

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

Statement of Principles

Introduction

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 introduces 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 detector is equipped in any room of the premises on which there is a room used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance:
- (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

Where the Local Housing Authority has reasonable ground 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 the tenancy or licence.

Then The Local Housing 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 notice shall be served. The maximum penalty charge is £5,000.

The landlord can request in writing no later than 28 days from service that the remedial notice or penalty charge notice to be reviewed by the Local Housing Authority. Who must consider the representation. A landlord may appeal the notice to confirm or vary the penalty charge notice to the first tier tribunal.

Regulation 13 - Statement of Principles

Where a local housing authority is satisfied, on balance of probabilities, that a landlord on whom it has served a remedial notice is in breach of the duty under the Regulations, the authority may require the landlord to pay a penalty charge of such an amount as the authority may determine.

The amount the penalty charge must not exceed is £5,000.

When determining the amount for a penalty charge notice – Worcester City Council will consider:

- i. A suitable financial penalty for the breach to act as a deterrent for the future.
- ii. Average cost of undertaking works in default

- iii. Property type including number of storeys and commercial/residential mix.
- iv. Partial or full breach
- v. Number of tenants living in the property
- vi. Whether a repeat offence, and
- vii. Officer time and costs to investigate and serve a remedial notice assessed on a case by case basis