

One Housing

Policy Title: Disposal of Goods and Management of Communal Areas Policy

Department: Customer Operations

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Approved by: Customer Service
Committee

Date of approval(s): TBC

Effective Date: TBC

Review Date: June 2023

Version Control: New Policy setting out
OH approach. Policy reviewed by our
solicitors firm Devonshires.

Contents

- 1 Introduction
- 2 Policy Objectives
- 3 Residents Obligations – Communal Areas
- 4 Implementation
- 5 Enforcement
- 6 Recharging
- 7 Items left in properties
- 8 Inventory
- 9 Notifying the tenant/next of kin
- 10 Service of a Notice
- 11 Following expiry of a Notice
- 12 Equality & Diversity
- 13 Monitoring and Review
- 14 Related documents/policies and procedures

1 Introduction

In order to ensure One Housing achieves compliance with the legal and regulatory frameworks in relation to fire safety, this Policy sets out our approach to removing any or all items left inside properties that have been vacated and in all internal and external communal areas. All staff are expected to comply with this Policy and associated procedures, including staff working on Estates.

The Policy applies to all One Housing properties including those occupied by both tenants and home owners (e.g. leaseholders, shared owners and owner occupiers who receive services we provide) and applies to items found on any premises (or part of any premises) that we own or manage including:

- Internal communal areas (e.g. lobbies, corridors, landings, riser/meter cupboards);
- External communal areas (walkways, balconies, gardens, storage sheds/areas, garages, car parks and parking spaces)
- Any areas solely under One Housing's control (e.g. plant rooms, roof areas)
- Void properties

2 Objectives

- To reduce the risk of fire in blocks of flats.
- To ensure One Housing meets their obligations under the Regulatory Reform (Fire Safety) Order 2005 and other relevant fire safety legislation.
- To ensure residents are protected from smoke and fire spread in communal areas in the event of a fire.
- To ensure that routes of access and exit in the event of an emergency are clear and safe.

- To confirm One Housing's approach to the removal of items left in communal areas of buildings. To ensure residents are aware of their obligations in relation to the communal areas of buildings in which they live
- To confirm One Housing's approach to items that have been left behind in properties that have been vacated.

This Policy is split into a number of sections. Sections 3 – 5 deal with items in communal areas. Sections 7 – 11 deal with items left behind in properties.

3 Residents' Obligations – Communal Areas

Further to any obligations contained with their tenancy agreements or leases, One Housing requires its residents to comply with the obligations laid out below. For the avoidance of doubt, this Policy is intended to take effect as regulations put in place by One Housing to manage their buildings, and in particular the safety of those buildings.

One Housing has a zero-tolerance approach to items being left/stored in all communal areas in order to:

- Ensure routes of access and exit in the event of an emergency are clear and safe;
- Minimise the risk of trip hazards in the event of a fire;
- Reduce the risk of a fire starting or spreading within communal areas.

This means we will not tolerate any personal items being left/stored in communal areas and will remove them immediately if they are deemed high risk or after a notice period if they are not removed by the owner upon request. This means residents are not permitted to temporarily or permanently store, keep, leave or park the following or any other items in internal or external communal areas:

- A bicycle, scooter or similar
- A pram/pushchair or similar
- A mobility scooter or similar
- A moped or similar

- Furniture of any description
- Clothing
- Shoes
- Umbrellas
- Photographs/pictures
- Doormats
- Plants and plant pots/containers
- BBQs
- Any type of fuel
- Rubbish/refuse whether in a bag, box or otherwise.

Further, residents are not permitted to do the following in communal areas:

- Charge any electrical items
- Prop open doors
- Install security grilles
- Store any items in service riser or other communal cupboards.

