

## BARNSELY METROPOLITAN BOROUGH COUNCIL

**REPORT OF:** Executive Director - Growth and Sustainability

**TITLE:** SMOKE & CARBON MONOXIDE ALARM (AMENDMENT) REGS

<b>REPORT TO:</b>	<b>CABINET</b>
<b>Date of Meeting</b>	<b>27 July 2022</b>
<b>Cabinet Member Portfolio</b>	<b>Regeneration and Culture</b>
<b>Key Decision</b>	<b>Yes</b>
<b>Public or Private</b>	<b>Public</b>

### **Purpose of report**

- To inform Cabinet of, and seek approval for, the intended approach to meet the NEW requirements of the Smoke & Carbon Monoxide Alarm (Amendment) Regulations 2022 by the enforcement date of 1st October 2022.
- To set out a clear installation and cost plan to ensure compliance by 1st October 2022.
- To approve the reallocation of Berneslai Homes reserves to support the programme of works.

### **Council Plan priority**

Healthy, Growing, Learning & Sustainable Barnsley

### **Recommendations**

That Cabinet: -

- 1. Approve the installation of additional Smoke & Carbon Monoxide Alarms (where required) through a planned programme of works to complete by 1<sup>st</sup> October 2022. The programme has an estimated cost of £2.83; and**
- 2. Approve the reallocation of Berneslai Homes reserves, from Housing Growth Reserves, to fund the estimated increase in costs.**

## 1. **INTRODUCTION**

- 1.1 In 2015, it became a statutory requirement for Private Landlords to have Smoke & CO Alarms installed in their properties.
- 1.2 More recently, following the tragic events of Grenfell and the focus on Building Safety, the UK Government held a consultation on the proposal to extend the requirements for smoke alarms & CO alarms into the social housing sector in line with Scotland. This consultation took place between November 2020 and January 2021.
- 1.3 In late 2021, the Government (Department for Levelling Up, Housing & Communities - DLUHC) published their response to the Smoke & CO Alarm consultation, which presented some key changes that will affect social housing providers.
- 1.4 These were:
  - Smoke alarms will be mandatory in all social rented homes.
  - Carbon monoxide alarms will be mandatory in rooms with a fixed combustion appliance (excluding gas cookers) in both private and social rented homes.
  - Carbon monoxide alarms will also be mandatory upon installation of any heating appliance (excluding gas cookers) in all tenures through building regulations.
  - Landlords will be expected to repair or replace alarms once informed that they are faulty.
  - New requirements will commence as soon as practicable after the legislation is made. At that time, DLUHC stated that whilst they acknowledged that a phased approach could help landlords to implement the changes, they were concerned that any delay could impact on resident safety.
- 1.5 The response also suggested that more information would be provided on the siting of alarms and that this guidance would signpost towards the relevant British Standards for installation. Any alarms used should be 3<sup>rd</sup> party certified to the relevant British Standards:
  - BS EN 14604 for Smoke alarms
  - BS EN 50291 for Carbon Monoxide alarms

The full response is available to view via the link below:

<https://www.gov.uk/government/consultations/domestic-smoke-and-carbon-monoxide-alarms/outcome/domestic-smoke-and-carbon-monoxide-alarms-proposals-to-extend-regulations-government-response>

- 1.6 On 9<sup>th</sup> March 2022, a letter was sent to every landlord by Minister Hughes outlining that the Government was working at pace to bring the regulation changes forward and that they would contact all Authorities over the coming months to provide clarity on the exact date that they would come into force. The letter also advised that, should the legislation be approved by Parliament, any landlord found to be in breach could be fined up to £5,000 per property.
- 1.7 On 11<sup>th</sup> May 2022, an updated letter was sent to landlords by Minister Hughes advising that the Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 had been laid in draft before Parliament. It further advised that the House of Commons and House of Lords would debate the regulations and, if both Houses approved them, they would come into force on 1 October 2022. This letter caused confusion across the sector as it was not clear whether there would be a period of grace to allow landlords to undertake installations following the changes coming into force on 1<sup>st</sup> October 2022.
- 1.8 On 25<sup>th</sup> May 2022, Berneslai Homes received confirmation from leading compliance experts Corgi and the ASCP that the Department for Levelling Up, Housing & Communities had confirmed that there will be no grace period upon the implementation of these amended regulations. Berneslai Homes had an agreed programme of installations which had been approved as part of the HRA Capital Budget in February 2022 and had split the installation of alarms across 2022/23 and 2023/24; to be delivered via the gas servicing programme. As such, to ensure compliance with the regulations, it is essential that an accelerated planned delivery programme is instigated.
- 1.9 **It should be noted that all council properties already have smoke alarms and CO alarms (where they have been required). The installation programme is in response to NEW guidance. The Council and Berneslai Homes are accelerating this programme in line with the timescales for the regulatory changes coming into force to ensure full compliancy across all stock.**

