



The Next Steps: EPCs and the establishment of the Green Homes Service



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Department for Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU
Telephone: 020 7944 4400
Website: www.communities.gov.uk

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Email: communities@capita.co.uk
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Summary

Under the terms of the European Directive on the Energy Performance of Buildings (EPBD), from October all buildings which are newly built, sold or rented out will have to have an Energy Performance Certificate (EPC), save for limited exceptions. This analyses how energy efficient they are and offers recommendations on improving energy efficiency.

This consultation document seeks views on a number of practical steps for making EPCs more accessible and an effective catalyst for behaviour change. This builds on the plans already announced for a Green Homes Service targeting the least energy efficient properties. It seeks views on making EPCs more accessible by:

- giving the Energy Saving Trust (EST) access to the information contained in domestic EPCs as part of implementing the Green Homes Service
- giving the Carbon Trust access to the information contained in non-domestic EPCs
- allowing energy assessors to search the domestic register by address as well as by reference number
- allowing search of the commercial register by address to know whether a given building has an EPC, though not to download it

These changes have been suggested by stakeholders as part of the wider consultation strategy for the implementation of the EPBD. They are designed to promote the use of EPCs by consumers, benefiting themselves by lower energy bills and benefiting society by reducing carbon emissions.

1. Introduction

- 1.1 Climate change is one of the greatest challenges this nation faces. If we take no action now, we may face in fifty years time a profoundly changed world and a different and less comfortable lifestyle. But there is good news. There is still time to act by making changes to cut carbon emissions today to safeguard tomorrow's environment. And those changes need not be enormous. Many are small changes within the reach of everyone. This document sets out proposals for changes to the information available to us to help make those changes.
- 1.2 Emissions from our homes account for more than a quarter of all carbon emitted in this country. The Government has already taken an important step by introducing Energy Performance Certificates for all homes which are bought and sold. In April 2008 this was extended to all newly built homes, and in October 2008 this will be extended to the entire rental sector. Energy Performance Certificates not only provide an assessment of the energy

efficiency of a home: they are accompanied by recommendations as to how it can be improved, both short-term and longer term. They are produced by professionally trained and accredited independent assessors to ensure that they are neutral and credible.

- 1.3 EPCs provide valuable information. Information is the starting point. But it has to lead to change in the way householders and businesses use energy if it is to have any real value. The Government has already announced a Green Homes Service which will ensure that those in the least energy efficient properties are targeted with help to improve them. This document supports that proposal by offering proposals for making EPCs more accessible and easier to use for that purpose.

2. What is an Energy Performance Certificate?

- 2.1 By October 2008 all buildings which are sold, rented out or newly built, whether domestic or commercial, will have to have an energy performance certificate.
- 2.2 Energy Performance Certificates show how efficiently the fabric of the building is designed (the "asset rating"). Certificates are accompanied by recommendations, which set out both measures which could be taken relatively easily and longer term measures to improve energy efficiency. All certificates are lodged on either of two central registers, one for domestic and one for non-domestic certificates.
- 2.3 They are produced by professionally trained and accredited assessors, who must carry out their work in an independent manner.
- 2.4 An EPC is valid for ten years once produced. The only exception is for house sales, where an EPC must under current legislation be no older than a year when included in a Home Information Pack.
- 2.5 An EPC for a home which is sold must be commissioned and paid for by the seller: it must be made available to prospective buyers, and is given to the successful buyer to keep. An EPC for a rented home is commissioned and paid for by the landlord, and must be made available to prospective tenants and given to the eventual tenant. An EPC for a newly built home must be given to the owner when construction is complete.

3. Making more use of EPCs

- 3.1 EPCs will for the first time provide credible and detailed information on energy efficiency to all new homeowners and tenants. This document seeks views on the following steps designed to make it easier to find and use certificates:
 - allowing energy assessors to search the domestic register by address as well as by reference number

- allowing search of the commercial register by address to know whether a given building has an EPC, though not to download it
- giving the EST access to domestic EPCs as part of implementing the Green Homes Service
- giving the Carbon Trust access to non-domestic EPCs

a) *Giving the EST access to domestic EPCs as part of implementing the Green Homes Service*

- 3.2 The Government announced in November that it would create a Green Homes Service with the ability to target help on the least energy efficient households. Help will be targeted through the Energy Savings Trust, who will write to all F and G rated households pointing them towards the help available in their area.
- 3.3 In order for help to be targeted in this way, the EST will need access to the information contained in EPCs and their accompanying recommendations. The Government recognises the need for careful use of such data. So its use will be subject to strict safeguards. First, access will be given on condition that identifiable data in relation to the home is not made available to any other party. Secondly, any other use made of the data will be in a form which ensures information is revealed to anyone other than the owner of the property only on an anonymous basis. The information in EPCs will be incorporated into the existing Home Energy Efficiency Database HEED which tracks the energy efficiency of the UK's housing stock. However no EPC will be made available on an individually identifiable basis: it will be aggregated and anonymised so that no individual property can be identified and targeted. The certificate would be amended so that consumers were aware their data would be used in this way.
- 3.4 It is crucial that data is kept secure. Giving wider access needs to be carefully considered. However the Government's view is that the risks can be contained by strict safeguards, and are outweighed by the benefits of targeting help where it is most needed.

b) *Giving the Carbon Trust access to non-domestic EPCs*

- 3.5 The Carbon Trust exists to promote energy efficiency in the commercial and voluntary sector in the same way as the EST promotes it in the domestic sector. We therefore propose that they should have access to the register of commercial certificates on a similar basis as the EST has access to domestic certificates in order to help promote energy efficiency in the commercial sector. As for the EST, access would be given subject to strict safeguards ensuring that data would not be passed on or used for purposes not previously agreed.

