



# Making better use of energy performance certificates and data

## **Summary of responses**



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# 1. Introduction

Energy performance certificates and display energy certificates have an important role to play in improving the energy efficiency of buildings. The previous administration put forward a number of proposals in a consultation document entitled *Making better use of Energy Performance Certificates and data*.

The consultation closed on 25 May 2010, it received 140 responses which came from a wide range of organisations and individuals.

The proposals in the consultation were to:

- extend access to energy performance data
- require property adverts to show the energy performance certificate rating
- require energy performance certificates for houses in multiple occupation when rooms in such buildings are rented out
- require energy performance certificates for short-term holiday lets
- extend display energy certificates to commercial buildings
- make the lodgement of air conditioning reports on the England and Wales non-domestic energy performance certificate register mandatory
- clarify when energy performance certificates are required for sale or renting out of domestic and non-domestic properties

For each proposal a series of questions were posed and respondents were asked whether they agreed or disagreed with the government's proposal.

This document gives an analysis of the responses to the consultation that were received and indicates which of the proposed measures will be taken forward.

We should like to thank all respondents for their contributions.

## 2. Making better use of energy performance data

The consultation proposed to provide the Secretary of State with the power to grant access to:

- address level data to specified organisations including local government for approved purposes and
- anonymised data

### Question 2.1

**Do you agree with our approach to giving access to address level data?**

**Yes: 81 per cent**

**No: 19 per cent**

Those who agreed said:

- the proposals will enable local government to target their resources in helping to improve energy efficiency
- the proposals will give local government a clearer understanding of the status of properties in their area for which they can then offer support
- the proposals will assist local government in developing local carbon frameworks

Those who disagreed said:

- the current proposals are too restrictive. The purpose of the energy performance certificate is to help encourage the uptake of energy efficiency measures and therefore, it is imperative that energy performance certificate data is made more generally available
- address level data should not be considered personal data so access should be extended more widely than what is proposed

### Question 2.2

**Do you agree with our approach to giving access to anonymised data?**

**Yes: 84 per cent**

**No: 16 per cent**

Those who agreed said:

- the release of anonymised data would be beneficial to promoting the understanding of energy performance and the associated benefits
- energy performance certificate data should be analysed and collated to provide an accurate insight into the nation's housing stock efficiency, and to provide an opening benchmark which can be compared annually for efficiency improvement

Those who disagreed said:

- the data should not be anonymised as it should not be classed as personal data

### **Question 2.3**

**Are the safeguards relating to the sharing of address data adequate?**

**Yes: 75 per cent**

**No: 25 per cent**

Those who agreed said:

- the safeguards are adequate
- we are happy with the conditions outlined

Those who disagreed said:

- the safeguards are too restrictive and unnecessary. For example, the proposals effectively exclude any scope for the private sector to access energy performance certificate data in support of delivering the energy efficiency agenda, other than as part of a local carbon framework
- the safeguards are not in accordance with the public interest. Since carbon emissions affect everyone, the details of poor performers should not be able to be hidden in a database
- the safeguards unnecessarily limit the contribution which energy performance certificate data can make towards achieving the policy objective of curbing energy waste and fuel poverty and reducing carbon emissions

### **Question 2.4**

**Do you agree that a list of display energy certificates for public buildings should be published?**

**Yes: 93 per cent**

**No: 7 per cent**

Those who agreed said:

- since display energy certificates are intended to be displayed in public buildings it is logical that a list of display energy certificates is published
- publication would help to improve transparency in compliance levels.
- a list of display energy certificates for public buildings should be published because the public sector has an important role to play in leading the improvement in energy efficiency of non-domestic buildings
- a list may promote competition between public bodies to quickly improve the energy efficiency standards of their building

Those who disagreed said:

- aggregate data presented as some sort of league table without context, will not provide an accurate picture of how public authorities, particularly councils are tackling carbon emissions

### **Next steps**

This Government has decided to go further than the proposals detailed in the consultation and make all energy performance certificate data publicly available, including the address of the property, its energy performance certificate rating and the energy performance certificate recommendations.

In releasing this data, which will require primary legislation, we will ensure that the requirements of data protection legislation are complied with.

### 3. Energy performance certificates for houses in multiple occupation

The consultation proposed to extend energy performance certificates to houses in multiple occupation. Landlords would be required to make an energy performance certificate for the entire building available when a room in a house in multiple occupation is rented out.

