

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

First Delegated Legislation Committee

DRAFT SMOKE AND CARBON MONOXIDE ALARM (ENGLAND) REGULATIONS 2015

Monday 14 September 2015

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The Committee consisted of the following Members:

Chair: ANDREW PERCY

- | | |
|---|--|
| † Berry, James (<i>Kingston and Surbiton</i>) (Con) | † Smith, Julian (<i>Skipton and Ripon</i>) (Con) |
| † Blackman-Woods, Dr Roberta (<i>City of Durham</i>) (Lab) | † Solloway, Amanda (<i>Derby North</i>) (Con) |
| † Costa, Alberto (<i>South Leicestershire</i>) (Con) | † Stewart, Bob (<i>Beckenham</i>) (Con) |
| Elliott, Tom (<i>Fermanagh and South Tyrone</i>) (UUP) | † Stuart, Ms Gisela (<i>Birmingham, Edgbaston</i>) (Lab) |
| † Fernandes, Suella (<i>Fareham</i>) (Con) | † Turner, Karl (<i>Kingston upon Hull East</i>) (Lab) |
| † Fysh, Marcus (<i>Yeovil</i>) (Con) | † West, Catherine (<i>Hornsey and Wood Green</i>) (Lab) |
| † Griffiths, Andrew (<i>Burton</i>) (Con) | Winnick, Mr David (<i>Walsall North</i>) (Lab) |
| † Herbert, Nick (<i>Arundel and South Downs</i>) (Con) | † Zeichner, Daniel (<i>Cambridge</i>) (Lab) |
| Kinahan, Danny (<i>South Antrim</i>) (UUP) | Joanna Welham, <i>Committee Clerk</i> |
| † Lewis, Brandon (<i>Minister for Housing and Planning</i>) | † attended the Committee |

First Delegated Legislation Committee

Monday 14 September 2015

[ANDREW PERCY *in the Chair*]

Draft Smoke and Carbon Monoxide Alarm (England) Regulations 2015

4.30 pm

The Minister for Housing and Planning (Brandon Lewis): I beg to move,

That the Committee has considered the draft Smoke and Carbon Monoxide Alarm (England) Regulations 2015.

It is a pleasure to serve under your chairmanship for the first time, Mr Percy.

The regulations, which were laid before the House on 16 March 2015, will require private sector landlords, from 1 October 2015, to have at least one smoke alarm installed on every storey of a rental property that is used as living accommodation and a carbon monoxide alarm in any room used as living accommodation where solid fuel is used. After that, the landlord must ensure that the alarms are in working order at the start of each new tenancy. Local authorities will be responsible for enforcing the regulations, which have been brought before the House because the Government want to increase the safety of private sector tenants.

Working alarms save lives; that is a simple fact. In the event of a fire in the home, a person is at least four times more likely to die if there is no working smoke alarm. Successive Governments of all parties and local fire and rescue authorities have made extensive use of non-regulatory approaches to increase the uptake of smoke alarms, including a series of highly effective public campaigns, such as “Fire Kills”. However, private rented sector tenants remain less likely to be protected by a working smoke alarm than any other tenure in the country. The Department for Communities and Local Government has also piloted alternatives to regulatory approaches to increase the installation of carbon monoxide alarms, but there are still high-risk properties without alarms installed.

Carbon monoxide poisoning is a serious and preventable form of poisoning. Each year, there are around 40 deaths from accidental carbon monoxide poisoning in England and Wales and in excess of 200 non-fatal cases requiring hospitalisation. We estimate that the new regulations will save at least 26 lives and nearly 700 injuries a year. I should be clear that the majority of landlords act responsibly and protect their tenants with working alarms. However, a small minority of private sector landlords have proved resistant to safety advice and recommended best practice. We decided that it was necessary to introduce the draft regulations to protect the tenants of such landlords.

A regulatory approach to the installation of smoke and carbon monoxide alarms was discussed as part of the Government’s discussion paper, a “Review of property conditions in the private rented sector”, and the majority of responses were very much in favour. The regulations

aim to increase tenants’ safety by ensuring that they are not subject to death, poisoning or injury by a lack of smoke or carbon monoxide warning alarms. The Government have funded local fire and rescue authorities to purchase a number of alarms for free distribution to such landlords, encouraging all landlords to act responsibly towards their tenants and helping them to comply with the regulations. Fire authorities across the country have worked on that over the summer, with some 8 million people contacted and liaised with. Alongside the regulations, the Department intends to continue to pursue non-regulatory solutions to boost regular testing and uptake of alarms across all sectors.

I will briefly address a concern raised by the Joint Committee on Statutory Instruments regarding the non-inclusion of a review clause in the regulations. The draft regulations were laid before Parliament in March, before the Small Business, Enterprise and Employment Act 2015 received Royal Assent. The Department acknowledges, however, that as of 1 July, Ministers are required to include a review provision in secondary legislation that regulates business or to publish a statement explaining why it is not appropriate to do so. If the draft regulations are approved by Parliament and made, the Department has committed to amend them by adding a review clause at the earliest suitable opportunity.

