

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

Statement of Principles

This statement is required under Regulation 13 of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 and relates to matters that Stafford Borough Council (the Council) must have regard to in determining the amount of any penalty charge issued under Regulation 8 of the same Regulations.

The Regulations allow the Council to issue Penalty Charge notices where a relevant landlord has failed to take all reasonable steps to comply with a remedial notice. Such notices allow 28 days to:

1. Fit one or more smoke alarms in an occupied rented property.
2. Fit a carbon monoxide detector to a room with a solid fuel burning combustion appliance.
3. Take steps to check that each smoke or carbon monoxide alarm required by Regulations are working correctly at the start of a new tenancy.

In determining the amount a penalty charge the Council takes into account the following principles:

1. 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. It is not enough to recover the cost of completing the works as this in itself does not deter inaction that puts tenants' lives at risk. The financial penalty should be set at an amount to ensure that those few landlords that flout the law are sufficiently penalised.

The amount of financial penalty is set at £1,000 for the first offence and £5,000 for any subsequent 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 provisions.

This amount is modified by the mitigating provisions noted below.

2. Mitigating factors

The Council agrees to reduce the amount of the financial penalty element of the Penalty Charge 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 element of the penalty charge will be reduced by 50%.

b. Discretion by Head of Environment

A landlord may write to the Head of Environment within 28 days of date the Penalty Charge Notice is served requesting a right to review. Such a request should include such information as appropriate as to why he should not be required to pay the Penalty Charge. The Head of Environment may confirm, vary or withdraw the penalty charge notice.