



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

Response by CIEH

January 2018

About the Chartered Institute of Environmental Health (CIEH):

CIEH is the professional voice for environmental health representing over 8,000 members working in the public, private and non-profit sectors. It ensures the highest standards of professional competence in its members, in the belief that through environmental health action people's health can be improved.

Environmental health has an important and unique contribution to make to improving public health and reducing health inequalities. CIEH campaigns to ensure that government policy addresses the needs of communities and business in achieving and maintaining improvements to health and health protection.

For more information visit www.cieh.org and follow CIEH on Twitter @The_CIEH.

Any enquiries about this response should be directed to:

Tamara Sandoul
Policy Manager
Chartered Institute of Environmental Health
Chadwick Court, 15 Hatfields, London SE1 8DJ
Phone: 0207 827 5822
Email: t.sandoul@cieh.org

Key points

Part A

1. Please indicate whether you are applying to this consultation as: Other interested party (please specify)

We are submitting this response as a membership and representative body for environmental health professionals. Our members work as housing consultants and in an enforcement capacity within Local Authority housing enforcement teams.

2. Before reading this document, were you aware of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015?

Yes.

3. Before reading this consultation document, were you aware that under the regulations:

- Landlords must ensure that a working smoke alarm is installed on every storey of a rental property
- Landlords must ensure that a working carbon monoxide alarm is installed in any room containing a solid fuel combustion appliance
- Landlords must ensure that alarms are in working order on the first day of a tenancy
- Whilst the regulations do not impose legal obligations upon Tenants, they are advised to test the alarms regularly to ensure they are working

Yes, to all of the above.

4. How were you made aware of the regulations?

Communication from DCLG.

5. Do you consider that information about the regulations is easily accessible? If 'no', how could the information be improved?

Yes.

6. Have the regulations had a positive impact on the number of smoke and carbon monoxide alarms installed? Please provide details.

Since the regulations only came into force in October 2015, data on the impact resulting of the changes is not yet publically available from the latest English Housing Survey (which includes data from 2015-16). However, it is likely that many properties had installed a working smoke alarm in preparation for these regulations coming into force. Within the private rented sector, the number of homes with at least one working smoke alarm installed increased by 310,000, between 2014/15 and 2015/16.¹

However, English Housing Survey data also shows that the number of homes with a working smoke alarm could be improved within the private rented sector (PRS). In 2015-16, only 83.5% of PRS properties had at least one working smoke alarm installed, compared to 89.0% of owner occupied properties. This difference is substantial, especially in light of the fact that the size of the private rented sector has almost doubled in the past decade.² If the proportion of private rented sector with a working smoke detector reached the same level as homes in the owner occupied sector, around 250,000 extra dwellings would have working fire alarms installed.³

There gap between owner occupied and PRS properties was similar in relation to the presence of carbon monoxide detectors. For properties with a solid fuel appliance, only 25.5% of private rented sector properties had a carbon monoxide alarm installed, compared to 33.1% of owner occupied homes. The figures are lower for properties with any fuel-burning appliance.⁴ However, the small proportion of properties in either tenure with a carbon monoxide alarm, highlights the need for further action from the Government, in raising awareness of the dangers of carbon monoxide poisoning with the public and the relatively low cost of a carbon monoxide alarm.

We believe that amending the regulations to require a carbon monoxide alarm for all private rented sector properties with any fuel-burning appliance would better protect the occupants from exposure to carbon monoxide and simplify the regulations for landlords. Determining what falls under the definition of a solid fuel burner is not in practice straightforward and can add complexity for landlords. Simplified regulations would also better fit with the government's policy of better regulation. Furthermore, the regulations in Scotland already require carbon monoxide monitors to be fitted in all private rented properties with any fuel-burning appliance.⁵ This suggests that greater protection for tenants is possible and is already in place in other parts of the UK.

7. Have the regulations had a positive impact on protecting tenants from death or injury resulting from smoke or carbon monoxide poisoning? Please provide details.

The available data suggests that the regulations are beginning to have a positive effect on the number of fatalities and injuries due to fire since being introduced in October 2015. There was a decrease of 14 fatalities and 404 non-fatal casualties due to fires in dwellings between 2015-16 and 2016-17, suggesting that the regulations may have started to have an effect.⁶

In 2016/17, 36 per cent of fire-related fatalities occurred when there was no alarm present in the dwelling.⁷ However, the presence of smoke alarms on their own will not eliminate all fire-related fatalities without other fire safety measures being in place, such as suitability and maintenance of fire escape routes in a building. We would therefore recommend that the Government goes further to re-assess fire safety and protections in all types of buildings in light of the Grenfell tragedy, to ensure that effective systems are in place to ensure that the design and maintenance of all multi-occupied buildings to a safe standard.

Unfortunately, tenure-specific data on fatalities and injuries is not yet available from the English Housing Survey so we are unable to comment on the impact of the regulations on health and wellbeing of occupants in this tenure. However, we would expect the effect to be positive.

Carbon monoxide continues to pose a risk to people in their homes from faulty fuel-burning equipment, whether this is solid fuel or another type of fuel. Being a colourless and odourless gas, it is virtually impossible to detect and the symptoms are often difficult to identify.⁸ It is therefore important that tenants are protected from the potential of exposure to this extremely dangerous gas, even if the chances of faulty equipment are generally low.