## **2. SUMMARY OF THE REGULATIONS & STANDARDS**

- 2.1 To meet the NEW Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022, it stipulates that all rooms with combustible appliances (except gas cookers) require carbon monoxide alarms and that this requirement extends to social landlords.
- 2.2 The regulation for smoke alarms is that there shall be a smoke alarm on each storey within the property. All alarms must be fitted and working during the tenancy. This regulation is not new, it is just now a requirement of social housing landlords (the Council) as well as those in the private sector.
- 2.3 The regulation does not advise on any standards of work. However, BS 5839-6 is generally the industry best practice guide for fire alarm detectors in dwellings. Carbon monoxide alarms are covered by BS EN 50292.
- 2.4 It is the intention that Berneslai Homes [on the Council's behalf] will install battery operated smoke alarms on each storey (these are already alarms

installed on landings /hallways, historically) to meet the regulation by 1<sup>st</sup> October deadline. However, Berneslai Homes will use the data gathered from this installation exercise to plan a programme which will replace all units with hard wired alarms (meeting British Standard (BS 5839-6)) as part of future Capital Investment schemes during 2022/23 and 2023/24.

### 3. **PROPOSAL**

3.1 The government has now approved the amendments to the Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022.

The amendment regulations will mean that:

- Social landlords will be required to provide a smoke alarm on every storey of their properties where there is a room used wholly or partly as living accommodation.
- Both social and private landlords will be required to provide carbon monoxide alarms in any room of their properties used wholly or partly as living accommodation where a fixed combustion appliance is present (excluding gas cookers).
- There will be a new obligation on all landlords to repair or replace any alarm which is found to be faulty during the period of a tenancy, and landlords will be required to repair or replace alarms as soon as reasonably practicable.

3.2 Social Landlords will need to ensure compliance by 1st October 2022.

3.3 The current asset position is as follows:

	<b>Already Installed</b>	<b>To Install (Additional Storey)</b>	<b>Total Once Installed</b>
	Number of Units	Number of Units	Number of Units
Smoke Alarms	18,167 (One Alarm)	18,167	36,334
Carbon Monoxide Alarms	3,200	13,300	16,500
<b>TOTAL</b>	<b>21,367</b>	<b>31,467</b>	<b>52,834</b>

3.4 It should be noted that the units in the table above are estimated at this stage. Berneslai Homes will update asset information, upon installation, to give improved intelligence in respect of the asset management of these alarms moving forward and to plan the hard-wired installation, where required.

3.5 In order to comply with the new regulations, Berneslai Homes will have to work at speed to install the remaining Smoke alarms and Carbon Monoxide alarms by October 2022. The Council has requested a monthly update on installations and a copy of the process which deals with no access and refusal issues.

3.6 The installation programme will focus on:

- Gas Servicing – Between now and October, a further 5,000 properties will have a gas service and additional Smoke and Carbon Monoxide alarms will be installed.
- Supplementary Programme (including Voids & Barnsley Home Standard)– For the remaining properties, PRIP partners will visit every property.

