

Communal Areas Policy

DESIGN HEADER TO INCLUDE POLICY NAME AND DATE RANGE

INFORMATION

Policy Name	Communal Areas Policy
Effective Date(s)	February 2023
Approved By	Risk and Compliance Group, Customer Services Committee
Approval Date	21 st February 2023
Policy Owner/Dept	Director of Housing and Customer Services
Policy Author	Aaron Hammersley, Head of Housing
Review Date	February 2025
Version Number	V1

Version Control

Version	Date	Changes	Approver

Your Housing Group Strategic Priorities			
Safe	<input checked="" type="checkbox"/>	Viability	<input type="checkbox"/>
Landlord	<input checked="" type="checkbox"/>	Growth	<input type="checkbox"/>
People	<input checked="" type="checkbox"/>	Technology	<input type="checkbox"/>

Relevant National Standards or Regulation	Please State if the Policy aligns to any of the Regulators Standards: <ul style="list-style-type: none"> • Neighbourhood and Community Standard • Tenant Involvement and Empowerment Standard
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Relevant Legislation	<ul style="list-style-type: none"> • Regulatory Reform (Fire Safety) Order 2005 • Housing Act 2004 – Housing Health and Safety Rating System • Health and Safety at Work Act 1974 • The Management of Health and Safety at Work Regulations 1999 • Torts (Interference with Goods) Act 1977 • Furniture and Furnishings (Fire Safety) Regulations 1988
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1. Purpose of the Policy

The effective management of the internal and external communal areas of residential premises is key to protecting the health and safety of residents, staff, and any other users of Your Housing Group's (YHG) buildings, ensuring they are kept free from obstructions or hazards. Through the Communal Areas Policy, YHG will strive to balance the requirements of legislation and guidance with maximising the opportunities for residents to enjoy these spaces and ensure a consistent approach across all buildings.

The policy aims to provide clarity for residents, visitors and YHG employees regarding YHG's approach for managing and maintaining safe internal and external communal areas.

2. Scope of the Policy

The Policy applies to all tenants, leaseholders, employees, contractors, and anyone else using the internal and external communal areas of YHG's residential premises. The areas it relates to may be located in general needs, supported, sheltered and extra care accommodation and include the following: -

- Internal communal corridors, for example porches, entrance halls, landings, staircases
- Internal shared facilities, for example bin stores, bin chutes, meter cupboards, laundries
- Internal social facilities, for example communal lounges, kitchens, guest rooms
- External areas, for example communal gardens, through routes and shared balconies.

Examples of obstructions and hazards include, but are not limited to: -

- Rubbish and other items such as furniture awaiting disposal
- Furnishings such as mats, pictures on walls, and flowerpots
- Bicycles, motorised cycles, prams, scooters, and mobility scooters (the storage of mobility scooters is detailed in the Mobility Scooter Procedure).
- Hardware such as tools, paint, garden equipment etc.
- Personal effects such as storage boxes / containers, toys, barbeques etc.

3. Definitions

- **Communal Areas** - Are those parts of a house, block of flats, street, or estate which residents have a right to use in common with other residents and for which a landlord is responsible.
- **Communal Inspections** – These are onsite visual inspections completed by housing management staff on multi-occupancy buildings with internal and external communal areas. These are usually carried out monthly unless there is a site specific change to the frequency.
- **Injunction** - Is a court order that requires someone to do or not to do something.

- **TORT Notice** - This is a legal document alerting the owner of items that have been abandoned on private land or property.
- **Fire Risk Assessment (FRA)** - A building assessment that identifies any fire hazards, evaluates the risk of those hazards, and recommends action that should be taken to remove, reduce or manage the risk.

4. Consultation

Consultation in relation to this policy has taken place with the following: -

- Key internal stakeholders including YHG's Housing Management Team, Asset Management Team and Building Safety Core Group
- Greater Manchester Fire & Rescue Service
- Customer Focus Group
- Equality Impact Assessment Team
- Customer Connect Panel
- Risk and Compliance Group
- Customer Services Committee

The policy is linked to the Neighbourhood and Community Standard and Tenant Involvement and Empowerment Standard and will be updated to reflect updated Consumer Standards as required.

