

REPORT TO: POLICY AND RESOURCES COMMITTEE - 8TH DECEMBER, 2008

REPORT ON: ENERGY PERFORMANCE CERTIFICATES

REPORT BY: DEPUTE CHIEF EXECUTIVE (SUPPORT SERVICES)

REPORT NO: 628-2008

1.0 PURPOSE OF REPORT

To make provision for enforcement of the Energy Performance of Buildings (Scotland) Regulations 2008 in cases other than the sale of domestic dwellinghouses.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that officers of the Building Standards Division who are nominated in that regard by the Director of Planning and Transportation be authorised to require the production of Energy Performance Certificates, serve Penalty Charge Notices and Building Regulations Compliance Notices on building owners and generally have power to enforce the provisions of the Energy Performance of Buildings (Scotland) Regulations 2008 and Directions made under the Regulations in cases other than the sale of domestic dwellinghouses.

3.0 FINANCIAL IMPLICATIONS

- 3.1 The costs of enforcement of the Regulations will be contained within the Planning and Transportation budget.

4.0 MAIN TEXT

- 4.1 Directive 2002/91/EC of the European Parliament which came into force on 4th January 2003 has as its objective the promotion of improvement in the energy performance of buildings.

The Directive has been given legal effect in Scotland by the Energy Performance of Buildings (Scotland) Regulations 2008 which come into force on 4th January 2009

- 4.2 The Regulations lay down requirements for the production and display of Energy Performance Certificates in certain buildings and Scottish Local Authorities have been made enforcement authorities for the purposes of the Regulations.
- 4.3 It is proposed that enforcement of the Regulations in Dundee be carried out by the Buildings Standards Division of the Planning and Transportation Department in cases other than the sale of domestic dwellinghouses.

5.0 POLICY IMPLICATIONS

- 5.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management.

6.0 CONSULTATIONS

- 6.1 The Chief Executive, Depute Chief Executive (Finance), Head of Finance, Director of Planning and Transportation and Director of Economic Development have been consulted in the preparation of this report and are in agreement with its contents.

7.0 BACKGROUND PAPERS

- 7.1 None.

Patricia McIlquham
Depute Chief Executive (Support Services)

Date: 26 November 2008