

Response ID ANON-W5Y6-WYX4-Q

Submitted to **Energy Performance Certificates for buildings: call for evidence**

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About you

What is your name?

Name:

Sara Kassam

What is your email address?

Email:

skassam@cibse.org

What is your organisation?

Organisation:

Chartered Institution of Building Services Engineers

Please select your organisation type:

Other (please specify)

Other (please specify):

Professional Engineering Institution

Please provide any further details about your organisation that you feel are relevant, where applicable:

- CIBSE is the primary professional body and learned society for those who design, install, operate and maintain the energy using systems, both mechanical and electrical, which are used in buildings. Our members therefore have a pervasive involvement in the use of energy in buildings in the UK with a key contribution to sustainable development. Our focus is on adopting a co-ordinated approach at all stages of the life cycle of buildings, including conception, briefing, design, procurement, construction, operation, maintenance and ultimate disposal.
- CIBSE is one of the leading global professional organisations for building performance related knowledge. The Institution and its members are the primary source of professional guidance for the building services sector on the design, installation and maintenance of energy efficient building services systems to deliver healthy, comfortable and effective building performance. CIBSE has been actively involved in the EPC regime for non-domestic buildings since the original Energy Performance of Buildings (EPB) Directive was adopted in 2004.
- CIBSE Certification Limited is a wholly owned subsidiary of CIBSE and was formed to provide an independent certification body for the approval of personnel, specifically Low Carbon Consultants (LCCs) and Low Carbon Energy Assessors (LCEAs). LCEAs are knowledgeable practitioners who can provide Energy Performance Certificates, Display Energy Certificates and Air Conditioning Inspections. CIBSE Certification is UKAS (United Kingdom Accreditation Service) accredited and is audited regularly.

Are you happy for your response to be published?

Yes

Would you like to be contacted when the consultation response is published?

Yes

How did you hear about this consultation?

Where did you hear of this consultation?:

Email from BEIS

Other (please specify):

Introduction to the Call for Evidence

Navigating and responding to the Call for Evidence

Aims, uses and key attributes of EPCs

1 Have we captured all of the current uses of EPCs?

Yes

Please provide details here:

Yes, all current uses of EPCs that we are aware of have been captured. It should be noted though that although this call for evidence is intended to cover all types of buildings, it appears to be focused more on domestic buildings. The challenges for non-domestic buildings are different from those for homes, in particular the variation in uses and operating patterns, complexity of servicing and maintenance, and different landlord/tenant relationships. There are also significant differences between SAP and SBEM which have a bearing on the use of EPCs.

2 Do you agree that we have identified the key attributes for EPCs?

Yes

Please add details here:

The key attributes of EPCs have been identified, although enforcement has not been clearly articulated. This may be implicit in the section on quality but enforcement is key to achieving improvement in the energy performance of buildings and should be highlighted as a key attribute of EPCs.

2c importance of attributes - Reliability:

Very important

2c importance of attributes - Accuracy:

Very important

2c importance of attributes - Up to date:

Very important

2c importance of attributes - Improves energy performance:

Very important

2c importance of attributes - Influences property decisions:

Very important

2c importance of attributes - Access to data:

Very important

2c importance of attributes - Coverage:

Very important

2c importance of attributes - Simple and low cost:

Not important

Please provide any details to explain your answer:

Quality and value should not be sacrificed in the name of simplicity and low cost, the current low-fee culture and simplistic reporting is affecting the integrity of EPCs.

3 Which attributes are important for which uses?

3a Attributes for uses - Providing information to consumers:

3a Attributes for uses - Minimum standards for rental properties:

3a Attributes for uses - Eligibility criteria for FITs/RHI:

3a Attributes for uses - Eligibility criteria for ECO funding:

3a Attributes for uses - Use by 3rd parties for research etc:

3a Attributes for uses - Green mortgages and green finance:

3a Attributes for uses - Target setting for government policies:

Please provide any details to explain your answer:

Energy certification is incredibly important as you cannot manage what is not measured. For all uses of EPCs in both domestic and non-domestic sectors, the attributes of quality, encouraging action and data availability are essential. Policy cannot assume that just because an EPC has been produced, then better energy performance will automatically follow. A whole range of other factors including awareness, understanding, funding and motivation affect whether energy-related improvements are made to a building.