We therefore fully support the extension of the regulations for a carbon monoxide detector to be required in all PRS properties with any kind of gas-powered appliance, not just solid fuel.

8. Are the regulations still required in full? If 'no', please provide details.

We believe that the regulations should still be required in full. The number of households estimated to be overcrowded has been increasing steadily in recent years and the risk of fire is higher in these types of households.⁹ Therefore, we believe that the regulations should at the very least continue to operate.

The regulations relating to carbon monoxide alarms should be expanded to include all fuel-burning appliances, such as gas boilers and gas hobs. We also support expanding the regulations to cover the social rented and Housing Association tenancies.

9. Do you think that the properties excluded from the regulations are the right ones? If no, please provide details

The current regulations exempt the following types of accommodation:

- A tenancy under which the occupier shares any accommodation with the landlord or a member of the landlord's family. There must be a sharing of an amenity which includes a toilet, personal washing facilities, a kitchen or a living room but excludes any reference to storage or access.
- A tenancy which is a long lease or which grants a right of occupation of the premises, i.e. for more than 21 years.
- Student halls of residence.
- Hostels
- Care homes
- Hospitals
- Accommodation relating to health care provision

All the types of accommodation listed above should have adequate protections in place to detect the presence of a fire or carbon monoxide. We are aware that other arrangements are in place to protect residents and visitors to the types of premises listed above and therefore agree that the exclusions are appropriate.

10. Do you think that the regulations could be improved? If 'yes', please provide details of any improvements needed.

We believe that the regulations could be improved by adding the requirement for a working carbon monoxide alarm to be installed in all PRS properties, which have any kind of fuel-burning appliance. We believe that this will have two advantages:

1. Making the regulations more effective at protecting the occupiers from exposure to carbon monoxide.
2. Making the regulations easier to understand for both tenants and landlords, thereby improving compliance.

Tenants rightly expect to be safe and secure in their homes. Yet, according to the Gas Safe Register, 2.7 million renters live in homes with unsafe gas appliances.¹⁰ The dangers from carbon monoxide poisoning - whether from faulty stoves or poorly maintained gas boilers - are very real. Carbon monoxide is a silent killer; it is colourless and odourless and can travel through walls, floors and ceilings. Even where exposure does not cause death, the effects of exposure could be felt for up to 40 days.¹¹

One in five of all households live in private rented accommodation and the number of people living in this sector continues to increase, suggesting that better protection is needed to ensure that this tenure is safe and healthy.

Expanding the remit of the Regulations to include all fuel-burning appliances would also mirror the protections already in place in Scotland. It would make householders living in private-rented properties in England as safe as those in other parts of the UK.

Whilst annual gas safety checks should protect tenants from faulty gas appliances, these checks are not always carried out. CIEH members have told us that local authority licensing schemes often find that a significant proportion of gas safety certificates are done just before the licensing scheme begins, suggesting that these properties are either did not have a certificate or it was out of date.

In practice, it is more complicated to distinguish solid fuel and other fuel burning appliances. We therefore believe that simplifying the regulations by expanding the remit to all fuel-burning devices would help compliance by making the requirements simpler to understand. Furthermore, the cost of fitting a carbon monoxide monitor has reduced and is now regarded by the National Landlords Association as being minimal, altering substantially the cost-benefit analysis used in the development of the existing regulations.¹²

Due to the low proportion of owner occupied properties having a carbon monoxide alarm installed, we would also support the requirement for all homes with any fuel-burning appliance to have an alarm fitted. We would also like to call on the Government to commission an awareness raising campaign to encourage owner-occupiers to install and test a carbon monoxide alarm.

¹ Annex Table 2.16: Households with at least one working smoke alarm, by tenure, 2003-04 to 2015-16. English Housing Survey published 2017.

² Review of the Smoke and Carbon Monoxide Alarm (England) Regulations consultation, DCLG, Dec 2017.

³ There are 4.5m dwellings in the PRS ([EHS 2015-16 PRS report](#)). 5.5% of these is 247,500.

⁴ Annex Table 2.18: Whether dwellings with or without a solid fuel appliance have a carbon monoxide detector, by tenure, 2015. EHS

⁵ [Carbon Monoxide alarms](#): Tenants safe and secure in their homes, Policy Connect and APPG on Carbon Monoxide, Oct 2017.

⁶ [Fire statistics table 0205](#), Home Office, published 2017.

⁷ Focus on trends in fires and fire-related fatalities, Home Office, Oct 2017.

⁸ [Carbon Monoxide: Toxicological Overview](#), Public Health England, Nov 2016.

⁹ P.3, Focus on trends in fires and fire-related fatalities, Home Office, Oct 2017.

¹⁰ '2.7 million renters at risk from dangerous gas appliances', Gas Safe Register (published October 2016) <https://www.gassaferegister.co.uk/news/news-2016/27million-renters-at-risk-from-dangerous-gas-appliances/> Accessed 20th December 2017.

¹¹ [Carbon Monoxide alarms](#): Tenants safe and secure in their homes, Policy Connect and APPG on Carbon Monoxide, Oct 2017.

¹² [Carbon Monoxide alarms](#): Tenants safe and secure in their homes, Policy Connect and APPG on Carbon Monoxide, Oct 2017.