

8 January 2020
Our ref: 5877632

Thank you for your request received on 10 December 2019, for the following information:

This request relates to UK Environmental Legislation, specifically TM44 Air Conditioning Inspection Reporting, which is mandatory for air-conditioned buildings. You as a Local Authority are duty bound to actively manage compliance in your Borough and to issue notices/fine non-compliant organisations.

Q. Have you set up a Trading Standards Officer to implement an active TM44 compliance programme. Provide that person's name and details.

Q. If you have not set up your compliance programme, when do you expect to do so, and who is in charge of the process?

Q. What specific actions have you undertaken to check on all building operators with air conditioning in your Borough?

Q. How do you notify affected organisations, and how much notice do you give them before issuing a fine?

Q. The Government Non-Domestic EPC Register contains all records of existing TM44 Air Conditioning Inspection Reports, with expiry dates. Buildings not shown on the Register are non-compliant. Do you make use of the Register?

Q. The fine is £300.00 per building for non-compliance, do you reinvest fines and allocate to the Department issuing notices?

Q. It would appear, upon checking of the Landmark Register, that you as a Local Authority have not complied with the Legislation yourselves. When do you intend to comply?

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

Q. Have you set up a Trading Standards Officer to implement an active TM44 compliance programme. Provide that person's name and details.

There is no specific officer appointed the responsibility is shared across the team.

Q. If you have not set up your compliance programme, when do you expect to do so, and who is in charge of the process?

Q. What specific actions have you undertaken to check on all building operators with air conditioning in your Borough?

Q. How do you notify affected organisations, and how much notice do you give them before issuing a fine?

Q. The Government Non-Domestic EPC Register contains all records of existing TM44 Air Conditioning Inspection Reports, with expiry dates. Buildings not shown on the Register are non-compliant. Do you make use of the Register?

Q. The fine is £300.00 per building for non-compliance, do you reinvest fines and allocate to the Department issuing notices?

We operate the trading standards department on an intelligence led risk basis. In the case of the London Borough of Barnet we are unable to deal with all the referrals that come into the department due to the volumes we receive. Therefore 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. Service requests that are not actioned are placed on the database for intelligence purposes and the team undertake proactive work on the most pressing matters emerging issues on a quarterly basis.

Having undertaken a check of our database I cannot see any service requests relating to air conditioning in the past twelve months nor have any intelligence led action been taken.

Q. It would appear, upon checking of the Landmark Register, that you as a Local Authority have not complied with the Legislation yourselves. When do you intend to comply?

There are 3 properties that come under our remit that has Air conditioning that is fully working and falls under TM44.

Barnet House - due August 2020

Oakleigh Depot - due March 2023

Colindale Offices - due March 2024

These properties are not yet due for its five yearly inspections. The properties are in a program to be delivered and plays a part of our planned works .

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) London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW

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.