## IMPLICATIONS OF THE DECISION

### 4. Financial and Risk

- 4.1 Consultations have taken place with representatives of the Service Director – Finance (S151 Officer).
- 4.2 This report details how Berneslai Homes intend to accelerate the Smoke & CO2 Alarm install programme to ensure that the Council, as landlord, meets its obligations in relation to the recent changes in legislation that requires all properties to be compliant by October 2022.
- 4.3 Berneslai Homes have provided indicative costings estimating the total cost of the scheme to be £2.830M.
- 4.4 Resources for this investment were approved by Cabinet (Cab.12.1.2022/6 refers) totalling £1.488M, broken down between £0.744M in both the 2022/23 and 2023/24 financial years. Through active budget management, it is proposed to bring forward the £0.744M from 2023/24 into 2022/23 to align to when the resources are needed i.e., before October 2022.
- 4.5 Therefore, there is a funding shortfall of £1.342M, based on current approvals and estimated costs. To fund this difference, it is proposed that resources currently earmarked for Berneslai Close [a Berneslai Homes scheme], that currently reside in the Company, be realigned to this scheme. The table below summarises the proposal:

	<b>Cost £M</b>	<b>Resources £M</b>
Estimated Cost of Investment	2.830	
Existing HRA Resources [£0.744M in 2022/23 and 2023/24]		1.488
Reallocated Funding from Housing Growth Reserves		1.342*
<b>Total</b>	<b>2.830</b>	<b>2.830</b>

\*BMBC to invoice Berneslai Homes £1.342M

- 4.6 The scheme will be delivered through the Council's Housing Revenue Account with colleagues within Berneslai Homes providing actual cost data to ensure that suitable budgetary controls are in place to deliver these works within allocated resources.

4.7 The financial implications are summarised in the attached Appendix A.

#### **4.8 Risk**

Any landlord found to be in breach could be fined up to £5,000 per property. The Council is the enforcing body. There is a possibility of further fines should an unfortunate fire/smoke/CO2 related incident occur in one of our properties.

4.9 Regulation and Compliance Failure to meet the Regulator of Social Housing Home Standard. Reputational risks due to not complying with the Smoke Alarm and Carbon Monoxide Alarm (amendment) Regulations 2022.

4.10 Operations – Contractors have confirmed that they have the resources to meet the installation but there remains a risk due to increase in sickness such as (Covid-19).

4.11 Reputational – The reputation of the organisation would be severely affected should we not comply with this legislation. This would include negative media coverage.

4.12 Change N/A

#### **5. Legal**

The government have now approved the amendments to the Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 (as detailed in Section 2.1).

#### **6. Employee**

There are no employee implications arising directly from this report.

#### **7. Communications**

As part of the ongoing Communications Strategy, a meeting was held on Thursday 9<sup>th</sup> June 2022 with members of the Tenants Voice Panel and BH Communications Manager to agree how to communicate the important changes to customers.

A social media campaign has been launched with key messages going out periodically, keeping the focus very much on safety.

Key officers in the Contact Centre have been made aware of the imminent works to ensure that they can effectively communicate the importance of this work to customers.

#### **8. CONSULTATION**

Consultation has taken place with BMBC Director of Finance, Housing Service Director and the Head of Strategic Housing, Sustainability and Climate

Change.

## **9. ALTERNATIVE OPTIONS CONSIDERED**

- 9.1 There are no alternative options. This is a regulatory requirement. Berneslai Homes were already progressing the installation of additional alarms to meet the new requirements. The purpose of this report is to approve additional in year expenditure to accelerate the programme.

## **10. REASONS FOR RECOMMENDATIONS**

- 10.1 The government have now approved the amendments to the Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 (as detailed in Section 2.1). It is essential that support is given to deliver this accelerated programme of works in line with the 1st October deadline. The safety of tenants is the highest priority for the Council and Berneslai Homes, so ensuring full compliance with all regulations is essential. The Council welcomes the regulatory changes and has already commenced its upgrading programme.

## **11. GLOSSARY**

GMP- Guaranteed Maximum Price

BMBC – Barnsley Metropolitan Borough Council

ASCP – Association of Safety and Compliance Professionals

## **12. LIST OF APPENDICES**

Appendix A: Financial Implications

## **13. REPORT SIGN OFF**

<b>Financial consultation &amp; sign off</b>	<i>See Appendix A.</i>
<b>Legal consultation &amp; sign off</b>	Jason Field <b>14/07/2022</b>

**Report Author: Berneslai Homes**

**Date:06/07/2022**