



Reference Number: 101004723267

Response provided under: Freedom of Information Act 2000

Request & Response:

Request in bold:

Response in plain text:

This request relates to UK Environmental Legislation, specifically TM44 Air Conditioning Inspection Reporting, which is mandatory for air-conditioned buildings. You as a Local Authority are duty bound to actively manage compliance in your Borough and to issue notices/fine non-compliant organisations.

Q. Have you set up a Trading Standards Officer to implement an active TM44 compliance programme. Provide that person's name and details.

No – two Trading Standards officers are working with Private Sector Housing colleagues on the enforcement of Minimum Energy Efficiency Regulations but not specifically TM44 Air Conditioning Inspection Reporting.

Q. If you have not set up your compliance programme, when do you expect to do so, and who is in charge of the process?

Due to limited resources all enforcement responsibilities and incident reports have to be prioritised. Enforcement of this particular aspect is not seen as a priority at this time.

Q. What specific actions have you undertaken to check on all building operators with air conditioning in your Borough?

None - Cornwall Council has responsibility for the whole of the County.

Q. How do you notify affected organisations, and how much notice do you give them before issuing a fine?

Procedures have been adopted that control the issue of Penalty Charge Notices for such matters as Energy Performance Certificates, Letting Agents Fees, etc. The same procedure would be followed in the event of a breach of TM44.

Q. The Government Non-Domestic EPC Register contains all records of existing TM44 Air Conditioning Inspection Reports, with expiry dates. Buildings not shown on the Register are non-compliant. Do you make use of the Register?

Due to limited resources all enforcement responsibilities and incident reports have to be prioritised. Enforcement of this particular aspect is not seen as a priority at this time.

Q. The fine is £300.00 per building for non-compliance, do you reinvest fines and allocate to the Department issuing notices?

N/A

Information provided by: Neighbourhoods & Public Protection

Date of response: 09.01.20