



Management of Communal Areas Policy

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1.0 Scope

The Management of Communal Areas Policy sets out the approach that Broxtowe Borough Council takes to manage enclosed communal areas and the areas that immediately surround blocks of flats.

The policy applies to both tenants of the Council and also leaseholders and anyone that visits or lives with a tenant or leaseholder.

The policy also applies to tenants in General Housing properties as well as those in Independent Living Accommodation.

For the purpose of the policy, a communal area includes;

- Communal entrances
- Communal landings
- Communal lounges (Independent Living only)
- Communal kitchen (Independent Living only)
- Communal bathroom (Independent Living only)
- Any shared stairwell, balcony or access path
- Communal gardens
- Communal parking areas
- Bin stores
- Drying areas
- Any cupboard area or loft that is located in a communal area

2.0 Purpose

The Council makes it clear when it rents or sells a property what land the tenant or owner is responsible for. In properties such as flats, communal facilities are often present and the upkeep, cleanliness, safety and sensible use are important for the safety and enjoyment of all residents that live in the surrounds.

The policy provides a framework for how communal areas will be managed and what is expected from residents.

3.0 Aims and Objectives

The aims and objectives of the policy are

- To ensure the health and safety of tenants, leaseholders, staff and visitors when in a communal area.
- To ensure that all repairs and maintenance can be carried out on the communal areas
- To allow communal areas to be used in the best possible way for the benefit of all tenants, leaseholders, staff and visitors.

- To explain what measures the Council may take to monitor or control communal areas.
- To ensure that communal areas can be safely evacuated in the event of an emergency
- To give clear advice to residents to minimise the risks of items causing and obstruction to access routes in the event of an emergency
- To allow for the cleaning staff, where present, to carry out their job effectively, which in turn supports the upkeep of the communal areas

4.0 Regulatory Code and Legal Framework

- Regulatory Reform (Fire Safety) Order 2005
- The Housing Act 2004 (Housing, Health and Safety Rating System)
- The Housing Act 1985
- The Housing Act 1996
- Building Regulations 2010
- Health and Safety at Work Act 1974
- Torts (Interference with Goods) 1977
- Local Government (Miscellaneous Provisions) Act 1982
- Anti Social Behaviour Crime and Policing Act 2014
- Miscellaneous Provisions Act 1994
- Commonhold and Leasehold Reform Act 2002
- Furniture and Furnishings (Fire Safety) Regulations 1988
- The Data Protection Act 2018
- Regulatory of Investigatory Powers Act 2000
- Protection of Freedoms Act 2012
- General Data Protection Regulation 2016

5.0 Policy Outline

5.1 Control of enclosed communal areas and areas that immediately surround

The Council is committed to ensuring that the health and safety of everyone that lives in, works in or visits any Council property. As a landlord, the Council has a responsibility to ensure internal/enclosed communal areas are kept clear and accessible so that residents can exit the building as quickly and as safely as possible in the event of an emergency. This will also allow the emergency services as easy and uninhibited access to the property or person in question as possible if and when required.

To achieve this, the Council will ask residents to keep internal/enclosed communal areas and the areas immediately surrounding entrances and exits clear of obstruction and/or items that may cause fire to be accelerated. The Council will operate a zero tolerance approach when it comes to enforcing this.

Tenancy and leasehold agreements that residents hold make clear the land that is let or sold as part of the home and therefore land that is not let with the home should not be used for additional storage. There is therefore an expectation that the anyone living in Council or leasehold properties will keep communal areas clear. This also includes any roof spaces as applicable.

This approach is intended to reduce risks and hazards associated with fire, to allow the Council to maintain communal areas where required and to ensure that residents homes are safe and enjoyable places to live.

The list of non-permissible items includes (but is not limited to);

- Potential ignition sources such as storage of cardboard
- Combustible materials such as garden furniture, artificial plants, plastic ornaments
- Electrical items, including battery operated lights
- Prams, buggies and bicycles
- Washing lines, wall mounted or strung wall to wall
- Items which may result in escape routes being narrowed such as, items of furniture, ornaments
- Any items on windowsills including plants

Permissible Items

There are certain items or instances where items are permissible within the communal area, these are limited to the following.

- Door mat, located outside a front door that leads to an exit, not greater than 80cm x 50cm and 50mm thick (subject to escape routes being kept clear)
- Notice boards installed, managed and maintained by BBC
- Pictures/wall art (ILS corridors only) provided by BBC

5.2 Communal Lounges or any other communal area within an Independent Living Scheme

The Council has a number of Independent Living Schemes with rooms within them that are for the usage of all residents that are within the scheme. The Council is responsible for the upkeep of these areas as well as the fixtures and fittings. Tenants own items should not be stored in these areas and the non-permissible list and other statements contained in 5.1 apply here.

Permissible Items

- Festive lights (ILS communal lounges only) subject to installation and testing by BBC
- Festive decorations (ILS communal lounges only) subject to installation and monitoring by BBC
- Soft furnishings (ILS communal lounges only) which must be compliant to the Furniture and Furnishings (Fire Safety) Regulations 1988. No furniture to be gifted or donated for storage in communal lounges
- Electrical items (ILS communal lounges) which have been tested in compliance with BBCs portable appliance testing scheme

5.3 Communal gardens, paths, parking areas and other surrounds

Outside areas should also be kept clear of personal items as this is land that is not let or sold with the property. Other items, such as wheelie bins, should be stored in the appropriate bin storage areas or in areas that are not likely to cause an obstruction or nuisance to residents.

