
TITLE: THE SMOKE AND CARBON MONOXIDE ALARM (ENGLAND) REGULATIONS 2015

Committee: Regulatory and Support Services Committee

Date: 20th March 2017

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[R224]

1.0 ISSUE

1.1 To ensure that the Council is able to undertake its duty with respect to the above regulations, and seek approval for the Statement of Principles which the local authority will follow in determining the amount of penalty charge related to a breach of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015.

2.0 RECOMMENDATION(S)

2.1 Members are requested to approve the attached Statement of Principles (Appendix 1), and, to agree the setting of the proposed penalty charge for first offence at a level of £500 (with a £100 discount for prompt payment within 14 days of service of notice), rising to £1000 for second offences and reaching a maximum of £5000 for third and subsequent offences.

3.0 BACKGROUND/OPTIONS

3.1 The Smoke and Carbon Monoxide Alarm Regulations came into force on 1st October 2015. The objective of these regulations is to help prevent fire fatalities and injuries to private sector tenants by ensuring all private rented properties have a working smoke alarm fitted on each floor of the property that is used wholly or partly as living accommodation, and a carbon monoxide (CO) alarm is fitted in any room containing a solid fuel appliance.

3.2 Private sector landlords are required to test the alarms at the start of each tenancy but after the initial test if battery operated alarms are in place tenants are responsible for replacing batteries throughout their tenancy period.

3.3 Enforcement of the Regulations is by a civil penalty fine.

3.4 The Regulations require that the Council provide and publish a “Statement of Principles” which it proposes to follow in determining the amount of penalty charge it will apply (see Appendix 1).

4.0 ARGUMENTS/CONCLUSIONS

- 4.1 On inspection of a privately rented property if it is identified that the correct smoke and CO detection system is not in place then the landlord will be advised and served with a Remedial Notice under the Regulations, requesting work to be done within 28 days. If after 28 days and upon inspection it is determined that appropriate works have not been carried out then the Council can issue a Penalty Charge Notice.
- 4.2 The Regulations require that the Council publishes a Statement of Principles that it proposes to follow in determining the amount of the penalty charge. The proposal is for the amount of charge to be £500 for the first offence, rising to £1000 for the second offence and the maximum of £5000 for any subsequent offences.
- 4.3 The level of fines are considered justified as the cost of compliance for landlords is minimal, and they will have already been advised through the Remedial Notice of the action they are required to take over the next 28 days, prior to any service of a Penalty Charge Notice. Risk to life is high if there is evidence of continued failure to comply.

5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

- 5.1 There are no additional financial implications arising from this report.
- 5.2 Initial Screening Template (IST) completed.

6.0 APPENDICES

- 6.1 Appendix 1 – Statement of Reasons

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
Smoke and Carbon Monoxide Alarm (England) Regulations 2015	Room SF203 The Grange, Ely	Karen See Position: Senior EHO (01353) 616358 E-mail: Karen.see@eastcambs.gov.uk