

Appendix 6

Response in relation to technical issues:

Building Control Regulations

The guidance indicates that the installation of mains wired alarms (inferring smoke, heat and carbon monoxide) may be subject to Building Control approval and for further information please check the BCNI website. The website indicates that mains wired smoke alarms do require Building Regulations approval under 'examples of work that require an application'. However, there is no mention of carbon monoxide alarms. We understand that installation of carbon monoxide alarms are exempt from the requirement to make an application under the Building Regulations (NI) 2012 and specifically regulation 9 (4) (d). It would seem prudent to be more specific in this regard taking advice from the Department of Finance, Building Standards Branch. It would also be useful to make it clear that battery operated smoke and heat alarms do not require Building Regulations approval if that is the case.

Belfast City Council wishes to highlight concerns about how the new mandatory requirements for the retrofitting of mains wired smoke alarms through the Private Tenancies regulations may be conflicted or confused by the requirements under Building Regulations. Whilst the current general interpretation of the Building Regulations is that an application is required for mains wired alarms when a landlord or private tenant chooses to install (no compulsion to install retrospectively under Building Regulations) there is no guidance on the coverage required in such a situation. The coverage required under the Building Regulations is currently subject to varying interpretations and some Councils relate requirements to the standards required for new build dwellings. Other Councils may permit a lesser standard than for new dwellings for voluntary installs. We know from the recent consultation on Part E of the Building Regulations (NI) 2012 that the current coverage standards for new dwellings (same as the proposed standard under Private Tenancies) may change substantially and there is still no proposal to clarify the standard for retrofit as a stand-alone installation. It would need to be understood by all concerned that the coverage standards required by Building Control under Building Regulations may be different to that required under Private Tenancies regulations.

Therefore, compliance with Building Regulations should not be interpreted as compliance with requirements under Private Tenancies (and vice versa) and this should be made clear in guidance. There is a significant possibility that some Councils may interpret the coverage requirements under Building Regulations (once these are amended) to be in excess of the standards required by the Private Tenancies regulations, if Building Control continue to link the coverage standards for retrofit to coverage standards for new build dwellings. In this regard there may be conflict and confusion with Building Regulations for all concerned when a landlord carries out a main wired install to fulfil obligations under this new legislation and is subjected to requirements under Building Regulations. We would ask that the relevant Departments work together to ensure there is no conflict or confusion in this regard for all landlords including public housing authorities regarding coverage required and this would be a useful addition to guidance for clarity.

In respect of above, the line in guidance "It will be the responsibility of a qualified electrician to install mains wired alarms in compliance with current Building Regulations standards". This may result in a system to a lesser standard than Private Tenancies Regulations as the coverage required under Building Regulations is open to interpretation which may be interpreted higher or lower as discussed.

The citing recommendations for smoke alarms (within the guidance) should be expanded to include heat alarms and also to cover smoke alarms in circulation spaces and for the position of them relative to walls, light fittings etc. It would be advisable to provide the additional typical installation recommendations within guidance or to refer to the relevant sections of BS5839 Part 6. Whilst this standard has been referenced in the regulations it has not been referenced in the guidance.

The regulations refer to the standards BS 50292 and BS5839 for **installation and maintenance** of carbon monoxide alarms and smoke/heat and alarms but there is no reference to the standards required for the product/component in either the regulations or guidance. Consideration should be given to referencing these for all alarm types required by the regulations

Single lets:

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.

Copy of remedial notice to tenant:

The Council believes that the tenant should receive a copy of the remedial notice as per Regulation 4(4)

Points which require clarification in relation to smoke , heat and CO alarms :

- More details are required on how the common parts will be adequately covered
- Guidance – point 9.1 and 10.1 – technical correction -the offence created under 11B (4)of the PTO (not Art 68 (1)) for failing to comply with duties under 11B(1)
- 8.9 – flue transferring through bedrooms – require further clarification re ‘ extra protection if considered necessary’ –an example of the circumstances would be helpful
- Clarification to be sought in relation to Council officer’s role with the regard to testing. The Council Officers role should be to check that the Unit is installed in the correct location and number of units, but not to test alarms. The onus should be on the tenant/landlord to test the sounding of alarms to verify if in proper working order. Awareness raising for tenants will be crucial to ensure that tenants are regularly checking the alarms.

Points which require clarification in relation to electrical safety:

- Regulation 6 -Consent may be an issue for vulnerable tenants – tenants understanding/fear of eviction.
- Regulation 3 (3) (4) Demands on the industry to produce reports in timely manner and to carry out remedial works within 28 days will be a concern.

- Awareness raising for tenants in respect of the landlord and tenants' duties will be crucial for compliance. The Council would welcome details of any communication plan to raise awareness.
- It is not clear if all contraventions will attract a fixed penalty notice in the regulations and further clarification is required detailing the offences for which a fixed penalty notice can be issued.