

Warwick District Council
Statement of Principles
Penalty Charges - The Smoke and Carbon Monoxide Alarm (England)
Regulations 2015

Enforcement

Where the Local Housing Authority ('the Council') has reasonable grounds to believe that

- there are no, or insufficient number of, smoke alarms/Carbon monoxide detectors in the property as required by the 'Regulations' or;
- The smoke alarms/Carbon monoxide detectors were not working at the start of a tenancy/licence,

the Council shall serve on the Landlord in a method prescribed by the 'Regulations', a Remedial Action Notice detailing the actions the landlord must take to comply with the 'Regulations'.

If after 28 days the Landlord has not complied with the Remedial Notice, a Penalty Charge shall be levied through the service of a Penalty Charge Notice.

The above regulations require the following:

Information to be published by local housing authority

13.—

- (1) A local housing authority must prepare and publish a statement of principles which it proposes to follow in determining the amount of a penalty charge.*
- (2) A local housing authority may revise its statement of principles and, where it does so, it must publish the revised statement.*
- (3) In determining the amount of a penalty charge, a local housing authority must have regard to the statement of principles which was most recently prepared and published at the time when the breach in question occurred.*

Therefore the Council has set and published the following statement:

Principles to be followed in determining the amount of a Penalty Charge

The Council considers that a lesser penalty will be merited on the occasion of a first offence and that prompt payment of the penalty on that first occasion should attract a reduced penalty in recognition of early admission of liability and savings in administration costs.

The level of penalty should, however as a minimum, cover the cost of all works in default, officer time, recovery costs, an administration fee and a fine.

Future offences should attract a higher penalty in view of continuing disregard for legal requirements and tenant safety.

Level of Penalty Charge

The Penalty Charge shall be set at £1,000 for the first offence but this will be reduced to £750 only if paid within a 14 day period.

Should the landlord not comply with future Remedial Notices, served on the same or other properties, then the fine shall be set according to the table below:

Offence	Standard Fine	Prompt payment reduced fine
First	£1,000	£750
Second	£2,000	N/A
Third and all subsequent	£5,000	N/A

Discount will only be given for prompt payment for the first offence, not any subsequent offences.

Appeals in relation to a Penalty Charge Notice.

The landlord can request in writing, in a period that must not be less than 28 days beginning with the day on which the penalty notice was served, that the Council review the penalty charge notice.

The Council must consider any representation and decide whether to confirm, vary or withdraw the penalty charge notice.

A landlord who is served with a notice confirming or varying a penalty charge notice may appeal to the First-tier Tribunal against the Council's decision.

Arrangements for Remedial Works being Undertaken

Where the Council is satisfied that a landlord is in breach for failing to comply with a Remedial Action Notice, they must, if the necessary consent of the occupier is given, arrange for an 'authorised person' to undertake the remedial action specified in the notice within 28 days of being satisfied of the landlord being in breach of the notice.

The Council will give at least 48 hours notice of the action to the occupier of the premises concerned.

The Council has appointed Warwickshire Fire Service to act as its 'authorised person' to undertake remedial works on its behalf. The costs of fitting alarms will be recharged to the Council, at agreed rates, and will be included within the Council's penalty charges specified above. The Schedule of charges is set out in Appendix A and will be periodically reviewed.

Appendix A

WFRS schedule of recharge

WFRS Costings for Fitting Smoke and CO detectors as part of Civil Penalty Charge Procedure

Fixed Charges per visit

Community Fire Safety Officer (CFSO) £15.65 per hour

Admin £11.10 per hour

Fuel and on-costs 40p per mile

Variable Charges

Smoke Detectors (ST622) £6.52 (cost to WFRS) £15.00 (Fire Angel)

CO Detectors (CO-9X) £9.30 (cost to WFRS) £25.00 (Fire Angel)

Calculations

Fixed

CFSO £15.65 x 1.5 hour **£23.47**

Admin £11.10 x 1 hour **£11.10**

Fuel 40p x average journey **£27.50**

£62.07

Variable (depending on number/type of detectors fitted)

Smoke Detector plus admin **£10.00**

CO Detector plus admin **£15.00**

£25.00

Example Charges for average 2 storey house without solid fuel would be £82.07 **after free alarm supplies exhausted.