

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 Statement of Principles.

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 introduces the following requirements that any private landlord must on and after 1st October 2015 amended (2022);

- 1) provide and install a smoke alarm on each storey of the premises on which there is a room used wholly or partly as living accommodation (this includes bathrooms and lavatories).
- 2) provide and install a carbon monoxide alarm in any room which used wholly or partly as living accommodation and contains a fixed combustion appliance (except cookers).
- 3) must ensure at the start of any new tenancy the alarms are in proper working order.

Procedure

When an authorised officer of the Council is satisfied that there are defective or missing smoke or carbon monoxide alarms in a property a Remedial Notice will be served (to comply with the councils statutory duty) on the owner of the property giving a minimum of 28 days for the necessary works to be completed.

If after 28 days the Remedial Notice has not been complied with a Penalty Notice may be served with an invoice as per table 1 and works will be carried out in default.

Matters considered

Where the Council is satisfied that a landlord on whom a Remedial Notice has been served continues to be in breach of their duty to provide smoke and/or carbon monoxide alarms in working order. The Council may require the landlord to pay a penalty charge.

The penalty charge is designed to seek to deter repeat breaches of these regulations and to recover the costs of any works carried out by the Council.

In most instances the Council would not fit battery smoke and/or carbon monoxide alarms and would instead fit mains alarms.

NB Please note that these regulations do not apply to properties subject to mandatory or selective licensing.

Table 1 Penalty Charges

Property type	1st contravention lack of /defective smoke alarms	1st contravention Lack of/defective Carbon Monoxide detector(s)	2nd contravention of either Smoke or Carbon Monoxide detector(s)
Single house without inner room*	£2,000	£2,000	£5,000
Single house with inner room**	£3,000	£2,000	£5,000
Shared house or flat in multiple occupation ***	£3,000	£2,000	£5,000
Poorly converted blocks of flats****	£4,000	£2,000	£5,000
Bedsits*****	£4,000	£2,000	£5,000

*The means of escape from a habitable room such as a living room or sleeping room is not through another habitable room such as a kitchen or living room.

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***The property is let on a single tenancy agreement to a group of sharers.

****The property was converted in to flats prior to the introduction of the 1991 Building Regulations or was converted after the introduction of the 1991 Building Regulations and does not meet them.

****The rooms within the property are let to separate individuals on individual tenancy agreements.

A discount of 25% will be given for payment within 14 days of the date of the service of the Penalty Charge Notice. For subsequent contraventions there will be no reduction in the Penalty Charge.

Please note the maximum amount of a penalty charge is capped at £5,000.00

Review

Landlords may serve a notice on the Council requesting a review of the penalty charge notice within the period specified in the notice i.e. 28 days.

If a landlord fails to seek a review within this time period the penalty charge will be payable and no appeal can be made.

Appeals to Penalty Charge

A landlord who has been served with a notice from the Council confirming or varying a penalty charge notice may appeal to the First Tier Property Tribunal.

The tribunal may quash, confirm or vary the penalty charge notice but may not increase the amount of the penalty charge notice.

The grounds of appeal are ;

- 1) The decision to confirm or vary the penalty charge notice was based on an error of fact
- 2) The decision was wrong in law
- 3) The amount of penalty charge is unreasonable
- 4) The decision was unreasonable for any other reason.

Any appeal made to the First Tier Residential Property Tribunal will result in the charge being suspended until the outcome of the appeal.