


London Borough of Croydon	CROYDON www.croydon.gov.uk
Private Sector Housing Landlords Forum Information Sheet 1.	

**New Powers: Smoke and Carbon Monoxide Alarm (England) Regulations 2015
Financial Penalties under the Housing and Planning Act 2016**

Introduction:

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015, apply to rented properties in England (some exemptions exist) and are enforced by Local Authorities. An LA must prepare and publish a Statement of Principles to assist determining the amount of a penalty charge.

Duties on Landlords

The Regulations require that landlords for all Let properties ensure that:

- a smoke alarm is installed on each storey of premises where there is living accommodation
- a carbon monoxide alarm is installed in any room of premises used as living accommodation, which contain a solid fuel burning appliance.

AND for tenancies starting from 1 October 2015

- that checks are made by the landlord, or someone acting on his behalf, that the alarm(s) are in proper working order on the day the tenancy starts.

Properties subject to Part 2 or Part 3 licensing are exempt from the 2015 Regulations although compliance is achieved through an additional clause being added to the property licensing conditions.

Enforcement

Where the Council believe that a landlord is in breach of one or more of the above duties, the Council must serve a Remedial Notice (RN). This will list the remedial works required to be taken by the Landlord. If the Landlord fails to take remedial action, within the specified timescale, a penalty charge notice may be issued. The penalty charge may not exceed £5,000.00.

	Payment period	Penalty Charge	
		Punitive Charge	(and) Costs
First Offence	Within 28 days	£2,500	Reasonable costs
	Early Payment Option Within 14 days	£1,500	
Second and subsequent offences	Within 28 days	£4,500	Reasonable costs

Completing the Works

The Council are required to carry out the works in default and can then reclaim all reasonable costs incurred by the builder and themselves in organising the works.

Housing and Planning Act 2016

Introduction - Financial Penalty (FP).

The FP came into force on April 6 2017 and can be issued to a landlord (includes licensee) who commits one of the following Housing Act 2004 offences.

- Section 30 – not comply with an improvement notice
- Section 72 (1) – not licence a house in multiple occupation
- Section 72 (2) – licensed HMO that is overcrowded
- Section 72 (3) – not comply with HMO licence conditions
- Section 95 (1) – not licence a private rented property (non-mandatory HMO)
- Section 95 (2) – not comply with a private rented property licence condition.
- Section 139 – overcrowding notice for HMO
- Section 234 – non-compliance a HMO Management Regulation

Section 21(1) of the 2016 Act creates a new offence; the breach of a Banning Order. The option to issue a FP is available but not until the proposed commencement date; 1st October 2017.

Rent Repayment Orders

Chapter 6 of the 2016 Act widened the option to make an application to the First Tier Tribunal for a RRO. This came into force on April 6 2017 under Chapter 4 of the 2016 Act. An application for a RRO can be made, within a 12 month period, by a LHA or tenant against a landlord who commits one of the following Housing Act 2004 offences:

- Failure to comply with an Improvement Notice under section 30*,
- Failure to comply with a Prohibition Order under section 32(1),
- Offence of failing to license an HMO under section 72 (1)*,
- Offence of failing to license a licensable house under section 95(1) Part 3*,
- Using violence to secure entry to a property under section 6 of the Criminal Law Act 1977; and
- Illegal eviction or harassment of the occupiers of a property under section 1 of the Protection from Eviction Act 1977

A new offence is created by section 21(1) of the 2016 Act; the breach of Banning Order. The option to apply for a RRO is available. This power will not be available until later in 2017 with the current proposed commencement date; 1st October 2017.

Contact information.

For more information on private sector housing matters please contact:

Email – hsg-privatehousing@croydon.gov.uk

Telephone: 0208 760 5476 or Minicom: 0208 760 5797

Or on licencing your property

Email - propertylicensing@croydon.gov.uk

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