

Appendix C

Eastbourne Borough Council

Smoke and Carbon Monoxide Alarm Enforcement Policy

May 2016

Eastbourne Borough Council

Smoke and Carbon Monoxide Alarm Enforcement Policy

Introduction

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 came into force on the 1st October 2015. The regulations require landlords of privately rented dwellings to:

- a) Install smoke alarms on each floor of their rented property;
- b) Install a carbon monoxide alarm in each room where there is a solid fuel burning appliance;
- c) Carry out checks to ensure the alarms are in working order at the start of each new tenancy.

Enforcement

Eastbourne Borough Council as the local housing authority enforces the regulations. Where the Council has reasonable grounds to believe that a landlord is in breach of the regulations, they must serve a 'Remedial Notice', giving the landlord 28 days in which to comply. Where the local authority is satisfied that a landlord has not complied with a remedial notice, they have a duty to arrange for the required works to be carried out (with the consent of the occupier).

The local authority also has a discretionary power to require the landlord to pay a penalty charge of up to £5000. The authority may, at its discretion, specify that if a landlord pays the penalty charge within a specified earlier period, or where a review of the penalty charge notice is requested, a reduction in the penalty charge may be applied.

The local authority must prepare and publish a statement of principles that it proposes to follow in determining the amount of penalty charge. Eastbourne Borough Council has a Statement of Principles dated May 2016.

The local authority may recover the charge under a Court Order.

Sums received under a penalty charge may be used by the authority for any of its functions.

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The regulations apply to all privately rented domestic premises although exemptions apply to accommodation shared with the landlord, long leases, student halls of residence, hostels, care homes, refuges and hospices, as defined by the Schedule within the Regulations.

Appeals

A landlord will have a right to request a review of a penalty charge and can appeal to a First Tier Tribunal against the review decision on specific grounds, including that the amount of charge is unreasonable. Appeals should be made in writing to the First Tier Tribunal;

Ground Floor
Magistrates' Court and Tribunals Centre
6 Market Avenue
Chichester
West Sussex
PO19 1YE
Email; rpsouthern@hmcts.gsi.gov.uk
Telephone 01243 779 394
Fax 0870 7395 900

Review

This policy will be reviewed annually and updated if necessary to take into account legislative changes. The policy will also be reviewed if comments are received.

Comments should be sent to;

Customer First
Eastbourne Borough Council
Tel no 01323 41000
Email: customerfirst@eastbourne.gov.uk

May 2016