

Clear communal area policy

Department: Housing & Environment (housing management)

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1. Scope

Ealing Council has a legal duty to ensure all reasonable precautions are taken to keep premises under its control safe and free from hazards.

This policy outlines how the council manages communal areas within its housing stock, with particular reference to ensuring fire and other safety risks are minimised.

2. Aims and objectives

Social and lifestyle factors play a significant role in the likelihood of fires and other health and safety incidents. More than any other influences, these factors contribute to the disproportionate number of fire related accidents, injuries and death in blocks of flats.

This policy aims to control the usage of the communal areas in order to minimise, remove or mitigate against social and lifestyle factors which might generate fire and other health and safety risks.

We understand that residents may wish to personalise communal areas to create a more welcoming environment; however, this must be balanced with the need to maintain a sterile zone to prevent the spread of fire, allow residents a safe escape route and provide uninhibited access for the fire brigade.

The council takes a zero-tolerance approach to general needs accommodation and a managed approach in sheltered/supported housing.

3. Legislative and regulatory context

This policy takes into account the following legislation and guidance:

- The Building Regulations 2010
- Housing Act 2004
- The Regulatory Reform (Fire Safety) Order 2005
- Building Safety Act 2022
- Fire Safety Act (England) 2021
- Local Government (Miscellaneous Provisions) Act 1982

Section 2.2.1 of the Regulator of Social Housing's Safety and Quality Consumer Standard states:

'Registered providers must identify and meet all legal requirements that relate to the health and safety of tenants in their homes and communal areas'.

This policy aims to comply with this standard by covering Ealing Council's approach to managing communal areas.

4. Permissible and non-permissible items

There is a limited range of items that the council allows residents to store in the communal areas of a block. These are referred to as 'permissible' items.

In all other instances, the items will be deemed to be 'non-permissible'.

4.2 General needs

For general needs blocks, with the exception of doormats, there is a zero-tolerance approach, and no items are allowed to be stored in the communal area.

4.2 Sheltered supported housing

For sheltered/supported housing, there are a few limited permissible items that are allowed to be kept in the communal area.

See Appendix A for a list of permissible/non-permissible items.

5. Reporting of items found in communal areas

The council and/or their appointed agents carry out regular formal and informal site inspections for a variety of reasons. In all

instances, it is expected that any non-permissible items will be reported to the housing management team.

In addition to regular inspections, officers of the council will attend blocks as part of their normal duties and are expected to report any non-permissible items found in communal areas to the housing management team.

Reports of items may also come from other sources including reports from the fire brigade.

5.1 Resident reporting of items

We encourage residents to report any items they find in the communal areas of the block to their housing hub.

Residents concerned about possible disputes and other issues with their neighbours may report items anonymously.

6. Removal of items found in communal areas

6.1 Removal of items with notice

The council will remove any non-permissible 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 and if it is not removed within 48 hours, we will attend and remove the item.

Any item deemed to be of high value (£100 or more) will be removed and stored for one calendar month. Residents can contact their housing hub to have their item returned. A charge covering the cost of removal and storage may be issued before the item is returned.

Items deemed to be of little or no value, or perishable, will be removed and disposed of immediately.

6.2 Removal of items without notice

If the item is deemed to be of high risk by the council's building safety team, the item will be removed without notice.

The council cannot be held responsible for the damage, loss or theft of items left in the communal area.

7. Service cupboards in communal areas

Residents are not permitted to store any items in the following:

- riser cupboards
- electrical intake cupboards
- lift motor rooms
- tank rooms
- other rooms/areas that open directly onto communal escape corridors

8. Legal action

Ealing Council's tenancy agreement and standard lease state that communal areas must be kept clear, and residents are expected to adhere to this.

The council's tenancy agreement states:

5 THE TENANT'S RESPONSIBILITIES

5.7 common parts and areas

You must keep the common areas outside your home and adjacent to the property clean, free from obstruction and tidy at all times and must pay for:

- a) the cleaning of lifts and communal areas if fouled by you, your household, visitors or pets*
- b) the clearing of block rubbish chutes blocked by inappropriate disposal of rubbish by you, your household or visitors*
- c) the clearing of refuse deposited in the common parts by you, your household or your visitors*

The council's standard lease agreement states:

The tenant shall

(e) keep all passages and staircases in the estate free from obstruction of any kind

Where a resident repeatedly leaves items in the communal area, legal action for breach of tenancy/lease may be taken including possession proceedings or an injunction.

9. Communication

There will be regular communication to all residents explaining our approach to managing our communal areas. This may be via the council's website and regular articles in housing publications.

All new tenants at sign up are provided with information on fire safety and they are asked to sign a 'fire safety checklist' confirming they understand they should not obstruct any communal area with personal belongings.

10. Governance

Ealing Council's cabinet has overall responsibility for ensuring that this policy is implemented to ensure compliance with the law.

