



Management of Communal Areas Policy

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MONITORING, APPROVAL AND REVIEW	
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1. Introduction

In order to ensure FCHO achieves compliance with the legal and regulatory frameworks in relation to fire and building safety, this Policy sets out our approach to removing any or all items in internal and external communal areas. All staff are expected to comply with this Policy and associated procedures.

The Policy applies to all FCHO properties with communal areas including those occupied by both tenants and leaseholders and applies to items found on any premises (or part of any premises) that we own or manage including:

- Internal communal areas (e.g. lobbies, corridors, landings, stairs, Non customer cupboards)
- External communal areas (walkways, balconies, gardens, storage sheds/areas, garages, car parks and parking spaces)
- Any areas solely under FCHO's control (e.g. plant rooms, roof areas)

2. Objectives

- To reduce the risk of fire in blocks of flats.
- To ensure FCHO meets their obligations under the Regulatory Reform (Fire Safety) Order 2005 and other relevant fire safety legislation.
- To ensure residents are protected from smoke and fire spread in communal areas in the event of a fire.
- To ensure that routes of access and egress in the event of an emergency are clear and safe.
- To confirm FCHO's approach to the removal of items left in communal areas of buildings. To ensure residents are aware of their obligations in relation to the communal areas of buildings in which they live

3. Residents' Obligations – Communal Areas

This policy is intended to take effect as regulations put in place by FCHO to manage their buildings, and in particular the safety of those buildings. FCHO has a zero-tolerance approach to items being left/stored in all communal areas in order to:

- Ensure routes of access and egress are clear and safe in the event of an emergency.
- Minimise the risk of trip hazards in the event of a fire.
- Reduce the risk of a fire starting or spreading within communal areas.

This means we will not tolerate any personal items being left/stored in communal areas and will remove them immediately if they are deemed high risk or after a notice period (for lower risk items) if they are not removed by the owner upon request. This means residents are not permitted to temporarily or permanently store, keep, leave or park the following or any other items in internal or external communal areas:

- A bicycle, scooter or similar
- A mobility scooter or similar
- A moped / motorbike or similar
- Furniture of any description
- Shoes
- Umbrellas
- Photographs/pictures
- Plants and plant pots/containers
- BBQs
- Any type of fuel
- Rubbish/refuse whether in a bag, box or otherwise
- Bins/refuge containers being stored in close proximity to communal blocks
- Where customers do have personal cupboards with communal space, items may be stored here but these **MUST** be kept locked.

The only exceptions would be:

- External doormats
- The drying of washing, but this must be clothes maidens/air dryers that can easily be moved and not left out longer than necessary.
- Storing prams / pushchairs where they do not obstruct the escape route in any way
- Personal items may be stored on decks or balconies exceeding 3m in width (at the discretion of FCHO), provided that all routes of access and egress remain clear and unobstructed. Such areas must not be used to store unnecessary items or materials with high fire-risk potential, including (but not limited to) petrol-powered equipment, fire pits, BBQs etc.

4. Implementation

As part of FCHO's commitment to fire safety within communal areas, we will make reasonable efforts to ensure that communal areas are inspected on a regular basis to ensure that this Policy is being followed and residents are complying with their obligations. This policy will be enforced by Fire Safety and Neighbourhood Management teams with assistance identifying and removing provided by Neighbourhood Care.

High Risk Items - FCHO will not tolerate items that are high risk to be present within communal areas for any length of time. Such items include, but are not limited to, those which are a hazard, highly combustible items, items which represent a high risk of fire and items which obstruct the escape routes. When we become aware of such an item being present in a communal area (either during an inspection or otherwise), staff will take photographs of the item insitu and then make every effort to contact the owner. If they can be identified, they will be asked to remove it immediately. If the owner cannot be contacted and/or immediate removal by the owner is not possible or does not take place, we will serve an enforcement notice as shown at Appendix A (the days on the enforcement notice are adjusted in high risk instances to 24 hours). Following the expiry of the enforcement notice, FCHO will immediately remove the high-risk item from the communal area. FCHO will seek to re-charge the customer for the incurred costs.

Lower Risk items – Where there are other items which are not deemed high risk, FCHO will try establish the owner to discuss removal. Otherwise, an enforcement notice will be issued to all suspected parties as shown at Appendix A (the days are adjusted in low risk instances to 14 days). If the item/s remains after expiry of the enforcement notices, FCHO will remove the items and potentially re-charge the customer.

Where issues are found, and reasonable improvements could be made, FCHO will inform the Investment Team so consideration can be given to future improvement projects. Examples include but are not limited to: Bin, pram and mobility stores, drying areas.

5. Storage & Disposal of Items

Where FCHO arranges for an item to be removed from a communal area, an assessment will be made to ascertain whether the item has any significant monetary value. If the item is assessed as having little or no monetary value, FCHO will arrange for the item to be disposed of. If the item is assessed as having significant monetary value, FCHO will store the item at an alternative location if they are able to safely and cost-effectively do so bearing in mind the size and nature of the item. If an item cannot be safely stored, it will be disposed of. If the owner of the item is identified, they will be informed that the item has been removed and who to contact to arrange to collect it. The owner will be re-charged the costs of removal and storage. The maximum amount of time FCHO will store items is 28 days, after which time the item will be disposed of if it has not been collected.