Also it is vital to remember that an EPC is a standardised form of energy labelling but is not linked to actual operational energy use so the estimates of consumption and potential savings for individual buildings do not provide the whole picture.

It should be noted that the Energy Savings Opportunity Scheme (ESOS) excludes EPCs as a means of demonstrating compliance, but does recognise Display Energy Certificates (DECs). This is because DECs are based on real measured operational energy use, and include all the energy uses that are ignored by the EPC methodologies. The Environment Agency recommends using Life Cycle Costing (LCC) instead of only Simple Payback Periods when identifying and quantifying cost-effective energy savings opportunities. ESOS allows the use of a Green Deal Report which is an "EPC plus".

There is extensive material on the role and importance of DEC's. In 2015 the then DCLG consulted on scrapping DEC's. This attracted considerable comment at the time, mostly negative. Unfortunately this consultation was run in the final days of the coalition government, and following the 2015 election DCLG made no response to the consultation. To this day, some three and a half years later, government has still not formally addressed the consultation responses submitted at that time. Please see the CIBSE response (https://www.cibse.org/getmedia/d97f4f99-a9a6-4a10-be35-aedacb86aae1/170_CIBSE-DEC-Regime-Consultation-Response.pdf.aspx), because it provides a detailed commentary on the original policy development of EPC's and DEC's, with which one of the authors of the CIBSE response was closely involved in 2005-2008. It may be helpful to current policy officials to be aware of the background and of the technical and economic rationale for the creation of and distinction between EPC's and DEC's.

EPC data quality: Reliability

4 What evidence do you have relating to the reliability of EPC assessments?

Please provide evidence where applicable. It would be helpful to indicate how recent this is. :

A key factor influencing the reliability of EPC's is time to produce the certificate. EPC's produced to a tight deadline with insufficient time to obtain the required information related to buildings will lead to an inaccurate energy report.

Fairly early in the development of EPC's it was decided that relying on assessor judgement in the absence of reliable evidence, (boiler efficiency or mechanical extract rates for example), would lead to a situation where the EPC rating would be different depending on which assessor produced it. To overcome this, EPC conventions were introduced on 1st June 2010. The conventions are continually developed by representatives of the assessor register operators, with assessor representation, but are approved by the MHCLG (previously DCLG). A key component of the conventions is the provision of default values where there is no reliable evidence. These defaults are intended to be a tool of last resort and are selected to represent a worst case to discourage their use. This logic is predicated on clients wanting the best possible rating, thus motivating clients to source the information that the assessor requires. But EPC's procured in a hurry to facilitate a sale completing are at increased risk of human error. About to sell the building, the client does not have the above mentioned motivation to get the best possible rating, and they will not want to delay the sale while the assessor waits for information, so worst case default values get used as well. This may have improved since the introduction of EPC's in 2008, but is still not comparable with the motivation provided to landlords in 2018 by MEES.

Please provide evidence where applicable. It would be helpful to indicate how recent this is. :

For rural properties there are specific issues, for example, an EPC for a property with an oil boiler would have a lower rating than a property on the mains gas network due to the fuel cost of oil being higher even if the boilers were of similar efficiency. The costs of LPG and electricity are even higher, affecting ratings which focus on fuel costs rather than efficiency. When it comes to biomass boilers, most are not on the Product Characteristics Database (PCD) so the EPC software defaults to solid fuel pellet boiler in/out of heated space with an efficiency of 65% or similar when the real efficiency of the biomass boiler is often printed on its rating plate or in its user manual and can be 80% to 90%. However this cannot be taken into account if it is not in the PCD so EPC ratings for buildings with biomass boilers can be lower than they ought to be because the assumed efficiency is low.

