



## **Boston Borough Council – Advice and Guidance for Landlords/Letting Agents**

New regulations covering Smoke and Carbon Monoxide Alarms came into force on the 1<sup>st</sup> October 2015.

In short landlords and agents have to ensure that each floor of any rented property has a working smoke alarm and that any living spaces with solid fuel appliances, multi fuel stoves, open fires, log burners etc have a carbon monoxide alarm, and these both need to be checked to be in working order at the start of each tenancy. (see note 1 below)

Many rented properties in Boston will likely have fire and smoke alarms, some indeed have hardwired fire detection systems (which is compulsory for licensable HMOs) The Council agrees with the requirement for fire alarms to be extended across the whole rented sector as this is no more than most would have in place in their own homes.

The further requirement for carbon monoxide alarms where properties have solid fuel heating systems should also help keep tenants safe.

Ensuring compliance with the new regulations falls to the Council and in the first instance we will work with landlords and agents to ensure suitable provision is made in their properties. For those that refuse to comply the Council will use the formal powers available to it which may result in penalty charges of up to £5,000 Landlords and their agents should note that these penalty charges are set by the Council and not by the courts. Any appeals would be made to the Council in the first instance and then to a First Tier Tribunal. (see note 2 below)

The Council's Private Sector Enforcement Team are keen to point out to landlords that thought should be given to where smoke detectors are placed. They should not be situated in close proximity to cooking appliances or kitchens to avoid false alarms. Ideally detectors on the ground floor should be between the foot of the stairs and the nearest exit door. On other floors the head of the stairs is probably the best location. For some properties a risk assessment might determine that extra detectors/alarms will be required.

Although the legislation does not specify it the Team also believe that a mains powered alarms system is inevitably the best solution as it removes the potential for batteries to run down or indeed removal by tenants.

For carbon monoxide detectors the guidance is clear and that the detection should be installed at head height and approximately 1 metre away from the appliance.

The Team would like to stress that all fuel burning heating appliances and flues should be maintained by competent tradesmen on a regular basis. It is also important that any supplementary combustion air vents should not be blocked up.

One other responsibility for landlords and letting agents in the new regulations is that all alarms are checked and are in working order at the start of each tenancy. The Council asks that landlords and letting agents take reasonable steps at the outset of a tenancy to record that is done in case of any later involvement with the Council. This is likely to become important as tenants and other stakeholders become aware of the new requirements and possibly report non compliance to the Council.

The Private Sector Housing Team is always happy to provide advice to landlords and letting agents where needed. You can contact us on 01205 314563.

Note 1. Government guidance can be found via the following link...

Landlord & tenant guide

<https://www.gov.uk/government/publications/smoke-and-carbon-monoxide-alarms-explanatory-booklet-for-landlords>

Note 2.

The Council has published its statement of principles in relation to enforcement and financial penalties on Smoke and Carbon Monoxide Alarms. These can be found on the Council's website.