

APPENDIX 1

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 Dudley Metropolitan Borough Council Statement of Principles 1.10.2015

Introduction

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 introduced the following requirements for all landlords from 1 October 2015 when the premises are occupied:

- (i) A working smoke alarm on each storey of the premises on which there is a room used wholly or partly as living accommodation.
- (ii) A carbon monoxide detector in any room of the premises which is 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.

Enforcement

Where the Local Housing Authority has reasonable ground to believe that:

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

Then the local housing authority shall serve on the landlord a remedial notice detailing the actions the landlord must take to comply.

If after 28 days the landlord has not complied with the remedial notice a penalty charge notice may be issued.

Penalty Charges

The regulations allow for a charge of up to £5000. This is a considerable sum. Most rented properties are owned by landlords who have one or two properties and incurring a full charge might threaten the sustainability of the rental offer. However, this must be balanced against the potentially tragic consequences of lack of detection. The regulations have been enacted to bring the last stubborn tranche of rented properties up to modern safety standards and a persuasive upper penalty allowed. The remedial costs of compliance are tiny compared to the personal and economic costs of death or injury. The Fire Service and Cannock Chase District Council have publicised the incoming regulations and free detectors have been available to landlords for several months in the run up to implementation of the regulations.

Given the above where it is considered that a landlord has unreasonably failed to comply with the requirements of a remedial notice then the Council will arrange for the alarms to be fitted and a penalty charge notice issued.

The charge will be £2500 for a first time failure and £5000 for any subsequent failure by the same landlord or business organisation at any premises whether within or outside of the Cannock Chase District Council area.

Once the penalty charge notice has been issued there will be a review available by a named officer for 28 days. There is a further review available to the First-tier Tribunal.