

**The Renewable Energy Consumer Code
Appeal Panel Hearing**

In the matter of

Efficient Living Ltd

held on

22 April, 2014

at

1 Wood Street, London

Panel Members:

Keith Richards (Chair),

Jim Thornycroft,

Elizabeth Stallibrass.

In attendance:

Andrew McIlwraith (panel secretary).

Renewable Energy Consumer Code (“RECC”) representation:

Virginia Graham, RECC.

Efficient Living Ltd representation:

Also present:

Lorraine Haskell, RECC.

Appeal to be heard

The Appeal Panel convened to hear the appeal of Efficient Living Ltd ("the Member") against the determination of the Non-Compliance Panel hearing held on 25 March, 2014.

Under Bye-Law 8.3 of the Renewable Energy Consumer Code ("the Code"), a Member can appeal the decision of the Non-Compliance Panel on the grounds that the decision or part thereof was irrational, based on a fundamental error of fact or on a clear misinterpretation of the Code or the RECC Bye-Laws, or a serious procedural irregularity, or if the penalty/remedial steps or Conditions imposed are not in reasonable proportion to the findings made by the Non-Compliance Panel.

The chairman of the Appeal Panel invited the Member's representative, Mr H , to clarify the grounds on which the Member was bringing this appeal. Mr H confirmed that the Member accepted the Non-Compliance Panel's findings on evidence and breaches, but was appealing on the grounds that the penalty was not in reasonable proportion to the findings.

Verbal representations

The Panel exercised its discretion to receive verbal representations from Mr H on behalf of the Member.

Evidence before the Panel

The Panel had before it all the evidence provided to the Non-Compliance Panel at its hearing of 25 March 2014, together with the Non-Compliance Panel's determination, a transcript of the hearing, and the Member's statement of appeal dated 7 April 2014. It also heard verbal representations from the Member and from the RECC Executive ("the Executive").

Appeal Panel's decision

Given Mr H 's clarification of the Member's grounds for appeal, the only issue for the Appeal Panel to consider is whether the Non-Compliance Panel's decision to terminate the Member's membership of the Code was in reasonable proportion to its findings.

In considering this, the Appeal Panel was guided by Bye-Laws 8.10 and 8.11.

The Appeal Panel noted that during the hearing Mr H made representations about the steps the Member had taken to address some of the compliance issues identified by the Executive. The Appeal Panel noted that, before the Non-Compliance Panel reached its decision, it had taken into account all the submissions, including those from the Member on actions it had taken to address the Executive's concerns.

In the absence of any new facts or arguments disclosed by the member in support of the appeal, the Appeal Panel therefore could find no grounds for deciding that the penalty was disproportionate.

The Appeal Panel therefore decided to dismiss the Member's appeal and uphold the decision of the Non-Compliance Panel.

22 April 2014