



Subject:	Department for Communities- Consultation on Private Tenancies Act 2022 Section 8: (Smoke, Heat and Carbon Monoxide alarms) and Section 10:(Electrical Safety Standards)- Draft BCC response
Date:	7 th November 2023
Reporting Officer:	Siobhan Toland, Director of City Services
Contact Officer:	Claire O'Neill, Principal Environmental Health Officer Vivienne Donnelly, City Protection Manager

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted.	
Insert number <input type="checkbox"/>	
<ol style="list-style-type: none">1. Information relating to any individual2. Information likely to reveal the identity of an individual3. Information relating to the financial or business affairs of any particular person (including the council holding that information)4. Information in connection with any labour relations matter5. Information in relation to which a claim to legal professional privilege could be maintained6. Information showing that the council proposes to (a) to give a notice imposing restrictions on a person; or (b) to make an order or direction7. Information on any action in relation to the prevention, investigation or prosecution of crime	
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>



Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No

1.0	Purpose of Report/Summary of Main Issues
1.1	To update members regarding the consultations on The Smoke, Heat and Carbon Monoxide Alarm Regulations (NI) and the Electrical Safety Standards Regulations (NI) as part of the new provisions contained in The Private Tenancies Act (NI) 2022.
2.0	Recommendation
2.1	<p>The members of the Committee are asked to note the new legislative powers to be enforced by Councils in relation to the private rented sector regarding:</p> <ul style="list-style-type: none"> • The Smoke, Heat and Carbon Monoxide Alarm Regulations (NI) • The Electrical Safety Standards Regulations (NI) <p>Members are asked:</p> <ul style="list-style-type: none"> • To agree the Council's response to the consultation in respect of the above-mentioned regulations. (Appendix 6) and • To agree the proposed levels for fixed penalty fines for the offences created under these new regulations as stated in this report.
3.0	Main Report
3.1	<p><u>Key issues</u></p> <p>Members were previously appraised at their January 2023 Committee of the new provisions contained in The Private Tenancies Act (NI) 2022 which received royal assent on the 27th April 2022 and the report provided the details of the elements of the new Order that come into effect on the 1st April 2023 for the following provisions:</p> <ul style="list-style-type: none"> • Tenancy Information Notice • Receipts for cash payments • Changes to Tenancy Deposits • Increase in time for requirements relating to tenancy deposits • Removal of the 6-month time barrier to prosecution of tenancy deposit offence • Change in length of notice to quit
3.2	It was noted that there are still a number of provisions which require further consultation regarding new requirements to provide smoke, heat and carbon monoxide alarms and changes to electrical safety standards in private rented sector properties.
3.3	<p>A 12-week stakeholder consultation was issued on 13 September 2023 with responses due by 6th December 2023 via the NICS Citizen Space platform in relation to The Smoke, Heat and Carbon Monoxide Alarm Regulations (NI).</p> <p>The Smoke, Heat and Carbon Monoxide Alarms for Private Tenancies Regulations (Northern Ireland) 202X Consultation - NI Direct - Citizen Space</p>

and the Electrical Safety Standards Regulations (NI).

[The Electrical Safety Standards for Private Tenancies Regulations \(Northern Ireland\) 202X Consultation - NI Direct - Citizen Space](#)

It is a targeted consultation focusing on engaging and obtaining the views of NI tenants, landlords, electricians, council enforcement officers, and all associated professional bodies/representatives on the draft Regulations and guidance.

Prior to seeking this approval to proceed to formal consultation with stakeholders there has been engagement in shaping of the regulations with the DfC expert advisory panel representing:

- Northern Ireland Fire and Rescue Service (NIFRS)
- Local Council Environmental Health Officers who will enforce the regulations
- DoF technical staff in respect of electrical and building regulation adherence
- Electrical Safety First – campaigning organisation for electrical safety measures

3.4

The consultations states that these regulations do not cover Houses in Multiple Occupancy (HMOs) and single lets properties, as these are covered by separate legislation/guidance. Single let arrangements is housing leased from private landlords and used by the Housing Executive to accommodate homeless people. Single-lets are often managed by large private companies, such as Homecare Independent Living. The company, rather than the landlord, will deal with the resident and the Housing Executive. Residents tend to stay longer in single-lets than in other types of temporary accommodation. The Council is not aware of any specific legislation/guidance in relation to single lets and would seek clarification from the Department in respect of this matter.

The consultation survey questions will be responded to using the information contained in Appendix 6.

3.5

Comments in respect of technical matters are also contained in Appendix 6. We have also taken the opportunity to provide some feedback on the regulations and guidance to ensure there is no conflict or confusion with regard to responsibilities and requirements for landlords. This feedback covers the linkage with Building Regulations and the standards to be met in this regard when installing mains wired smoke and heat detectors. There is also some feedback on how guidance can be improved, for example by incorporating additional siting and spacing information for detectors and for product/component standards to be incorporated in the regulations and guidance.

3.6

The Act creates new offences for which the Council will have to powers to issue fixed penalty notices. The Regulations propose a maximum fixed penalty of £500 for the offences relating to the alarms and £1000 for the Electrical Safety standards.

