

## **Report to Cabinet**

**Subject:** The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 – statement of principles for determining financial penalties

**Date:** 17 December 2015

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### **Wards Affected**

Borough wide

### **Purpose**

- 1) To brief Cabinet on new legislation imposing requirements on landlords with respect to smoke alarms and carbon monoxide alarms.
- 2) To brief Cabinet on the 'Statement of Principles' prepared in accordance with regulation 13 of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 ("the Regulations") that has been adopted by the Portfolio Holder for Public Protection.

### **Key Decision**

This is not a key decision

### **Background**

The Regulations came into force on 1<sup>st</sup> October 2015. Private sector landlords from 1<sup>st</sup> October 2015 are required to ensure that at least one smoke alarm is installed on every storey of their rented property and that a carbon monoxide alarm is installed in any room containing a solid fuel burning appliance. The Regulations also require landlords to ensure that such alarms are in proper working order at the start of each new tenancy.

The requirements of the Regulations will be enforced by the Local Authority. Local Authorities are required to issue a remedial notice where they have reasonable grounds to believe a landlord has not complied with one or more of the requirements. The landlord must comply with the remedial notice within 28 days of service. If they do not, the Local Authority must carry out the remedial action to ensure the requirements in the Regulations are met and may issue a civil penalty charge of up to £5,000 to the Landlord. The civil penalty charge is the only way the Council can recover any costs incurred from enforcing the

legislation, the Council cannot prosecute the landlord for non-compliance with the remedial action notice. Regulation 13 requires the Authority to prepare and publish a statement of principles which it proposes to follow in determining the amount of a penalty charge.

Appendix A shows the 'Statement of Principles' October 2015 that has been approved by the Portfolio Holder for Public Protection.

The financial penalty charge for non-compliance with a remedial notice will be £1,000 for a first offence. With an early payment discount of 25% making it £750 if paid within 14 days beginning on the day on which the penalty charge notice was served.

For subsequent breaches of duty to comply with a remedial notice by the same landlord the penalty will be £5,000 to deter continued non-compliance and an early payment will attract a discount of 50% making it £2,500.

## **Proposal**

It is requested that Members note the new provisions to protect the health and safety of tenants and the approved 'Statement of Principles' October 2015.

## **Alternative Options**

This report is to brief Members on new provisions, there are no alternative options proposed.

## **Financial Implications**

These regulations place additional duties and powers on Local Authorities, it is considered these will be delivered within the existing resources available to the Council. When carrying out remedial action in accordance with the legislation costs will be incurred which will include; officer time, materials, and the cost of the actual works. These costs can only be recovered through the financial penalty charge, it is considered the proposed charges will cover the costs incurred by the Council and contain a punitive element to penalise the landlord for non-compliance.

It is not considered that a significant amount of landlords will receive a penalty charge as many will already be compliant. Those who are not compliant will be issued a notice requiring them to install the detectors within 28 days before the works would be carried out by the Council and the penalty charge issued.

## **Appendices**

### **Appendix A – Statement of Principles, October 2015**

#### **Background Papers**

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 –  
Explanatory Booklet for Local Authorities

#### **Recommendation**

That Members note the new provisions introduced by the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 and the adopted 'Statement of Principles' October 2015.

#### **Reasons for Recommendations**

To make Members aware of the new provisions.