5. Background and Context

This Policy outlines the approach YHG will take to the management of internal and external communal areas in the blocks of residential flats it owns and/or manages. YHG has a legal duty to ensure all fire precautions are taken, so far as is reasonably practicable, in order to ensure that premises under its control are safe. 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

6. Policy Detail

6.1 Internal communal corridors and shared facilities

Many of YHG's residential premises are either unstaffed or staffed for limited periods during business hours during the week. This means that, in order to effectively manage these areas, YHG has implemented a clear common areas approach, often referred to as a sterile/zero tolerance approach. A clear common areas approach means that residents and their visitors are **not** permitted to use these areas to store or dispose of their belongings or rubbish, even

temporarily. These areas should be kept clear and sterile at all times i.e., free of combustible materials, ignition sources and obstructions.

Smoking is not permitted within internal communal areas / shared facilities.

Aims of a Zero Tolerance approach:-

- For residents to enjoy a safe, clean and tidy environment
- To ensure residents are kept safe and we effectively manage and address residents' concerns regarding fire safety
- To reduce unnecessary 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 clear common area approach
- To aid a hazard free escape route
- To ensure there is clarity as to roles and responsibilities
- To reduce the risk of arson by reducing possible sources of fuel

Objectives of a Zero Tolerance approach:-

- 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 approach to ensure communal areas are kept clear.
- That goods left in communal areas are removed promptly, following the necessary notice procedures.
- To ensure there is no ambiguity regarding what is allowed and therefore residents know exactly what's expected / required.

The only exception to the clear common areas approach is where a resident has a cognitive disability such as dementia, which means they need to store a specific item in the communal corridor adjacent to their home to act as a memory aide. Where this is the case, the requirement will be documented following a Person Centred Fire Risk Assessment and agreed via the Permissions Process (see section 6.5 below). Examples of a permitted memory aides may include a glass or ceramic non-combustible ornament or a picture or photograph in a glass frame.

6.2 Internal social facilities

Some sheltered, extra care schemes, supported and general needs premises, have communal social facilities such as lounges and kitchens. Where this is the case, all furniture and

furnishings will be provided or approved by YHG and will be risk assessed to ensure that they do not pose a health and safety risk. These areas also operate a Zero Tolerance approach, and residents' and their visitors are **not** permitted to store or dispose of belongings or rubbish as highlighted in 6.1 above.

On occasion, residents may be given permission to store a specific item or install decorations / items relating to religious festivals in shared social facilities. All items must be risk assessed and requests formally agreed by YHG via the Permissions Process. See section 6.5 below.

6.3 External areas

Where a premises has shared external facilities such as a communal garden, YHG will provide and / or approve all furniture and equipment, for example seating and planters. However, external areas provide a greater degree of freedom to personalise and allow residents opportunities to become involved with the community in which they live. Therefore, residents may be given permission to store their belongings in these areas, for example hanging baskets or garden furniture. All requests must be formally agreed by YHG via the Permissions Process. See section 6.5 below.

All external walkways such as deck access will be managed as per 6.1 above.

6.4 Storage cupboards located within means of escape

Residents are not permitted to store any items in any storage, service or meter cupboards located within the communal areas. YHG is responsible for ensuring these cupboards are kept clear and locked at all times.

6.5 Permissions Process

YHG operates a permissions process, whereby residents can request to store their belongings in either the internal shared social facilities or external areas of a building in which they live. This process does **not** apply to internal communal areas, such as landings, or internal shared facilities, such as meter cupboards with the exception of memory aides (see section 6.1 above). The items requested must not pose an obstruction or hazard to residents or others occupying the associated building and must not be offensive to others. Examples of acceptable items may include a piano in a communal lounge or a hanging basket in a communal garden. Requests will be considered on a case-by-case basis and will be reviewed by a manager responsible for the relevant building in consultation with YHG's building safety and or fire safety team. YHG reserves the right to decline or withdraw permission at any time, any decision will be confirmed in writing to the customer and a record of this will be placed on the customers tenancy record.

