

Huntingdonshire District Council

Smoke and Carbon Monoxide Alarm (England) Regulations 2015

Statement of Principles

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 introduce a requirement for all landlords, during any period beginning on or after 1 October 2015, when the premises are occupied under a specified tenancy, to ensure that:

- 1) a smoke alarm is equipped on each storey of the premises on which there is a room used wholly or partly as living accommodation;
- 2) 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
- 3) 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 specified tenancy begins if it is a new tenancy.

Enforcement

Where the local housing authority becomes aware that:

- there are an insufficient number of smoke alarms or carbon monoxide detectors in the property or;
- the smoke alarms or carbon monoxide detectors were not working at the start of specified tenancy

then the local housing authority must within 21 days 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. Any landlord served with a remedial notice is entitled to make written representations against the notice within 28 days of service. Such representations should be made to the Head of Community, Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN.

If, after 28 days the landlord has not complied with the remedial notice, a penalty charge shall be levied.

Level of penalty charge

Huntingdonshire District Council considers that a lesser penalty should apply on the occasion of a first offence. Where, in recognition of an early admission of liability, a fixed penalty charge is paid promptly, a 50 % reduction in the charge payable will apply.

In determining the level of the fixed penalty charge, the Council has given due consideration to the following factors:

- proportionality of the offence in relation to the nature and extent of potential harm;
- the intention to eliminate financial gain or benefit from non-compliance with the Regulations;
- the aim to deter future non-compliance;

- the extent to which the penalty levied will change behaviour;
- the costs incurred by the Council resolving the non-compliance.

The Council considers that repeated offences should attract a considerably higher penalty in view of continuing disregard for legal requirements and tenant safety and will levy the maximum permitted charge in relation to repeat offences.

Therefore, the Council intends to levy a penalty charge of £1,000 in relation to any first offence under the Regulations. A penalty charge of £5,000 shall be levied in relation to any subsequent offence. The above charges shall be reduced by 50% where payment is received within 14 days of issue of the penalty charge notice.

Appeals in relation to a penalty charge notice

A landlord served with a penalty charge notice can request in writing, within 28 days of issue of a notice, that the local housing authority review the penalty charge notice. Any such appeal should be made to the Head of Community, Huntingdonshire District Council, Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN.

On consideration of any representation or evidence, the penalty charge notice can be confirmed, varied or withdrawn. 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.

Recovery of penalty charge

The local housing authority may recover the penalty charge as laid out in the Regulations. Due to the costs incurred by the Council, any penalty charge notice shall be pursued for payment.