c) *Allowing energy assessors to search the domestic register by address as well as by reference number to give them more flexibility in carrying out their work:*

- 3.6 There is no general public access to the registers in order to preserve the privacy of the owners of properties which have EPCs. In the case of the domestic register, the Data Protection Act 1998 requires that appropriate restrictions are imposed. Access to the commercial register is restricted for similar reasons.
- 3.7 An owner may need to re-use an EPC, if for example they want to let their property after having bought it, or commission a new one where the old one is too old to be valid any longer. Currently energy assessors can access a previous EPC on a property only by its unique reference number. Where the number has been lost – for example if the householder no longer has the EPC – the energy assessor cannot retrieve the EPC from the address: a whole new EPC must be commissioned and all the information needed to produce it obtained again, either from the plans or by visiting the property. If a previous EPC is available, even if it is old and no longer valid, the information used to compile it which is contained on the register, can be used again provided it has not changed.
- 3.8 We therefore propose to extend the access provisions within the domestic EPC register to allow search and retrieval by address as well as by number for existing EPCs. This will improve service to consumers by making their certificates easier to find if they need to reuse them or have a fresh one prepared. The disadvantage is that energy assessors could also download details of other properties by address. So there would be a double safeguard for consumers in relation to this limited extension of access. Firstly, all domestic energy assessors are checked with the Criminal Records Bureau. Secondly, all assessors must be members of an accreditation scheme. The scheme ensures that they are fit and proper to practice, imposes a code of conduct, and will remove their accreditation if there is any evidence of wrongdoing: The Government believes that sufficient safeguards will be in place to ensure the integrity of the system, and that any risk is outweighed by the benefit of being able to find an EPC quickly and easily. But we will monitor carefully to ensure that the system is working as intended and any abuse is identified and stopped.

d) *Allowing search of the commercial register by address to know whether a given building has an EPC, although not permitted to download it*

- 3.9 Commercial transactions can be long and complex. The aim of the Directive is to ensure that energy efficiency is brought in as one of the main factors affecting choice as early as possible in the process. One way of helping to facilitate this might be to allow all potential buyers and tenants to be able to browse the register by address so that they can see immediately whether a given building has an EPC. To protect confidentiality they would not be able to access the EPC. However they would be able to see at a glance which properties already had EPCs, and able to request those at the very start of the transaction process. This would complement the duty of sellers and prospective landlords to make the

EPC available with any written information on a building, or when a building is viewed whilst having minimum impact on seller and landlord. It would assist compliance for landlords. It could help promote the aim of the Directive, which is to ensure that potential purchasers and tenants can factor energy efficiency into the decision making process.

This measure would also assist landlords in the event that tenants have commissioned EPCs without their knowledge. Such an EPC would supersede any earlier EPC of the landlord's for the same building. Accordingly, there has been concern that a landlord may unwittingly make available to a new prospective tenant or buyer an earlier EPC, which would not be out of date, but would be invalidated by the fact that a more recent EPC for the building has been registered.

Questions

What are your views on these proposals?

Do you think the safeguards proposed on access to the registers are sufficient?

If you do not think the safeguards are sufficient what are the reasons for your opinion, and are there other safeguards that you can suggest to meet your concerns?

4. Costs and benefits

- 4.1 The costs of these proposals are minimal and are set out in the accompanying impact assessment. It is hard to isolate their specific benefits against the wider range of benefits already set out in the main impact assessment for EPBD. However their cumulative effect is to make it more likely that benefits will be delivered.

How to respond to the consultation

Please send your response no later than 1 September 2008 to:

Robert Moore
Energy Performance of Buildings Directive Team
Department for Communities and Local Government
2/H2 Eland House
Bressenden Place
London
SW1E 5DU

Or by email to: Robert.Moore@communities.gsi.gov.uk

Marking your response EPC consultation

If you have any queries regarding the consultation please email them to the above address. Representative groups are asked to include a summary of the people and organisations they represent in their reply.

A summary of responses to this consultation will be published within 3 months of end of consultation period at the address below. www.communities.gov.uk

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the DPA and in the majority of circumstances; this will mean that your personal data will not be disclosed to third parties.

The consultation criteria

The Government has adopted a code of practice on consultations. The criteria below apply to all UK national public consultations on the basis of a document in electronic or printed form. They will often be relevant to other sorts of consultation.

Though they have no legal force, and cannot prevail over statutory or other mandatory external requirements (e.g. under European Community Law), they should otherwise generally be regarded as binding on UK departments and their agencies, unless Ministers conclude that exceptional circumstances require a departure.

- 1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.**
- 2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.**
- 3. Ensure that your consultation is clear, concise and widely accessible.**
- 4. Give feedback regarding the responses received and how the consultation process influenced the policy.**
- 5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.**
- 6. Ensure your consultation follows better regulation best practice, including carrying out an Impact Assessment if appropriate.**

The full consultation code may be viewed at
<http://www.berr.gov.uk/files/file44364.pdf>

Are you satisfied that this consultation has followed these criteria? If not, or you have any other observations about ways of improving the consultation process please contact

Albert Joyce
Communities and Local Government Consultation Co-ordinator
Zone 6/H10
Eland House
London
SW1E 5 DU

or by e-mail to:
consultationcoordinator@communities.gsi.gov.uk

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