

# Chichester District Council

**CABINET**

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## **The Smoke and Carbon Monoxide Alarm (England) Regulations 2015**

### **1. Contacts**

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### **2. Recommendation**

- 2.1. That the enforcement powers for the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 be delegated to the Head of Housing and Environment Services.**
- 2.2. That the statement of principles for the setting of penalty charges be approved.**
- 2.3. That any monies received through the issuing of fines be held in reserves and used for private sector housing renewal.**

### **3. Background**

- 3.1. The Smoke and Carbon Monoxide Alarm (England) Regulations 2015, made under the Energy Act 2013 came into force on 1 October 2015. The regulations introduced a new requirement for landlords to install smoke alarms on every storey of their property and carbon monoxide alarms in any room containing a solid fuel burning appliance.
- 3.2. The requirements will be enforced by Chichester District Council and a fine imposed of up to £5,000 where a landlord fails to comply with a remedial notice.

### **4. Outcomes to be achieved**

- 4.1 Once officers are equipped with the relevant enforcement powers they can ensure landlords are complying with the legislation. Those found to be in breach of the regulations will be served with a remedial notice requiring them to install the necessary alarms within 28 days. If a landlord fails to comply with a notice, the Council must carry out remedial action to ensure the requirements of the regulations are met and furthermore a civil penalty of up to £5,000 will be issued. The Head of Housing and Environment Services will have discretion to

issue a lower fine if satisfied there are extenuating circumstances. This will be in accordance with the Housing and Environment Enforcement Policy.

## 5. Proposal

- 5.1. It is proposed to delegate the power to enforce the regulations to the Head of Housing and Environment Services.
- 5.2. A review process relating to the service of a Remedial Notice or issue of a Penalty Charge Notice including reducing the level of fine if mitigating factors exist will be put in place.

## 6. Alternatives that have been considered

- 6.1 The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 places statutory duties on the District Council. Therefore there are no alternatives in this instance.

## 7 Resource and legal implications

- 7.1 The Regulations will be enforced using existing staffing resources within the Environmental Housing Team. There may, however be the need to consult Legal Services on occasion.
- 7.2 Fixed penalty notices will be issued if a landlord fails to comply with a remedial notice. The Council will publish a statement of principles for determining the amount of penalty charge.
- 7.3 It is suggested that any monies received through the issuing of fines is used for private sector housing renewal.

## 8 Consultation

- 8.1 Consultation is not relevant in this instance as this is a statutory function, which the Council has a duty to undertake.

## 9 Community impact and corporate risks

- 9.1 Statistics show that, in the event of a fire in a domestic dwelling, death is at least four times more likely to result if there is no working smoke alarm. The new requirements will help to ensure tenants are provided with an additional level of safety within their properties.
- 9.2 The Council may be open to challenge if it fails to regulate agents as required by the Regulations.

## 10 Other Implications

	Yes	No
<b>Crime &amp; Disorder:</b>		√
<b>Climate Change:</b>		√
<b>Human Rights and Equality Impact:</b>		√

<b>Safeguarding and early help:</b>	√	
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Compliance with the regulations will ensure tenants are given early warning and therefore increased protection in the case of fire.

## 11 Appendix

11.1 Statement of principles for determining the amount of penalty charge

## 12 Background Papers

12.1 The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 - Explanatory Booklet for Local Authorities