

# Keeping Communal Areas Safe Policy



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Approved by:  
Executive Team

Scope: Housing Solutions' communal areas  
Housing Operations  
Asset Management

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Date of next review: June 2022

Legislation: Torts [Interference with Goods] Act 1977  
Housing Act 2004  
Equality Act 2010

Regulatory/  
Governance: The Regulatory Reform (Fire Safety) Order 2005  
HCA Regulatory Framework for Social Housing 2012

Related  
Policies: Health & Safety Policy  
Fire safety Policy  
Fire Risk Management Policy  
Mobility scooter Policy  
ASB Policy  
CCTV Procedure

Also refer to: Local Government Association "Fire safety in Purpose-built Blocks of Flats"  
Tenancy Agreement  
Lease Deed(s) & Schedules contained therein

## 1. Policy Statement

- 1.1 This policy has been developed with due regard to documentation provided by the local Government association on Fire Safety in purpose-built blocks of flats and correspondence from our fire and safety consultant, Savills to ensure that all communal areas are managed effectively.
- 1.2 Housing Solutions aim to provide safe housing for its residents and has a legal obligation to manage the safety of communal areas in blocks that it owns or has management responsibilities for.
- 1.3 This **zero-tolerance policy** for the management of communal areas ensures a clear, consistent approach to the prevention of storage of items in communal areas in order to reduce the risk of fire and ensure clear, hazard free, escape routes. This policy also ensures that our approach is consistent with what our tenancy agreements and leases say with regard to residents' responsibilities in ensuring that communal areas are kept clear.
- 1.4 Good housekeeping is fundamental to reducing risk in blocks of flats. Controlling the presence of combustible materials and ignition sources not only reduces the potential of accidental fires (including trip hazards), in common parts but also reduces risk of deliberate fires. Consequently, Housing Solutions has adopted a "zero tolerance" policy to ensure clear and concise expectations to staff and residents.
- 1.5 This **zero tolerance policy** will apply to all communal areas which are defined as

shared areas in and around properties such as, but not restricted to: corridors, entrance halls and doorways, landings, staircases, lifts, shared balconies, deck access, bin stores, bin chutes, cycle stores, car parks, meter cupboards and play areas. Private balconies and ground floor enclosures are also included as actions or items stored in these areas can affect neighbouring properties.

#### 1.6 Aims of Zero Tolerance:

- For residents to enjoy a safe, clean and tidy environment
- To reduce un-necessary risks and comply with our duties under primary legislation including fire safety laws and the Housing Act 2004;
- To ensure compliance with fire authorities preferred practice of managing communal areas
- To ensure we meet our regulatory responsibilities
- To reduce the risk of accidental fires in common parts whilst ensuring there is clarity in the enforcement of a zero-tolerance approach
- To aid a hazard free escape route
- To ensure there is clarity as to roles and responsibilities
- To ensure residents are kept safe and we effectively manage and address residents' concerns regarding fire safety

#### 1.7 Objectives of Zero Tolerance:

- To have a well-defined corporate approach to keeping communal areas free from combustible materials.
- For residents to be aware of their responsibilities and our zero-tolerance approach to communal areas.
- That goods left in communal areas are removed promptly, following the necessary notice procedures by taking a corporate approach that involves all departments that visit our estate / blocks / flats.
- To ensure there is no ambiguity regarding what is allowed and therefore residents know exactly what's expected / required.

## 2. Scope

- 2.1 This policy applies to all communal areas in and around properties owned or managed by Housing Solutions; including social and market rent properties, homeownership, sheltered and supported schemes.