In practical terms, the chief executive reports to cabinet to demonstrate accountability for regulatory compliance across the council and will also ensure that we are fully compliant with our landlord function with robust controls in place to keep our residents safe and to make sure our tenancies are well managed.

11. Complaints and appeals

The resident has the right to make a complaint through the council's complaint process regarding any action taken under this policy.

12. Monitoring, compliance and review

This policy will be reviewed every 3 years or sooner if new legislation or new regulations are introduced.

13. Diversity and inclusion

We oppose all forms of discrimination, which cause a person to be treated unjustly including on the grounds of:

- race
- ethnic origin
- nationality
- disability
- gender
- sexuality
- age
- income
- appearance
- faith
- religious belief
- non-belief
- responsibility for dependents

We are constantly looking at ways to make access to our services easier for everyone. This can include:

- providing information and responses in different ways when this will be helpful such as large print and translations
- language interpreters including British Sign Language
- arranging appointments around times of the week or periods to suit the needs of residents
- providing additional support and reasonable adjustments for residents who are vulnerable
- undertaking home visits to residents who are unable to access our offices

14. Associated policies

This policy will be implemented in conjunction with the policies that relate to the management and allocation of tenancies:

- Tenancy Agreement
- Mobility Scooter Policy
- Aid & Adaptations Policy
- Fire Safety Policy 2022
- Building Safety Policy 2024

APPENDIX A – PERMISSIBLE AND NON-PERMISSIBLE ITEMS

Permissible	
On condition the guidance is followed:	
Item	Reason/guidance
Doormats	<p>Only purpose made mats up to 100cmx75cm.</p> <p>Must be in good condition and free from curling edges and placed directly in front of the resident's door.</p> <p>Non-standard mats could be a combustible source of fire ignition. Over-sized mats could represent a trip hazard or inhibit safe ingress/egress.</p>
Plants	<p>Only permissible in sheltered/supported housing schemes.</p> <p>Must be on windowsills that are set back from the wall.</p>
Seats and sofas	<p>Only permissible in sheltered/supported housing schemes only.</p> <p>Must not be positioned on a corridor unless set back in alcove or similar.</p> <p>If applicable, must have a fire-retardant label.</p>

Pictures/wall decoration	<p>Only permissible in sheltered/supported housing schemes only.</p> <p>Only in areas set back from the wall. Items hung on walls can be a fire hazard and can also inhibit ingress/egress.</p>
Not permissible	
Item	Reason/guidance
Pushchairs, prams, buggies & car seats	Combustible source of fire ignition. Trip hazard. Bulky item likely to inhibit ingress and egress.
Shopping trolleys	Combustible source of fire ignition. Trip hazard. Bulky item likely to inhibit ingress and egress.
Refuse and laundry bags	Combustible source of fire ignition. Trip hazard. Bulky item likely to inhibit ingress and egress. Could attract pests and vermin.
Children's toys and play equipment	Combustible source of fire ignition. Trip Hazard. Bulky item likely to inhibit ingress and egress
Umbrellas, Shoes, clothes & racks for these items	Combustible source of fire ignition. Trip hazard. Bulky item likely to inhibit ingress and egress.
Bicycles, scooters, skateboards and roller-skates/blades	Combustible source of fire ignition. Trip hazard. Bulky item likely to inhibit ingress and egress.
Gardening equipment	Combustible source of fire ignition. Trip hazard. Bulky item likely to inhibit ingress and egress.

Household furniture and items including soft furnishings	Combustible source of fire ignition. Trip hazard. Bulky item likely to inhibit ingress and egress.
Cleaning materials/equipment	Combustible source of fire ignition. Trip hazard. Bulky item likely to inhibit ingress and egress.
Building materials and tools	Combustible source of fire ignition. Trip hazard. Bulky item likely to inhibit ingress and egress.
White goods including cookers, washing machines and fridges	Combustible source of fire ignition. Trip hazard. Bulky item likely to inhibit ingress and egress.
Cooking equipment, materials and fuels	Combustible source of fire ignition. Trip hazard. Bulky item likely to inhibit ingress and egress.
Food	Combustible source of fire ignition. Trip hazard. Bulky item likely to inhibit ingress and egress. Could attract pests and vermin.
Mechanics tools and materials including motor parts	Combustible source of fire ignition. Trip hazard. Bulky item likely to inhibit ingress and egress.
Motorbikes, mobility scooters and scooters	Combustible source of fire ignition. Trip hazard. Bulky item likely to inhibit ingress and egress.
Gas cylinders and oxygen tanks	Combustible source of fire ignition. Trip hazard. Bulky item likely to inhibit ingress and egress.
Lights and CCTV cameras	Combustible source of fire ignition. Permission to install and use required under legislation. Installation could pierce fireproofing/electric cabling.

Wheelchairs and walking (zimmer) frames	Combustible source of fire ignition. Trip hazard. Bulky item likely to inhibit ingress and egress.
Security gates and grilles	Trip Hazard. Bulky item likely to inhibit ingress and egress. Installation could pierce fireproofing/ electric cabling etc.