Council car parks are for the use of residents and their visitors only and operate on a first come first served basis. Residents should park responsibly in the parking areas

for the benefit of the enjoyment of all residents. The tenancy agreement advises tenants on appropriate usage of parking areas.

Barbeques or other fires on communal garden areas are prohibited

Smoking in enclosed communal areas is prohibited by law. When residents are smoking or vaping in communal areas, they should be respectful to other residents and maintain reasonable distance between doors and windows to avoid nuisance to other residents.

5.4 Mobility Scooters

Broxtowe Borough Council recognises that the use of a mobility scooter can enhance the quality of life for many older or less mobile tenants, who otherwise may be limited in their ability to access common facilities provided in the premises and also access external facilities in the wider community.

Whilst we do not have a legal obligation to provide scooter storage there is a need to identify storage and charging solutions that support the safe use of mobility scooters whilst recognising that different solutions may be necessary in terms of building design, financial considerations and building use.

Permission to keep a mobility scooter must be made in accordance with the Mobility Scooter policy. The storage and charging of mobility scooters in communal areas, unless they are designated as scooter storage areas, is prohibited.

5.5 Checking communal areas and communal area inspections

It is part of the role of all employees of the Council to be vigilant regarding the risks relating to any issue of repairs and maintenance within Council managed properties.

Communal areas will be inspected regularly by members of the Housing Department to ensure that they are safe and enjoyable environments for people to live. They may also be inspected as part of inspections that are arranged with residents, such as Estate Inspections.

The Council's appropriate designated officer will also inspect communal areas for the purpose of carrying out Fire Safety Risk Assessments.

5.6 Taking action when items found in communal areas

If items are found in communal areas and it is considered to be in contravention of this policy, the Council will take action to remedy. The Council will consider the following before taking any action.

- Whether the item is of immediate health and safety risk to residents and visitors
- Whether the item poses a risk, but this risk is not reasonably considered immediate, but requires remedy to reduce the overall risk to residents and visitors
- Whether ownership can be reasonably determined and whether further investigations are necessary
- The risk to the Council of removing an item without the knowledge or express permission of the property owner

If items are considered to be of immediate risk, such as items that present risk of explosion or would present a significant acceleration of fire, immediate removal and removal without notice to the item owner will be considered. The Council will store the item where the item is considered to be of significant value and whilst enquiries take place to identify the item owner.

Items that will be considered to pose an immediate risk include

- Motorbikes/scooters
- Lawnmowers and other gardening equipment containing petrol and other fuels
- Hazardous chemicals, gas containers, flammable liquids and Barbeques

The Management of Communal Areas Procedure will outline the step by step actions taken depending on the different circumstances that may arise. The tenancy agreement includes a condition that residents must not keep items which would constitute a health or fire safety risk in communal areas. Enforcement action will be considered to address a persistent or serious breach of tenancy.

5.7 Surveillance Camera Systems

The use of a Surveillance Camera Systems (often called CCTV), must always be for a specified purpose which is in pursuit of a legitimate aim, proportionate and necessary to meet and identify a pressing need. The use of a Surveillance Camera System must also take into account its effect on individuals and their privacy.

In deciding whether the use of a Surveillance Camera System should be considered proportionality is key. For example, if there is anti-social behaviour in a communal area, for a Surveillance Camera System to be considered this must involve a regular and persistent issue, not a one-off incident.

If after consideration the Head of Housing wishes to consider the use of a Surveillance Camera System, then the Surveillance Camera System Justification Document will be completed to fully consider all of the issues.

5.8 Ring Door Cameras

Tenants may apply for permission to install a Ring Door Camera. These will be fitted at the tenant's expense. The Council would not be responsible for any legal ramifications which may occur as a result of the camera being installed. Tenants will be provided with general advice, as listed below, but will also be advised to seek independent legal advice if they are unsure of the requirements.

If the Ring Door Camera captures images outside of private property that could be used to identify individuals, the tenant must:

- Put a sign up that is clearly visible and readable. Sight of the camera is not sufficient notification;
- Ensure that the camera does not record sound;
- Ensure that all who have access to recordings do not disclose them;
- Ensure all recordings are stored securely;
- Allow anyone who has had their image captured access to the relevant footage;
- Ensure that under no circumstances should they upload or stream the footage online or through any form of media.

5.9 Communication

It is essential to communicate with residents the importance of keeping communal areas free from obstructions and hazards. Regular communication will take place with residents using a range of approaches including newsletters, leaflets and social media.

Broxtowe Borough Council will also support national campaigns such as Home Safety Week to emphasise the importance of this issue.

6.0 Related Policies, Procedures and Guidelines

This policy should be read in conjunction with the following Council documents:

- Management of Communal Areas Procedure
- Storage and Clearance of Belongings Procedure
- Mobility Scooter Policy
- Alterations and Improvements Policy
- Tenancy Agreement
- Leasehold Agreement

7.0 Review

This Policy will be reviewed every 3 years unless there are significant changes in legislation.

8.0 Document History and Approval

Date	Version	Committee Name
28/1/20	1.0	Housing Committee
4/7/23	2.0	Cabinet