3.7

The Committee should note that the Smoke, Heat and Carbon Monoxide Alarm Regulations are by negative resolution and can progress to be enacted after consultation but the Electrical Safety Standards Regulations will pause due to being draft Affirmative and will await the Assembly being reconvened to be progressed in that forum.

The Smoke, Heat and Carbon Monoxide Alarm Regulations (NI)

3.8

The requirements under the above new regulations are as follows:

- There will be a lead in time of 12 months for landlords to comply.
- Landlords will ensure there is a smoke alarm in the room which is most frequently used by the occupants for general daytime living purposes (normally the living room/lounge, except where the room includes an open kitchen) The definition of a room includes an integral garage.
- Landlords will be required to ensure there is a smoke alarm in every circulation space (hall, stairs, landing or corridor) on each storey
- Landlords will be required to ensure there is a heat alarm in every kitchen
- Landlords will be required to ensure there is a carbon monoxide alarm installed in any room or circulation space of the dwelling-house which contains a fixed combustion appliance
- Where the proximity of an open fireplace would make a smoke alarm impracticable, a heat alarm may be fitted.
- Smoke and heat alarms must be interlinked, excluding carbon monoxide alarms:
- Installed alarms which may either be hard wired or battery sealed or a combination of both
- Smoke and heat alarms must be installed and maintained in accordance with British Standards BS 5839-6(b)
- Carbon monoxide alarms which must be installed and maintained in accordance with British Standards BS 50292(c)
- Battery sealed alarms should be tamper-proof units with long life batteries.
- Where a dwelling-house let under a private tenancy consists of a part of a building, the landlord may be required to position appliances in a part or parts of the building not comprised in the tenancy.

3.9

Enforcement of these proposed regulations will be via the option of the fixed penalty process, with a maximum penalty of £500 (set by the Council) or a maximum level 4 fine (£2500) imposed by the courts upon conviction.

It is proposed that the fixed penalty level offence is set by the Council at £500

3.10

Electrical Safety Standards Regulations (NI)

The requirements under the above new regulations are as follows;

- There will be a lead in time of 12 months for landlords to comply.
- The Regulations require landlords to have the electrical installations in their properties inspected and tested by a qualified person at an interval of at least every 5 years.
- Supply a copy of this report to the existing tenant within 28 days of the inspection and test.
- Supply a copy of this report to a new tenant before they occupy the premises.
- Supply a copy of this report to any prospective tenant within 28 days of receiving a request for the report.

	<ul style="list-style-type: none"> • Supply the appropriate district council with a copy of this report within 7 days of receiving a written request for a copy. • Retain a copy of the report to give to the inspector and tester who will undertake the next inspection and test. • Where the report shows that further investigative or remedial work is necessary, complete this work within 28 days or any shorter period if specified as necessary in the report. • Supply written confirmation of the completion of the further investigative or remedial works from the electrician to the tenant (and the appropriate district council within 28 days of completion of the works if linked to previous council intervention) • District councils may, with the consent of the tenant, arrange to carry out remedial work in the following circumstances: <ul style="list-style-type: none"> • If a landlord does not comply with a remedial notice. • If the electrical safety inspection report indicates that urgent remedial action is required, and the landlord has not carried out the work within the period specified in the report. • The district council can recover the costs incurred. <p>3.11 Enforcement of these proposed regulations will be via the option of the fixed penalty process, with a maximum penalty of £1000 (set by the Council) or a maximum level 5 fine (£5000) imposed by the courts upon conviction.</p> <p>It is proposed that the fixed penalty level offence is set by the Council at £1000.</p> <p>4.0 <u>Financial and Resource Implications</u> The new Regulations will provide Councils with additional enforcement powers to deal with issues in the private rented sector which will place resource demands on our existing resources. There is no financial support available from the Department for Communities (DfC) to assist Councils with these additional powers. The fixed penalty regime introduced for these offences may provide some income, but it will not cover the additional staffing and administrative resources required.</p> <p>5.0 <u>Equality or Good Relations Implications/Rural Needs Assessment</u> None associated with this report.</p>
6.0	Appendices
	Appendix 1 – Private Tenancies Act 2022 Private Tenancies Act (Northern Ireland) 2022 (legislation.gov.uk) Appendix 2- Smoke, heat and carbon monoxide alarm for Private Tenancies Regulations https://www.communities-ni.gov.uk/sites/default/files/consultations/communities/dfc-consultation-section8-smoke-heat-carbon-monoxide-alarms-private-tenancies-ni-regs.pdf Appendix 3- Smoke, heat and carbon monoxide alarms guidance

<https://www.communities-ni.gov.uk/sites/default/files/consultations/communities/dfc-consultation-section8-smoke-heat-carbon-monoxide-alarms-private-tenancies-ni-guidance-notes.pdf>

Appendix 4- Electrical Safety Standards for Private Tenancies Regulations

<https://www.communities-ni.gov.uk/sites/default/files/consultations/communities/dfc-consultation-section10-electrical-safety-standards-private-tenancies-ni-regs.pdf>

Appendix 5 – Electrical Safety Guidance

<https://www.communities-ni.gov.uk/sites/default/files/consultations/communities/dfc-consultation-section10-electrical-safety-standards-private-tenancies-ni-guidance-notes.pdf>

Appendix 6- Technical comments