

## LHC Keeping communal areas safe policy



<b>Reference:</b>	Version 1	<b>Author:</b>	Sue Needham
<b>Scope:</b>	Loddon Homes Berry Brook Homes	<b>Approved by:</b>	Holly Messenger
<b>Legislation:</b>	Torts [Interference with Goods] Act 1977 Housing Act 2004 Equality Act 2010	<b>Date of approval:</b>	November 2019
<b>Regulatory/ Governance:</b>	The Regulatory Reform (Fire Safety) Order 2005 HCA Regulatory Framework for Social Housing 2012	<b>Date of next review:</b>	November 2022
<b>Related Policies:</b>	Health & Safety Policy Fire safety policy Fire Risk Management Policy Mobility scooter policy Torts [Interference with Goods] procedure		

### 1. Policy Statement

- 1.1 This policy applies to Loddon Homes and Berry Brook Homes which collectively will be referred to as the Local Housing Companies (the LHC).
- 1.2 The LHC has delegated responsibility to Wokingham Borough Council (WBC) Tenancy Services for ensuring that this policy is implemented and delivered.
- 1.3 The LHC have a legal obligation to manage the safety of communal areas for the blocks that it owns.
- 1.4 The LHC manages a number of internal communal areas within blocks of flats and is required therefore to ensure that there are no obstructions that would make it difficult for residents and visitors to exit any block, or anything that has the potential to produce smoke which could affect residents or hinder the Emergency Services in their rescue duties.
- 1.5 This policy has been developed to ensure that all communal areas are managed effectively to minimise the problem of items being stored or left in communal areas by residents, (e.g. bicycles, prams).

- 1.6 The LHC reserves the right to immediately remove any item they deem to be a high fire risk e.g. flammable material or an ignition source.
- 1.7 The LHC will implement this policy with zero tolerance for any of the following items stored in communal areas: pushchairs, bicycles, furniture, clothes driers, unwanted furniture, and household items such as shoes, boots, trainers, children's toys, decorative items (see 1.6 for exceptions)
- 1.8 The LHC will usually allow residents living in blocks to use the communal areas to store:
  - one non slip welcome mat outside their front door.

## **2. Scope**

- 2.1 This policy applies to all communal areas for blocks that the LHC owns and manages for social rented and homeownership residents.

## **3. Definitions**

- 3.1 Communal areas are defined as corridors, entrance halls, staircases, shared balconies, deck access, bin stores, bin chutes and other storage facilities. Although not communal areas, private balconies and ground floor enclosures are included in this policy.
- 3.2 For the purpose of this policy, the term "goods" is defined as possessions or personal property which holds any value. These goods could be left in communal areas for storage purposes.
- 3.3 Common obstructions in communal areas include, but are not limited to, rubbish and large items awaiting disposal, bicycles, motorised cycles, mobility scooters, household items.

## **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 the LHC 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 LHC's Fire Risk Management Policy.
- 4.3 Residents' possessions are protected by the Torts [Interference with Goods] Act 1977. This Act governs the sale and disposal of goods, particularly abandoned goods. Serving a Tort notice gives a resident a period of time in which to remove the goods themselves.

## **5 Roles and responsibilities**

- 5.1 It is the responsibility of Housing Officers to undertake monthly estate inspections of all communal areas in order to identify any issues with items being stored in the communal areas. The Housing Officer will then take the appropriate action to ensure removal of these items at the earliest time.
- 5.2 All caretaking and trade operatives working on behalf of WBC/the LHC are responsible

for alerting their supervisor to instances of stored items in communal areas.

5.3 The Tenancy Services Compliance Manager will ensure that the LHC's obligation to undertake annual fire risk assessments complied with.

5.4 Officers and managers in Tenancy Services will be responsible for delivering in a timely manner the risk assessment action plans for blocks.

## **6. Keeping Communal Areas Safe**

### **6.1 Aims:**

- To ensure that residents enjoy a safe, clean and tidy environment
- The LHC comply with its legislative and regulatory duties.

### **6.2 Objectives:**

- To carry out regular inspections of communal areas
- To ensure that goods removed are stored in a secure environment
- To ensure residents are aware of their responsibilities.