It must also be remembered that although an EPC is valid, for the purposes of the EPB Regulations, for 10 years as permitted in complying with the Energy Performance of Buildings Directive, it is really only "accurate" on the day that it was produced.

5 Which of the suggestions below do you think would be effective in improving the reliability of EPC ratings?

5a reliability feedback - Apps and smart defaults:

5a reliability feedback - Better measurement technologies:

5a reliability feedback - Ability to use survey data from previous EPC:

5a reliability feedback - Access to additional sources of data about the building:

5a reliability feedback - Strengthened quality assurance:

5a reliability feedback - Other suggestion (please give details below):

Please give details of any other suggestion you may have to improve EPC reliability:

Better data inputs as suggested would help to improve reliability, such as survey data from previous assessments, performance tests on key parameters rather than assumptions of "perfect" construction, and information on installed energy efficiency measures. The inappropriate use of default values due to time and cost constraints should be reduced by making it more difficult to use defaults. In addition, the amount of default values used could be made more explicit on the final certificate.

Due to continuous training and auditing since EPC's were introduced, it is reasonable to expect that the overall competence of the EPC assessor pool is better now than it has been in the past. The CIBSE Certification register of assessors is stringent to ensure that knowledgeable, well supported practitioners are producing high quality EPC's.

Please provide reasoning and any evidence you have to support the responses provided to this question:

EPC data quality: Accuracy

6 What evidence do you have of the accuracy of the models used to produce EPC's in comparison to other methods such as the co-heating test?

Please provide evidence where applicable. It would be helpful to indicate how recent this is.:

Accuracy and consistency between models are two different but important metrics. England and Wales, like several other Member States uses an EPC scale that is based on a "reference" or "mirror" building of the same geometry as the actual building, subjected to the same weather and patterns of use but with defined thermal characteristics. The rating is determined by the ratio of CO2 emissions between the reference and actual building. This approach mitigates the impact of model differences (and some forms of data errors) as both the reference and actual buildings are exposed to the same distortions. (Estimates of absolute consumption cannot use this approach).

With the adoption of the revisions to the Energy Performance of Buildings Directive, there is a requirement to adopt a primary energy metric. This will require changes to the methodology used to produce EPCs.

Annex I of the EPBD has been revised in order to better set out how the energy performance of buildings is to be assessed and reported. It also further underlines the wish of the EU that Member States at least describe their national calculation methodologies in terms of the energy performance of buildings standards (EPB standards) adopted by CEN, which are, therefore, British Standards.

All models are approximations and comparisons of different Dynamic Simulation Models in carefully controlled conditions have shown substantial differences in estimated annual heating and cooling energy demand (system modelling adds further variation).

"Energy signatures" constructed from measured and/or calculated consumption provide some insight into differences (and permits weather correction).

A co-heating test is an empirical measurement of the whole-building fabric heat loss and is subject to experimental errors. The procedure for calculating the heat loss coefficient contains a number of assumptions and simplifications: co-heating tests are a way of quantifying their importance. Neither approach produces an energy consumption estimate and so neither can be meaningfully compared with the models.

The gap between SBEM compliance outputs and the actual metered energy consumption in buildings is well documented. SBEM was never intended to 'predict' the actual energy consumption of a building and it is clearly stated that it should not be used for design purposes. SBEM only covers controlled energy uses and does not account for small load or lifts and escalators for example. In modern offices with high density IT equipment and air conditioning, the energy consumption can be very much higher than predicted by SBEM. CIBSE TM54 lays out a methodology for accounting for all energy uses but where data is not known with any certainty it recommends using high, medium and low scenarios.

It should also be noted that the fuel costs in rdSAP have not been updated since 2012 so calculations are based on out of date costs. This particularly affect rural properties which are run on oil, LPG or electricity. With the revision of Annex I this will have to be addressed if the UK is to maintain the current policy position of adopting the changes to the Directive.

