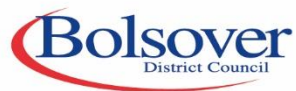




# **Communal Area Management Policy**

**2023 - 2026**



North East  
Derbyshire  
District Council

*We speak your language*

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Polish

*Mówimy Twoim językiem*

---

French

*Nous parlons votre langue*

---

Spanish

*Hablamos su idioma*

---

Slovak

*Rozprávame Vaším jazykom*

---

Chinese

我们会说你的语言

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Bolsover District Council on

**01246 242424** or

North East Derbyshire District

Council on **01246 231111**

## CONTROL SHEET FOR Communal Area Management Policy

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Communal Area Management Policy
Current status – i.e. first draft, version 2 or final version	First draft
Policy author (post title only)	Housing Policy and Intelligence Officer
Location of policy (whilst in development) – i.e. L-drive, shared drive	S drive
Relevant Cabinet Member (if applicable)	
Equality Impact Assessment approval date	
Partnership involvement (if applicable)	
Final policy approval route i.e. Joint Strategic Alliance Committee, Cabinet/Executive/Council	Executive
Date policy approved	
Date policy due for review (maximum three years)	
Date policy forwarded to Improvement (to include on Intranet and Internet if applicable to the public)	

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## 1. Introduction

As a landlord, Bolsover District Council (BDC) has a responsibility to ensure all communal areas are accessible and free from hazards so that residents can exit the building safely and as quickly as possible in the event of an emergency.

This will also allow the emergency services easy access to the property or person in need of assistance.

This policy sets out how the Council aims to ensure that internal and external communal areas are managed effectively, kept free from obstructions and safe for other tenants and users of the building.

This policy applies to both internal and external communal areas in general purpose blocks of flats, older persons blocks of flats, other types of communal areas, for example, shared footpaths for shared access and designated parking areas.

A communal area is any area that is not within the confines of the tenant's property. Such areas include corridors, stairways, landings, lobbies, meter cupboards, external gardens and entrances to the building, garages and parking areas.

This policy provides a framework for how communal areas will be managed and what is expected from residents. A zero tolerance approach will be operated when it comes to enforcing this policy.

This policy does not apply to communal areas within Independent Living Schemes.

## 2. Aims

The aims of the policy are:

- To ensure the health and safety of tenants, leaseholders, staff and visitors when in a communal area
- To give clear advice to residents to minimise the risks of items causing an obstruction to access routes in the event of an emergency
- To give clear advice to residents to mitigate the risk of fire
- To allow communal areas to be used in the best possible way for the benefit of all tenants, leaseholders, staff and visitors
- To ensure that communal areas can be safely evacuated in the event of an emergency
- To advise tenants and leaseholders how the Council will manage and respond to concerns of fire safety in communal areas
- The Council meets its statutory obligations

### 3. Scope

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

Officers of the Council and contractors assigned by the Council should also have due regard to the policy.

#### 3.1 Legal Framework

The policy will have due regard to local policies and procedures as well as national legislation, which include the following, but the list is not exhaustive.

##### National Legislation;

- Fire Safety Act 2021
- Housing Act 2004
- Landlord and Tenant Act 1985
- Regulatory Reform (Fire Safety) Order 2005
- Health and Safety at Work Act 1974
- Torts (Interference with Goods) 1977
- Building Regulations 2010
- Commonhold and Leasehold Reform Act 2002
- Anti-Social Behaviour Crime and Policing Act 2014

##### Local policy, procedures and guidance;

- Tenancy Agreement
- BDC Health and Safety Policy and Procedures
- BDC Adaptations Policy
- BDC Mobility Scooter Policy
- BDC Anti-Social Behaviour Policy and Procedures
- BDC Community Safety Partnership Plan 2020 – 2023
- Business Continuity Policy
- General Emergency Plans
- National Fire safety in purpose-built blocks of flats guidance

### 4. Principles

Bolsover District Council is committed to delivering an excellent service, ensuring that Council tenants and their households, as far as possible, continue to live safely and independently whilst ensuring well-being and quality of life.

The policy will help to fulfil the corporate priorities by;

- Promoting equality and diversity and supporting vulnerable and disadvantaged people
- Providing good quality Council housing where people choose to live
- Improving health and well-being

## 5. Statement

### 5.1 Communal Areas in Council Housing

Communal areas are those parts of a house, block of flats, street or estate which tenants have a right to use in common with other tenants or leaseholders and for which a landlord is responsible.

These include:

- communal hallways
- shared stairways, lifts, doors, windows, balconies and access paths
- all doors between a domestic premises and common parts
- gardens or yards, where each property doesn't have its "own" garden or yard
- designated parking areas

### 5.2 Obstructions and Belongings in Communal Areas

Communal areas should not be used for additional storage, therefore it is the tenant's/leaseholder's responsibility to keep communal areas clear. This also includes any roof spaces as applicable. No personal possessions or unwanted goods should be within communal areas or escape routes.

