FREEDOM OF INFORMATION REQUEST – 685/19

Dear Sir/Madam

Your request for information has now been considered and the information requested is provided below.

Request / Response:

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?

   Answer: Rutland County Council (RCC) has 9 public buildings that are compliant with the regulations and have the appropriate DEC in place. This reflects those assets directly in Control of RCC. We do not hold records on Public Buildings controlled by the Public Sector.

2. If a member of the public reported a building without a DEC, would Trading Standards issue a penalty for non-compliance?

   Answer: This depends on the circumstances. As an Authority Rutland County Council have adopted a graduated approach to all enforcement activities which would mean that, where there were mitigating circumstances, we may choose to give the organisation or business a period of time to comply before issuing such a notice.

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

      Answer: None

   b. Dwellings EPC (for sale)

      Answer: None
c. Dwellings EPC (for rental)  
   Answer: None  

d. Non-dwellings EPC  
   Answer: None  

e. DEC  
   Answer: None  

4. Of the above enquiries how many were found to be non-compliant with the regulations?  
   Answer: Not Applicable  

5. How many of the following has Trading Standards issued for transgression of the regulations?  
   a. Warning letter  
      Answer: None  
   b. Penalty notice  
      Answer: None  

6. How much extra funding Trading Standards receive from Central Government for encouraging compliance of and enforcement of EPBD regulations?  
   Answer: £0  

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  
      Answer: None  
   b. Dwellings EPC (for sale)  
      Answer: None  
   c. Dwellings EPC (for rent)  
      Answer: None  
   d. Non-dwellings EPC  
      Answer: None  
   e. DEC
Answer: None

The Trading Standards service has adopted a priority matrix for determining what it is able to deal with. Its priorities are driven by level of harm (risk of death, injury, extensive financial loss) and breadth of harm (number of people being impacted). Energy Performance Certificate complaints do not reach the ‘harm’ threshold nor the ‘breadth’ threshold necessary to make this a priority area for proactive enforcement.

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You can also complain to the Information Commissioner at:

The Information Commissioner's Office
Wycliffe House, Water lane
Wilmslow, Cheshire
SK9 5AF
Tel: 01625 545700

Yours faithfully

FOI Administrator
Business Support Team
Rutland County Council