

## EAST HERTS COUNCIL

### OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014

#### OFFICER DECISION WRITTEN RECORD

Reference:	OD/(to be added by Democratic Services)
Subject Matter:	Commissioning the National Energy Foundation (NEF) to provide advice and assistance regarding domestic energy efficiency to East Herts residents and certification of contractors operating under the Energy Company Obligation.
Date of Decision:	24 <sup>th</sup> January 2024
Exempt/Confidential information (Yes/No):	No
If Exempt/Confidential – reason why:	n/a
Name of Officer taking decision under delegated authority:	Jonathan Geall Head of Housing and Health
Source of delegated authority (constitution/express delegation/etc):	At its meeting of 27 <sup>th</sup> July 2022, Council approved adoption of the East Herts Climate Change Strategy 2022 – 2026. The action plan within the Strategy included to: <i>“Provide practical ways of encouraging sustainable options as the default position</i>

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	<p><i>for residents and businesses notably with regard to greener travel, renewable energy, low carbon domestic heating and hot water”.</i></p> <p>In order to enact this Council-approved action, the Head of Housing and Health is using his authority delegated within the council’s Constitution at paragraph 10.6.1.2 (c), <i>“in relation to contracts to buy or sell...as detailed in the council’s Financial Regulations and Contract Procedure Rules...”</i>. As noted in the Reason(s) for Decision section below, NEF have been procured via a direct award from a relevant framework agreement which the council may legitimately use. Therefore, the Financial Regulations and Contract Procedure Rules have been fully complied with.</p>
Exercise of delegated authority approved by: <i>(if different from Officer taking decision)</i>	n/a
Decision:	To commission the National Energy Foundation (NEF) to provide advice, assistance and expertise (a) to residents within East Herts in line with the NEF Better Housing Better Health service and (b) to residents of East Herts and installers of domestic energy efficiency measures under NEF’s Supplier Network service.
Reason(s) for Decision:	In approving the East Herts Climate Change Strategy 2022 – 2026 on 27 <sup>th</sup> July 2022,

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	<p>Council adopted an action to provide practical support to enable residents to improve the energy efficiency of their homes. This aspiration was further underlined by the declaration of a Climate Emergency by Council on 26<sup>th</sup> July 2023 which, among other things, committed the council to <i>“providing advice and assistance to East Herts residents and businesses to inspire and encourage their own shifts away from carbon producing activities”</i>.</p> <p>Officers have determined that the council is eligible to use the Framework for the Delivery of Domestic Retrofit Projects and Related Services produced by Watford Borough Council and Three Rivers District Council for use by all local authorities and registered social housing providers in Hertfordshire and Buckinghamshire when <i>“procuring services for a wide range of domestic retrofit and energy efficiency projects efficiently, effectively, and economically”</i>. For reference, the Contract Award Notice for the framework was published on 5th April 2023 with Find a Tender ref 2023/S 000-009969.</p> <p>East Herts Council is making use of <i>Lot 2: Management of Energy Company Obligation (ECO) scheme</i> and <i>Lot 3: Independent Energy Advice Service</i> within the framework to engage NEF in the provision of services via a direct award as enabled by the framework. For avoidance of doubt, NEF are appointed</p>

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	<p>service providers under both Lot 2 and Lot 3 of the framework.</p> <p>With regard to providing energy advice to residents and practical assistance in accessing national and local funding schemes under Lot 3, NEF will draw on funds they have already secured under the national Energy Redress Fund established by Ofgem and run by the Energy Saving Trust. The scheme will initially run until 31<sup>st</sup> August 2024 to coincide with NEF's Energy Redress Fund resources. There shall be <b>no cost to East Herts Council</b> for NEF's provision of this service to East Herts residents.</p> <p>If NEF is able to secure more external funding after 31<sup>st</sup> August 2024, the contract shall be extended until the end of the external funding or 31<sup>st</sup> August 2027, whichever is the sooner. Nothing in this contract award shall oblige the council to provide any funding itself either before 31<sup>st</sup> August 2024 or after.</p> <p>With regard to management of the ECO scheme in the district under Lot 2, NEF will make a small charge to providers for processing their applications to become certified to carry out ECO-backed works. This service will run until 31<sup>st</sup> August 2024 to coincide with the other service discussed above. There shall be <b>no cost to East Herts</b></p>

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	<p><b>Council</b> for NEF's provision of this service in East Herts.</p> <p>Should NEF secure external funding to extend the Better Housing Better Health service beyond 31<sup>st</sup> August 2024, the council shall extend the contract with NEF for managing ECO contractors so as to be coterminous with the Better Housing Better Health scheme. Nothing in this contract award shall oblige the council to provide any funding itself either before 31<sup>st</sup> August 2024 or after.</p>
Details of alternative options, if any considered and rejected:	<p>Run a competitive process within the framework – NOT RECOMMENDED as NEF is the only appointed supplier under Lot 3 and there is only one other supplier under Lot 2. There is a benefit in time and efficiency to the council of commissioning the two services together from one supplier. Added to this, the agreement with NEF to manage the ECO service being let under Lot 2 does not require the council to work exclusively with NEF on this element of the work and so, should the council determine it beneficial at some later time, it could directly award a contract to the other appointed supplier under Lot 2.</p> <p>Run a competitive process in the open market – NOT RECOMMENDED. As Watford Borough Council procured suppliers through the framework tendering exercise within the last year, it is can be considered</p>

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	unlikely that should East Herts Council run a fresh procurement exercise we would elicit different suppliers on different terms. In addition, as there is no cost to the council attached to commissioning NEF through the framework, it would seem counterproductive to run an open competition to achieve the same end, only with significant officer input, cost and time delay.
Name of Officer who has confirmed with all Members involved in taking this decision whether they have pecuniary or non-pecuniary interest:	Jonathan Geall Head of Housing and Health
Name(s) of any Member who has removed himself/herself from contributing to this decision because of a conflict of interest:	n/a
Signature of Decision Maker (where decision is taken in consultation with a Member):	<i>Signature redacted.</i>  Jonathan Geall Head of Housing and Health
Signature of Member consulted by Decision Maker (where decision is	Confirmed by email on 24 <sup>th</sup> January 2024 Cllr Tim Hoskin Executive Member for Environmental Sustainability

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taken in consultation with a Member):	

**SIGNATURES TO BE REDACTED**