



Ministry of Housing,
Communities &
Local Government

Review of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015

Government response



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Introduction

The private rented sector is an important part of our housing market. It is the second largest tenure in England and houses 4.7 million households (20% of all households).¹

All tenants should have a safe place to live, regardless of tenure. In 2015, the Government introduced the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (“the Regulations”) to protect private sector tenants from death or injury in the home caused by smoke and carbon monoxide poisoning. The Regulations aim to ensure more homes in the sector have working smoke and carbon monoxide alarms. During the passage of the Regulations through Parliament in 2015, Ministers made a commitment to review them in 2017.

The Regulations require private rented sector landlords to have at least one smoke alarm installed on each storey of their properties on which there is a room used wholly or partly as living accommodation and a carbon monoxide alarm in any room wholly or partly used as living accommodation, containing a solid fuel burning combustion appliance. The landlord must make sure the alarms are in proper working order at the start of each new tenancy. Landlords are not responsible for testing alarms during the course of the tenancy. Guidance contained within the “How to Rent”² guide recommends that tenants should take responsibility for their own safety by testing all alarms regularly. Testing monthly is generally considered an appropriate frequency for smoke alarms.

The Regulations apply to private landlords of residential premises. They apply to assured, assured shorthold and specified tenancies (a licence, lease, sub-lease or sub-tenancy) granting tenants the right to occupy all or part of the premises as their only or main residence, for a rent. Some tenancies are excluded from the Regulations including: Long leases or a tenancy granting occupation for 7 or more years and shared accommodation with the landlord or landlords family.

The enforcement body for these Regulations is the local housing authority.

On 7 November 2017, the Government launched a nine week consultation to invite views and comments to gather evidence on the effectiveness of the Regulations to date. The consultation did not indicate any intention to change the Regulations. The consultation closed on 9 January 2018 and 170 responses were received from a range of individuals and representative bodies. We are very grateful to everyone who took the time to respond. This document summarises the comments received and sets out the Government’s approach and next steps.

¹ [English Housing Survey 2016 to 2017: headline report](#)

² <https://www.gov.uk/government/publications/how-to-rent>

On 7 November 2017, the All Party Parliamentary Carbon Monoxide Group (APPCOG) published its own review of carbon monoxide alarm requirements in private rented homes³. The findings and recommendations in its report have been taken into account of part of our analysis.

On 30 April 2018, the Government announced a review into rules that require carbon monoxide alarms to be fitted in homes across England, regardless of tenure. The outcome of this consultation will feed into that wider review.

³ <http://www.policyconnect.org.uk/appcog/research/carbon-monoxide-alarms-tenants-safe-and-secure-their-homes>

Summary of consultation findings and Government response

Part A – Questions for all respondents

Question 1. Respondent Interests

Question 1 Please indicate whether you are applying to this consultation as:

Landlord	37
Tenant	6
Letting Agent	33
Local Authority enforcement officer	34
Fire and Rescue authority officer	10
Members of Parliament	9
Other	41
Total	170

Respondents recorded under 'other' included landlords representative organisations, letting agent representative organisations, tenant representative groups, safety groups, professional bodies, energy industry bodies and other interested parties.

Questions 2 to 5: Awareness and Understanding

Question number	Question	Yes	No	No. of responses
2	Before reading this document, were you aware of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015	133	6	139

Question Number	Question	Yes	No. of responses
3	Before reading the consultation document, were you aware that under the regulations:		140
	Landlords must ensure that a working smoke alarm is installed on every storey of a rental property.	130	
	Landlords must ensure that a working carbon monoxide alarm is installed in any room containing a solid fuel combustion appliance.	128	
	Landlords must ensure that a working carbon monoxide alarm is installed in any room containing a solid fuel combustion appliance.	129	
	Whilst the regulations do not impose legal obligations upon tenants, they are advised to test the alarms regularly to ensure they are working.	125	
	I was not previously aware of the requirements.	5	
	I thought the regulations imposed different requirements. Please provide details.	3	