## 3. Roles and Responsibilities

- 3.1 The Senior Management Team will have the responsibility to ensure that this policy is adhered to and that there is monthly performance reporting of all key activities, e.g. estate inspections, Fire Risk Assessments (FRAs) due and undertaken and FRA actions (maintenance and management).
- 3.2 The Health and Safety Panel will provide guidance as supplied to them from Cooper Bassett, Health and Safety consultants, Savills (fire safety consultants) and the local Fire Services.
- 3.3 The Fire Safety Panel will review all FRA actions to ensure they are properly assigned, managed and actioned. The panel will also have responsibility to ensure there is effective communications with residents and any resident complaint regarding fire safety is reviewed by the Fire Safety Panel.
- 3.4 The Property Services Manager will ensure that Housing Solutions' obligation to

undertake annual fire risk assessments is complied with at all times and will be the lead in reviewing this policy. The PSM will also ensure that all FRAs are completed and that FRA actions are tracked and completed within required timescales. The PSM will also be the designated lead to liaise with the local Fire Service.

- 3.5 Tenancy & Neighbourhood Officers (TNOs) will carry out estate inspections on communal areas. During each inspection they will identify and organise the removal of items in communal spaces within certain timeframes.
- 3.6 Caretaking and Trade Supervisors / Operatives will be responsible for identifying and alerting their supervisors of any items they come across whilst out on the estates to ensure that action is taken to either remove or store such items.
- 3.7 Residents have a responsibility to keep communal areas clear and ensure they store goods/belongings inside their homes as per the terms of their tenancies or leases, and that they adhere to fire safety advice detailed in this policy. In addition, to support the safety of all residents in their blocks, residents are encouraged to report any fire risk concerns in communal areas to the Fire Service and / or Housing Solutions.

#### **4. Legislation**

- 4.1 Any items in communal areas have the potential to be a health and safety hazard and/or pose a serious fire risk. The Regulatory Reform (Fire Safety) Order 2005 replaces previous fire safety legislation and requires Housing Solutions to assess the risk of fire within all its properties and take adequate precautions to reduce the risk.
- 4.2 The Housing Act 2004 places a duty on landlords to carry out thorough risk assessments, including fire risk assessments. Please refer to the Housing Solutions Fire Risk Management Policy.
- 4.3 Residents' personal possessions are protected from interference by the Torts [Interference with Goods] Act 1977. This Act allows the sale and/or disposal of uncollected goods, including abandoned goods. If items or goods in communal areas are identified as belonging to a particular property or person and provided they do not present an immediate fire risk, the service of a Tort Notice by a landlord on that resident allows a period of time (usually 7 days) in which the resident must remove the goods themselves. If the goods remain uncollected beyond the agreed period, they can be legally removed and /or disposed of in accordance with the terms of the tenancy or lease.

#### **5. Keeping Communal Areas Safe**

- 5.1 Housing Solutions has a legal duty to ensure that all fire escapes and fire routes are kept clear at all times. It is therefore important to ensure that there are no obstructions in communal areas that would:
  - Contribute to the spread of fire or combustible materials creating accidental fires
  - prevent / reduce ability to escape in the event of fire
  - produce smoke
  - hinder Emergency Services in rescue duties
  - injure people by causing trips and falls

- 5.2 Obstructions in communal areas include, but are not limited to, rubbish and large items awaiting disposal, bicycles, motorised cycles, scooters, wheelchairs, pushchairs, household items such as unwanted furniture, clothing, toys, decorative items and unauthorised CCTV units installed by the resident.
- 5.3 Housing Solutions will keep communal areas safe by:
- Taking a corporate approach to the management of communal areas. This will include monthly estate inspections to identify any issues with items being stored in the communal areas, ensuring there is a high standard of repair as well as a high standard of cleanliness and well maintained communal / garden areas.
  - Ensuring that all evacuation routes are clear, proper signage is in place, emergency lighting is working, and fire doors / windows are operating as expected.
  - Ensuring that at all times Fire Risk Assessments are in place and FRA actions are being managed and reported.
- 5.4 Reserving the right to immediately remove and safely dispose of any item it deems to be a high fire risk if it is flammable material or an ignition source. e.g. bulk rubbish, sofas, bedding and mattresses. If items found in communal areas are considered to be of value and the owner can be readily identified, a Tort Notice will be placed on the item and posted to the property of the owner informing that the items must be removed. At the end of the Tort Notice period, the items can be disposed of. Where goods are considered to be of no value, they may be disposed of immediately. Housing Solutions reserves the right to charge for the storage and disposal of any goods removed. Housing Solutions' residents are expected to keep communal areas safe by:
- Keeping communal areas clear of items such as buggies, shoes, bicycles, furniture, doormats, pictures, plant pots or other flammable items or trip hazards
  - Not installing camera doorbells, decorative items or CCTV to the front doors of flats as this may potentially compromise the compartmentalisation of the flat.
  - Accepting responsibility for all aspects of their Tenancy Agreement, Lease or Licence Agreement.
  - Complying with relevant fire safety advice within the home and in the event of a fire.

