

Derby City Council

Smoke and Carbon Monoxide Alarm (England) Regulations 2015

Statement of Principles

13th September 2016

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Introduction

1. Background

- 1.1 The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (“the Regulations”) impose duties on certain landlords of residential premises in respect of smoke and carbon monoxide alarms. The duties do not apply to a landlord who is a registered provider of social housing.
- 1.2 Regulation 14 of the Regulations require Derby City Council as the local housing authority (“the Council”) to prepare and publish a statement of principles it proposes to follow in determining the amount of penalties imposed by the Council under the Regulations.
- 1.3 By virtue of regulation 13(3) of the Regulations, Derby City Council must have regard to the statement for the time being in force when setting the amount of any penalty under the Regulations.

2. Explanatory Note

- 2.1 The Council has powers under the Regulations to impose on Landlords of residential properties a penalty charge notice when they are in breach of the Regulations. This Statement of Principles has been published to show the Council’s approach to setting penalties to ensure that the Council can impose penalties at the appropriate level, effectively to deter contraventions of the Regulations.
- 2.2 All Landlords of residential properties should operate in compliance with the Regulations, taking into account any relevant guidelines where appropriate. As such, the central objective of imposing a penalty is deterrence. The level of the penalty must be sufficient to deter the Landlords from contravening regulatory requirements.
- 2.3 In particular, the level of the penalty must be sufficiently high to have the appropriate impact on the Landlord. It should incentivise the Landlord to change their conduct and bring it into compliance. The level of the penalty should be high enough that the Landlord recognises that it is not more profitable for them to break the law and pay the consequences, than it is to comply with the law in the first instance, and that it should



therefore discourage bad conduct and encourage good practices and a culture of compliance across the private housing sector.

3. How the Council will determine the amount of a penalty

- 3.1 The central objective of imposing a penalty is deterrence. The amount of any penalty must be sufficient to ensure that it will act as an effective incentive to compliance, having regard to the seriousness of the non-compliance.
- 3.2 As well as being punitive, the penalty will cover the cost of remedial work.
- 3.3 The penalty charge will be graduated:
 - a) A first offence will attract a penalty of £3,000 inclusive of the cost of remedial work.
 - b) Subsequent offences will each attract a penalty of £5,000 inclusive of the cost of remedial work.
 - c) The period within which the penalty charge is payable is 30 days beginning with the day on which the penalty charge notice is served.

4. Revision of the Statement of Principles

- 4.1 Regulation 13 (2) of the Regulations provides that Council may from time to time revise our statement as we think fit. When it does so the Council must publish the revised statement.
- 4.2 This statement will be reviewed in the light of experience in applying it over time.

5. Further contact information

- 5.1 Further information about the contents of this policy can be obtained from Derby City Council's Housing Standards Team by telephone on 01332 640764 or email housing.standards@derby.gov.uk