

## **ENERGY PERFORMANCE REQUIREMENTS**

### **Display Energy Certificates**

1. Display Energy Certificates (“DECs”) are intended to raise public awareness by requiring public authorities (including parish councils in England and community councils in Wales) to display information about their buildings’ energy use. They were introduced by the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007. In January 2013, the 2007 Regulations were replaced by the Energy Performance of Buildings (England and Wales) Regulations 2012.

### **Which buildings are affected?**

2. A DEC and an advisory report are required for any building (or part of a building) that is wholly or partly occupied by a public authority, is frequently visited by the public and has a total useful floor area (as defined by the Royal Institution of Chartered Surveyors) of over 500 m<sup>2</sup>. From 9 July 2015, a DEC and an advisory report will be required if the total useful floor area is more than 250 m<sup>2</sup>

### **What is a Display Energy Certificate?**

3. A DEC shows the energy performance of a building based on its energy consumption, based on CO<sub>2</sub> emissions over a 12 month period. A DEC must be produced by an accredited energy assessor. It displays energy consumption on a scale from A to G, where A indicates the lowest CO<sub>2</sub> emissions (the best energy consumption) and G the highest (the worst energy consumption). Rating is based on meter readings of the amount of energy consumed over a 12-month period. Emissions for the previous two years must also be displayed. The DEC must show a registration number, the address of the building, the total useful floor area, the DEC’s date of issue and commencement date, and information about the energy assessor including his/her accreditation scheme.

4. The DEC and advisory report must be lodged in a national register which is operated by Landmark Information Group Limited on behalf of the Secretary of State. It can be found at <https://www.ndepcregister.com/>.
5. Where the building has a total useful floor area of more than 1000 m<sup>2</sup>, the DEC is valid for one year and the advisory report will be valid for seven years. Where the total useful floor area is less than 1000 m<sup>2</sup>, the DEC and advisory report are valid for 10 years.

### **Where should a Display Energy Certificate be shown?**

6. The DEC should be displayed in a prominent position so that it is clearly visible to members of the public. It should be printed in colour and on A3 paper or larger.

### **What is an Advisory Report?**

7. An advisory report contains recommendations to improve energy performance that relate to a building's fabric, heating, ventilation, lighting, etc. A report can include information on zero and low cost operational and management improvements, and possible opportunities for low and zero carbon (LZC) technologies. The report must be prepared by an accredited energy assessor.

### **Are there penalties for non-compliance?**

8. There can be a penalty charge notice of £500 for failing properly to display a DEC and a £1,000 penalty charge notice for failing to have a valid advisory report.

For guidance on DECs and advisory reports see DCLG's "Improving the energy efficiency of our buildings: A guide to Display Energy Certificates and advisory reports for public buildings"

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/51164/A\\_guide\\_to\\_display\\_energy\\_certificates\\_and\\_advisory\\_reports\\_for\\_public\\_buildings.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/51164/A_guide_to_display_energy_certificates_and_advisory_reports_for_public_buildings.pdf)

### **Are there any other energy performance requirements that are relevant to councils?**

9. There are also requirements related to air conditioning systems and Energy Performance Certificates ("EPCs").

## Air Conditioning Systems

10. An inspection is required at least every five years if the effective rated output of an air conditioning system is more than 12kW, irrespective of the size of the building. An occupier can receive a fine of £300 for failing to have an inspection or for not retaining an inspection report.

For further information see:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/51121/A\\_guide\\_to\\_air\\_conditioning\\_inspections\\_for\\_buildings.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/51121/A_guide_to_air_conditioning_inspections_for_buildings.pdf)

## Energy Performance Certificates

11. An EPC is a certificate showing a building's energy rating. It uses the same rating system as a DEC (see paragraph 3). There must be an EPC for any building that is built, let or sold. EPCs are valid for 10 years but can be re-used. The EPC for non-dwellings must be issued by a suitably qualified energy assessor. It will include recommendations on how to improve energy efficiency.
12. It is no longer necessary to attach the front page of the EPC to sale particulars. Instead, the actual energy rating (e.g. EPC Rating C) must be shown. The EPC "A-G graph" should also be shown if space allows.
13. An EPC certificate will no longer be required for a building or a monument that is protected as part of a designated environment or because of its special architectural or historic merit if compliance with energy efficiency requirements would unacceptably alter its character or appearance.
14. For further information see:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/50268/A\\_guide\\_to\\_energy\\_performance\\_certificates\\_for\\_the\\_construction\\_sale\\_and\\_let\\_of\\_non-dwellings.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/50268/A_guide_to_energy_performance_certificates_for_the_construction_sale_and_let_of_non-dwellings.pdf)

**Other relevant Legal Topic Notes (LTNs):**

LTN	Title	Relevance
45	Disposal and appropriation of land by local councils	Explains the statutory duties which councils are subject to in freehold and leasehold sale transactions.
75	Lease negotiations	Gives guidance on the important information exchanged by parties before the grant of a lease of a building.

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