

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Energy Act 2013 & Housing Act 2004
The Smoke and Carbon Monoxide Alarm (England)
Regulations 2015.

Meeting/Date: Licensing and Protection Committee – 21 June 2016

Executive Portfolio: Councillor Steve Criswell – Executive Councillor for
Community Resilience

Report by: Chris Stopford - Head of Community

Ward(s) affected: All

Executive Summary:

The Smoke and Carbon Monoxide Alarms (England) Regulations 2015 require working smoke alarms and carbon monoxide alarms, where a solid fuel appliance is fitted, to be provided to the majority of the private rented sector. Landlords are obliged to comply with the Regulations and local housing authorities, defined within the Housing Act 2004 to include the District Council, have certain duties and powers in relation to the enforcement of the Regulations.

Recommendation(s):

1. That the necessary amendments are made to the Council's Scheme of Delegation, such that the Head of Community be authorised to appoint suitably qualified officers to enforce the provisions specified in the Regulations.
2. That the Head of Community be authorised to publish, and review as necessary in consultation with the relevant Executive Councillor, a statement of principles governing the application of a penalty charge to remedy matters of non-compliance with the terms of a remedial notice.

1. PURPOSE OF THE REPORT

- 1.1 To seek authority to incorporate the powers and duties conferred on local housing authorities, defined in the Housing Act 2004 to include the District Council, by the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 into the Council's Scheme of Delegation.

2. BACKGROUND

- 2.1 The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 require most private sector landlords to fit a smoke alarm on each storey of the premises, where a room is used wholly or partially as living accommodation and to fit a carbon monoxide alarm in any room containing a solid fuel appliance. Landlords are also required to check that all alarms are working at the start of any new tenancy.
- 2.2 The Regulations place a duty on local housing authorities to serve a remedial notice, requiring the provision of such alarms, where it has reasonable grounds to believe that a landlord is in breach of one or more of the duties specified.
- 2.3 Landlords are duty bound to comply with the content of a remedial notice and if the necessary alarms are not provided within 28 days, the local housing authority must take remedial action to ensure that the necessary alarms are provided to the property in question.
- 2.4 Local housing authorities are empowered to levy a penalty charge on any landlord whom has failed in the duty to comply with the terms of a remedial notice. The amount of penalty charge must not exceed £5000 and any authority making such a charge must publish a statement of principles.
- 2.5 Any landlord on whom a remedial notice is served is entitled to make written representations against the notice. Landlords served with a penalty charge have a similar right to make representations that the authority must consider. A landlord has a subsequent right of appeal to the First-tier Tribunal.

3. OPTIONS CONSIDERED

- 3.1 Local housing authorities are duty bound to enforce the Regulations and thus non-adherence to the duties specified may result in the Council breaching its statutory duty.

4. LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND / OR CORPORATE OBJECTIVES.

- 4.1 Enforcement of the Regulations is consistent with the enabling communities corporate objective.

5. RESOURCE IMPLICATIONS

- 5.1 There are no additional resource implications associated with the enforcement of the Regulations. Any works in default undertaken in relation to non-compliance with the terms of a remedial notice will be met from within existing budgets and recovered under normal debt recovery procedures.

6. REASONS FOR THE RECOMMENDED DECISIONS

- 6.1 The Smoke and Carbon Monoxide Alarms (England) Regulations 2015 place a duty on landlords to provide the necessary alarms to the majority of private rented dwellings. The Regulations also empower and place certain duties on local housing authorities. To comply with those duties it is recommended that:

1. That the necessary amendments are made to the Council's Scheme of Delegation, such that the Head of Community be authorised to appoint suitably qualified officers to enforce the provisions specified in the Regulations.
2. The Head of Community be authorised to publish, and review as necessary in consultation with the relevant Executive Councillor, a statement of principles governing the application of a penalty charge to remedy matters of non-compliance with the terms of a remedial notice.

7. LIST OF APPENDICES INCLUDED

Appendix 1 – Draft Smoke and Carbon Monoxide Alarms (England) Regulations 2015 – Statement of Principles.

BACKGROUND PAPERS

[The Smoke and Carbon Monoxide Alarm \(England\) Regulations 2015](#)

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