



**Licensing and
Regulatory Committee**

**Thursday, 07 April
2016**

**Matter for Information
and Decision**

Title: Smoke and Carbon Monoxide Alarm (England) Regulations 2015

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1. Introduction

- 1.1. The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (the Regulations) require landlords of all privately rented domestic accommodation to provide smoke alarms on every storey to protect their tenants. Carbon Monoxide alarms are also required in every room containing a high risk appliance (such as a solid fuel appliance). This Regulation took effect from 1st October 2015. Where a breach of these Regulations is identified the Council can enforce via the service of a Penalty Charge notice up to a maximum of £5000.
- 1.2. A penalty allows the council, amongst other things, to eliminate financial gain or benefit from non-compliance. A financial penalty charge will be considered appropriate where the landlord has failed to comply with the requirements of a remedial notice as detailed in section 3.

2. Recommendations

That Members:

- 2.1. Authorise the Head of Communities and the Environmental Health Team Leader to make arrangements to implement this legislation and to put in place arrangements to review penalties in line with central government guidance; and
- 2.2. Agree that the penalty for non-compliance with the Order shall be as detailed in the attached Statement of Principles (as set out in Appendix 1) for determining the amount of a penalty charge up to a maximum of £5000.

3. Information

- 3.1. The Council has a legal obligation to ensure the health and safety of private tenants and where a breach of these Regulations is identified, to serve a Remedial Notice on the landlord. This Notice may require the landlord to provide and check the alarms as it deems appropriate.
- 3.2. Where, on the balance of probabilities, the Council deems a Remedial Notice has not been complied with it must complete the works in default if tenant consent is given. The Council may then require the landlord to pay a penalty charge if the Council is satisfied on the balance of probabilities that the landlord on whom it has served a remedial notice has failed to take the remedial action specified in the notice within the timescale given.

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Implications	
Financial	No significant implications. The cost of default remedial works should be recovered by means of the penalty charges. Any penalty charges received by the authority will contribute to the cost of running the service benefitting private sector tenants within Oadby and Wigston and offset the cost of work in default.
Legal	This is a statutory obligation of the Council.
Risk	If the legislation is not implemented there is a risk of damage to the health of residents, reputational risk in not implementing statutory requirements and possible legal action from anyone adversely affected by the failure to implement.
Equalities	The legislation will be equally applied to all landlords and all tenants.