## **6. Equality & Diversity**

- 6.1 Housing Solutions recognises the needs of a diverse population and always acts within the scope of its own Equality and Diversity Policy, the Human Rights Act 1998, and Equalities Act 2010. Housing Solutions works closely with its partners to ensure it has a clear understanding of its resident community with clear regularly updated service user profiles. Housing Solutions will record, analyse and monitor information on ethnicity, vulnerability and disability.

## **7. Confidentiality**

- 7.1 Under the Data Protection Act 2018, General Data Protection Regulation (GDPR) and the Human Rights Act 1998, all personal and sensitive organisational information, however received, is treated as confidential. This includes anything of a personal nature that is not a matter of public record about a resident, client,

applicant, staff or board member

- 7.2 Housing Solutions employees will ensure that they only involve other agencies and share information where there is a legal basis for processing the information.

## **8. Review**

This policy will be reviewed every three years or more frequently due to changes in legislation, regulatory guidance, good practice or changes to other relevant Housing Solutions' policy. Our performance in relation to the delivery of the services and activities set out in this policy will be monitored through our established reporting mechanisms to both our Senior Management Team, Executive Team and Board.

## Keeping Communal Areas Safe - Procedure

### 1. Operational Procedure Principles

- To ensure the safety of all residents, visitors and staff by keeping communal areas free from bulk items that could obstruct escape in the event of a fire.
- To contact residents by visit or telephone in the first instance to request items are removed.
- To consider the personal circumstances and support needs of residents when taking action.
- To take photographs of any items removed and to keep notes of all conversations with the resident[s]
- To take legal or possession action as a last resort.

### 2. Removal of Goods

- 2.1 Prior to removing any goods, we will endeavour to take photographs and record all goods to be removed. Housing Solutions will prepare and maintain an inventory to record the date, time, location of items. Where it is clear whom the items belong to, Housing Solutions will serve on the resident a Tort Notice requesting that the items be removed within a period of time (as specified on the Tort Notice)

A record will be kept of correspondence sent out to the residents. Seven days prior to the end of the notice period a final reminder letter will be sent to the residents to ensure every effort has been made to contact the owner.

If Housing Solutions, choose to store goods. Housing Solutions reserves the right to charge residents for the storing of their property.

Residents will need to provide identification and evidence of ownership when they attend to collect the items from storage (including presenting the original Tort Notice served). The Tort notice will detail what a resident or former resident should do if they wish to recover their goods from the storage facility. If the resident subject to the Tort Notice fails to remove the goods within the allocated time frame, Housing Solutions will dispose of the goods without further notice and record such disposal. Housing Solutions may recover the costs associated with this removal from the resident

- 2.2 Wheelchairs and mobility aids

Mobility Scooters, wheelchairs and other mobility aids should be kept inside the resident's home. Residents are not permitted to store wheelchairs, motor scooters or other mobility aids in common areas under any circumstances.

Residents who are unable to store such items in their homes should contact their TNO in the first instance. We may be able to aid residents to remove unwanted items from existing storage cupboards or sheds so that a mobility scooter or wheelchair can be safely stored.

Alternatively, we will try to assist in arranging other specific storage in an area which does not present a risk. In exceptional circumstances the provision of purpose-built storage or adaptations to the property may be considered to facilitate safe storage if the cost is not prohibitive.

