



The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

**Statement of principles for
determining financial penalties**

October 2015

Introduction

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 introduce the following requirements which apply to all landlords during any period beginning on or after 1st October 2015 when their premises are occupied under a tenancy: –

- (i) a smoke alarm is fitted on each storey of the premises on which there is a room used wholly or partly as living accommodation;
- (ii) a carbon monoxide alarm is fitted in any room of the premises which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance; and
- (iii) 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.

Enforcement

Where the Council has reasonable grounds to believe that:

- There are no or an insufficient number of smoke alarms or carbon monoxide alarms in the property as required by the Regulations or;
- The smoke alarms or carbon monoxide alarms were not working at the start of the tenancy or licence;

Then the Council must serve a remedial notice on the landlord in a method prescribed by the Regulations detailing the actions the landlord must take to comply with the Regulations.

If after 28 days the landlord has not complied with the remedial notice a penalty charge will be levied through a penalty charge notice.

The maximum penalty charge is £5,000.

The Council has a discretion to reduce the amount of the penalty charge if the landlord pays the penalty within 14 days beginning with the day on which the penalty charge notice was served.

If an early payment is made the penalty charge will be reduced by 50%.

Appeals in relation to a penalty charge notice

The landlord can request that the Council review the penalty charge notice. Such requests must be made in writing within 28 days of service of the penalty charge notice.

The Council must consider any representation and decide whether to confirm, vary or withdraw the penalty charge notice.

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

Regulation 13 - Statement of Principles

When determining the amount for a penalty charge notice, Hyndburn Borough Council will consider:

1. A suitable financial penalty for the breach to act as a deterrent for the future;
2. Cost of undertaking works in default;
3. Property type including number of storeys and commercial/residential mix;
4. Whether it is a partial or full breach;
5. Number of tenants living in the property;
6. Whether it is a repeat offence;

And

7. Officer time and costs involved in investigating and serving a remedial notice, assessed on a case by case basis.

This statement of principles is published on Hyndburn Borough Council's website.

Dated: 8 January 2016.