

# STATEMENT OF PRINCIPLES

Smoke and Carbon Monoxide Alarm Regulations 2015  
As amended 2022



Specified Officers within the Housing Improvement Team of Community Connections, in accordance with the Council's Scheme of Delegation have delegated authority to serve notices, assess Penalty Charge and carry out works.

In our correspondence (accompanying Remedial Notices) we will make it clear that landlords have a defence of taking all reasonable steps for not complying with the remedial notice except legal proceedings. We will also advise them to keep appropriate records to demonstrate that they have taken these steps in the event that they need to rely on this as a defence. We will ask for these records when we determine whether there has been a breach (for which a penalty charge may be levied).

The Service Director of Community Connections will consider any representations landlords may wish to make about Remedial Notices served.

The level of (any) Penalty Charge will be set by the case officer in conjunction with their line manager. The following principles will apply:

- generally we will serve a Penalty Charge Notice where we are satisfied that, on the balance of probabilities, the landlord is in breach of their duty to comply with a Remedial Notice
- the penalty charge will generally be £5000
- a prompt payment reduction of 25% will be given where:
  - payment is made within 14 days of the service of notice (as defined in the regulations) or
  - a representation is received within 14 days of the service of the notice and the payment is received within the period of 14 days following the service of our notice of review of the charge (service dates as defined in the regulations)
  - the discount will be reduced or removed where it would result in the penalty being less than the cost of remedial works undertaken by the Local Authority.
- where we are aware of any extenuating circumstances these will be considered. However, by their nature, such circumstances cannot be fully defined in a policy. They will probably be unknown at the time that the Penalty Charge Notice is served but the landlord can provide these as a part of any representation against it
- generally, the Penalty Charge Notice will not be reduced or withdrawn in cases where the landlord complies with the Remedial Notice after the expiry date of that Remedial Notice

The Service Director of Community Connections will consider any representations landlords may wish to make about the level of Penalty Charge assessed.

The proceeds of penalty charges will be used to administer the regulations (including inspection of property and payment for works in default). Any residue will be used to support the other functions of the Housing Improvement Team.

## Standards

For the purposes of this guidance, the word “tenancy” can also include references to licences. Please note that there are a number of exemptions to the requirements of the regulations.

## Smoke alarms

The regulations require that a smoke alarm is fitted to each storey of the premises used wholly or partly for living accommodation. In this context:

- a storey which solely comprises a staircase need not have a smoke alarm as there is no living accommodation present.
- a bathroom or lavatory is considered as living accommodation
- the premises may refer individual units of accommodation within the building
- a self-contained flat refers to a part of the building which contains bathing, lavatory and kitchen facilities in addition to the living/bedroom areas, all of which are separated from the rest of the building such that access to the flat is via a single flat entrance door

In single tenancy property we will require a smoke alarm on each storey of the building. This also applies where there is a single shared tenancy.

In multi tenancy property we will require a smoke alarm in each storey of each tenancy. The following are examples of how this will apply:

- in single storey self-contained flats (including studio flats); within each such flat (whether the building is an HMO or otherwise)
- in multi storey self-contained flats and maisonettes; within each flat, one smoke alarm on each storey of such a flat (whether the building is an HMO or otherwise)
- in buildings comprising both self-contained flats and other living accommodation; a smoke alarm on each storey where there is non self-contained living accommodation. This is in addition to those alarms located within self-contained flats
- in buildings where all the accommodation is non self- contained; a smoke alarm on each storey
- in hotel or bed and breakfast style accommodation being used to house residential occupiers; a smoke alarm on each storey where there is living accommodation used for this purpose

The smoke alarm must detect smoke. It's recommended that alarms meet the requirements of BS5839-6. Fittings which detect heat (heat detectors) are not acceptable. The smoke alarm may incorporate its own sounder, or alternatively a separate sounder may be provided within the area covered by the smoke detection unit.

Subject to the above requirement, for the purposes of these regulations the minimum standard for these fittings is that of a nine volt battery unit. However fittings/systems of a higher standard (that is 10 year battery smoke alarms, (part of) a 240 volt alarm system (grade D), or part of a “panel” alarm system (grade A) are also acceptable provided they comply with the above criteria.

Landlords should note that there may be higher standards applicable to their property under other legislation. In particular, for HMOs, a panel system (grade A) or interlinked 240 volt system (grade D) will usually be appropriate.

## Carbon monoxide alarms

The regulations apply to “fixed combustion appliance other than a gas cooker” . This term means a fixed apparatus where fuel of any type is burned to generate heat and includes gas boilers, solid fuel boilers, wood burning stoves, cooking appliances and fire grates used for combustion. Fire grates which

are purely decorative and are not intended for combustion purposes are excluded; however landlords are advised to make this explicit in the terms of the tenancy.

The regulations apply to all such appliances where they are located in a room in the premises. The term “room” includes halls and landings as well as other areas.

The regulations require a carbon monoxide alarm to be fitted in the “room” within which the appliance is located. Alarms should be compliant with BS 50291.

### Testing

The regulations explicitly state that alarms are to be tested on the day the new tenancy begins. The regulations are specific about this date; it is recommended that landlords obtain documentary evidence of this (for example the tenants’ signatures to this effect).

Where a fire alarm system (see preceding paragraphs) is provided that part which relates to the new tenancy (see preceding paragraphs) must be tested to confirm that it is operable as of the date of commencement of that tenancy.

Checks are to be carried out to ensure that the alarm is in proper working order. Testing is to be by:

- (In the case of a Grade A system) (a) checking the control panel to ensure that the power light is illuminated and that no fault lights are present and (b) testing at a call point and ensuring that the sounders are working
- (In the case of Grade D and battery smoke alarm/carbon monoxide systems) checking for the presence of the alarm unit and any visible evidence of non-functionality and (b) using the test button provided

In both cases appropriate remedial action is to be taken where faults are found.

### Exemptions

The regulations make a number of exemptions. Broadly speaking these relate to:

- licensed HMOs
- housing where the landlords are Registered Providers
- housing where residents occupy as long leaseholders
- housing where “lodgers” share amenities with the residential owner or a member of their family
- some halls of residence, care homes, hospices, hospitals and NHS accommodation
- Low cost ownership homes

### Publication

The enforcement section of this policy will be published on the Council webpages in order to comply with the duty imposed by Regulation 13 to publish, a “statement of principles which the Council proposes to follow in determining the amount of a penalty charge”. The standards section of this policy will be similarly published along with the Government guidance.

Review

The Service Director of Community Connections is authorised to revise the “Standards” section of this policy in the light of further Government guidance or tribunal decisions or other information.

Date of Review	Lead Officer
07/06/2024	Andrew Elvidge Community Connections Technical Lead (Housing Improvement)