Draft Action Plan says you would *"Lobby for more responsible tariff provision by energy companies, including **ending the use of prepayment meters.**"*

We agree that prepayment meters (PPMs) should not be imposed on people who don't want them. Those forced onto PPMs are often made to also pay off their arrears at a higher rate than others would have to. Sometimes the imposition of PPMs occurs violently, through home break-ins, and sometimes it occurs in contravention to the law, which states PPMs should only be used when they are "safe and reasonably practicable" – this is often not the case for people who are elderly, ill or disabled (see [our submission to the CMA re prepayment meters](#)). PPM users suffer the additional cost, inconvenience, and sometimes serious difficulty, of travelling to top up their key or card, and the nightmare of seeing their power cut off – no fridge, no phone top-up, no heat, no light -- when they cannot top up. Very often, a PPM is imposed in order to collect debt, and the debt collection rate is frequently more than customers can afford, forcing them to either go without heat and power, or prioritise feeding their meter above feeding their children or paying the rent.

However, **some people on low incomes actually prefer PPMs**, as they feel meters help them budget more effectively, and balancing competing demands on a budget is bearing down heavily on many. With the recent price cap, PPMs are no longer *necessarily* more expensive, although they may again become so, if default tariffs are capped for users of credit meters. **We therefore do not agree that PPMs should be eradicated, only that people should not be compelled to use them, and should be supported to move on to a credit meter where they so desire.**

The GLA should **publicise customers' rights to negotiate payment at a pace they can afford, and support people taking up these rights.** The GLA should also help establish in Local Authority and HA housing policy that at the time of **change of tenancy**, new tenants should not by default or against their wishes take on a PPM from a previous tenant (which in practice sometimes includes taking on their debt!). Nor should they be put on a PPM because it is estate policy. PPMs should not be the default.

2. Incomes

We welcome your focus on ensuring that people in fuel poverty are fully informed about benefits and any other help they are entitled to, and your commitment to the London Living Wage. The more that can be done to support workers in London organising for the London Living Wage, the better. In particular, the Mayor has influence over London's councils, [about half of whom still do not pay the London Living Wage themselves](#). This also gives businesses in these areas an argument against implementing the London Living Wage.

Many asylum seekers, however, have access to no benefits at all, while others receive only £35 per week. They are not allowed to take paid employment. In the face of brutal central government policies, the GLA must take responsibility for Londoners, including children, elderly, disabled or ill or survivors of torture, who may be literally freezing, and hungry.

3. Public services

We appreciate the intention and financial commitment to support the roll-out of services, including home-visiting services, which can offer advice not only on energy efficiency and fuel bills but also on benefits, water saving, fire safety, and more.

We would add that fuel poverty is greatly increased, and its effects magnified, by the loss of other life-saving public services. Homecare can make the difference between someone living or dying in a cold home, day centres and pensioners' clubs provide a warm place to spend time and often offer low cost food, libraries provide warmth and information, and advice centres provide access to rights. Protection of these life-saving services should be part of any fuel poverty action plan.

4. Private Rented Sector

We appreciate the recognition in the FPAP of the steadily increasing proportion of Londoners in the private rented sector, and of the additional advantage this conveys upon landlords due to the PRS being a "seller's market", dis-incentivising them from properly maintaining, improving and insulating their housing stock.

4a. Enforcement

We are wholly in support of the notion of improving enforcement against private landlords who do not meet legal requirements, and giving the HHSRS of the 2004 Housing Act, for example, actual teeth. Given that many households with an EPC of F or G constitute a Category 1 Hazard, and that this is the single best indicator that a household is in fuel poverty, issuing landlords in possession of said housing stock with orders to improve their properties would be a powerful tool for combating fuel poverty.

The problem, as you note, is in the resourcing of the enforcement of this legislation. We agree that a self-funding **licensing** scheme is the best way to secure this. We strongly support your view that *"all councils who can evidence the need for a scheme should be allowed to adopt one"*, and the Mayor's intention to call on government *"to devolve to him responsibility for considering and approving selective licensing schemes"*, and to try to ensure that *"all licensing schemes adopt a common*

approach, including how to tackle energy inefficient homes". High energy efficiency standards should be a condition of licensing. Licensing has the huge advantage that all homes would be inspected, and no blame could be attached to individual tenants for reporting their landlords' negligence or crimes. The fear of eviction, or of having the rent increased, is a major obstacle to tenants seeking relief from cold housing.

We note that the government's Committee on Fuel Poverty also recommend in this year's [Annual Report](#) that "a prerequisite to being allowed to let a property is that the landlord has to be licensed and appear on a national register." They say, "in areas where there are fewer problems, local authorities may feel that a scheme adds unnecessary costs – to the authorities to administer, and to the landlords paying the fees. Nevertheless, on balance our view is that a scheme could be introduced at relatively low cost to authorities and to landlords (for instance, one such existing scheme costs landlords £500 for five years per property)."

