

Smoke and Carbon Monoxide Alarm (England) Regulations 2015

**Statement of principles
for determining penalty
charge notices**

City of Wolverhampton Council

Contents

Introduction	3
Purpose of the Statement of Principles	3
The Legal Framework	3
Remedial Notices	3
Representations Against a Remedial Notice	3
Remedial Action	3
Penalty Charges	4
Level of Penalty Charge	4
Recovery of Penalty Charge	4
Reviews and Appeals in Relation to a Penalty Charge Notice	4
How to Make Representations	4

Statement of principles for determining penalty charge notices

Introduction

This statement sets out the principles that Wolverhampton City Council (“the Council”) will apply in exercising its powers under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015. The Council will use the above regulations to improve fire and carbon monoxide safety in privately rented and social housing residential dwellings.

The Regulations empower the Council to impose a penalty charge on any relevant landlord who, having failed to comply with a remedial notice, is in breach of one or more of the duties set out in the Regulations.

Purpose of the Statement of Principles

The Council is required under Regulation 13 to prepare and publish a statement of principles that it must follow when deciding on the amount of a penalty charge. Further information on the regulations and how to comply with them as a landlord can be found in the landlord guidance at gov.uk.

The Legal Framework

The powers are introduced by the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (the Regulations) (SI 2015/1693) which came into force on 1 October 2015. This was amended by the Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022, which came into force on 1st October 2022 (SI 2022/707).

The Regulations place a duty on relevant landlords to ensure that:

- a smoke alarm is equipped on each storey of the premises on which there is a room used wholly or partly as living accommodation (including hall or landing)
- a carbon monoxide alarm is equipped in any room used as living accommodation

(including hall or landing) which contains a fixed combustion appliance other than a gas cooker

- checks are made by or on behalf of the landlord to ensure that each prescribed alarm is in proper working order on the day the tenancy begins if it is a new tenancy
- smoke alarms and carbon monoxide alarms are repaired or replaced as soon as practicable, once informed that they are faulty.

Remedial Notices

Where the Council believes that a landlord is in breach of one or more of the above duties, the Council must serve a remedial notice on the landlord. The remedial notice is a notice served under Regulation 5 of these Regulations.

Representations Against a Remedial Notice

A landlord who receives a remedial notice may make written representations to the Council within 28 days of the date on which the notice was served. The Council will consider the representations and must decide whether to confirm or withdraw the notice. The Council will confirm its decision to the landlord in writing.

Remedial Action

Where a landlord fails to comply with a confirmed remedial notice within the specified timeframe, and the occupier of the premises consents, the Council may arrange for an authorised person to carry out the required remedial action.

“Remedial action” means action:

- to install a prescribed alarm;
- to repair a prescribed alarm; or
- to check a prescribed alarm is in proper working order.

A landlord will not be regarded as in breach of a remedial notice if they can demonstrate that all reasonable steps—other than legal proceedings—were taken to comply with the duty.

Penalty Charges

If the landlord then fails to take the remedial action specified in the notice within a specified timescale, a penalty charge shall be levied through a penalty charge notice.

Level of Penalty Charge

The charges are as follows:

- £5,000 for failing to comply with a remedial notice

No individual penalty charge may exceed £5,000 in accordance with the statutory maximum.

The Council reserves the right to vary a charge in exceptional circumstances.

Recovery of Penalty Charge

The Council may recover the penalty charge via a court order.

Reviews and Appeals in Relation To a Penalty Charge Notice

A landlord who receives a penalty charge notice may request a review by the Council. This must be in writing within 28 days of the notice being served. The Council will consider any representation and decide whether to confirm, vary, or withdraw the notice.

If the notice is confirmed or varied, the landlord has a right of appeal to the First-tier Tribunal (Property Chamber).

How To Make Representations

Any representations made regarding Remedial Notices or Penalty Charge Notices are to be sent to:

Private Sector Housing Service

Wolverhampton City Council
Civic Centre
St Peters Square
Wolverhampton
WV1 1SH

Or by email to:

PrivateHousingRepresentations
@wolverhampton.gov.uk

You can get this information in large print, braille, audio
or in another language by calling 01902 551155
or emailing translations@wolverhampton.gov.uk

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