

**Durham County Council
Statement of Principles
The Smoke and Carbon Monoxide Alarm (England) Regulations 2015**

Introduction

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 introduces the following requirements for all landlords from 1 October 2015:

- (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
- (i) 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 Council has reasonable grounds to believe that:

- (i) there are no or an insufficient number of smoke alarms or carbon monoxide detectors in the property as required by the regulations or;
- (ii) The smoke alarms or carbon monoxide detectors were not working at the start of a tenancy or licence.

Then the Council shall serve on the landlord, in a method as may be 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, a Penalty Charge shall be levied through a Penalty Charge Notice.

Level of Penalty Charge

The Penalty Charge shall be set at £200 for the first offence if paid within a 14 day period. This will be increased to £300 if not paid within a 14 day period. It will cover the cost of all works in default, officer time, recovery costs, legal costs, an administration fee and a fine. Should the Landlord not comply with future Remedial Notices then the fine shall be set according to the table below:

For second premises owned by 'the same landlord'* and found within 12 months from first offence	£1,000
For any premises owned by 'the same landlord'* and where the landlord has 2 or more 'unspent offences'**	£3,000

*The same landlord includes any spouse, co-director, business partner or other associate of the landlord, and includes all businesses owned, co-owned or managed by the landlord.

**unspent offences mean those where the Council has carried out remedial notice works in default within a 3 year period beginning on the date that the works were carried out.

No discount will be given for prompt payment after the first occasion.

Recovery of Penalty Charge

The Council may recover the penalty charge as laid out in the Regulations. Should court proceedings be necessary to recover outstanding penalty charges, then the Council will also seek to recover all reasonably incurred court costs.

Appeals in relation to a penalty charge notice

The 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 Council review the penalty charge notice.

The Council 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 Council's decision.