



ARTICLE NO: 3A

**CORPORATE & ENVIRONMENTAL
OVERVIEW & SCRUTINY**

**MEMBERS UPDATE 2016/17
ISSUE: 3**

Article of: Director of Leisure and Wellbeing

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**SUBJECT: SMOKE & CARBON MONOXIDE ALARM REGULATIONS
IMPLEMENTATION AND ENFORCEMENT**

Wards affected: Borough wide

1.0 PURPOSE OF ARTICLE

- 1.1 To update members on how the Smoke & Carbon Monoxide Alarm Regulations 2015 (the Regulations) will be enforced and implemented.
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2.0 BACKGROUND

- 2.1 In February 2016, Council approved an amendment to the Constitution authorising the Director of Leisure and Wellbeing to implement the Regulations and, in conjunction with the relevant Portfolio Holder, to prepare and publish a statement of principles to be followed when determining the amount of penalty notice.
- 2.2 Council also requested that Members be provided with an update as to how the Regulations will be implemented and enforced.

3.0 CURRENT POSITION

- 3.1 The Regulations came into effect on the 1 October 2015 and require private landlords to ensure there is at least one smoke alarm installed on every floor of the property where rooms are used as living accommodation and a carbon monoxide alarm must be installed in any room used as a living room if it contains a solid fuel burning appliance.
- 3.2 The Council will enforce the Regulations by way of serving a Remedial Notice and subsequently a Penalty Charge Notice where the landlord fails to comply. The maximum penalty fee allowed by the Regulations is £5,000.
- 3.3 Following consultation with the relevant Portfolio Holder, it has been decided that the penalty charge will be set as follows:

- For a first offence £1,000
- For second and subsequent offences £5,000

There is no reduction for early repayment.

3.4 A statement of principles has been prepared and is attached as Appendix 1

3.5 The Regulations will be enforced by responding to complaints directly relating to this issue in addition to officers routinely checking for the presence of smoke and carbon monoxide alarms whenever they carry out an inspection of a private rented property irrespective of the reason for the inspection.

3.6 An enforcement procedure has been prepared and is attached as Appendix 2.

4.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

4.1 The report is for information only to update members with how the Regulations will be implemented. A sustainability assessment was previously carried out as part of the The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 report considered by Council on the 24 February 2016.

5.0 FINANCIAL AND RESOURCE IMPLICATIONS

5.1 There are no significant financial or resource implications arising from this Article.

6.0 RISK ASSESSMENT

6.1 This Article is for information only and makes no recommendations. It therefore does not require a formal risk assessment and no changes have been made to risk registers.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Article.

Equality Impact Assessment

This article is for information only and does not have any direct impact on members of the public, employees, elected members and/ or stakeholders. Therefore no Equality Impact Assessment is required.

Appendices

Appendix 1 Statement of Principles

Appendix 2 The Smoke and Carbon Monoxide Alarm (England) Regulations 2015: Enforcement Procedure