7 Are you developing any kind of tool for measuring the energy performance of buildings (controlling for the effects of occupant behaviour) using smart meter data or other data, which could be relevant for EPCs?

No

Please provide further details where applicable:

No, although CIBSE is collaborating with UCL to develop an online dynamic platform for the release of revised energy benchmarks. In its first phase the platform will provide a user interface that could be interrogated by the user in order to provide them with customised information. The platform offers the capability to regularly update the energy benchmarks when new datasets become available. Phases 2 and 3 of the platform development will allow users to input energy data of their buildings and benchmark their energy use against national and regional building stock.

In addition, CIBSE have produced guidance (TM54) on energy performance modelling and are actively engaged with the Design for Performance initiative, both of which aim to upskill the industry and develop methods to allow better assessments of energy performance.

8 What evidence do you have on how EPC accuracy could be improved using the tools and data sources outlined above, or through any other means?

Please provide any evidence you have on how EPC accuracy might be improved using such tools or other methods:

As a simple measure, error traps on user interfaces can warn of improbable values. It is often difficult for assessors to reliably and consistently identify some characteristics of buildings, especially when market forces compel them to work quickly. Default values are provided for many input variables and may be used to save time rather than as a last resort. EPCs that use high numbers of default values should be viewed as inherently uncertain. In new buildings, input data could increasingly be linked to performance testing of key parameters (e.g. airtightness, U-values), or correction factors could be introduced to balance the assumption of perfect construction.

Please provide details:

EPC data quality: Up to date

9 What evidence do you have on how frequently people are likely to make updates to their properties which would change the EPC score?

Please provide evidence where applicable:

The output of EPCs do not contain sufficient detail to empower building owners to take action. The production of an EPC often becomes a tick box exercise rather than an activity that adds value. Since EPCs were first introduced, a wider set of uses are now being served than their original purpose. It follows then, that their robustness should be improved to account for these emerging uses, by including for example operational energy use rather than just focusing on building fabric. It is understood that both domestic and non-domestic buildings can be used in different ways by different occupiers but operational energy is still required to provide a more complete picture of building performance and enable appropriate action to be taken to improve it.

10 Which of the suggestions below do you think would be effective in ensuring that the information on EPCs is up to date?

10a Up to date feedback - Reduce validity period (3 or 5 years):

10a Up to date feedback - New EPC required for extensions and major renovations:

10a Up to date feedback - New EPC required for other changes affecting EPC:

10a Up to date feedback - Trigger point specific to HMOs:

10a Up to date feedback - New EPC required for Green Mortgage:

Do you have any other suggestions for ensuring EPCs remain up to date?:

Without appropriate enforcement, it is difficult to ensure that items such as EPCs are kept up to date using trigger points such as major renovations and any building work subject to building control. This is already an overloaded function and is unlikely to be able to effectively achieve the intended outcome of improved energy performance. For non-domestic buildings, building logbooks should be updated when services are changed e.g. boiler replacement but in reality, this does not happen comprehensively.

Please provide reasoning and any evidence you have to support the responses provided to this question:

11 Would you support introducing new EPC trigger points at any of the stages listed above (or any other stages)?

11a Support trigger points - Extensions and major renovations:

11a Support trigger points - Other works to the building affecting the EPC rating:

11a Support trigger points - Where an HMO doesn't already have an EPC and a room is rented out:

11a Support trigger points - For applying for a 'green mortgage' or green finance:

Please provide evidence where applicable:

The really big opportunity in the domestic market is when people move properties as they are more likely to be motivated to make home improvements. The buyer will benefit whereas the seller has no further interest in the property. An EPC is currently produced for the vendor to sell the property who is unlikely to invest in energy efficiency measures as they will not see the benefits. It is of greater benefit for the new occupants to meet the EPC assessor, understand the recommendations and appreciate the potential savings. The Association for the Conservation of Energy (ACE) produced a report on how the use of Stamp Duty Land Tax and Council Tax could embed energy efficiency in the value of the property and encourage home refurbishment:

<https://www.ukace.org/2011/10/fiscal-incentives-encouraging-retrofit/>

Encouraging action: Improving energy performance

12 What evidence do you have on how useful the EPC recommendations are to consumers when they are considering making changes to a property?