*Please also refer to the Mobility Scooter Policy*

- 2.3 Private balconies/ground level enclosures

Whilst private balconies and ground level enclosures are not communal areas, activities and items stored within these areas can have an impact on neighbouring properties. Private balconies or ground level enclosures must not be used by residents to:

- Store gas bottles or oil-based paint tins
- Use barbecues or patio heaters
- Store plastic or wooden furniture as these can be fuel in the case of fire.
- Store any electrical appliances
- Store any other flammable items

Housing Solutions will work with residents to take any necessary action to ensure that such items are removed at the earliest possible opportunity.

### **3. Warnings / Issuing Warning Letter**

- 3.1 In the first instance, Housing Solutions will attempt to identify and contact the resident(s) responsible for the items by undertaking a door knocking exercise or contacting residents by telephone. If the owners of the goods are discovered, they must be asked to remove the items immediately
- 3.2 Whether or not contact is made with the resident, a Tort Notice will be served on the resident allowing, if there is no immediate risk, a period of time will be given to remove the items before Housing Solutions removes the items.
- 3.3 Housing Solutions informed all residents of the adoption of a zero-tolerance approach to keeping communal areas safe at the time of the policy change. This will be communicated to new residents on sign up and is outlined in their tenancy agreement. As such, notification has been served on all tenants; therefore, if it is not possible to identify the owner of the items, and they are perceived to be of little or no value, they will be removed immediately.
- 3.4 Where there is a particular buildup of items in communal areas, Housing Solutions will issue advice leaflets to the whole block. These will detail the hazards and risks associated with leaving items in the communal areas.

#### **3.5 Photographs**

We will aim to take photos of item(s) which have been identified as belonging to a particular resident and are subject to a Tort Notice. Photos may also be taken where the items are of high value regardless of whether they have been identified as belonging to a resident or not, if low value they can be removed with immediate effect. Any additional information will also be collated in the event that there is a legal dispute. The date, time, location, an inventory of the items and an estimated value (where possible) will be recorded, these records and copies of all letters sent to the resident will be saved on Documotive with the resident(s) file.

#### **3.6 Recording & Monitoring**

On returning to the office, the resident(s) details must be entered onto Open Housing and copies of the Tort Notice and any photographs taken stored on Documotive. This must be done by the end of the day on which the **Tort notice** was served to ensure accuracy.

The communal area must be inspected after the expiry of the period afforded by the Tort Notice to ascertain whether the item(s) have been removed. If the item(s) have been removed, records must be updated accordingly.

## **4. Tort Notice: Removal and storage of goods.**

### **4.1 Removal & Storage**

If the item(s) have not been removed in keeping with the Tort Notice issued, then in keeping with the terms of the tenancy or lease Housing Solutions will remove the item (s) without further notice and the cost of doing so may be recoverable by the association from the Tenant. Where its appropriate suitable storage will be sourced and timescales for collection will need to be agreed in advance with the resident, failing to do so, then Housing Solutions reserves the right to dispose of goods without further notice, as per tenancy / lease conditions. In addition, Housing Solutions will not be responsible for any loss or damage, either collection, transportation, storage and / or disposal.

Repeat offenders should be considered for injunctive and possession action as per the Housing Solution's Antisocial Behaviour Policy

### **4.2 Collecting of goods from storage**

To claim items placed in storage, the resident will need to contact Housing Solutions and provide proof of ownership; this can be proof of purchase for particular items or providing information such as a distinguishing mark to convince Housing Solutions' staff that they are indeed the owners of the item(s).

The TNO will arrange a convenient date for the owner to collect the item(s) from storage. If there are a number of items, the owner should be advised that they need to arrange assistance in removing and delivering the goods to their home.

An Inventory Form should be completed and signed by the owner prior to the goods being taken. The Tort Log must be updated with the date the goods have been collected. Copies of all letters in relation to this should be kept on Documotive and all contact with the owner of the goods should be written on a file note and saved on Documotive.