Question number	Question	No. of responses	Total responses
4	How were you made aware of the regulations?		140
	I was not aware before reading the consultation document	8	
	The Gov.uk website	33	
	Communication from DCLG	46	
	Social Media	15	
	Word of Mouth (friend/family)	11	
	Letting or managing agent	13	
	Professional association	69	
	Informed by tenant	0	
	Communication from landlord	0	
	Local authority remedial notice	0	
	Other	28	

Question number	Question	Yes	No	No. of responses
5	Do you consider that information about the regulations is easily accessible? If 'no', how could the information be improved?	100	36	136

Questions 6 to 10: Effectiveness and impact

Question number	Question	Yes	No	Don't know	No. of responses
6	Have the regulations had a positive impact on the number of smoke and carbon monoxide alarms installed?	89	16	33	138

Question number	Question	Yes	No	Don't know	No. of responses
7	Have the regulations had a positive impact on protecting tenants from death or injury resulting from smoke or carbon monoxide poisoning?	53	6	56	139

Question number	Question	Yes	No	Don't know	No. of responses
8	Are the regulations still required in full? If 'no', please provide details.	104	17	18	139

Question number	Question	Yes	No	Don't know	No. of responses
9	Do you think that the properties excluded from the regulations are the right ones? If 'no', please provide details.	46	48	44	138

Question number	Question	Yes	No	Don't know	No. of responses
10	Do you think that the regulations could be improved? If 'yes', please provide details of any improvements needed.	99	19	21	139

Part B – Questions for landlords and letting agents

Question Number	Question	Total responses
11	How do you ensure that you/your landlord customers are complying with the requirements to have in place smoke and carbon monoxide alarms?	66

Question Number	Question	Total responses
12	How do you ensure that you/ your landlord customers are complying with the requirements for testing smoke and carbon monoxide alarms?	66

Question Number	Question	Yes	No	Total responses
13	Have you encountered any problems complying with the regulations? If 'yes', please give details.	27	40	67

Question Number	Question	Yes	No	Total responses
14	Have the regulations led to increased rents being charged for properties? If 'yes', please provide details and explain why.	14	54	68

Question Number	Question	Installation only	Included as part of services	No charge	Total responses
15	(For letting agents) What fees, if any do you charge to landlords or tenants for administering the requirements of the regulations? How often are any fees charged?	7	6	24	37

Part C – Questions for tenants

Question Number	Question	Pre-regulations	Post-regulations	Total responses
16	When did your tenancy begin?	3	4	7

Question Number	Question	Self contained house/flat from a private landlord	Total responses
17	What type of property do you live in?	7	7

Question number	Question	Yes	No	No. of responses
18	On the first day of your tenancy, was there a working smoke alarm installed on every storey of your property used as living accommodation?	5	2	7

Question number	Question	Already installed at start of tenancy	After tenancy commenced	No. of responses
19	When did your landlord fit smoke alarms on every storey of your property used as living accommodation?	5	2	7

Question number	Question	Yes one or more solid fuel burning combustion appliance	Yes, one or more combustion appliance that does not burn solid fuel	None	No. of responses
20	Does your rented accommodation contain any combustion appliances (fire, stove, boiler, etc) in rooms used as living accommodation (specify below)?	1	4	2	7

Question number	Question	Yes	No	No. of responses
21	On the first day of your tenancy, was there a working carbon monoxide alarm(s) installed in all rooms used as living accommodation which contain a solid fuel combustion appliance?	1	2	3

Question number	Question	Carbon monoxide alarm(s) already installed at the start of the tenancy	No carbon monoxide alarms have been installed	After tenancy commenced	No. of responses
22	When did your landlord install carbon monoxide alarms in all rooms used as living accommodation which contain a solid fuel combustion appliance?	1	1	1	3

