



The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

Statement of Principles for Determining Financial Penalties

Introduction

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (the Regulations) were introduced on the 1st October 2015 and require all private landlords to ensure the following are complied with for all new tenancies entered into on or after the 1st October 2015. The regulations state that:

- at least one smoke alarm must be installed on every storey of the property on which there is a room used wholly or partly as living accommodation; and
- a carbon monoxide alarm must be installed in any room which is used wholly or partly as living accommodation and contains a solid fuel burning appliance
- the landlord must ensure that each alarm is in proper working order on the first day of the tenancy. The tenant is responsible for testing the alarms on a regular basis and reporting any faults to the landlord

This statement sets out the principles that West Lancashire Borough Council (the Council) will apply in exercising its powers to require a relevant landlord to pay a financial penalty.

Enforcement

Where the Council has reasonable grounds to believe that:

- there are no smoke alarms or carbon monoxide detectors in the property as required by the Regulations or the number of alarms is insufficient; or
- the alarms were not working at the start of a tenancy

a Remedial Notice shall be served on the landlord detailing the action that must be taken to ensure compliance. The notice must be complied with within 28 days.

Failure to comply with the Remedial Notice will result in a Penalty Charge Notice being served. The maximum penalty charge is £5,000.

Penalty Charge

Fire and carbon monoxide represents a clear and significant danger to tenants and alarms provide a cost effective method of managing those dangers.

The level of penalty should as a minimum, cover the cost of all works in default, officer time, recovery costs, an administration fee and a fine.

Repeated offences should attract a higher penalty in view of continuing disregard for legal requirements and tenant safety.

The Council has determined that the penalty charge will be set as follows:

1 st offence	£1,000
2 nd & subsequent offences	£5,000

Failure to pay the penalty charge will result in the Council pursuing this through the Courts.

Appeals

There is a right of review against the service of a Penalty Charge Notice. The request for review must be submitted in writing within 28 days of the notice being served to the Director of Leisure & Wellbeing. The review will determine whether the notice should be confirmed, varied or withdrawn.

There is a further right of appeal against the decision made on review to the First-Tier Tribunal.