

Keeping Communal Areas & Balconies Safe Policy

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Authors	Assistant Director (Social Housing)/ head of Housing Assets
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1. Introduction

- 1.1 Gravesham Borough Council is committed to providing safe housing for its tenants and leaseholders and has a legal obligation to manage the safety of communal areas and balconies in multi-occupied residential buildings that it owns or has management responsibilities for.
- 1.2 This zero-tolerance policy for the management of communal areas and balconies ensures a clear, consistent approach to the prevention of storage of items in order to reduce the risk of a fire, fire spread and maintaining clear, hazard free, escape routes. This policy also underpins our approach is consistent with our tenancy and leaseholder agreements in ensuring that communal areas are kept clear, and balconies are managed in regard to fire safety.
- 1.3 This policy also sets out how Gravesham Borough Council (The Principal Accountable Person) will manage, remove, store, and dispose of goods, or belongings left in communal areas.

2. Scope

- 2.1 As a responsible landlord, our overall objective is to ensure that our tenants and leaseholders receive a consistent service and are clear on instances that would activate this policy. To achieve this, the policy applies to 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 external ground floor enclosures are also included, as actions or items stored in these areas can affect neighbouring properties.

3. Regulatory and Legal Framework

- 3.1 The Social Housing Regulator's Consumer Standards require us to "take all reasonable steps to ensure the health and safety of tenants in their homes and associated communal areas." The council recognises its duties and liabilities under the following legislation (not exhaustive):
 - The Regulatory Reform (Fire Safety) Order 2005 (RRFSO) requires Gravesham Borough Council to assess the risk of fire within the non-domestic areas of all its multi-occupied residential buildings and take adequate precautions to reduce or mitigate the risk. Any items in communal areas have the potential to be a health and safety hazard and/or pose a serious fire risk.
 - The Fire Safety Act 2021 is an amendment to the RRFSO and clarifies that individual flat entrance doors, external walls and private or communal balconies must be included in assessing fire risk.
 - The Fire Safety (England) Regulations 2022 stipulates further fire safety duties on the Principal Accountable Person, which apply to multi-occupied buildings over 11m in height.
 - The Building Safety Act 2022 was established in the aftermath of the Grenfell Tower Fire in 2017. Its purpose to ensure a tragic event such as this one, would never happen again. The Act provides an overarching framework for improving building safety and

accountability, strengthening duties on duty holders, and enhancing resident engagement and protection.

- The Housing Act 2004 provides the framework for housing policy and defines housing standards. It places duties on the landlord to improve quality and safety within their housing stock.
- Local Government (Miscellaneous Provisions) Act 1982 grants local authorities' specific powers to remove any non-permissible items found in communal areas and other areas owned or managed by the Council.

4. Policy Statement

- 4.1 The Council, as a responsible landlord, has a duty to keep communal areas safe, clean, and accessible. Items left in communal areas may increase the risk of a fire, fire spread or impede escape routes for residents, visitors, and the fire services.
- 4.2 The Council, as a responsible landlord, has a duty to keep communal and private balconies safe for all residents and visitors to the building. Storing of non-permissible items may increase the fire load, risk of a fire and fire spread.

The aim of the policy is:

- 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 and balconies
 - To ensure we meet our regulatory responsibilities
 - To reduce the risk of accidental fires in common parts and balconies 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 people are kept safe and we effectively manage and address tenant and leaseholder's concerns regarding fire safety
- 4.3 The Council will act promptly, lawfully, and fairly to remove items, while giving owners the chance to reclaim their belongings where appropriate.

5. Communal Areas – Non permissible items

- 5.1 There is a zero-tolerance approach to residents storing personal items in communal areas or on our estates.
- 5.2 This means that residents are not allowed to store or leave items in communal areas. Gravesham Borough Council have 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:
- Combust when exposed to a heat source
 - Increase the fire load and contribute to the spread of fire
 - Prevent/reduce ability to escape in the event of fire

- Produce smoke and impede visibility
- Hinder Emergency Services in rescue duties
- Injure people by causing trips and falls

Non-permissible items include (non-exhaustive):