Question number	Question	Number responses	Total responses
23	If there are landlord supplied carbon monoxide alarms in your rented accommodation, are these located:		6
	In all rooms containing a solid fuel combustion appliance (eg. coal fire, wood burning stove, etc.).	1	
	In room(s) containing a combustion appliance other than solid fuel (eg. gas fire, gas boiler, oil fired boiler, etc.).	4	
	In room(s) with no combustion appliance (but where there is a combustion appliance elsewhere in the dwelling).	0	
	In room(s) with no combustion appliance (and where there is no combustion appliance anywhere in the dwelling).	0	
	Other (please specify).	1	

Question number	Question	Yes	No	Total responses
24	Have you faced any problems with regularly testing your alarm(s)? If 'yes', please provide details.	2	6	8

Question number	Question	Yes	No	Total responses
25	Have you supplied and installed your own smoke or carbon monoxide alarms in your rented accommodation? If 'yes', please provide details and include why you installed alarms yourself.	4	4	8

Part D – Questions for local authorities

Question number	Question	Private Sector Housing team (Environmental Health)	No one	Total responses
26	Who enforces the regulations in your local authority?	34	1	35

Question number	Question	Number of responses	Total responses
27	How many enquiries about the regulations do you receive from landlords? Have any common themes emerged from enquiries received?		33
	No enquiries received	7	
	Very few with no common themes	20	
	Concerns about tenants disabling the alarms	2	
	Whether battery operated alarms can be used	2	
	Confusion around when carbon monoxide alarms are required.	2	

Question number	Question	Number of responses	Total responses
28	How many enquiries about the regulations do you receive from tenants? Have any common themes emerged from enquiries received?		37
	No enquiries received	11	
	Very few with no common themes	17	
	Seeking Clarification on who is responsible for installing the alarms	2	
	Concern about defective or missing alarms	2	
	Query about carbon monoxide alarms	4	
	Landlords refusing to install and citing 'tenants' responsibility	1	

Question number	Question	Number of responses	Total responses
29	How many investigations have you carried out to test that landlords are complying with the regulations since they came into force on 1 October 2015?		35
	None carried out	3	
	No specific investigation but check for compliance at every property inspection.	25	
	Regularly	1	
	200+	3	
	30	1	
	Less than 10	2	

Question number	Question	Number of responses	Total responses
30	How many remedial notices have you served on landlords since the regulations came into force on 01 October 2015?		34
	0	2	
	Less than 10	27	
	Between 10 & 50	2	
	Greater than 50	3	

Question number	Question	Number of responses	Total responses
31	In how many cases have you arranged for alarms to be installed since the regulations came into force on 1 October 2015?		35
	0	21	
	Less than 10	9	
	Greater than 10	1	
	Distributed in conjunction with the Fire Service	1	
	Unknown	2	

Question number	Question	0	1	Total responses
32	How many civil penalties have been issued to landlords since the regulations came into force on 01 October 2015?	30	2	32

Question number	Question	No notices served	0	Not known	Total responses
33	How many landlords have requested a review following receipt of a civil penalty?	29	2	1	32

Question number	Question	0	Total responses
34	Of reviews that have taken place, how many have confirmed the penalty charge notice?	32	32

Question number	Question	N/A	0	Total responses
35	How many landlords have appealed to the First-Tier Tribunal following the receipt of a civil penalty?	30	2	32

Question number	Question	N/A	Total responses
36	Of the appeals that have been considered by the First-tier Tribunal, how many of the penalties were upheld?	30	30

Question number	Question	Number of 'yes' responses	No	Total responses
37	Have you encountered any problems enforcing the regulations? If 'yes', please explain.	10	20	30
	Timescales make it difficult to enforce	2		
	Enforcement procedure is too complex	2		
	Landlords comply with the regulations prior to a notice being served	2		
	Overlap/conflict with other legislation	3		
	Tenancies pre-date the regulations	1		