We are committed to creating a bigger and better private rented sector with good protections for tenants and to encouraging more investment in the sector. The regulations will set a new benchmark for alarm installation in private rented sector properties, making tenants safer and increasing property standards, while still supporting good landlords by not over-regulating or stifling the sector with unnecessary red tape. The regulations prove our commitment to continued improvement and to creating a private rented sector that works for and protects all. I commend the regulations to the Committee.

4.34 pm

Dr Roberta Blackman-Woods (City of Durham) (Lab): May I say what a pleasure it is to serve under your chairmanship, Mr Percy? I am pleased that the Government are, at last, listening to the concerns that have been expressed across the sector for some time about the need for more action to be taken by the Government to avert the dangers of fire and carbon monoxide poisoning.

Smoke and carbon monoxide detectors are inexpensive and save lives, so I welcome the Government’s plans to make it compulsory for all properties in the private rented sector to have a smoke alarm on each floor and a carbon monoxide alarm in any room with a solid fuel heating system. It is good that the alarms need to be in proper working order at the start of a new tenancy.

It is shocking that 40 deaths and about 200 non-fatal hospitalisations result from carbon monoxide poisoning each year, yet 17% of private rented properties do not have a smoke alarm. A report by the Gas Safety Trust on carbon monoxide risks showed that the likelihood of an incident in privately rented accommodation is significantly higher than in any other housing sector. The report also shows that residents of rental properties are, on average, three times more likely to suffer a carbon monoxide-related incident. The regulations are therefore very much welcome, but I have a few questions for the Minister.

We know from the Government's own figures that 40 deaths a year result from carbon monoxide poisoning, so why are the Government not simply making it a requirement that all private rented sector tenancies have carbon monoxide alarms and that they are checked to ensure they are in working order? The regulations place huge enforcement responsibilities on local authorities, and the Government need to ensure that local authorities are adequately resourced to carry out that set of tasks. Many local authorities are facing huge funding cuts, and it is not clear how they will ensure that resources are available to enforce the regulations.

The Government's impact assessment acknowledges that 9.6% of private rented sector landlords seem resistant to efforts to make them have these alarms fitted in their properties. What will the Government do to ensure that they reach out to landlords who are not providing smoke alarms and carbon monoxide alarms in their properties?

Why is the Minister not considering more regulation or licensing of private landlords? It would make access to them so much easier for local authorities and others, and it would make it easier to ensure that the alarms are fitted. In fact, the Government acknowledge that in the explanatory memorandum, in the context of licensing houses in multiple occupation. Paragraph 4 states that the regulations need not be applied to HMOs because this is already required through licensing. The obvious question is: why not just have licensing right across the sector? We would then not need to worry about non-compliance.

Will the Government make it clear what standard smoke alarms should be? The Residential Landlords Association has raised that concern publicly and with the Minister, and it wants some assurance that the alarms fitted will be of a good standard. The current guidance does not cover long leases or accommodation shared with the landlord. Will the Minister say a little more about why those are being excluded? Finally, I wanted to ask about the need for a review, but I heard what the Minister said, which was welcome as well.

4.39 pm

Brandon Lewis: On the hon. Lady's point about licensing, I think I am the first Minister for Housing and Planning to survive a general election. Having been in post for about 15 months, even I find it shocking that I am now facing the third shadow Minister for Housing and Planning in my time as the Minister, which might explain why the hon. Lady is not necessarily aware of the licensing issue.

Only a few months ago, just before the general election, there was cross-party agreement on selective licensing. We introduced that just before the general election in agreement with her predecessor in the post. I hope that I might face the hon. Lady again in this post in due course.

Parliament agreed to selective licensing just a few months ago. Where there is an issue, local authorities can look at licensing in selective areas. As we outlined at the time, blanket licensing simply creates a tax on tenants. It passes a cost on to tenants through a regulatory burden that does not necessarily target where we need it to target.

On why certain tenancy agreements and housing tenures are excluded, the regulations are not aimed at social housing. They also do not apply where a long lease has been granted, as the hon. Lady rightly highlighted. Nor do they apply to live-in landlords, as they are not targeted at owner-occupied properties. The regulations are specifically aimed at the most at-risk properties.

As for the burdens on local authorities that the hon. Lady mentioned and the costs involved, we are assessing new burdens, but there is an ability for local authorities to take action. Civil penalties are up to £5,000. This year, from May to July, local and fire authorities spent time talking to the sector. About 8 million people have been approached, particularly by the fire and rescue authorities, which I commend for the excellent work and campaigning that they have done on this issue.

I thank Members for their attendance and the hon. Lady for the points she has made. I appreciate that there is in principle agreement on this matter. We want to reduce the risk that tenants face from fire and carbon monoxide poisoning without over-regulating. There is a fine balance. We have been clear about this, as I was at the Dispatch Box earlier today. I am determined that we drive out bad and rogue landlords. In light of the consultation document, I am looking at other issues and other ways to target bad landlords to give the best protection for tenants. We will look at what we can do legislatively as we go forward. However, we want to make sure that we do not create unnecessary burdens for the majority of good landlords. Those are the key messages behind the regulations, and I commend them to the Committee.

Question put and agreed to.

4.43 pm

Committee rose.