6.6 Accessibility of communal spaces

Residents should be able to access all areas of their own homes, including communal areas and facilities within the scheme or block where they live. Where YHG is alerted to accessibility problems within communal areas or through property inspection, it will make reasonable adjustments to these areas to maintain the accessibility for tenants.

Any fittings of aids (example handrails) should be completed by an approved contractor, either via YHG's aids and adaptations policy, or local authority contractors. This is to ensure additional items in the communal areas are safe, and not causing potential risks.

6.7 Pets in communal spaces

Residents are responsible for any damage caused to their home or shared areas by any animal kept in the home or visiting their property. Dogs should not be left unattended for any length of time or allowed off their lead in a communal garden or communal areas of the building. It is the resident's responsibility to clean up after any animal kept in the home or visiting their property.

6.8 Residential car parks

In some locations YHG provides car parking facilities that are for the specific use of residents of the building and YHG staff (or others working on YHG's behalf) that may need to visit the building in the course of their duties. Where these arrangements exist YHG will ensure its staff and others working on its behalf, park responsibly and do not block access in any way for regular and authorised users.

6.9 Removal of items and potential enforcement action

YHG reserves 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.

YHG will undertake communal area inspections and will work with residents to try and find solutions to the problems caused by items being stored in communal areas such as mobility devices, considering individual circumstances including referral where required to relevant organisations e.g., Occupational Therapists and social services. In the event Mobility Scooters are identified as being stored in communal areas consideration should also be given to YHG's Mobility Scooter procedure.

Where residents persist in this type of behaviour despite reasonable attempts to find alternative solutions and when verbal and written warnings have been wilfully ignored, YHG may be required to take enforcement actions. This could take the form of:

- Injunctions or tenancy enforcement actions
- Removal of the item in which case a TORT notice will be served on the resident and they will have 14 days to collect the item before YHG disposes of it permanently.

YHG reserves the right to recharge the resident for any of the costs associated with the above actions including any legal or storage costs incurred. Where no individual can be identified as responsible, any costs will be charged back to the block or estate through a service charge.

Capacity assessment

Where there is a reasonable belief that a person 'lacks capacity' to make a decision at a time when it needs to be taken and where it is in their 'best interests', YHG may request a formal assessment of capacity be carried out by a relevant and qualified health practitioner and may do so without their consent. This will be completed in line with YHG's Safeguarding Policy and Procedure.

7. Responsibilities under this Policy

The Senior Leadership Team and Heads of Service 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. communal inspections, Fire Risk Assessments (FRAs) due and undertaken and FRA actions (maintenance and management).

The Head of Compliance, Head of Building Safety and Fire Safety Manager will review all FRA actions to ensure they are properly assigned, managed and actioned.

Housing Management Teams that are employed either on site or whose duties include visiting sites to carry out inspections, will carry out communal inspections on internal / external communal areas. During each inspection they will identify and organise the removal of items in communal spaces within certain timeframes.

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. 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 YHG.

8. Risk Management

The risks of not following this policy could lead to a potentially detrimental impact on the safety of customers and staff. This may result in:-

- Prosecution by the Health and Safety Executive under Health and Safety at Work Act 1974.

- Prosecution by the Fire and Rescue Service under the RRFSO and/or Fire Safety Act 2021.
- Prosecution by the Local Authority under the Housing Act 2004.
- Reputational damage.
- Loss of confidence by stakeholders in the organisation.

9. Data Protection, Record Storage and Retention

YHG recognises that confidentiality is important to customers and will treat all information relevant to each customer in the strictest confidence, as will all contractors, under the Data Protection Act 2018, including the GDPR provisions. YHG's Data Protection Policy will also be adhered to in following this policy.

10. Equality and Diversity

This Policy will be applied in a way which ensures equality of treatment for all customers without discrimination, or victimisation on account of any protected characteristic as defined within the Equality Act 2010. In drafting this policy YHG has had regard to its public sector equality duties under s149 of the Equality Act 2010, namely the need to:

- eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited under the Act.
- advance equality of opportunity between people who share a relevant protected characteristic and persons who do not share it.
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The policy pays regard to diversities around access to and delivery of any services. An Equality Impact Assessment (EIA) has been undertaken on this policy and copies of the EIAs are available upon request. On request YHG will provide translations of all its documents, policies and procedures in various languages and formats including computer disc, braille, large print, and tape.

