



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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Further to your information request FOI/EIR 23/24-187, please find your question and our response below.

Request:

Under the Freedom of Information Act 2000, I am writing to request information on the enforcement of Minimum Energy Efficiency Standards (MEES) and Energy Performance Certificates (EPCs) for both commercial and residential properties in your council area.

This request is framed within the context of government guidance, which states: *"If a local authority confirms that a property is (or has been) let in breach of the Regulations, they may serve a financial penalty up to 18 months after the breach and/or publish details of the breach for at least 12 months. Local authorities can decide on the level of the penalty, up to maximum limits set by the Regulations."*

"The maximum penalties amount applies per property and per breach of the Regulations. They are:

- Up to £2,000 and/or publication penalty for renting out a non-compliant property for less than 3 months.*
- Up to £4,000 and/or publication penalty for renting out a non-compliant property for 3 months or more.*
- Up to £1,000 and/or publication for providing false or misleading information on the PRS Exemptions Register.*
- Up to £2,000 and/or publication for failure to comply with a compliance notice.*

The maximum amount that can be fined per property is £5,000 in total."

I would therefore like to request the following information, which I would appreciate if it could be provided in an excel spreadsheet:

Residential

1. The number of EPC breaches identified in residential properties in your council area since the MEES was established in 2015 and first implemented in April 2018.
2. The total number of fines issued for EPC breaches in residential properties in your council area since the introduction of MEES, along with the total value of these fines.
3. The number of EPCs for residential properties in your council area that remain non-compliant with MEES.
4. The number of EPCs for residential properties in your council area that remain non-compliant with MEES and are being unlawfully let.
5. A list of properties in your council area that are currently exempt from EPC regulations, along with the reason for each exemption.

Commercial

1. The number of EPC breaches identified in commercial properties in your council area since the recent MEES was established on 1st April 2023.
2. The total number of fines issued for EPC breaches in commercial properties in your council area since the introduction of MEES, along with the total value of these fines.
3. The number of EPCs for commercial properties in your council area that remain non-compliant with MEES.
4. The number of EPCs for commercial properties in your council area that remain non-compliant with MEES and are being unlawfully let.
5. A list of properties in your council area that are currently exempt from EPC regulations, along with the reason for each exemption.

I would also like to know:

- The sources and methods your council utilizes to identify and track this data.
- Your policy/procedures for fining parties in breach of MEES or EPC regulations (please send).
- If your council has a register or list of properties that have breached the above-mentioned MEES or EPC regulations that you can send.

Response:

Enforcement of the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 is by the Local Weights and Measures Authority. The aim is for the district council to have future delegated authority to enforce this in residential properties. Discussions are currently underway to agree terms of reference. The expectation is that the Local Weights and Measures Authority will remain the enforcement body for Commercial premises. The MEES Regs are enforced by the district council.

Residential

1. No data, when considering EPC Regulation breaches.
2. No data, when considering EPC Regulation breaches.
3. No data, but modeled information could be extrapolated from our 2021 Housing Stock Model Report.
4. No data
5. No data on full list, but 1 rented property which the local authority became aware of, which was below the minimum standard, has now been placed on the exemption register, the reason being Consent Exemption. The tenant was refusing reasonable improvements to be undertaken.

Commercial

Refer to comments above.

Additional information

The Council is looking to have delegated powers, thereby simplifying enforcement of both EPC and MEES Regs.

The Council is looking to increase resource to fully utilise the data sources available following our Stock Model Survey, to target private rented MEES non-compliant properties. The Stock Survey has already been used to identify areas for targeted energy efficiency grant aided improvement work.

The Private Sector Housing Enforcement Policy can be found here:

<https://www.eastcambs.gov.uk/sites/default/files/PSHPmay22.pdf>

We are unable to send out information on individual properties.

This concludes your request FOI/EIR 23/24-187.

If information has been refused please treat this as a Refusal Notice for the purposes of the Act.

If you disagree with our decision or are otherwise unhappy with how we have dealt with your request in the first instance you may approach foi@eastcambs.gov.uk and request a review. A request for review must be made in no more than 40 working days from the date of this email.

Should you remain dissatisfied with the outcome you have a right under s50 of the Freedom of Information Act to appeal against the decision by contacting the Information Commissioner, Wycliffe House, Water Lane, Wilmslow SK9 5AF.