#### Question 3.1

**Do you agree that an energy performance certificate for a house in multiple occupation should be required and triggered when a room in a house in multiple occupation is rented out?**

**Yes: 94 per cent**

**No: 6 per cent**

Those who agreed said:

- the proposal would promote energy efficiency amongst the landlords and tenants of houses in multiple occupation, which will in turn help to improve the standard and energy efficiency of these properties

Those who disagreed said:

- simply requiring that an energy performance certificate is produced will not itself improve the energy efficiency of the house in multiple occupation

#### Question 3.2

**Do you agree that energy performance certificates extended to houses in multiple occupation should have a validity period of 10 years?**

**Yes: 62 per cent**

**No: 38 per cent**

Those who agreed said:

- the validity period is suitable for all other types of buildings therefore there is no reason for energy performance certificates for houses in multiple occupation to be treated differently

Those who disagreed said:

- a 10 year period only creates one point in a decade at which landlords will be given the information needed to make improvements to their property

#### Next steps

We will not be taking this proposal forward because requiring a house in multiple occupation to have an energy performance certificate goes further than the requirements of the Energy Performance of Buildings Directive, as such it would amount to gold-plating.

## 4. Energy performance certificates for short-term holiday lets

The Energy Performance of Buildings Directive requires that energy performance certificates are produced for all buildings or parts of a building that are sold, constructed or rented out including holiday lets that are rented out for four months or more in any 12 month period. However, our guidance stated that such holiday lets should be exempt from the requirements. The proposal in the consultation was to amend guidance so that energy performance certificates are required for certain holiday lets when they are first rented out.

### Question 4.1

**Do you agree that the guidance should be amended to provide that an energy performance certificate must be produced when a holiday let is rented out on a short-term basis?**

**Yes: 73 per cent**

**No: 27 per cent**

Those who agreed said:

- as consumer interest in energy efficiency increases there is no reason to suppose that some consumers will not factor this into their decision making process
- energy performance certificates should apply to all habitable buildings and therefore, short-term holiday lets should not be excluded, particularly as there is no reason why a holiday home one year could not become a permanent residence the following year
- the proposal would help to police 'green' claims often made by holiday let landlords

Those who disagreed said:

- there is no benefit in imposing further regulation on holiday let owners when they are already under pressure to keep their businesses viable
- unsure whether the energy rating of a property would actually influence a customer's decision when selecting accommodation

## Question 4.2

**Do you agree that this should only apply to holiday lets that are rented out for a combined total of four months or more of the year?**

**Yes: 34 per cent**

**No: 66 per cent**

Those who agreed said:

- assuming that those captured by this will be let in the summer months when energy requirements will be minimised

Those who disagreed said:

- any letting period should trigger an energy performance certificate so that customers can choose energy efficient properties and holiday let owners are made aware of the improvements they can make to improve energy efficiency
- from a consumer's point of view the fact that the property may only be let for less than four months is irrelevant

## Question 4.3

**Do you agree that the energy performance certificate for holiday lets should have a validity period of 10 years?**

**Yes: 57 per cent**

**No: 43 per cent**

Those who agreed said:

- it is sensible that the provision of energy performance certificates is the same for holiday lets so that there is consistency between all properties
- the requirement for holiday lets should not be made more onerous than for other rented accommodation

Those who disagreed said:

- it only creates one point in a decade at which property owners will be given information to encourage them to make improvements to their rental property

## Next steps

This Government proposes to amend guidance so that holiday lets which are let out for more than four months will be required to obtain energy performance certificates when they are first let out.

Requiring all holiday lets to have an energy performance certificate goes further than the requirements of the directive, as such it would amount to gold plating.

## 5. Energy performance certificate ratings in property advertisements

The consultation document proposed that advertisements for the sale or rent of both domestic and non-domestic properties should be required to include the energy performance certificate rating.

The recast of the Energy Performance of Buildings Directive, which must be fully implemented by July 2013, includes a requirement that where a property has an energy performance certificate, the energy performance certificate rating must be included in any advertisements.

### Question 5.1

**Do you agree that advertisements for the sale or rent of domestic and non-domestic property should include details of the energy performance certificate rating?**

**Yes: 94 per cent**

**No: 6 per cent**

Those who agreed said:

- it would help to raise energy efficiency awareness amongst the public
- prospective buyers and tenants should have access to the energy performance certificate rating at the earliest opportunity
- it could encourage investment in improvement measures and create consumer demand for good energy ratings
- in order to reach a point where people 'value' the energy performance of a property before buying or renting, the energy performance certificate information needs to be at the start of the selling process
- including the energy performance certificate rating in advertisements would make energy performance certificates a permanent, visual and practical part of the public's working and living environment
- compliance may improve if energy performance certificate ratings are displayed in advertisements and it is the easiest, lowest cost and enforceable means of ensuring that the energy performance certificates are carried out