We would be glad to publicly add our voice to your lobbying on the licensing issue. But we are not confident of success. You will be aware that in 2015, the government turned down Redbridge's borough-wide licensing scheme and wrote to town halls warning that the "blanket licensing approach" creates "unnecessary costs for reputable landlords", which, they claim, are generally passed on to tenants in higher rents ([Guardian, 30/09/17](#)).

We also support the proposal for the Mayor to **lobby central Government to "provide funding to strengthen enforcement capacity and skills within local authorities"**. Again, given the current climate, we do not expect this to be successful.

And yet, enforcement is clearly an essential - and life-saving - tool in the utility belt of London's local authorities. We therefore believe that the Mayor, committed as he is to tackling fuel poverty in the Private Rented Sector, **should find GLA funds to improve enforcement across the capital**. This would dovetail with the new London Borough Private Rented Sector Partnership, through which a programme of escalated enforcement could be co-ordinated. This Partnership could then also undertake the production of "guidance as to which officers within local authorities should take on the responsibility for enforcement, or how enforcement action should be conducted".

Without direct funding from the GLA, enforcement of standards, the essential pre-requisite for dealing with high bills and carbon emissions, will continue to simply not happen.

4b. Minimum Energy Efficiency Standards (MEES)

We are glad that the Mayor plans to pressure central government over the loophole in the Minimum Energy Efficiency Standards, which permits landlords exemptions from improving properties of EPC rating F or G should it cost anything upfront or on balance. With all public assistance out to pasture, and the privatised Green Deal insufficient in many cases ([10:10 briefing October 2017](#)), landlords are widely eligible for this exemption. Worse still, even ineligible landlords may achieve exemption, simply because the provision of evidence is *optional*, and local authorities do not have the resources to challenge suspect applications. The September [10:10 briefing](#) on this subject notes that "the total cost to private landlords to bring properties up to band E is less than half the avoidable cost in high bills that vulnerable tenants can expect to pay over the next five years."

Therefore, it is encouraging to see that the Mayor intends to "*call on the government to urgently review the regulations*", and to "*clarify enforcement requirements and provides the necessary resources for already stretched London boroughs to police them effectively.*" There is some hope of change here as the government has committed, in its Clean Growth Strategy, to revisiting MEES; this includes the question of MEES standards being extended to social housing (see below) and we hope

you will include this in your lobbying. Crucially, HMOs, which often have the worst (and most overcrowded) conditions of all, should also be included.

In the meantime and as recommended above, better enforcement (via HHSRS for example) could take up some of the slack left by this failed legislation.

4c. Other proposals

We also support plans for a **database of landlords and letting agents with criminal offences**. Once launched, this should be communicated across the city, using the GLA's visual space, both in order to inform potential tenants how they might avoid the worst offenders (and to encourage them to use the reporting tool discussed), and to emphasise to landlords and letting agents acting unlawfully that they face being named and shamed.

We also agree with a **"whole-house"** approach to energy efficiency programmes, but would seek to extend it to "whole street", "whole building", and "whole block" (see section 5a).

4d. EPC Standards

It is painfully apparent that with current levels of government funding and enforcement, London, and the UK as a whole will fall far short of the government's own targets in reaching EPC standards by the required milestone dates. BEIS projects that the fuel poverty statistics published in 2019 will show only 11% of fuel poor homes at Band C or above.

However, the targets themselves fall far short of what is needed both from a climate point of view, and for prevention of fuel poverty, especially with the caveat "as many as reasonably practicable", and the limitations in how EPC inspections are actually carried out. Many residents have told us that EPC data are very far from being accurate reflections of what they need to spend on heat, being based on fairly cursory inspections and knowledge of building types.

We support the recommendation of the LETI report, [Getting to Zero](#), endorsed by many large and relevant public and commercial bodies. for "All new developments to be net zero energy," and "A minimum EPC of B for existing buildings where new leases are agreed" (p.35). We believe this should also apply where new *tenancies* are agreed. With the above programme in place, concretised by London-wide licensing systems and proper enforcement, the Mayor could put us on a trajectory to meet the LETI recommendation in the main by 2030, financed as far as possible by landlords themselves.

Doing so is in all our interests. Strengthening energy efficiency standards not only alleviates the suffering caused by fuel poverty, but furthers national and regional objectives relating to carbon-emissions reduction, industry growth, job creation, improvement in air quality, and reducing strain on the NHS and other social services.

