

Statement of principles for determining the financial penalties under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015

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Introduction

This statement sets out the principles required under regulation 13 of the smoke and carbon monoxide (England) regulations 2015 (the regulations) in determining the financial penalty that the council will apply in exercising its powers under regulation 8 of the same regulations.

The regulations allow the council to issue a Penalty Charge Notice where a relevant landlord had failed to take all reasonable action to comply with a remedial notice served under regulation 5.

The remedial notice would require a relevant landlord within 28 days to comply with their duties under regulation 4(1) to ensure that:

- i. A smoke alarm is installed on each storey of the premises on which there is room used wholly or partly as living accommodation; and
- ii. A carbon monoxide alarm is installed in any room which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance; and
- iii. Checks are made on or behalf of the landlord to ensure the alarms are in proper working order at the start of any new tenancy.

Financial Penalty

Landlords issued with a penalty charge notice have been given 28 days to comply with statutory provisions that they should already have undertaken. The work a landlord is required to undertake is not onerous and is of a low cost in comparison to the potential risk to the tenants. Principally the aim is to encourage landlords to comply; but in the event of non-compliance, it is not enough to recover the cost of completing the works as this in itself would not deter inaction. Therefore, a financial penalty should be set at an amount to ensure those few landlords that fail to comply with the law are sufficiently penalised. However, penalties would only be served where appropriate, with the aim of ensure the safety of the tenants and not as a way of generating revenue.

The amount of financial penalty is set at £1000 plus costs for the first offence; £3000 plus cost for the second offence and the maximum fine of £5000 for the third offence; including where it can be established that the landlord has been issued with a penalty charge notice from another local authority under the same regulations.

The additional costs are the financial implications that the council would incur for officer time and for the cost of providing and installing the required amount of smoke and/or carbon monoxide alarms.

Offence	Fine	Costs
First	£1000	£542 plus £70 for every alarm fitted.
Second	£3000	£542 plus £70 for every alarm fitted.
Third	Maximum fine of £5000	Cost incorporated

Mitigating Factors

The council agrees to reduce the amount of the penalty charge notice in the following circumstances:-

(a) Early payment

Where a relevant landlord issued with a penalty charge notice makes payment within 14 days of the service date, the financial penalty will be reduced by 50%.

(b) Discretion by Director of Housing

A landlord may under regulation 10 serve on the council a written request to review the penalty charge notice. The request must include information as to why the landlord should not be required to pay the penalty charge. The Director of Housing must consider the landlords representations and then confirm, vary or withdraw the penalty charge notice.

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