Those who disagreed said:

- making changes to advertising materials could be expensive
- mandatory inclusion of energy performance certificates will obscure the main message of the advertisement and add costs
- prospective occupiers make an initial selection of properties based on other, more fundamental choices, such as location, size and general condition and thus it is unlikely that a purchaser or tenant would base their selection on the energy performance certificate rating of the property
- advertising is complex and consequently so are the potential implications and considerations

## Question 5.2

**Do you agree that the scheme should be made compulsory by implementing the relevant provision in the Energy Performance of Buildings Directive Recast at an early opportunity?**

**Yes: 90 per cent**

**No: 10 per cent**

Those who agreed said:

- there is no reason to anticipate that a voluntary scheme would have any impact as the option already exists and is not taken up
- the proposal should be implemented at the earliest opportunity to help reduce the current high level of non-compliance
- there is little to be achieved in delaying implementation when significant reductions in carbon are required in the next ten years to meet the Climate Change Act 2020 targets

Those who disagreed said:

- early implementation of this provision must not result in piecemeal and uncoordinated implementation of the legislation
- if the scheme was implemented then it should accord with the Energy Performance of Buildings Directive Recast timescale and should not be implemented any earlier
- a voluntary approach would allow those advertising property to display and market their own 'green initiatives', which may impact on consumer demand. It should be voluntary until the Energy Performance of Buildings Directive Recast is brought into force

## Question 5.3

**Do you agree with the proposed coverage of all properties advertised for sale and rent including social rented dwellings marketed through choice-based lettings?**

**Yes: 95 per cent**

**No: 5 per cent**

Those who agreed said:

- all potential purchasers and tenants should be entitled to know how energy efficient a property is in order to make informed decisions
- there should be no differentiation between social and private housing because the overall objective to improve energy efficiency and reduce carbon emissions is the same across all the property sectors
- in order to help raise awareness as to the purpose of the energy performance certificate, there needs to be consistency between the private and social housing letting markets
- the public sector should strive to take the lead to encourage and educate consumers on the importance of energy efficiency measures

Those who disagreed said:

- in London almost all social rented dwellings are marketed through choice based lettings and therefore, all landlords and owners already have to provide energy performance certificates, the proposal simply clarifies the existing position
- in practice, preference in many choice-based letting schemes may prove illusory, with the prospective occupier gladly taking the first offer of housing, such is their need

### **Next steps**

This Government will not be taking this proposal forward at this stage because this requirement is not due to be implemented until July 2013 and to implement it any earlier would amount to gold-plating.

## 6. Extending display energy certificates to commercial buildings

The consultation document proposed extending display energy certificates to commercial buildings. Initially, display energy certificates would apply to buildings which are larger than 1,000m<sup>2</sup>, with a view to progressively reducing the threshold to 250m<sup>2</sup>.

### Question 6.1

**Do you agree that the requirement to produce display energy certificates should be extended to commercial properties?**

**Yes: 93 per cent**

**No: 7 per cent**

Those who agreed said:

- the proposal would help to raise awareness, and promote energy efficiency among the general public
- display energy certificates may offer commercial properties the greatest potential to make quick energy savings through improved operational activities
- the requirement to calculate efficiency and display the results is a powerful tool in encouraging improved performance
- the use of display energy certificates would, in the long term, provide a better form of comparative performance measurement in buildings than the existing energy performance certificate model
- requiring commercial companies to display the energy performance of their building would have the effect of 'naming and shaming' the worst offenders. Therefore, like 'fair trade' produce, the display energy certificates would allow the public to shun unethical businesses, which would in turn, put pressure on the worst offenders to make changes

Those who disagreed said:

- they struggled to see the benefit of extending display energy certificates to commercial buildings. The energy performance rating of a commercial property is unlikely to influence consumer choices
- provision needs to be made to distinguish between buildings which provide catering facilities, and those which do not. Until such differentiations are made, buildings which have additional facilities could be unfairly represented by a display energy certificate

## Question 6.2

**Do you agree that display energy certificates in commercial buildings should be updated every year and advisory reports updated every seven years in line with the current requirements for buildings occupied by public authorities?**

**Yes: 80 per cent**

**No: 20 per cent**

Those who agreed said:

- an annual update of display energy certificates provides the most efficient means of assessing whether energy management practices make an effective contribution to reducing energy waste and emissions
- there would be little value in introducing compulsory display energy certificates if the data within them is not kept sufficiently up to date
- an introduction of display energy certificates to commercial property should be in line with public buildings in order to avoid confusion. This would allow yearly comparisons between the public and private sector

