



LANCASTER CITY COUNCIL

**DIRECTORATE FOR COMMUNITIES AND THE
ENVIRONMENT**

Statement of Principles

**Housing Standards,
The Smoke and Carbon Monoxide Alarm (England)
Regulations 2015**

Lancaster City Council

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

Statement of Principles.

Introduction

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (the Regulations) introduced requirements that a 'relevant landlord' of a 'specified tenancy' of residential premises must ensure that during any period, on or after 1st October 2015, when the premises are occupied under the tenancy that:

- 1) A smoke alarm is installed on each storey of the premises on which there is a room used wholly or partly as living accommodation; and
- 2) A carbon monoxide alarm is installed in any room which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance.

The landlord must ensure the alarms are in proper working order at the start of any new tenancy.

- 'relevant landlord' is the immediate landlord in respect of the tenancy.
- 'specified tenancy' is a tenancy, licence, lease, sub-lease or sub-tenancy of residential premises that
- gives somebody the right to occupy all or part of the premises as their only or main residence

Enforcement

Where the local authority has reasonable grounds to believe that:

- there are no or insufficient number of smoke alarms or Carbon Monoxide Detectors in the property as required by the regulations or;
- The Smoke Alarms or Carbon Monoxide Detectors were not working at the start of a tenancy or licence.

Then the Authority shall serve (within 21 days of having reasonable grounds to believe that the above conditions are met) on the Landlord in a method prescribed by the Regulations, a Remedial Notice detailing the actions the landlord must take to comply with the Regulations.

If after 28 days, the Authority is satisfied, on the balance of probabilities, that a landlord has failed to comply with a Remedial Notice, it may require a landlord to pay a Penalty Charge (via a Penalty Charge Notice).

A Penalty Charge Notice will normally be issued for non-compliance with a Remedial Notice. However, the Authority reserves its discretion not to issue a Penalty Charge Notice in exceptional or unusual circumstances.

Principles to be followed in determining the amount of a Penalty Charge

The Authority considers that a lesser penalty will be merited on the occasion of a first offence and that prompt payment of the penalty on that first occasion should attract a reduced penalty in recognition of early admission of liability and savings in administration costs.

The level of penalty should, however, as a minimum, reflect the seriousness of the contravention and is therefore set at £1,000.

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

If, following the service of a first penalty charge notice, a notice (or notices) is (or are) served in respect of a further offence (or offences), but the further offence(s) arose prior to the service of the first notice, the penalty charge in respect of each notice shall be treated as a first offence penalty charge. Subsequent offences will, however, be treated cumulatively.

Level of Penalty Charge

The Penalty Charge shall be set at £1,000 for the first offence but this will be reduced to £500 if paid within a 14 day period in accordance with Paragraph 9(2) of the Regulations.

For any subsequent offences the penalty charge will be set in accordance with the table below with no reduction for early payment.

OFFENCE	FINE
FIRST	£1,000
SECOND	£2,000
THIRD	£3,000
FOURTH	£4,000
FIFTH OR MORE	£5,000

Appeals in relation to penalty charge notice

A landlord served with a penalty charge notice can request in writing, within 28 days of the notice being served, that the Local Authority review the penalty charge notice. On consideration of any representations, the Local Authority will either 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 Local Authority's decision.

Recovery of penalty charge

The Local Authority may recover the penalty charge as laid out in the Regulations. Any unpaid penalty charge may be pursued for payment as a civil debt through the Courts.