

Hartlepool Borough Council
The Smoke and Carbon Monoxide Alarm (England)
Regulations 2015
Statement of Principles



Introduction

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 introduced the following requirements for all private landlords during any period beginning on or after 1 October 2015 when the premises are occupied under a specified tenancy:

- (i) a smoke alarm is equipped 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 equipped 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 Local Housing Authority ('the Authority') has reasonable grounds to believe that

- there are no or 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 a tenancy or licence.

Then the Authority must within 21 days serve 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 landlord has not complied with the Remedial Notice then the Authority can require the landlord to pay a Penalty Charge. Where the Authority decides to impose a Penalty Charge it must serve a Penalty Charge Notice within 6 weeks beginning with the day on which the Authority is first satisfied that the landlord has not complied with the Remedial Notice.

Level of Penalty Charge

The Penalty Charge shall be set at £1,000 for the first offence but this will be reduced by 50% to £500 if paid within a 14 day period.

Should the Landlord not comply with future Remedial Notices then the fine shall be set as detailed in table 1.

Table 1 – Level of Penalty Charge

	Level of Penalty Charge
First Offence	£1000 reduced to £500 if paid within 14 days)
Second Offence	£2000
Third Offence	£3000
Fourth Offence	£4000
Fifth and subsequent Offence	£5000

Recovery of Penalty Charge

The local housing authority may recover the penalty charge as laid out in the Regulations. If court proceedings become necessary to recover outstanding Penalty Charges, then the Authority will also seek to recover all reasonably incurred costs.

Appeals in relation to a penalty charge notice

A landlord can request in writing, in a period that must not be less than 28 days beginning with the day on which the penalty notice was served, that the local housing authority review the Penalty Charge Notice.

The local housing authority 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 local housing authority's decision. Details on how to appeal to the First-Tier Tribunal will be provided to the landlord with the penalty charge notice.

In the event that a review is requested within the early payment discount period (in relation to a first offence), the landlord will still be entitled to the early payment reduction if the decision is made to confirm the charge, so long as the payment is made within 14 days of the notification of the decision. In the event that the charge is then subject to appeal to the First-Tier Tribunal, the penalty charge is suspended until the appeal is finally determined or withdrawn.