

## Homes & Neighbourhoods

# **‘Clear and Safe’ Safety in Communal Areas Policy March 2023**

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## **1. WHAT IS THIS DOCUMENT ABOUT AND WHY DO WE NEED ONE?**

Maintaining the safety of the buildings you live in is our top priority. Kirklees Council is committed to ensuring that the internal and external communal and shared spaces in our residential dwellings are well-kept, meet all regulatory requirements and are a safe and enjoyable place for residents, visitors and staff and other users of its buildings.

The introduction of the Building Safety Act 2022, the Fire Safety Act 2021 and the Fire Safety (England) Regulations 2022 provide new and clear guidance for those responsible for the design and management of blocks of flats, regardless of size or height.

This document sets out how we (Kirklees Council) aim to ensure that all internal and external communal areas are managed effectively and kept free from obstructions or hazards to protect the health and safety of residents, visitors, staff and other users of its buildings and to ensure communal areas can be used safely to evacuate in the event of an emergency

## **2. WE WANT TO MAKE SURE YOU'RE SAFE IN YOUR HOME**

This document sets out how we will manage both internal and external communal areas in our residential dwellings.

A communal area is defined as any parts of the building or grounds in which the property is situated where you, your household and/or visitors are permitted to go. This includes but is not limited to stairways, storerooms, cupboards including meter cupboards, corridors, landings, understairs entrances, lifts, rubbish chutes, shared balconies and access paths, drying areas, bins areas.

For fire and health and safety reasons it is extremely important all exit routes must be kept clear at all times with nothing placed in such a way as to obstruct an escape route or present a trip hazard and that tenants and leaseholders keep items which could easily burn, or if burned could give off toxic smoke out of the communal areas.

In order to minimise the risks, we will only allow the following items in communal areas.

### **Blocks Three Storeys and over**

Nothing allowed, all landings, foyers, stairwells and walkways to be free of all items  
Only non-combustible items can be stored neatly in storerooms and cupboards

### **Two Storey Blocks**

- Non-flammable ornaments/small living plants located off the ground (i.e., on windowsills) – tenants and leaseholders should seek advice from the Council as

their landlord as to where an item can be located or if the ornament is not labelled clearly as non-flammable

- Frame covered pictures (behind glass) hung on a wall Only non-combustible items can be stored neatly in storerooms and cupboards

Tenants and leaseholders must not use internal communal areas for storing possessions. All escape routes must remain free from both obstruction/fire risk at all times so as not to impede an escape in an emergency. We do not allow any items to be kept in internal communal areas. Some examples are shown below (but are not limited to):

- Pushchairs
- Bikes
- Carpets, rugs or floor mats
- Book cases
- Curtains or net curtains
- Shoes and boots
- Flammable liquids or gases,
- Electrical equipment
- Festive decorations e.g. Christmas trees and wreaths
- Furniture of any kind
- Wheelchairs and mobility aids
- Mobility Scooters
- E-Scooters
- Rubbish Bins and waste
- Furniture including items you are waiting to dispose of

## **Retirement Living Schemes**

Taking into account the additional safety measures in place within our retirement living schemes an assessment will be undertaken at each scheme to determine what will and will not be allowed in communal areas taking into account the following:

- If an operational sprinkler system is in place
- The number of escape routes in the building
- Residents are not allowed to put items in communal areas or use them for storage purposes.
- That a minimum width of 900mm is maintained on corridors or in foyers at all times
- Recommendations arising from fire risk assessments
- No flammable liquids to be located in corridors or in foyers
- Nothing to be placed in proximity to an ignition source e.g. fuse cupboard
- The frequency of checks undertaken

It is also against the law to smoke cigarettes or e-cigarettes in communal areas

### **3. HOW DO WE MAKE SURE YOUR BLOCK IS SAFE? – OUR RESPONSIBILITIES**

Homes and Neighbourhoods retains overall responsibility for the implementation of this Document. The Head of Housing Management and Partnerships is responsible for the operational delivery of this policy and associated procedures.

To ensure we are keeping residents safe our staff (e.g., Housing Management Officers, Independent Living Officers and Estate Caretakers) ensure all communal areas are visually inspected at monthly intervals as a minimum. Inspections consist of a visual assessment of internal stairwells and corridors, internal storage and meter cupboards, communal balconies, external pathways and external storage, bin and drying areas.

