

KIRKLEES COUNCIL

THE SMOKE AND CARBON MONOXIDE ALARM (ENGLAND) REGULATIONS 2015 STATEMENT OF PRINCIPLES

1. Introduction

The Smoke and Carbon Monoxide Alarm (England) Regulations (“the Regulations”) require landlords, from 1st October 2015, to ensure:

- i. 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
- ii. 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; and
- iii. the alarms are in proper working order at the start of any new tenancy.

when the premises are occupied under a specified tenancy (a 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 in return for rent).

2. Enforcement

When Kirklees Council (“the Council”) has reasonable grounds to believe a landlord has not complied with one or more of the above requirements, the Council is required to serve a remedial notice. The landlord must comply with the notice within 28 days. If they do not, the Council must carry out the remedial action (where the occupier consents) to ensure the requirements in the regulations are met. The Council can also issue a civil penalty of up to £5,000.

3. Penalty Charge Principles

A landlord’s lack of compliance with their duties has a direct impact on the safety of their tenants, especially those that are vulnerable (including those aged 60 years or over) and those with young families. The provision of smoke and carbon monoxide alarms does not place an excessive burden on landlords and a reasonable timescale for compliance is given prior to any penalty charge being levied.

Kirklees Council therefore sets the following penalty charges:

Non-compliance of notice*	Penalty
1 st	£1000
2 nd onwards	£5000

***a landlord will be charged £1000 on only one occasion, this being the first time he/she fails to comply with a remedial notice. Non-compliance with further remedial notices related to either the same property or additional properties will carry a charge of £5000 per notice.**

The Regulations provide that the Council can reduce the penalty charge if paid within 14 days of service of the penalty charge notice. However, the Council considers that the landlord is provided with a reasonable timescale to comply with their duties and therefore Kirklees Council will not apply this provision.

4. Review of a Penalty Charge Notice

If a landlord does not agree with a penalty charge notice, they can make a request to Kirklees Council for it to be reviewed. This request must be made in writing to Team Manager, Access to Private Rented and Compliance, Housing Solutions Service, Civic Centre 3, Huddersfield, HD1 2EY or housing.solutions@kirklees.gov.uk and within the time period specified in the penalty charge notice.

If Kirklees Council receives a request for a review, the Council must consider any representations made by the landlord, decide whether to confirm, vary or withdraw the notice, and serve a notice of its decision on the landlord. Where the Council decides to confirm or vary a penalty charge notice, it must inform the landlord that they can appeal to the First-tier Tribunal.

5. Appeals

A landlord may appeal to the First-tier Tribunal if the penalty charge notice is confirmed or varied by the Council after a review. If an appeal is lodged, the penalty cannot be enforced until the appeal is disposed of.

6. Recovery of Penalty Charge

Kirklees Council can recover the penalty charge on the order of a court, as if payable under a court order. All landlords on whom a penalty charge notice has been served will be pursued for payment.

7. Review of Statement

This statement will be reviewed annually and amended sooner to reflect any change in legislation, corporate policy or official guidance as necessary. Any amended statement will be published.

Last reviewed: November 2015