

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

Statement of Principles.

Introduction

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 introduced the following requirements for all landlords during any period beginning on or after 1st October 2015 when the premises are occupied under the tenancy—

- (i) a smoke alarm is equipped on each storey of the premises on which there is a room used wholly or partly as living accommodation;
- (ii) a carbon monoxide alarm is equipped in any room of the premises which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance; and
- (iii) checks are made by or on behalf of the landlord to ensure that each prescribed alarm is in proper working order on the day the tenancy begins if it is a new tenancy.

Enforcement

The Authority will work with Landlords to make them aware of their responsibilities and provide basic information where appropriate.

Where the Local Housing Authority has reasonable grounds to believe that

- there are no or insufficient number of smoke alarms or carbon monoxide detectors in the property as required by the regulations or;
- the smoke alarms or carbon monoxide detectors were not working at the start of a tenancy or licence.

Then the Authority shall serve on the Landlord in a method prescribed by the Regulations, a Remedial Notice detailing the actions the landlord must take to comply with the Regulations.

If after 28 days the Landlord has not complied with the Remedial Notice, a Penalty Charge shall be levied through a penalty charge notice.

Principles to be followed in determining the amount of a Penalty Charge

Any penalty charge levied will cover the cost of all works in default, officer time, recovery costs, administration fee and a penalty.

The provision of smoke detectors and carbon monoxide alarms does not place an excessive financial or technical burden on a landlord, and the lack of compliance directly impacts the safety and security of tenants, especially those that are vulnerable and those with families. The failure to provide these alarms may ultimately present a fatal risk to the occupants.

It is understood that the imposition of the maximum potential fine, being £5,000 under the regulations, can present an excessive financial burden but this is balanced against the risk and the fact that reasonable opportunity will have been given to comply prior to any penalty charge being levied.

Therefore a penalty charge of £5,000 is set for any non-compliance of a Remedial Action Notice. This would be the standard amount charged.

The level of penalty should, however, as a minimum, cover the cost of all works in default, officer time, recovery costs, an administration fee and a fine.

Level of Penalty Charge

The Penalty Charge shall be set at £5000

Recovery of Penalty Charge

The local housing authority may recover the penalty charge as laid out in the Regulations.

Appeals in relation to a penalty charge notice

The landlord can request in writing, in a period that must not be less than 28 days beginning with the day on which the penalty notice was served, that the local housing authority review the penalty charge notice. The local housing authority must consider any representation and decide whether to confirm, vary or withdraw the penalty charge notice. A landlord who is served with a notice confirming or varying a penalty charge notice may appeal to the First-tier Tribunal against the local housing authority's decision.