6. Storage Procedure

The Fire Safety Team will make reasonable efforts to establish ownership of property stored in the communal areas.

A written record of the enquiries made and outcomes must be recorded and may include speaking with the residents in the block, or writing to the residents in the block, or contacting partner agencies. This information will be documented on Riskbase during the initial FRA and on follow up visits.

An inventory of the items should be taken in accordance with Section 2 of the Limitations

Act 1980

The extent and nature of the enquiries will depend upon:

- The risk that the property presents, ie the higher the risk the less time is available to make enquiries.
- The value of the property.

6.1. Removal of Property to Storage

Once the enforcement notice expires, Neighbourhood Care will make arrangements for property of any deemed value to be removed and stored.

Neighbourhood Care will arrange for each item to be labelled showing:

- The date the property was removed
- The name of the person who removed the property, along with their contact details.
- The name of the person who requested the property be removed, along with their contact details.
- Any specific details about damage to the items, for example wheel broken, or owner not known.

The member of staff from Neighbourhood Care should then take photographs of all the property once it is in storage to confirm it's condition. The photographs should be saved to Property Portfolio

FCHO will retain the items in storage for a minimum of 28 days from the date the items were removed from the communal areas. It is the responsibility of the owner to arrange collection of the property and reasonable appointments will be made to accommodate this.

6.2. Disposal of Property

The following items can be disposed of immediately:

- Items that pose a significant fire risk such as petrol, or gas bottles
- Rubbish of any description, soiled items, clinical waste, household rubbish, broken glass, vomit or blood stained items, sharps and drugs paraphernalia, cat litter trays etc
- Highly flammable items such as upholstered chairs sofas, textiles, mattresses, paper/card etc where there is evidence to suggest that they have been discarded, for example are damaged or stained.
- Perishable items

If the owner fails to collect the property within 28 days arrangements will be made to dispose of the items unless:

- There is a dispute in which case the items should be stored until the dispute is resolved.
- There are exceptional circumstances such as the owner is in hospital.
- The property is of significant monetary value such as a mobility scooter or bicycle.

If the property is being stored longer than indicated on the Fire action required letter any notices to the owners must be updated.

Once the Fire action required letter has expired the legal title to the property transfers to the landlord and the property can be disposed of. Disposal can be either:

- Sold
- Donated to a local charitable organisation
- Recycled
- Destroyed

If the item is of significant monetary value and the owner or residents in the block are going to be recharged for the costs, arrangements will be made to sell the property and the proceeds used to offset any reasonable expenses incurred such as storage, transportation and administration fees.

Where it is the intention to sell the goods, the value of the goods should be assessed and this should be considered in relation to the cost of applying to court for an Order for Sale for disposal which is the ultimate defence if any proceedings are subsequently brought by a former tenant or customer in respect of disposal of goods. This is most likely to apply to high end value items such as mobility scooters or high quality bicycles.

A record of the sale and any payment or profits will be accounted for and retained on the Tenancy file for 6 years in accordance with Section 2 of the Limitations Act 1980.

In the event that the owner is known, a re-charge may be raised to cover the costs incurred of removing, storing and disposing of the property.

Storage costs are not a service charge item.

To raise a re-charge the relevant team will make a request through Northgate.

7. Recharging

Where FCHO incurs direct or indirect costs as a result of a breach of this Policy, including, but not limited to, the costs of removal/storage/disposal of items in communal areas, those costs may be recharged to the resident(s) responsible if they can be identified.

8. Policy Monitoring and Review

This Policy document will be reviewed annually or amended as Legislation is revised

9. Legislative or other Guidelines

This policy addresses the following legislation and guidance governing fire safety:

- The Regulatory Reform (Fire Safety) Order 2005, which came into force in October 2006
- Purpose Built Flats Guidance
- Housing Act – if we list the clauses that are referred to in Item 3
- Leases – is there legislation that underpins the leases
- Building Safety Act

10. Links to First Choice Home's Strategic Plan

Landlord: Excellent landlord services – Provides for an efficient and effective service.

Links to the following Strategic risks:

Health and Safety – Failure to monitor and control health and safety risks which may lead to injury/death, regulatory compliance failure and/or reputational and financial loss.

Appendix A – Enforcement notice

Date: _____

Name: _____

Address: _____

URGENT: ACTION REQUIRED FOR FIRE SAFETY

ITEMS NOTED IN COMMUNAL AREA **14 DAYS NOTICE BEFORE REMOVAL**

The following items have been placed in the communal area/ deck ways:

We understand these items may belong to you. In accordance with the terms of your tenancy agreement or lease, items cannot be stored in this area. Permission has not been sought from First Choice Homes Oldham to permit the above items to remain where they have been placed. Moreover, we have identified that they pose an obstruction risk and/or a fire hazard.

The above items must immediately be removed without delay. This is in accordance with our policy, '*Management of Communal Areas*'.

IN THE EVENT THAT THE ITEM(S) ARE NOT REMOVED, WE WILL REMOVE THEM ON, OR IMMEDIATELY AFTER, _____ AND THE PARTY THAT HAS PLACED THEM IN THEIR POSITION WILL BE CHARGED £176.00.

Please note that investigations into ownership may continue after the items have been removed, and we reserve the right to rely upon this letter in relation to enforcement of removal/storage costs.

Yours faithfully

First Choice Homes Oldham Fire Safety Team
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