- doormats, plants, and ornaments
- sofas, chairs, and other household furniture items
- pushchairs, buggies, prams, car seats and shopping trolleys
- refuse and laundry bags
- children's toy and play equipment
- umbrellas, footwear, clothes & racks for these items
- bicycles, scooters, skateboards, roller-skates/blades
- motorbikes, motor parts, e-bikes, and batteries
- mobility scooters, wheelchairs, walking (zimmer) frames)
- gardening equipment and soft house furnishings
- cleaning materials/equipment, building materials and tools
- white goods including cookers, washing machines and fridges
- cooking equipment, materials, and fuels
- food items, boxes, cardboard, and packaging
- gas cylinders, oxygen tanks and fuel cans

6. Communal & Private Balconies – Non permissible items

- 6.1 New legislation which came in to force in 2022 stipulates that the external facade of a building (including its balconies) is now also subject to the same regulations (The Regulatory Reform (Fire Safety) Order 2005) as the internal communal areas. As part of these regulations, Fire Risk Assessments now also include the external façade and balconies.
- 6.2 Combustible material fitted to balconies can contribute the risk of external fire spread and are not permissible in any form. Combustible materials are solids or liquids that can easily ignite and burn. If a combustible material is exposed to fire or heat, it is likely to ignite, burn or release flammable vapours. Combustible materials that release flammable vapours will ignite immediately on exposure to flame. Most plastics are flammable when exposed to a flame, releasing gases that can further fuel a fire.
- 6.3 If a fire breaks out on a balcony, it has an unlimited supply of oxygen and can spread much faster than a fire inside the home. Buildings are designed with fire compartmentation which enables each flat to contain a fire for a period of time.

Non permissible items include (non-exhaustive):

- Combustible screening such as bamboo, straw, or reed.
- Barbecues, fire pits or candles
- Patio heaters, gas canisters, cooking oil, or other flammable items
- Furniture, other than a small table and chairs
- Artificial grass or trellis
- Decorating Materials

- Refuse bags
- Exercise equipment
- Permanent structures such as sheds, cupboards, storage boxes or mini-green houses
- Bikes, scooters, and pushchairs
- E-bikes and e-scooters
- Electrical appliances such as fridges, freezers, or tumble dryers.
- Parasols, rotary lines, or clothing hung over balcony railings
- Store or use fireworks, flares, or other pyrotechnics
- Plant Pots either on floor or balconies

7. Reporting of Non permissible items.

- 7.1. The Council and/or their appointed agents conduct regular formal and informal site inspections for a variety of reasons. In all instances, it is expected that any items will be reported to the housing service at the Council. In addition to regular inspections, officers of the Council will attend residential blocks as part of their normal duties and are expected to report any non-permissible items found in communal areas to the housing service. Reports of items may also come from other sources including the fire services.

8. Resident reporting of Non permissible items

- 8.1. We encourage residents to report any items they find in the communal areas of the block to their Neighbourhood Officer. Tenants and leaseholders concerned about disputes and other issues with their neighbours may report items anonymously if they wish.

9. Removal of items in communal areas

Removal of items with notice

- 9.1 The Council will remove any items found in the communal area. A notice under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 will be placed on the item or beside the item serving written notice to the Owner and if it is not removed within 48 hours, we will attend and remove the item.
- 9.2 Items removed by the Council will be stored for not less than one calendar month and then disposed of or sold. Residents can contact their Neighbourhood Officer to collect their item. A charge covering the cost of removal and storage may be issued before the item is returned.
- 9.3 Items deemed to be of no value, perishable, hazardous or fragile will be removed and disposed of immediately.

Removal of items without notice

- 9.4 If the item is deemed to be of high risk by the Council's building safety team or any other agent, the item will be removed without notice.
- 9.5 The Council cannot be held responsible for the damage, loss or theft of items left in the communal area, or damage to items during removal and storage.

10. Enforcement

- 10.1 Where a resident repeatedly leaves items in the communal area, legal action for breach of tenancy/lease may be taken including but not limited to possession proceedings or an injunction.

11. Equality and Diversity

- 11.1. A full Equality Impact Assessment (EIA) has been conducted for this policy in accordance with the Council's Public sector Equality Duty (PSED) when performing our duties (S149 of the Equality Act 2010) and mitigations put into place where potential negative impacts to individuals with protected characteristics were identified.

12. Policy Review

- 12.1. This policy will be reviewed every three years, unless legislative or regulatory changes.