Please provide evidence where applicable:

How effective are the recommendations at encouraging consumers to take action?:

The recommendations in the report accompanying an EPC are generated from a generic list held within the NCM database which are filtered according to the data entered. The recommendations and payback are not based on any calculations for the actual building, instead providing a general indication of potential savings. For example, on a domestic EPC, the 'savings' are based on the actual building but the 'costs of installation' are based on default values which do not account for different types of property. The recommendation report text is unhelpful e.g. 'replace T8 fittings with T5' does not make it clear that the subject is lighting improvement. The same applies to the heating recommendations. Also, domestic EPCs recommend floor insulation first but this is a difficult measure to implement, stating the less costly measures first may be a better way of motivating people to take action. Clarity would be helpful when showing the potential EPC ratings too, consumers are often confused by the cumulative potential rating, not what individual recommendations would deliver.

Given that some of the data entered might be default data and that other errors may be made in data entry for EPCs, the recommendation report does not appear to be a sound basis for making decisions to invest in improvement measures. For consumer confidence, more detailed analysis including specific patterns of use need to be taken into account.

For commercial EPCs, the payback times for different measures are calculated in years but on the recommendation report, the terminology 'low', 'medium' or 'high' is used which is not specific enough to make a case for implementing the energy efficiency measures.

13 Which of the suggestions provided below do you think would be effective in encouraging building owners to make appropriate energy performance improvements to their property?

13a Improving performance effectiveness - Directing people to the digitally led energy advice service:

13a Improving performance effectiveness - Changing the way recommendations are presented:

13a Improving performance effectiveness - Allowing innovation in EPC formats:

13a Improving performance effectiveness - Enhanced role for assessors in providing information:

13a Improving performance effectiveness - EPC app:

13a Improving performance effectiveness - Including operational rating and/or occupancy data:

13a Improving performance effectiveness - Make recommendations more tailored:

13a Improving performance effectiveness - Additional information relevant to homeowners:

13a Improving performance effectiveness - 'Nudge points' that prompt people to look at EPC:

Please give details of any other suggestion you may have to improve EPCs' effectiveness in encouraging building owners to improve the energy performance of their property:

An inherent difficulty is that for most households and businesses energy is a small part of their expenditure and the financial incentive to reduce energy consumption is therefore low. For payback periods of more than a few years, there is also a perception of risk if it is uncertain that the value of the property will be increased. MEES has moved the goalposts and landlords now want to know the impact on the value of the property, not just the saving on the energy bill.

Improving engagement with EPC recommendations would be a positive step, to make a good energy rating a more aspirational feature. For example, many people do not recognise how some properties are less efficient than others so clearer messaging about what EPC ratings mean comparatively would help. More market-oriented "reputational" benefits or "discount" incentives could help to make energy-efficient buildings more attractive. CRC in its original form of offering an incentive for taking action was gaining some traction with businesses before it was converted into a tax. Providing a temporary reduction in council tax for upgrading the energy rating would have the attraction of being an incentive to take action.

Making EPC recommendations more relevant to the consumer and property is essential, competent and well-trained energy assessors can assist by tailoring recommendations. For example, CIBSE Low Carbon Consultants are professionals competent to minimise energy use and CO2 emissions from buildings both in design, operation and simulation. They are able to go beyond the current legal minima in improving the energy performance of both new and existing buildings (predominantly in the non-domestic field).

Please provide reasoning and any evidence you have to support the responses provided to this question:

14 What are your views on introducing operational performance ratings for non-domestic buildings, either on the EPC or separately?

