

Smoke Alarm and Carbon Monoxide Regulations 2015

A landlord must ensure that during any period when the premises are occupied under a tenancy

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 tenancy begins if it is a new tenancy.

Unless the landlord can show that he, she or it has taken all reasonable steps, other than legal proceedings, to comply with the duty to comply with a remedial notice, the Council may require the landlord to pay a penalty charge of such amount as the authority may determine not exceeding £5,000. If the Council undertakes remedial action in response to the landlord failing to comply with the remedial notice, the Council will add the reasonable costs of the remedial action to the penalty charge, subject to the total charge not exceeding £5,000.

Regulation 13 requires the Council to prepare and publish a statement of principles which it proposes to follow in determining the amount of a penalty charge. The Council may revise its statement of principles and, where it does so, it must publish the revised statement.

The principles which the Council will follow when exercising its powers under regulation 8 of these Regulations are set out in the Private Housing Enforcement Policy, to which this procedure is appended.

If the Council decides to impose a penalty charge, the authority must serve notice of that fact on the landlord ("a penalty charge notice") within six weeks beginning with the day on which the authority is first satisfied, on the balance of probabilities, that a landlord on whom it has served a remedial notice is in breach of the duty to comply with the remedial notice.

If the landlord served with a penalty charge notice requests a review the Council must consider any representations made by the landlord, and serve notice of its decision whether to confirm, vary or withdraw the penalty charge.

A landlord who, having requested a review of a penalty charge notice, is served with a notice confirming or varying the penalty charge may appeal to the First-tier Tribunal against the Council's decision.

The process for determining the financial penalty to be imposed has two steps.

Seriousness of the offence (the more serious the offence the higher the penalty).

Decide which seriousness band the offence sits within, according to the chart

Offence	Band 1	Band 2	Band 3
Smoke Alarm and Carbon Monoxide Regulations	Alarms are present but missing on one storey; or alarms present but were not checked to be in working order on first day of a new tenancy but were repaired within 7 days of start of new tenancy	Alarms present but missing on more than one storey; or alarms not checked to be in working order on first day of a new tenancy but were repaired within 7 to 14 days of start of new tenancy	No alarms present; alarms present but not checked to be in working order on first day of new tenancy and not repaired within 14 days of start of tenancy
Level of severity			
Low	£1,000	£2,500	£4,000
Medium	£1,500	£3,000	£4,250
High	£2,000	£3,500	£4,500
Very high	£2,500	£4,000	£5,000

The level of severity within the allotted band determines the level of the financial penalty

If the Council undertakes remedial action in response to the landlord failing to comply with a remedial notice, the Council will add the reasonable costs of the remedial action to the penalty charge, subject to the total charge not exceeding £5,000.