### **6.3 Keeping communal areas clear:**

6.3.1 The LHC have a legal duty to ensure that all fire escapes and fire routes are kept clear at all times. It is therefore important that communal areas are kept free from any obstruction or fire risk; these areas include stairs, corridors, hallways, stairwells and shared facilities. A fire risk could include obstruction from a number of items, e.g. bicycles, prams and unwanted furniture or household goods, blocking a fire exit or escape route.

6.4 This policy allows for the removal and storage of goods stored in communal areas, and if the items are not collected, the disposal of those items. Residents will be served with a Tort notice if their goods are removed from a prohibited area to allow for collection.

6.5 A record will be kept to ensure that correspondence is sent out to the resident 7 calendar days before the goods are disposed of. All goods will be photographed and accurate records kept throughout.

### **6.6 Residents' responsibilities**

6.6.1 Residents must accept responsibility for their goods in accordance with their Tenancy Agreement, Lease or Licence Agreement. Responsibilities include:-

- Keeping the communal areas clean and tidy and free from obstruction
- Removing all belongings and "goods" from the block at the end of a tenancy
- Following Health & Safety advice by the LHC and WBC.

### **6.7 Wheelchair and other mobility aids**

Residents who are owners of wheelchairs and other mobility aids left in communal areas will need to request special consideration from the Housing Manager. Their Housing Officer will ascertain if alternative storage can be identified.

Alternative storage may include inside the flat of the resident and consideration should

be given to any adaptation that can be made to the property to facilitate this.

Additionally, the LHC may be able to offer assistance to residents to remove unwanted items from existing storage cupboards or sheds so the mobility scooter or wheelchair can be stored. In exceptional circumstances the provision of purpose built storage may be considered if the cost is not prohibitive.

#### 6.8 Photographs & record keeping

Prior to removing any goods, the Housing Officer will take photographs and detailed record of all goods to be removed. The LHC will prepare and maintain a full inventory to record the date, time, location of the items and an estimated value. Information will be given to the resident to inform them of where the goods are stored, and how long they have to collect them.

#### 6.9 Storage

The LHC will store goods in a clean, dry, safe place for a set period. We will inform the resident where the goods are being stored and the duration of storage and how they can be collected. The LHC reserves the right to charge residents for the storing of their property.

#### 6.10 Collection of goods from storage

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 tenant or ex tenant should do if they wish to recover their goods from the storage facility.

#### 6.11 Disposing of goods

If a resident fails to collect the goods within the allocated time frame, the LHC will dispose of the goods. Records will be kept for the disposal of the items, and 7 days prior to disposal; a final reminder letter will be sent to the resident to ensure every effort has been made to contact the owner of the goods.

#### 6.12 Private balconies/ground level enclosures

Although individual flats are not communal, private balconies and ground level enclosures are included in this policy. Flammable materials or an ignition source cannot be stored on the balcony. The misuse of such items has the potential to pose a risk of fire to the resident, their household and other residents living in the block and the structure and fabric of the building.

Residents **should** therefore **not store such items as gas bottles or oil based paint tins** nor should they use barbecues on balconies.

The LHC will work with the resident and also take any necessary action to ensure that such items are removed at the earliest possible time.

### 7. **Equality & Diversity**

7.1 The LHC 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. The LHC works closely with its partners to ensure it has a clear understanding of its resident community with clear regularly updated service user profiles. The LHC will record, analyse and monitor information on ethnicity, vulnerability and disability.

## 8. Confidentiality

8.1 Under the Data Protection Act 2018, 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
- sensitive organisational information.

8.2 The LHC employees will ensure that they only involve other agencies and share information where there is a legal basis for processing the information.

## 10. Review

10.1 This policy will be reviewed on a three yearly basis or more frequently in response to changes in legislation, regulatory guidance, good practice or changes in other relevant LHC policies.

## 11. Performance

11.1 Performance in relation to the delivery of the services and activities set out in this policy will be monitored on an ongoing basis through our established reporting mechanisms to our associated boards.

## 12.0 Appendices

None