Please provide details:

Where applicable, e.g. for existing buildings, we support the use of operational data on EPCs, the technical underpinning should be robust with appropriate benchmarks and accurate energy consumption data. This would improve the usefulness for more buildings, some business sectors have noted that in their current form, EPCs add cost without adding value.

Where EPCs are being produced for the first time on a new non-domestic building, we would welcome a requirement to include an 'operational energy prediction' following a recognised approach, e.g. CIBSE TM54. This may be impractical to impose for all non-domestic buildings, but would be worthwhile enforce for buildings above a certain floor area (e.g. 5,000m²)

CIBSE has long advocated the wider adoption of Display Energy Certificates in the non-domestic sector and has responded to that effect to past consultations. Please also see our response to the 2015 consultation mentioned previously. It is a little troubling to see so little reference to the DEC regime in this consultation. Operational ratings based on measured energy consumption serve a different purpose to EPCs but they can be seen as complementary and there is a good case for reporting both metrics. Display Energy Certificates (DECs) for public buildings were introduced in 2008 under the Energy Performance of Buildings Directive Regulations and over the years have helped to drive energy performance through generating greater transparency and accountability. Mandatory public disclosure of energy consumption for all non-domestic buildings will help to incentivise building operators and owners to address energy efficiency.

Encouraging action: Influencing property decisions

15 What evidence do you have on how useful the EPC rating and cost information are to consumers when purchasing or renting a property?

Please provide evidence where applicable:

A report investigating the effect of EPC ratings on house prices suggests that there is a positive relationship between energy rating and dwelling price per square metre. This investigation was published in 2013, commissioned by the then Department for Energy and Climate Change:
<https://www.gov.uk/government/publications/an-investigation-of-the-effect-of-epc-ratings-on-house-prices>

Are consumers using information on the EPC to negotiate property prices or rents?:

16 Do you have any evidence on consumers' understanding of the energy efficiency rating used in EPCs?

Please provide evidence where applicable:

Running cost is usually understandable by domestic consumers but as noted previously, this can skew the domestic EPCs depending on fuel type. CO2 emissions would be more accurate and there is an increased understanding of this as a metric. As the UK has signed up to various international climate change agreements, we should be focusing on CO2 emissions rather than purely energy running costs.

Not Answered

17 Which of the suggestions provided below do you think would enable prospective buyers and tenants to make more effective decisions based on the information on the EPC?

17a Influencing decisions effectiveness - Providing more of the information on the EPC in adverts:

17a Influencing decisions effectiveness - Requiring a link to the digitally led advice service:

17a Influencing decisions effectiveness - Including EPC rating on mortgage statements:

17a Influencing decisions effectiveness - Better visibility of EPC data on property comparison sites:

17a Influencing decisions effectiveness - Providing EPC cost information on adverts:

17a Influencing decisions effectiveness - Clearer data on ventilation:

17a Influencing decisions effectiveness - Present energy costs as annual costs instead of over 3 years:

17a Influencing decisions effectiveness - Provide better information on heat networks:

17a Influencing decisions effectiveness - Adding information about future direction of government policy:

Please give details of any other suggestion you may have to improve EPCs' effectiveness in influencing property decisions:

Prospective buyers and tenants have many variables to consider when purchasing or renting property and unfortunately energy may not be the priority. Providing more detailed, tailored recommendations is important but it must be remembered that an EPC is not an end in itself, accompanying technical support and incentives would lever further action.

Please provide reasoning and any evidence you have to support the responses provided to this question:

EPC availability: Access to data

18 What evidence do you have on how easy it is to access EPC data, either through the Energy Performance of Buildings registers or Open Data? Is there any additional information that would be valuable? Please explain why.

Please provide evidence where applicable:

An up to date publicly accessible database and/or Excel dataset with all domestic and non-domestic EPC and DEC data would be very useful. The EPC is often 'invisible' and has become a tickbox exercise rather than seen as a tool which adds value.