The following items are examples of items not permitted in communal areas (this is not an exhaustive list)

- Flammable liquids or gases, for example: patio heaters or barbecues, paints or solvent based materials, gas heaters or pressurised cylinders, motorcycles/mopeds, petrol driven gardening equipment
- Mobility scooters, wheelchairs, walking frames
- Any recycling, waste or wheelie bins
- Clothes, shoes, boots, wellingtons etc.
- Any electrical equipment
- Any exercise equipment, for example exercise bike, cross trainer, weights etc.
- Clothes drying equipment
- Gardening equipment
- Festive decorations, Christmas trees etc.
- Prams or buggies
- Bicycles
- Children's toys
- Any items of furniture, for example chairs, tables, storage units, mattresses etc.
- Curtains, net curtains, blinds on communal windows
- Pictures, posters or other flammable wall coverings
- Door mats, carpets, rugs or runners
- Plant pots and plants, artificial flowers
- Any other items identified as a fire hazard or an obstruction to an escape route

Any flammable items, or those which present fire risk should be stored in a garden building 3 meters from the property. Where these are found within the communal area this should be reported to the Council immediately, these are, but not limited to;

- Motorcycles
- Scooters
- Gas BBQ's
- Petrol lawnmowers
- Anything with an engine that uses petrol or diesel, cans of fuel etc.

Any electrical cupboards, meter cupboards and gas cupboards that are in communal areas are to be sterile environments. Due to the potential risk of fire, cupboards must not be used for storage.

To mitigate the risk of fire, mobility scooters must not be positioned in communal areas or stored near habitable properties, see the Council's Mobility Scooter Policy for further information.

In flats and properties with shared facilities communal doors should not be jammed open.

### **5.3 Communal gardens, paths and parking areas**

Outside areas should be kept clear of personal items and waste.

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.

Residents should park responsibly in designated parking areas, motor vehicles, trailers, caravans or boats should not be left on grass verges, communal grassed areas, gardens or any Council land used for amenity purposes. The parking of vehicles must not in any way obstruct access to another property, service road, or prevent access for emergency vehicles.

Tenants/leaseholders and their visitors are not permitted to smoke/vape within the internal communal areas. However, residents and their visitors can smoke/vape within an external communal area providing that this does not cause a nuisance or annoyance to other residents. Cigarette ends must be disposed of appropriately and must not be discarded in the external communal area.

### **5.4 Alterations**

Tenants should be aware that changes they make to their home can impact on the fire safety of the block that they live in. Tenants should not;

- Tamper with or remove door closers on fire doors within their property
- Tamper with, cover or remove smoke detectors, carbon monoxide detectors or heat detectors within their property
- Replace existing electrical fittings (light fittings, sockets etc.) without seeking prior permission from the Council
- Make changes to their flat entrance door or door frame, as this could reduce the integrity and fire performance of the door

Where a tenant has made changes to their property that could impact on the fire safety of their property or the block they live in, the Council will recharge the tenant for any remedial works required to restore the property's fire safety integrity.



## 5.5 Inspections

As part of the Council's commitment to fire safety within communal areas, the Council will ensure that all communal areas are inspected on a regular basis by the Tenancy Management Team. Any issues identified during these inspections will be recorded and appropriate enforcement action taken.

Fire Risk Assessments will be carried out by a competent person (normally an external consultant) for communal areas owned by the Council and will be reviewed on a periodic basis (5 years for grouped dwellings), or when changes have been made.

## 5.6 Enforcement

Under the terms of the Council's Tenancy Agreement, tenants must keep the communal areas clean, tidy and free from personal belongings. In addition the communal areas and fire exits must be free from any obstacles or things which amount to a fire risk, or health and safety hazard.

Under the terms of the Council's Leases', leaseholders can use the communal areas provided that such use shall be only for the purpose of quiet enjoyment therein (but not for the purpose of playing games or any other purpose likely to cause offence or constitute a nuisance to other owners, lessees or occupiers of the building) and subject to and in conformity with any reasonable regulations which may be imposed from time to time by the Council.

If items are found in a communal area that are considered to be of immediate risk, such as items that present risk of explosion or would present a risk or acceleration of fire, immediate removal and removal without notice to the items owner will be considered.

In all other circumstances the Tenancy Management Team will attempt to locate the owner to have the items removed. Where the owner cannot be located, and the item is considered to be of significant value the Council will store the item whilst enquiries take place to identify the owner. The owner will then have one calendar month to re-claim the item. Proof of ownership must be provided and any costs for the removal and storage must be paid prior to the item being returned.

If the item is not re-claimed after one calendar month it will be disposed of accordingly.

Enforcement action may be considered to address a persistent or serious breach of tenancy.

## 5.7 Reporting Procedure

This policy provides a framework for how communal areas will be managed and what is expected from residents. A zero tolerance approach will be operated when it comes to enforcing this policy.

To report obstructions or serious hazards located in communal areas, in the first instance contact the Council by;

- Telephone: 01246 242424 or;
- email: [enquiries@bolsover.gov.uk](mailto:enquiries@bolsover.gov.uk)

## **6. Prevention**

Wherever possible the Council will aim to prevent fire safety issues by educating residents from the beginning of their tenancy and ensuring that information, support and advice is readily available

Where a property sits within a communal block, the Tenancy Management Team will advise new residents about the Communal Area Policy and explain to the residents their responsibilities in adhering to the policy and terms of the tenancy agreement.

## **7. Responsibility for implementation**

The Policy will be implemented by the Council's Housing Teams working in partnership with other Council departments, for example,

- Property Services and Repairs Team
- Fire Inspection Officers
- Community Safety Team
- Environmental Health Team