Those who disagreed said:

- due to the fact that commercial premises tend to change their infrastructures and building use more frequently than public sector buildings, the advisory report ought to be updated more regularly
- the opportunity to implement new technologies and improve energy efficiency might be missed in the period between the reports. Therefore, reports should be updated more frequently
- producing display energy certificates annually is too frequent because the cost of the assessment may not reflect the reality of the rate of change to building use and efficiency
- in order to prevent small companies in particular, from being unduly burdened with the cost of updating display energy certificates annually, an update should, instead, be produced every two years

## Next steps

We are exploring how this proposal can be taken forward as part of the implementation of the Energy Performance of Buildings Directive Recast. Meanwhile we will work with industry to promote a voluntary approach.

## 7. Mandatory lodgement of air conditioning reports

The consultation document proposed to make it mandatory to lodge air conditioning reports on the England and Wales non-domestic energy performance certificate register.

### Question 7.1

**Do you agree that the 2007 Regulations should be amended to make it mandatory to lodge air conditioning reports on the England and Wales non-domestic energy performance certificate register?**

**Yes: 84 per cent**

**No: 16 per cent**

Those who agreed said:

- mandatory lodgement would help to ensure compliance and would also act as a tool for enforcement
- mandatory lodgement would enable a national picture of air conditioning to be obtained
- if confidence and value in energy efficiency is to be increased, a consistent approach to energy efficiency measures should be applied and air conditioning report data should be recorded like energy performance certificates and display energy certificates

Those who disagreed said:

- instead of requiring mandatory lodgement of air conditioning reports, the more appropriate course of action is to make enforcement of the air conditioning inspection requirements more robust

### Question 7.2

**What information would you consider should be recorded on standardised air conditioning reports?**

The majority of respondents considered that the following information should be recorded on a standardised air conditioning report:

- name of inspector
- date and duration of inspection
- address of property
- client's name
- air conditioning unit specifications (manufacturer; model name; capacity)
- percentage of energy use attributable to air conditioning
- details of building size; type and age
- faults identified
- solutions for improving efficiency
- summary of findings

### **Question 7.3**

**Do you agree that the fee for lodging air conditioning reports on the England and Wales non-domestic energy performance certificate register should remain the same as for lodging non-domestic energy performance certificates? If not, how do you think the fees should be structured?**

**Yes: 70 per cent**

**No: 30 per cent**

Those who agreed said:

- the fee is considered a viable rate for the costs involved in the lodgement process and is a minor cost in comparison to the time taken to produce the air conditioning report

Those who disagreed said:

- the fee should be set at the lowest level compatible with the provision of the service. Since the air conditioning report is relatively simple when compared to a non-domestic energy performance certificate, it should be reflected in the cost of the lodgement fee

### **Next steps**

This Government will take forward the proposal to make it mandatory to lodge air conditioning reports in due course.

## 8. Clarifying when an energy performance certificate is required on the sale or letting of buildings

The consultation document proposed to amend the 2007 Energy Performance of Buildings Regulations (Regulation 5(2)) in order to clarify the point at which an energy performance certificate is required i.e. at the earliest opportunity.

### Question 8.1

**Do you agree that the 2007 Regulations should be amended as proposed to clarify when an energy performance certificate is required during the process of selling or renting out a non-domestic building?**

**Yes: 91 per cent**

**No: 9 per cent**

Those who agreed said:

- there are too many loopholes which can be exploited to avoid producing an energy performance certificate at an early stage in the process
- clarifying when an energy performance certificate is required for the sale or letting of a building would assist those involved in such transactions to comply with the regulations
- clarifying when an energy performance certificate is required will help to reinforce how fundamental energy performance certificates are as part of the buying and renting process

Those who disagreed said:

- the wording of the 2007 Regulations is sufficiently clear

### Question 8.2

**Do you agree that the option to defer making an energy performance certificate available until exchange of contracts should be removed?**

**Yes: 94 per cent**

**No: 6 per cent**

Those who agreed said:

- if energy performance certificates are to have an impact on the decision making process then they must be made available ahead of the point at which contracts are exchanged
- the option to defer should be removed as it is contrary to the spirit of the legislation. It is a loophole which is being used by default rather than by exception for a significant number of transactions

Those who disagreed said:

- it is not practical to require energy performance certificates to be made available prior to contracts being signed

### **Next steps**

The Government is considering whether this proposal should be taken forward.

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