5. Targeting in the private rented sector

5a. Area-based energy efficiency retrofit

We appreciate your intention to focus energy efficiency measures on those households who need it most, and in particular the plan to *"utilise new government data that identifies the location of houses with poor energy performance"*, and to *"make available a new open-source pan-London **EPC data** model in 2018, to help boroughs drive better long term of interventions at a property level."*

However, targeting on the basis of the energy efficiency of buildings, and adopting a **"whole house"** approach, should lead to improvements being brought in on an **area-wide, street, or block** basis,

which is far more efficient - and also more socially acceptable - than targeting one home in a block and leaving the one next door.

In responding to your environment strategy, we strongly supported the development of “innovative area-based energy efficiency retrofit approaches, recognising the mix of tenure in London, so that owner occupiers, social landlords and private sector landlords can better benefit from funding opportunities, economies of scale and streamlined planning”. While fuel poverty is often used as an argument for spending resources on identifying and “targeting” individual households, a community based street by street, block by block approach -- what leading fuel poverty expert [Brenda Boardman](#) refers to as a community-wide, inclusive scheme -- has many advantages in terms of efficiency and in terms of how the project is viewed and received. The disruption caused by retrofitting can be considerable, and many people do not want to be “targeted”. Moreover, people in poor and insecure accommodation are likely to move house, to another freezing property, which will not have been “targeted” as “fuel poor”.

The stage by stage approach promoted by central government is also inherently wasteful and intrusive, requiring the same home to be identified and then retrofitted with energy saving measures again and again to reach a minimum C grade by 2030.

5b. Publicity and protection

It is not uncommon for government departments who spend large sums and much time and effort identifying the “neediest” to also ignore or rebuff the people who are begging them for help, and are also very much in need. It is crucial that energy efficiency measures of all sorts should be available to people who ask for them, and should be well publicised to the people who most need them, including publicity in multiple languages, and formats accessible to disabled people, promoted in every possible way -- from libraries and mail-shots to bus shelters. Vitality, this must include reliable **assurances of confidentiality** for anyone who reports a draughty, damp, mouldy, or poorly insulated home. If landlords are approached independently by a local authority, or by retrofitters working in an area, without specifying that there has been contact from tenants, this could be a crucial protection, which would greatly bolster uptake of the scheme.

6. Social housing

While we recognise that the Private Rented Sector is deserving of specific consideration, action is equally crucial for people whose landlord is a local authority or a housing association. The Action Plan notes that whilst 36% of households in fuel poverty are privately rented, the tenure with the highest proportion of households in fuel poverty remains council (local authority) housing. Many are living in cold, damp conditions. Yet there is much less in the Action Plan to help this sector.

With local authorities starved of cash, and often hardened against their residents, and with housing associations increasingly turning into just another corporate housing developer for whom the poor are “[not my problem](#)”, social housing tenants too may find themselves up against a brick wall when it comes to getting adequate insulation, reliable heating, or even repairs.

Even without official powers over housing associations or councils, the GLA can greatly influence and set standards for this sector, which is closely connected with it and needs its support.

The **Housing Health and Safety Rating System (HHSRS)** is key to dealing with the hazards of cold, damp, mould, and overheating. Already undermined by lack of resources for inspection and enforcement of standards in the private sector, the system also suffers from a conflict of interest where a local authority is being asked to effectively inspect itself and take itself to court. Any such process may then require it to spend more money bringing homes up to standard, and these

considerations may well mean that progress is long delayed, or never happens, however much tenants suffer and complain. If a housing association is involved, the same may be true, due to close relationship between many HAs and local authorities. Without duplicating the role of the Housing Ombudsman and Local Government and Social Care Ombudsman, we believe the GLA, as part of its responsibility for the state of housing in London as a whole, should be ready and willing to use its influence in these situations, and should publicise this.

The **area-based** approach to retrofitting discussed above is easier to implement in housing estates or blocks than where every house or even flat has a different private landlord.

The GLA's **RE:NEW scheme** can be a help but depends on approval of the landlord.

Councils have an increasingly questionable **regeneration agenda** for housing, in which housing associations too are heavily implicated. While being implemented in the name of increasing available affordable housing, we have seen that it often in practice leads to the opposite. Nor are the new estates necessarily warmer than the old ones, although, with better insulation standards, many certainly are.

As stated in our earlier submission on [Regenerating Estates](#), regeneration itself, in our experience, can lead to very inefficient, badly heated housing and to costs so high that residents live -- or even die -- in fuel poverty.

Yet warm homes is often one of the selling points when regeneration is proposed, often after years of **estates being allowed to get run down**, with repairs not done, leaky, single glazed windows, and heating systems that are antiquated or are not maintained through their natural life, leaving residents cold to save money and in order to persuade residents to accept a whole new system, or a whole new estate.

We know of several estates where insulation is inadequate or just missing from large parts of the homes. In Pembroke Park, Hillingdon, the director of A2Dominion himself told residents, after thermal imaging was done, that they were "[heating the street](#)", yet only the threat of court action brought any improvement - and only for one home where doctors said a child might die as a result.