When they become aware that items have been left in internal communal areas, including storage cupboards our approach is as follows:

- We will work with individual tenants and leaseholders to find solutions taking into account individual circumstances
- When we are alerted to accessibility problems within a communal area by someone with mobility difficulties, we will undertake a 'person centred fire risk assessment (PCFRA) to establish if we can make reasonable adjustments to maintain the accessibility for tenants.
- Items believed to be of value will be removed by Estate Caretakers and kept in safe storage for one calendar month. We reserve the right to recharge the costs associated with the removal, storage and disposal of items.
- Rubbish will be reported for removal and safe disposal. Any items of rubbish will be removed without notice. We are not responsible for the loss of items that are left in the spaces if they appear to be in rubbish bags.
- It is a tenant's and leaseholder's responsibility to dispose of their own rubbish using the bins provided. Tenants or leaseholders will be in breach of their tenancy agreement if they do not dispose of their rubbish correctly.
- Items that pose a significant fire risk e.g., bottled gas and petrol will be removed and disposed of from all areas within 24 hours.
- Where tenants or leaseholders persist in this type of behaviour despite reasonable attempts to find alternative solutions and when verbal and written warnings have been ignored, we may be required to take enforcement action. This could take the form of recharging, tenancy enforcement action or the use of injunctions.

We cannot be held responsible for the damage, loss or theft of items left in communal areas.

### **4. HOW DO YOU MAKE SURE YOUR BLOCK IS SAFE? – YOUR RESPONSIBILITIES**

As a tenant or leaseholder, it is your responsibility to keep all entrances, passageways, balconies, communal areas and stairs clean and free from obstruction. Section 6 of your Tenancy Agreement 'Flats, Maisonettes and Shared Areas' states:

- You must not allow any shared area (including any stairway, passageway, corridor, lift, drive, path, or road) to be obstructed at any time. You must not allow any shared area to be used in a way which may cause a nuisance.
- You must share responsibility with your neighbours for cleaning any shared corridors, stairs, landings or entrance halls.
- You must not store anything in any shared area.
- You must not prop fire doors and security doors open.
- If there are rubbish chutes in flat, bed-sit or maisonette blocks, you must only use these for small amounts of rubbish.
- You must not use bottled gas or paraffin heaters if you live in a block of flats, bed-sits, or maisonettes with three or more storeys

## 5. OTHER DOCUMENTS

We adhere the responsibilities contained within the following (but not limited to):

- Local Government (Miscellaneous Provisions) Act 1982 - Section 41 Lost and Uncollected Property
- The Health and Safety at Work etc. Act 1974
- The Management of Health and Safety at Work Regulations 1999.
- Housing Act 2004
- The Regulatory Reform (Fire Safety) Order 2005 (Incorporating the Fire Safety (England) Regulations 2022)
- Control of Substances Hazardous to Health 2002 (COSHH)
- Regulator for Social Housing – Neighbourhood and Community Standard
- Fire Safety Act 2021
- The Equality Act 2010
- HM Government publication 'Fire safety in purpose-built blocks of flats' Guide
- National Fire Chiefs Council (NFCC) Mobility Scooter Guidance for Residential Buildings
- Building Regulations 2010 (Document M)
- The Dangerous Substances and Explosive Atmospheres Regulations 2015

We are required to carry out fire risk assessments for all communal areas within blocks of flats and these are to be reviewed on a periodic basis. They may be reviewed sooner where:

- Physical alterations are made to the building including changes to material finishes.
- There is reason to suspect the original fire risk assessment may no longer be valid.
- Improvement works have been carried out as identified by a fire risk assessment and the fire safety of the building requires to be reassessed

This document links to and should be read in conjunction with the following:

- Tenancy Agreement
- Anti-Social Behaviour Policy
- Mobility Scooter Policy
- Pets Policy

We are committed to going beyond minimum legal requirements and ensuring diversity and inclusion is in everything we do in Kirklees and improves performance and service Delivery.

An Inclusive Impact Assessment has been undertaken which established a stage 2 assessment was not deemed necessary.

Information can be supplied in other formats and languages on request.

## **6. REVIEW OF THIS DOCUMENT**

This document will be reviewed on a 3 yearly basis, in consultation with tenants and leaseholders or, if subject to legislative changes.