



COUNCIL MEETING

17 December 2015

**THE SMOKE AND CARBON MONOXIDE ALARM (ENGLAND)
REGULATIONS 2015 – PENALTY CHARGE POLICY**

Jane Robinson, Chief Executive

EXECUTIVE SUMMARY

1. The purpose of this report is to seek approval of the level of penalty and penalty framework for works which need to be undertaken for compliance with the Smoke and Carbon Monoxide Alarm (England) Regulations 2015.
2. The Council, at its meeting on 12 November 2015, approved a number of amendments to the Council Constitution. This included granting delegated authority to the Strategic Director, Communities and Environment (and officers under his control) to exercise powers from 1 October 2015 to ensure that all private sector rented properties would have working smoke alarms, and in some cases carbon monoxide alarms, in accordance with the Smoke and Carbon Monoxide Alarm (England) Regulations 2015.
3. The Local Housing Authority is the enforcing body for this statutory requirement and is required to serve remedial notes on those landlords in breach of their duty to comply. Where a landlord fails to comply with the remedial notice, the Authority must, if the necessary consent is given by the occupier of the premises, arrange for remedial action to be taken by undertaking works in default. It may also require the landlord to pay a civil penalty charge of up to £5000.
4. The Local Authority is required to prepare and publish a statement of principles which it proposes to follow in determining the amount of penalty charge that will apply.
5. The Cabinet has considered the facts and issues arising from the report including alternative options and took all relevant advice before formulating their recommendation.

RECOMMENDATIONS

5. It is recommended that Council:
 - i) approve the Statement of Principles and the level of penalty and penalty framework as set out in Appendix 2 of the attached report
 - ii) approve the proposed enforcement procedure and arrangements as set out in appendices 3 and 4 of the attached report
 - iii) agree that the penalty income will fund the administration and set up costs of discharging the Council's statutory duty