

12 June 2019
Our ref: 5322828

Thank you for your request received on 16 May 2019, for the following information:

I am writing to make an open government request for all the information to which I am entitled to under the Freedom of Information Act. In order to assist you with this request, I aim to outline my query as specifically as possible, if however my request is not clear, I would be grateful if you were to contact me, as I understand under the Act you are required to advise and assist the requester.

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?**
- 2. If a member of the public reported a building without a DEC, would Trading Standards issue a penalty for non-compliance?**
- 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**
 - b. Dwellings EPC (for sale)**
 - c. Dwellings EPC (for rental)**
 - d. Non-dwellings EPC**
 - e. DEC**
- 4. Of the above enquiries how many were found to be non-complaint with the regulations?**
- 5. How many of the following has Trading Standards issued for transgression of the regulations?**
 - a. Warning letter**
 - b. Penalty notice**
- 6. How much extra funding Trading Standards receive from Central Government for encouraging compliance of and enforcement of EPBD regulations?**
- 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**

We have processed this request under the Environmental Information Regulations 2004.

Response

The council holds the information requested and the answers to your questions are below

1. Regarding DEC's, how many public buildings are compliant with the regulations and have the appropriate DEC in place?

We do not have this information recorded in our system.

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

The Trading Standards team are unable to deal with all the demands that come into the department due to the volumes we receive. The team satisfy their responsibilities and statutory duties by operating an intelligence lead approach to the demands on the service. All complaints are risk assessed on the facts with the most serious issues ' such as allegations of risk of serious injury most likely to be investigated. If a complaint is classified as lower risk it will not be allocated for further investigation and will be entered on the system as intelligence only.

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**
- b. Dwellings EPC (for sale)**
- c. Dwellings EPC (for rental)**
- d. Non-dwellings EPC**
- e. DEC**

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

We cannot search on this information so would have to access all the enquiries on the system individually to look to see whether they related to this. This would take approx 10mins per case and there are thousands of cases on our system. Please see Refusal Notice below

5. How many of the following has Trading Standards issued for transgression of the regulations?

- a. Warning letter**
- b. Penalty notice**

None

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

None

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**

We have ran an annual project for the last few years in relation to letting agents. In the first year we visited all letting agents in LBB and advised them of their legal obligations in relation to lettings. In more recent years we have visited the premises with the highest number of complaints on our system and made checks on their paperwork and websites to ensure legal compliance. EPC were not the main focus of these projects but this would have been covered by officers as part of the visits.

Refusal Notice

Regulation 12(4)(b) of the Environmental Information Regulations 2004 provides an exception to the disclosure of information in situations where the request is manifestly unreasonable. This exception may be invoked where the request places a substantial and unreasonable cost or burden of dealing with it. Information. The purpose of the exception is to protect public authorities from exposure to a disproportionate burden or an unjustified level of distress, disruption or irritation, in handling information requests.

This is a qualified exception under EIR which means that consideration must also be given to whether in all the circumstances of the case the public interest favouring disclosure is greater than the public interest in maintaining the exemption. The public interest means what is in the best interests to the public.

Public interest test considerations

I have considered whether the public interest in maintaining the exception outweighs the public interest in disclosing the information requested. There are a number of public interest arguments that weigh in favour of disclosing the information you have sought:

- The general proposition of maximising openness to which the EIR and the Council aspire ;
- The benefits of ensuring transparent and accountable government

However, there are also public interest arguments against disclosure:

- It does not represent a cost effective use of the Council's resources
- The diversion of resources that will be necessary in providing the information requested negatively impact on its ability to deliver its core functions

Further information

If you are interested in the data that the council holds you may wish to visit Open Barnet, the council's data portal. This brings together all our published datasets and other information of interest on one searchable database for anyone, anywhere to access. <http://open.barnet.gov.uk/>

Advice and Assistance : Direct Marketing

If you are a company that intends to use the names and contact details of council officers (or other officers) provided in this response for direct marketing, you need to be registered with the Information Commissioner to process personal data for this purpose. You must also check that the individual (whom you wish to contact for direct marketing purposes) is not registered with one of the Preference Services to prevent Direct Marketing. If they are you must adhere to this preference.

You must also ensure you comply with the Privacy Electronic and Communications Regulations (PECR). For more information follow this Link www.ico.org.uk

For the avoidance of doubt the provision of council (and other) officer names and contact details under FOI does not give consent to receive direct marketing via any media and expressly does not constitute a 'soft opt-in' under PECR.

Your rights

If you are unhappy with the way your request for information has been handled, you can request a review within the next 40 working days by writing to the Information Management Team at: foi@barnet.gov.uk. Or by post to Information Management Team (FOI) The London Borough of Barnet, North London Business Park, Oakleigh Road South, London, N11 1NP

If, having exhausted our review procedure, you remain dissatisfied with the handling of your request or complaint, you will have a right to appeal to the Information Commissioner at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (telephone: 0303 123 1113; website www.ico.org.uk). There is no charge for making an appeal.