Please provide details where applicable:

Please provide details where applicable:

19 Which of the suggestions provided below do you think would improve the ability of building owners and other stakeholders to make effective use of EPC data?

19a Data access effectiveness - Allowing building owners access to EPC survey data:

19a Data access effectiveness - Facility for building owners to share survey data with 3rd parties:

19a Data access effectiveness - Data warehouse and building log book:

19a Data access effectiveness - Green building passport:

Please give details of any other suggestion you may have to improve access to EPC data:

Appropriate linking of EPCs with other relevant sources of information (e.g. DEC, operational energy prediction, operational energy usage year on year etc), would enable a more holistic view of building performance, not just with regards to energy but also other sustainability factors. Again, simply having better access to data is not an end in itself, it should be utilised effectively as a tool to actually help implement energy efficiency measures.

Please provide reasoning and any evidence you have to support the responses provided to this question:

20 Do you think a 'data warehouse', 'building log book' and/or 'green building passport' would be useful in increasing take up of energy efficiency improvements or supporting existing initiatives?

Please providing any supporting details for your answer above:

Please provide details:

Building logbooks are already required for non-domestic buildings so a 'Green Building Passport' for domestic buildings as described which provides a customised retrofit roadmap and information on issues such as flood risk would be beneficial. There has to be a real consideration of different types of properties e.g. rural, those in conservation areas and listed buildings. Solid wall insulation is a feasible energy efficiency retrofit measure but is costly and disruptive. There would have to be clear support for landlords and residents to implement such measures.

Please provide details here:

EPC availability: Coverage

21 What evidence do you have on levels of compliance with the requirement for providing an EPC when purchasing/letting a property, and/or the requirement to display the EPC rating in property listings?

Please provide evidence on levels of compliance where applicable:

Please provide details where appropriate:

Please provide evidence where applicable:

22 Do you have any evidence on what enforcement work is currently being done to ensure that EPCs are being produced?

Please provide evidence where applicable:

CIBSE has also long expressed concern about the lack of enforcement and low levels of compliance with all the certification aspects of the EPBD. Ever since the EPB regime was introduced, under the previous administration, there have been problems with enforcement. These are not just anecdotal, but can be clearly documented by recourse to written answers and data which is on the public record.

In May 2009 Grant Shapps asked "how many fixed penalties have been imposed on landlords in each month since the [EPBR] took effect in England?" Iain Wright, then Parliamentary Under-Secretary in DCLG replied "Penalty notices are issued by local weights and measures authorities.... There is no requirement for the Department to be informed when a penalty charge notice is issued."

In November 2009 Andrew Murrison, then a shadow defence minister, asked a question about the number of commercial buildings which should have an EPC. John Healy, then Minister, told him "There is no centrally held information upon which to base such an estimate."

On 18th June 2013 Don Foster, then Building Regulations Minister, said in a Commons reply that "The Department does not hold information on the number of new commercial leasing transactions, and so is unable to estimate the proportion of new commercial leases granted together with a current [EPC]". 63 months after EPCs became a legal requirement, DCLG had no idea how many people are obeying the law. The Coalition had then run the Department for the previous 37 months.

On 1st July Mr Foster responded to a question from Clive Betts, who asked the Secretary of State for Communities and Local Government: "(1) if he will estimate the level of non-compliance with the requirement to (a) commission an energy performance certificate (EPC) for domestic properties listed for sale, taking into account the additional EPCs which would be expected to have been commissioned for the 30 per cent of listings which do not proceed to sale, (b) commission an EPC on domestic rental properties and (c) display a current Display Energy Certificate in public buildings of over 500 square metres; and what steps he plans to take to improve such compliance;

(2) what information his Department holds on how many fixed penalty notices have been issued by trading standards officers in respect of breaches of the Energy Performance and Buildings Directive regulations in the last 12 months.

Mr Foster, then Parliamentary Under-Secretary of State for Communities and Local Government, replied that "Enforcement of the regulations is the responsibility of local authority trading standards. We do not collate the information requested. More broadly, we are seeking to reduce the burden of data reporting requirements on local government rather than increase it. We have issued and updated clear guidance on the requirements of the regulations."

