

Smoke and Carbon Monoxide Alarms Policy (Private Sector Housing)

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1. Context, Objectives and Scope

- 1.1. This policy sets out how the Council will enforce the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 [as amended by the Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022]. The intention of this policy is to improve the safety of private sector tenants, by ensuring that they have working alarms throughout their tenancy.
- 1.2. Private sector landlords are expected to comply with these Regulations, which mandate the provision of working smoke and carbon monoxide alarms at the beginning of and throughout the duration of the tenancy to safeguard tenant health and safety.
- 1.3. Failing to follow these regulations is a serious matter. Fire and Carbon Monoxide are two of the 29 hazards prescribed by the Housing Health and Safety Rating System. Both have the potential to cause death and serious injury.
- 1.4. Without working smoke alarms in residential premises, a small fire can develop unnoticed to the stage where smoke and fumes block escape routes or render a sleeping occupant unconscious.
- 1.5. Carbon Monoxide (CO) poisoning is a serious and preventable form of poisoning. Each year there are around 40 deaths and over 200 non-fatal cases that require hospitalisation from accidental CO poisoning in England and Wales.
- 1.6. Complying with the regulations does not place an excessive burden on a landlord. The cost of the alarms is low and in many cases they can be installed without the need for a professional contractor. The impact on occupiers, damage to property and financial costs resulting from a fire or Carbon Monoxide poisoning far outweigh the cost of installing alarms.

2. Landlord Duties

- 2.1. Landlords must ensure that:
 - A smoke alarm is installed in every rented property, on every storey that contains a room used for habitation.



- A Carbon Monoxide alarm is installed in every room used solely or partly for habitation, that contains a fixed combustion appliance other than a gas cooker (for example, a coal fire or wood burning stove).
- These alarms are installed and in good working order at the start of every tenancy.

3. Enforcement

Remedial Works

- 3.1. If we have reasonable ground to believe that a landlord has failed to comply with the duties in pa. 6.2, we will serve a Remedial Notice on the landlord. This notice will require the landlord to complete remedial action within 28 days and explain their right to make written representations.
- 3.2. Where we have reasonable grounds to believe that a Remedial Notice has not been complied with, we will arrange (with the occupier's consent) for the remedial works (eg fitting a smoke alarm) to be carried out.

Penalty Charges

- 3.3. Failing to comply with a Remedial Notice is an offence. Where a landlord has had the chance to comply with a Remedial Notice, and has failed to do so, we will consider issuing a Penalty Charge.
- 3.4. Before issuing a financial penalty, we will consider any relevant mitigating or aggravating factors, or other relevant facts. These include (but are not limited to):
- The extent to which the ability to remedy the failure was within the landlord's control;
 - Whether the landlord had policies in place to ensure compliance with the regulations, and any reason that these weren't followed;
 - What (if any) steps the landlord took after receiving the Remedial Notice;
 - Evidence of historical compliance (such as signed inventories);
 - Whether it is in the public interest to issue a penalty charge.
- 3.5. Failure to comply with a Remedial Notice is always serious, as it puts residents at risk of serious harm. Repeated breaches of duty show a reckless disregard for the safety and wellbeing of residents. The maximum penalty for breach is £5,000.
- 3.6. The amount of the penalty charge will be as follows:

Breach	Amount
First	£2500 (£1,250 if paid within 14 days)
Second	£5,000 (£2,500 if paid within 14 days)
Third and subsequent	£5,000

Representations

- 3.7. The person made subject to a penalty charge has the right to make representations to the Council (see [Contact Details](#)).
- 3.8. Reasons for representation may include:
- The decision to issue a penalty charge was as a result of an error of fact;



- The decision to issue a penalty charge was as a result of an error of law;
- The amount of the penalty charge is unreasonable;
- The decision to issue a penalty charge was unreasonable for any other reason.

- 3.9. After considering representations, we will send the person a notice confirming, amending, or withdrawing the charge.
- 3.10. If the person who received the penalty charge is not satisfied with the response to their representations, they have the right to appeal to the First-tier Tribunal. This must be done within 28 days of the decision.

4. Legal Context and Definitions

Definitions

- 4.1. 'Landlord' should be read as including letting agents, managing agents, licensors, property owners, directors of corporate landlords and any other person involved in the letting or management of privately rented accommodation.
- 4.2. 'Room used for habitation' includes bathrooms and lavatories.

Other Legal Context

- 4.3. This policy is guided by the requirements placed on landlords and local authorities by the [Smoke and Carbon Monoxide Alarm \(England\) Regulations 2015](#) as amended by the [Smoke and Carbon Monoxide Alarm \(Amendment\) Regulations 2022](#).

5. Reviewing this policy

- 5.1. Amendments to this policy not reflecting a major change of policy may be made by the Executive Director for Housing in consultation with the Director of Law and Corporate Governance. Such changes will be reported to Members annually.

Replaces: The Smoke and Carbon Monoxide Alarm (England) Regulations- Statement of Principles 2021

Minor updates for clarity and stronger alignment with Lewisham's broader Private Sector Licensing and Enforcement Framework

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