

Submission

Shelter submission to the DCLG review of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015

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Shelter helps millions of people every year struggling with bad housing or homelessness through our advice, support and legal services. And we campaign to make sure that, one day, no one will have to turn to us for help.

We're here so no one has to fight bad housing or homelessness on their own.

Summary

- Shelter believes that everyone should be able to live in a safe, secure and affordable home. Smoke and carbon monoxide safety is a key part of this, across all tenures including owner-occupied, privately rented and social (housing association or local authority) housing.
- Our evidence suggests that the introduction of the regulations in 2015 has led to a significant increase in landlords installing smoke and carbon monoxide alarms in private rented properties, although the level of non-compliance suggests that there is more work to do. For this reason, and to ensure new landlords are also compliant, we believe there is a need for these regulations to be retained in full.
- The recent tragic fire at Grenfell Tower demonstrates the devastating consequences that fire and smoke can have on individuals, families and whole communities. It is a vital that we learn from this and take all reasonable steps to ensure that people are safe in their homes.

Introduction

Shelter welcomes this opportunity to submit evidence to DCLG's review of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015.

Regulations introduced by the Government in October 2015 were aimed at properties considered to be the most at-risk. Private rented sector properties have fewer alarms installed than other types of housing tenures. At the time the regulations were introduced, data from the English Housing Survey showed that 83% of private renters had at least one working smoke alarm compared with 88% of owner occupiers, 89% of local authority tenants and 92% of housing association tenants.

Response to review

Impact on number of smoke and carbon monoxide alarms installed (Question 6)

Our most recent survey of over 1,100 private landlords in the UK¹ shows that there has been a statistically significant increase in landlords having both smoke and carbon

¹ You Gov survey of 1137 Private Landlords, online, July – August 2017

monoxide alarms, following the change in the law. There has been a particularly big increase in CO detectors, suggesting that, even though the regulations apply to only a tiny proportion of properties, it has driven a wider change in behaviour among landlords. This is most likely as a result of landlords misunderstanding the legal change, believing it applies to their properties when it might not, but it is positive nonetheless.

Smoke detectors

The vast majority of landlords had smoke alarms fitted on each floor of all the homes they let out prior to the new law being introduced. Our surveys indicate that the new law has prompted even more landlords to take this precaution, with a statistically significant increase in landlords saying they have these, from 87% in 2015 to 93% in 2017. Only 4% (rounding) admit to not complying with the law on smoke alarms, with a further 3% not knowing if they are or not.

I have smoke alarms fitted on each floor	Aug-17	Jul-15
Base: Landlords	1137	1071
All of my properties	93%	87%
Some, but not all of my properties	1%	4%
None of my properties	2%	4%
Don't know	3%	4%
YouGov surveys of private landlords, online. ²		

Carbon monoxide detectors

The regulations on carbon monoxide detectors only cover rooms with solid fuel burners. This is a very small percentage of PRS homes (only around 5%), so the base size is too low for us to reliably track compliance through our survey. We can, however, see the change in the percentage that have CO detectors overall, and it can be seen below that this has seen a big rise since 2015, from only just over half of landlords, to 7 in 10 now. Presuming the number of homes let by landlords is constant, this could mean over 750,000 extra PRS homes having CO detectors since 2015.

Anecdotally, we know that a lot of landlords thought that this law applied to all homes, not just those that have solid fuel burners, and the results suggest that is the case.

² Shelter/You Gov survey of private landlords, online, July – August 2017

I have carbon monoxide detectors fitted	Aug-17	Jul-15
Base: Landlords	1137	1071
All of my properties	70%	51%
Some, but not all of my properties	5%	9%
None of my properties	18%	32%
Don't know	7%	9%
YouGov surveys of private landlords, online. ³		

Although we cannot track the change over time, we can estimate non-compliance. The chart below shows that between 1 - 2% of landlords appear to have solid fuel burners, but no CO detectors. This is a very small percentage, but that is driven by the fact that only a small percentage have these type of heaters. It also ties in with the 2% of landlords who said in our 2015 survey that they were not complying with the upcoming law and had no plan to.

“You said you don't have Carbon Monoxide detectors in all the homes you let out”		
Do any of these homes without Carbon Monoxide detectors have solid fuel burners in them (i.e. wood or coal fired heaters)?		
	Landlords without Carbon monoxide detectors in all the homes they let out	All landlords
	338	1137
Yes, they do	2%	1%
Don't know	4%	1%
Net: not complying or don't know	N/A	2%
YouGov surveys of private landlords, online. ⁴		

³ Ibid.

Ongoing need for regulations to be retained (question 8)

We believe that these regulations should be retained in full. The regulations have significantly increased the number of private landlords providing and maintaining smoke and carbon monoxide detectors in their properties but the remaining non-compliance must be addressed.

The number of households in the PRS with at least one working fire alarm (83.5%) is still lower than that of households in social housing (94.1%)⁵ and recent Shelter research has found that ten percent of private tenants have experienced a fire, a gas leak or concerns over fire safety in their property or their property or surrounding properties in the past twelve months.⁶

Local authority enforcement

The regulations state that the enforcement body for these regulations is the local authority. If the local authority is satisfied, on the balance of probabilities, that a landlord has breached the duty to comply with the remedial notice within 28 days, the authority must arrange for remedial action to be taken (where the occupier consents). This may involve installing a required alarm, repairing an installed alarm or checking an installed alarm is in proper working order.

The enforcing authority can impose a civil penalty of up to £5,000 on landlords who do not comply with the remedial notice. There is no other provision made in the regulations for enforcement authorities to redeem costs for any remedial works carried out. Collection of the civil penalty fine is the only method.

New powers in the Housing and Planning Act 2016 extend the range of measures local councils can use to take tough enforcement action and crack down on those landlords who, either wilfully or through ignorance, allow their tenants to live in poor conditions, causing ill-health and distress. These new powers allow councils to increase civil penalty notices up to £30,000, which should act both as an increased incentive for landlords to comply with the law, and recoup more of the costs of remedial and enforcement action.

⁴ *ibid.*

⁵ English Housing Survey, 2015-16

⁶ Shelter survey of social tenants, November 2017

Continuing cuts to local government funding, however, means that housing and environmental health services are under enormous strain and not sufficiently resourced to carry out proactive inspections and enforcement work.⁷

In addition, renters have very limited powers to tackle landlords themselves. The increasing reliance on private renting as a long-term housing solution is putting great pressure on the sector, where the supply of homes has not kept up with demand. This means that there have been few financial incentives for landlords to improve the conditions of the homes they let. It also means renters have very little consumer power to bargain for better conditions and fear that, by reporting a problem, including missing or damaged smoke and carbon monoxide detectors, they will risk losing their home and not be able to afford another one.

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⁷ Shelter, 2017, Happier and Healthier: improving conditions in the private rented sector