To emphasise, when asked what information the Department holds on enforcement action under the EPB Regulations, the minister stated quite clearly that they have no information, and that they therefore do not know what is going on in relation to compliance with the EPB Regulations.

Industry concerns about lack of compliance with the EPBR have been articulated many times to the now MHCLG. But there has been no attempt to tackle the problems that either CIBSE, or our assessors, or any of the other energy assessor schemes, or many other property professionals are aware of.

The response from officials to appeals for action on EPBR compliance is that the government does not want to increase burdens on small businesses, and that enforcement is the duty of Trading Standards. But action to improve compliance with the EPBR is not burdening business. It may require those breaking the law to comply and pay the costs, but that is only asking them to pay their fair share just like everyone else. NOT enforcing the regulations quite clearly burdens every law abiding business that complies with the EPBR and has to compete with a cheating competitor who has not.

23 Which of the suggestions provided below do you think would be effective in improving compliance with the requirement for an EPC, bearing in mind the other changes to EPCs being considered in this Call for Evidence?

23a coverage effectiveness - Align enforcement authorities for EPCs and PRS:

23a coverage effectiveness - Putting greater obligation on estate/letting agents:

23a coverage effectiveness - More formal role for accreditation schemes in identifying non-compliance:

23a coverage effectiveness - Providing better information to landlords:

23a coverage effectiveness - Providing better information to tenants:

23a coverage effectiveness - Linking EPCs to other requirements on landlords:

23a coverage effectiveness - Increased role for property comparison sites:

Please give details of any other suggestion you may have to improve EPC coverage:

Please provide reasoning and any evidence you have to support the responses provided to this question:

Aligning enforcement authorities for PRS and EPCs, and providing a greater focus for enforcement would be an effective method of improving compliance.

EPC availability: Simple and low cost

24 What information do you have on costs of EPCs, how easy it is to procure an EPC or on consumer attitudes about EPC costs?

Please provide evidence where applicable:

25 Which of the suggestions provided above do you think would be effective making the process of procuring EPCs easier or more affordable, bearing in mind the other changes to EPCs being considered in this Call for Evidence?

25a Low cost effectiveness - Allowing an EPC assessor to use previous survey data:

25a Low cost effectiveness - Drawing in additional data sets:

25a Low cost effectiveness - EPC assessor apps with smart defaults:

Please give details of any other suggestion you may have to reduce the cost of EPCs or make the process simpler:

If EPCs provided comprehensive recommendation reports as outlined previously, with realistic estimates of savings and costs, they would be seen as something which is desirable and adds value. Enhancing the quality and overcoming the low fee culture which has become established for those producing EPCs should be a priority.

Please provide reasoning and any evidence you have to support the responses provided to this question:

26 This Call for Evidence has outlined a number of options for making improvements to EPCs. Of the suggestions discussed in this document or which you have put forward, is there one or more you think is particularly important, or are there any other suggestions you have or comments you want to make about EPCs?

Please provide any suggestions, views or comments here where applicable:

The pursuit of accuracy and consistency in EPCs is desirable but could also be seen as misguided if this is based on current methodologies. The original SBEM methodology has been adopted for a purpose for which it is not appropriate. For non-domestic buildings, Dynamic Simulation Models are a better way of realistically assessing improvement measures. We have all the tools we need to model buildings in great detail if required and comparative studies based on such models can reliably rank improvement measures. This will provide the robust information needed to make decisions about improving a building. Furthermore these models can be used to investigate why actual energy consumption is departing from predictions.

EPCs should be brought under the remit of BEIS for a greater consolidation of energy-related and building performance activity.

The exemption of listed buildings should be reviewed as many can and do achieve considerable improvements in energy consumption. Clearer guidance and assistance could enable the improvement of performance of more listed buildings.

Next steps