11. Communication

All relevant staff will be required to read this policy under the mandatory reads section of Youggle. The policy will also be available via YHG website for customers.

12. Learning and Development

Suitable and sufficient Fire Safety awareness training will be maintained for all relevant employees and recorded in YHG's training system. All staff involved with communal inspections and the monitoring, and completion of FRA actions will need to maintain suitable and sufficient system training, e.g., CRM, Orchard and Documotive. The Fire Safety Manager will as a minimum hold a NEBOSH Certificate in a Fire Safety or equivalent qualification. The Head of Compliance, Head of Building Safety and Fire Safety Manager will also need to proactively maintain their Continued Professional Development to keep up to date and abreast of fire safety industry and legislative changes.

13. Performance Management of this Policy

The completion of communal inspections is reported monthly to Risk and Compliance Group.

The completion of FRAs in line with their due date forms part of the “Health & Safety – Customer’s Homes” balanced scorecard KPI. This is reported monthly to Board, ELT and SLT.

14. Review of this Policy

YHG will review this policy every 2 years, or earlier if required by statutory, regulatory, legislative or best practice requirements or the need to update this policy following reviews of other Group wide policies or improvements identified by service reviews, scrutiny or feedback from customers.

This Policy will be reviewed by the Head of Building Safety and Heads of Housing.

Related Documents

Document Type	Name
Connected Policies and Procedures	Building Safety Policy Fire Safety Policy Safeguarding Policy and Procedure Neighbourhood Management Policy Communal Compliance Inspection Procedure Clear Communal Space Procedure Mobility Scooter Procedure
Forms and Letters	Compliance Inspection Form
Leaflets/Publicity Material	
Training Materials Available	
Intranet/ Website Page	

Checklist

Policy Name: Communal Areas Policy	
Version No: Version no 1	Effective Date: Feb 2023
Status: New Policy	
Previous Policy Name (where appropriate) – Not applicable	
Brief Summary of Changes from Previous Version: N/A	
Internal Consultation Groups: Fire and Building Safety Core Group Customer Focus Group Customer Connect Panel	Customer Consultation: <input checked="" type="checkbox"/>
	Date of Customer Consultation: Customer Focus Group – 11 October 2022 Customer Connect Panel – 17 November 2022
	Customer Consultation Brief Details: Customer Focus Group Customer Connect Panel
Link to Consultation Document(s):	
Date Initial Equality Impact Assessment Undertaken: N/A	Equality Impact Assessor name(s): Darren Shelley, Alexandra Wilcock, Danielle McCann
Reason for Decision: New policy	
Date Full Equality Impact Assessment Undertaken: 21 September 2022	
Brief Outline of any Changes Recommended from EIA: <ul style="list-style-type: none"> To make clear in the policy the process YHG staff need to follow if they are concerned about a customer's capacity. To add a reference to mobility scooters and the specific YHG procedure for managing this issue. How aids and adaptations can be requested / installed to YHG communal areas where required. YHG approach to decorations associated with religious festivals. 	
Data Protection/ UK GDPR Implications: <input type="checkbox"/>	
Brief Outline of Data Protection/UK GDPR Implications:	
Legal Implications: <input type="checkbox"/>	Legal Panel Consulted: <input type="checkbox"/> Date:
Risk Implications: <input type="checkbox"/>	Risk Logged on Datix: <input type="checkbox"/> Date:
Resource Implications	People: <input type="checkbox"/> Finance: <input type="checkbox"/> Asset: <input type="checkbox"/> Other: <input type="checkbox"/>
Brief Summary of how Resource Implications have been addressed: No resource implications have been identified with this policy.	
How will communication on this Policy take place: (please delete as appropriate) Intranet / YHG Website	
Policy Owner: Housing Management	Policy Author: Head of Housing
Policy Signed Off by: (service manager or sponsor): Aaron Hammersley	Date: 23/11/22
Policy Quality Checked by Research and Policy Manager:	Date: 23/11/22
Policy Approved by Risk and Compliance Group:	Date: 17/01/23
Policy Approved by Customer Services Committee:	Date: 21/02/23