In addition, deaths and severe suffering from fuel poverty can be increased by the **loss of support from family and friends** as communities are torn apart by regeneration and development projects which take insufficient account of the wishes of the people living there.

We are relieved to see that if elected to government, the national Labour Party policy is to compel councils to ballot all tenants and leaseholders before any regeneration and to protect existing terms and conditions. "After Grenfell we must think again about what are called regeneration schemes...No social cleansing, no jacking up rents, no exorbitant ground rents" ([Guardian, 27/11/17](#)). This must be GLA policy too, with implementation immediately, as waiting for the next Labour government could see many people lose their homes and communities only to end up worse off, many of them forced out of the area entirely and ending up in cold, privately rented homes.

We are aware that many Labour councils are wedded to regeneration policies, in the face of the strongest opposition from their residents, with Haringey, for instance, [explicitly opposing](#) Jeremy Corbyn on this.

And we are dismayed to see Sadiq Khan claiming that ballots "can risk turning a complex set of issues that affects different people in different ways over many years into a simple yes/no decision at a

single point in time". Regeneration is by its nature a yes/no decision at a single point in time. That is no reason for the decision to be taken over the heads of the people most affected. As laid out above, this stance will condemn many Londoners to fuel poverty, ill health and misery, or worse, cut off from their communities. We hope this will be taken into account.

7. Owning your home

The same issues on new builds (above) apply to many homeowners, most commonly leaseholders. We appreciate that some of the measures put forward in the Draft Action Plan will be useful to people in privately owned properties, both freehold and leasehold. We have commented further on these proposals in our response to the Draft Environment Strategy. We want here to note that we have met many **leaseholders who are struggling to heat their homes**, including modern, new build homes that should be energy efficient, and that the terms of the lease can be extremely unfair, with service and capital payment demands that can plunge them into poverty, and no practical way for the leaseholder to challenge them. The problem of leaseholders' vulnerability to unfair demands has been acknowledged by central government, and we hope you will help to press for change here.

Council tenants who bought their homes under **Right to Buy** may have been very lucky in terms of property, but can also end their days in the cold, as can other freehold and leasehold homeowners. They should not be forced to move home, often losing their support base, in order to keep warm.

8. District heating

Please see detailed comments on this in our response to your draft London Environment Strategy.

9. Building standards

New builds should be so much better but do not keep their promise, leading to fuel poverty behind a modern facade. Tenants all over London, from Havering to Hillingdon, are struggling to deal with lack of insulation, *unsafe* insulation, draughts from ill-fitting doors and windows, solar panels not installed, faulty or over-complicated heat controls, prepayment meters, inefficient old flat-rate heating systems giving way to horrendously expensive and outage-prone new, metered, heating systems, and more -- and they find that even where there are official channels for resident feedback and consultation, nothing gets done in the end.

In our experience, planning standards are **routinely ignored**. For a few examples, please see our [letter to BEIS minister Claire Perry](#). We are aware that current standards have everything to do with central government cuts to Local Authorities, which have led to withdrawal of on-site clerks of works at the time of construction, and lack of environmental health officers once estates are complete. However, we believe that it is essential for the GLA to ensure that developers cannot undermine energy efficiency this way.

Since Grenfell, everyone knows that the impunity of developers to rigorous inspection and sanctions cannot be accepted. The same cavalier approach that contributes to thousands of people dying each winter from fuel poverty, also leaves residents **vulnerable to fire**; in fact lack of oversight of insulation, cladding and firebreaks are often closely related.

The inspections of social housing that have been carried out, or are still being completed, post-Grenfell, must be thorough, and provide an opportunity to find – and correct – not only places where insulation is a fire risk, but also places where it is simply missing. They must also extend to inspecting the pipework around pipes and electrical wiring, to make sure there are no holes for fire or smoke; this includes pipes where district heating is retro-fitted (below).

Again, **accountability to residents is crucial** -- existing residents where an estate is being refurbished or regenerated, and then the residents who finally live there once it is built (please see our earlier [consultation response](#) on estate regeneration).

While it may not technically have the power to intervene against bad practice, the GLA does have influence over **what companies, in the future, get planning permission and/or funding**, and what the criteria are for these. There is also soft power, in terms of what standards local authorities see the GLA is committed to.

10. Other issues

We support and have helped to publicise the **Better Boilers** initiative, and hope this will be extended.

We are glad to see that you plan to lobby government to develop fiscal incentives to increase the uptake of **solid wall insulation**.

The planned £10 million of expenditure on new energy efficiency delivery mechanisms is welcome (although we believe far from enough), but we are concerned that you say "This money will be **split between action to drive carbon reduction, and to support fuel poverty reduction**." This is unclear - the two are often the same thing, and we think it could be unhelpful to counterpose them this way, in how you present your plans.