

Response to Request for Information

Reference EIR 000287
Date 16 May 2019

Display Energy Certificates (DECs) and Energy Performance Certificates (EPCs)

Request:

This enquiry revolves around the compliance of Display Energy Certificates (DECs) and Energy Performance Certificates (EPCs) within your local authority area.

Regulations 34-34A of The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2012 (as amended) deal with enforcement and outline the powers and the responsibilities of the Enforcement Authorities and their officers.

1. Regarding DECs, how many public buildings are compliant with the regulations and have the appropriate DEC in place?
In respect of your above question, it has been established after careful consideration that the Council does not hold the above information as we don't have this information as we do not carry out a routine programme of inspections.

Consequently, we are unable to provide the information relating to the above, and are informing you as required by Regulation 12(4)(a) of the Environmental Information Regulations 2004.

However, we can inform you that we have entered a "pairing" agreement with Walsall Metropolitan Borough Council's Trading Standards Service to enable us to carry out inspection at each other public buildings so that we are not dealing with issues at our own buildings.

2. If a member of the public reported a building without a DEC, would Trading Standards issue a penalty for non-compliance?
Whilst this is possible, our instinct would be to give advice. However we are guided by our enforcement policy in the action that we ultimately take for enforcement matters
https://www.wolverhampton.gov.uk/sites/default/files/pdf/Black_Country_enforcement_policy_2016.pdf

3. How many enquiries had Trading Standards made in each of the following for potential non-compliance of the EPBD regulations?
 - a. New Build EPC - 0
 - b. Dwellings EPC (for sale) - 0
 - c. Dwellings EPC (for rental) - 2
 - d. Non-dwellings EPC - 0
 - e. DEC - 0

4. Of the above enquiries how many were found to be non-complaint with the regulations?
N/A

5. How many of the following has Trading Standards issued for transgression of the regulations?
 - a. Warning letter
None

 - b. Penalty notice
None – we were able to resolve the matters through advice.

6. How much extra funding Trading Standards receive from Central Government for encouraging compliance of and enforcement of EPBD regulations?
Funding is received centrally by this Authority. No government grants for the last year have been allocated for this purpose.

7. Since May 21st 2010 what work has been carried out by local Trading Standards with regard to enforcing compliance of the regulations for the following:
 - a. New Build EPC
 - b. Dwellings EPC (for sale)
 - c. Dwellings EPC (for rent)
 - d. Non-dwellings EPC
 - e. DEC

In relation to EPC compliance, Trading Standards advised 32 letting agents in 2014 and 30 in 2017. Advice was provided for EPC compliance along with other trading standards matters. Obviously, each letting agent had a number of properties for sale or rent and so the advice would cover all the properties that each agent was letting. We would expect that colleagues who are the “Home Authority” for national or regional housebuilders would advise those companies centrally to remove the need for a piecemeal enforcement approach across the country.

Additionally it is essential to understand that as important as this issue is, it has not yet shown up on the regional trading standards intelligence assessment as an area that requires special attention. The use of intelligence in guiding priorities helps in deciding how we deploy our limited resources most

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effectively. As this area of enforcement is not on the list of priorities we conduct periodic exercises to try and ensure compliance- as happened in 2014 and 2017. However, and in recognising the public prominence that environmental issues have recently attracted, enforcement work in this area is now being considered for inclusion in the City's energy policy which is currently being drawn up.