



Information Governance Team

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Dear Sir/Madam

Freedom of Information Act 2000 (FOIA)

Request ID: FOI540107963

Thank you for your request for information relating to Minimum Energy Efficiency Standards.

You have requested the following information:

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 amounts apply 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.

The Council has investigated 497 potential breaches of MEES. We have written to property owners and letting agents where the EPC was rated F/G and where it was thought, but not necessarily proven, that the property was rented.

It could be that the property was not rented, or it was but a trigger to require a new EPC had not occurred and therefore the property was not in breach of MEES. Therefore, the total number of EPC breaches is not known.

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.

Two fines however as the cases are still ongoing, there is no total value at this stage.

3. The number of EPCs for residential properties in your council area that remain non-compliant with MEES.

There are currently 5,806 EPCs for residential properties within Coventry City Council's remit which are on the EPC register and are a rating of F or G. Please note it is not compulsory to place an EPC certificate on the register.

Please also note that without investigating each one of these properties and determining whether it is rented or not and if it is, it has hit a trigger for requiring an EPC, we are unable to confirm that it is non-compliant with MEES. Conversely there may be non-compliant EPCs that we are unaware of as they are not on the public register.

4. The number of EPCs for residential properties in your council area that remain non-compliant with MEES and are being unlawfully let.

We confirm that we do not hold this information and are advising you as per Section 1(1) of the Act. We do not hold this data, as the above enquiries would be required.

5. A list of properties in your council area that are currently exempt from EPC regulations, along with the reason for each exemption.

There are currently 17 exemptions registered within Coventry. Please see attached however the full address has not been provided to protect the identity of individuals.

This has been done as the Council considers that this information meets the definition for personal

data set out in Section 3(2) and 3(3) of the Data Protection Act 2018 (DPA) as:

(2) personal data means any information relating to an identified or identifiable living individual (subject to subsection (14)(c))”

(3) “Identifiable living individual” means a living individual who can be identified, directly or indirectly, in particular by reference to –

(a) an identifier such as a name, an identification number, location data or an online identifier, or
(b) one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.”

The Council thus considers that the requested information is caught by the exemption to disclosure contained in Section 40 (2) of the FOI Act and the related first condition of Section 40 (3).

A disclosure made under FOIA is judged to be to the wider world. The individuals involved, would not reasonably expect that their details would be disclosed in this way.

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.

Regarding non-domestic MEES, Regulatory Services has no specific data about the Questions 1 to 5 listed under Commercial. We are therefore advising you as per Section 1(1) of the Act that the requested information is not held. There has been limited work in respect to non-domestic MEES.

To assist, a project was undertaken prior to the changes coming in April 2023, which included gathering data on non-domestic MEES as part of a wider piece of work. The section of the project which focused on non-domestic MEES was advisory. Businesses, which have a regulatory element, were visited and advised of the upcoming changes and the requirements if the business was going to breach the MEES requirement.

I would also like to know:

- **The sources and methods your council utilizes to identify and track this data.**

Residential:

We use both the EPC register combined with Council Tax, Electoral Roll and Land Registry data to identify any potential breaches of MEES.

Commercial:

During the project we had access to a national MEES database which another local authority shared and provided access to.

• Your policy/procedures for fining parties in breach of MEES or EPC regulations (please send).

Residential:

Following careful consideration, the information you requested falls under the exemption(s) in Section 21 of the Freedom of Information Act 2000, which relates to 'information reasonably accessible to the applicant by other means.'

The exemption applies as the information is published and publicly available to view by accessing the Council website, please use the following link:

<https://www.coventry.gov.uk/housing-enforcement/private-sector-housing-enforcement-policy>

Please see appendix five of our enforcement policy

This exemption is not subject to the public interest test.

Commercial:

Any procedure, if action was to be taken, would follow our standard enforcement policy.

• If your council has a register or list of properties that have breached the above-mentioned MEES or EPC regulations that you can send.

Residential:

No, there is no list or register. The Council has written to property owners where the EPC is rated F/G where it has thought, but not necessarily proven, that the property is rented and in breach. It could be that the property was not rented or a trigger to require a new EPC was not hit and therefore the property was not in breach of MEES.

Commercial:

We do not have a current list available for the non-domestic properties which have breached the MEES regulations.

If you do not have a policy or enforce these regulations in accordance with government policy, then please advise why.

Lastly, do you currently conduct this monitoring in-house, or do you outsource it? Please provide full details.

Residential:

This monitoring is conducted in house by the Housing Enforcement Team.

The supply of information in response to a FOI/EIR request does not confer an automatic right to re-use the information. You can use any information supplied for the purposes of private study and non-commercial research without requiring further permission. Similarly, information supplied can also be re-used for the purposes of news reporting. An exception to this is photographs. Please contact us if you wish to use the information for any other purpose.

For information, we publish a variety of information such as: [FOI/EIR Disclosure Log](#), [Publication Scheme](#), [Facts about Coventry](#) and [Open Data](#) that you may find of useful if you are looking for information in the future.

If you are unhappy with the handling of your request, you can ask us to review our response. Requests for reviews should be submitted within 40 days of the date of receipt of our response to your original request – email: infogov@coventry.gov.uk

If you are unhappy with the outcome of our review, you can write to the Information Commissioner, who can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or email icocasework@ico.org.uk.

Please remember to quote the reference number above in your response.

Yours faithfully

Information Governance