Question number	Question	Number of 'yes' responses	No	Total responses
38	Could enforcement be improved? If 'yes' please explain.	24	10	34
	Remove the requirement to serve a remedial notice entirely	2		
	Reduce timescales – Shorten time for service of notice and compliance	8		
	Allow for instant fine	3		
	Ensure alarm systems being fitted are of the required standard	2		
	Consistent/ higher enforcement standard across the different types of accommodation	3		
	More resources to do pro-active inspections	1		
	Other	4		

Part E – Optional question for all respondents

Question number	Question	Total responses
39	Do you have any other comments that have not been captured elsewhere in this consultation?	32

27% of respondents indicated that it should be mandatory to provide a carbon monoxide detector in premises with a gas appliance.

22% of respondents felt that tenants must be informed of their responsibilities for smoke and carbon monoxide alarms.

In addition, there was some indication that there is a lack of awareness or education about the dangers of carbon monoxide.

18% of respondents felt that alarms should be mains wired.

Shelter have indicated that local authority enforcement is important in getting non compliant landlords to act. They have highlighted the fact that not all tenants feel empowered to approach their landlords to rectify missing or non working alarms for fear of losing their tenancy.

One response containing a case study was received. This concerned guidance around the positioning and placement of smoke alarms. The respondent highlighted how poor placement of smoke alarms can hinder their efficiency and asked for the regulations to provide a definition of what a proscribed smoke detector is and that installation should be in accordance with manufacturers instructions and BS5839 Part 6.

Government Response

The Government is pleased that there is a widespread understanding of the Regulations among respondents. The responses show that there is a good awareness of the Regulations and that this in turn has led to an increase in number of alarms and safer homes. The responses illustrate the lack of carbon monoxide alarms in private rented accommodation prior to the Regulations coming into effect and suggest that the Regulations should not only be retained in full but expanded to cover all tenure types.

There is some concern that the Regulations are not clear enough around the issue of what constitutes solid fuel and that the Regulations would be simpler if they were extended to all fuel burning appliances. This issue will be considered as part of a wider review into the requirement for carbon monoxide alarms across all tenures that is scheduled to take place later this year.

We acknowledge that there will be specific circumstances where other regulations, notably the Housing Health and Safety Rating System (England) Regulations 2005 (HHSRS), will impose requirements that go beyond these Regulations.

The responses show a good level of compliance before and after the Regulations came into effect. For all new private tenancies, smoke [and carbon monoxide] alarms should be installed and in proper working order at the start of the tenancy. If this is not the case the landlord will be in breach of the Regulations. The responses also show a good adherence to the Regulations regarding testing of the alarms at the start of a tenancy and following good practice by highlighting to the tenants that they need to ensure the alarms remain in working order.

Local housing authorities should be using the powers that they have to ensure that the Regulations are being followed and complied with. Where a landlord does not carry out their responsibilities under the regulations, the local housing authority should take enforcement action.

It is encouraging to see some local authorities taking action to ensure that tenants are protected by installing alarms or distributing them in conjunction with the local fire service.

The responses highlight the need for clearer guidance for landlords and tenants on the requirements and responsibilities set out in the Regulations.

The Government has recently published a 'How to Let' guide to help landlords understand their responsibilities and updated the 'How to Rent' and 'How to Rent a Safe Home' guides to help tenants understand what protections should be in place. All these guides include information on smoke and carbon monoxide alarm requirements.

Next Steps

The purpose of this consultation was to review the effectiveness of the Smoke and Carbon Monoxide Alarm (England) Regulations introduced in 2015. It was made clear when the

document was published that no legislative changes were proposed at this time and that any relevant legislation subsequently brought forward would be subject to separate consultation. The need to regulate across all tenures was a key outcome of this consultation and on 30 April, the Government announced a wide ranging review of the rules that require carbon monoxide alarms to be fitted in homes across England, regardless of tenure. That review will take account of the responses to this consultation exercise. For this reason, we are not proposing to amend or make any additions to the Regulations at present