4 Implementation

As part of One Housing's commitment to fire safety within communal areas, we will make reasonable efforts to ensure that communal areas are inspected on a regular basis to ensure that this Policy is being followed and residents are complying with their obligations. Regular inspections will be conducted by the Property Management Team

High-Risk Items

For the safety of residents, One Housing will not tolerate items that are high risk to be present within communal areas for any length of time. Such items include, but are not limited to, those which are a hazard, highly combustible items, items which represent a high risk of fire and items which obstruct fire escapes or other escape routes. When we become aware of such an item being present in a communal area (either during an inspection or otherwise), staff will take photographs of the item in-situ and then make every effort to contact the owner, if they can be identified, and ask them to remove it immediately.

If the owner cannot be contacted and/or immediate removal by the owner is not possible or does not take place, we will immediately remove the high-risk item from the communal area.

Other Items

Items which are not deemed high risk will have a Notice pursuant to the Torts (Interference with Goods) Act 1977 (“Notice”) placed on or around them informing the owner of the item that we will arrange to remove it on a certain date if not removed by the owner. In addition, we will write to other residents living in the same block to let them know that we have taken this action.

The amount of notice given for the item to be removed will vary depending on the nature of the item and its location. However, the maximum amount of time that any item will be allowed to remain before we arrange for it to be removed is seven days.

Storage & Disposal of Items

Where One Housing arranges for an item to be removed from a communal area, we will carry out an assessment of whether the item has any significant monetary value. If the item is assessed as having little or no monetary value, we will arrange for the item to be disposed of.

If the item is assessed as having significant monetary value, One Housing will store the item at an alternative location if they are able to safely and cost-effectively do so bearing in mind the size and nature of the item. If an item cannot be safely and cost-effectively stored, it will be disposed of.

If the owner of the item is identified, they will be informed that the item has been removed and who to contact to arrange to collect it. The owner will be re-charged the costs of removal and storage. The maximum amount of time One Housing will store items is 21 days, after which time the item will be disposed of if it has not been collected.

5 Enforcement

One Housing will take appropriate enforcement action against any tenant or leaseholder who fails to comply with the obligations laid out in this Policy when requested to do so.

When considering what enforcement action is appropriate, One Housing will consider the potential risk posed by the items stored/left in a communal area and whether any breaches are persistent. One Housing's overriding consideration is for the safety of all residents in the building. Enforcement action could consist of an application for an Injunction compelling the resident to remove the items and comply with the Policy and/or possession proceedings.

6 Recharging

Where One Housing incurs direct or indirect costs as a result of a breach of this Policy, including, but not limited to, the costs of removal/storage/disposal of items in communal areas, those costs will be recharged to the resident(s) responsible if they can be identified.

Alternatively, if the resident(s) responsible cannot be identified, these costs will be re-charged to all occupiers of the relevant building as service charges if this is permitted.

7 Items left behind in properties

There may be instances when items are left in properties, for example following an eviction, the death of a tenant, or a tenant abandoning a property without giving due notice. For the purpose of this Policy, these items will be referred to as "Abandoned Items". Any Abandoned Items left behind at a One Housing property will continue to legally belong to the owner despite having been abandoned, meaning One Housing has a legally duty to take reasonable care of them on the owner's behalf, including through their safe and suitable storage until they are either collected or disposed of lawfully.

8 Inventory

Once One Housing becomes aware that a property has become void, two members of staff will arrange to visit the property in order to:

- Take an inventory of all Abandoned Items left behind at the property. Both members of staff will sign the inventory; and
- Take photos of all Abandoned Items so that the items and their condition is documented. All photos should be attached to the completed inventory.

Only One Housing staff should touch or move Abandoned Items until an inventory and photographs have been compiled. Once the inventory is compiled and photos taken and listed, the inventory should be signed by both attending staff members.

Where rubbish or waste is left behind at a property and it is clearly not of any significant monetary value to the former tenant, it should be disposed of after photographs of it have been taken. A written record should be kept of what was disposed of.

9 Notifying the tenant / next of kin

The One Housing staff member should make efforts to contact the tenant(s) or any known next of kin in order to arrange the return of the Abandoned Items. A written record of such efforts should be kept.

10 Service of a Notice

The One Housing staff member should prepare a Notice pursuant to the Torts (Interference with Goods) Act 1977 in relation to the Abandoned Items left in the property giving the tenant/ next of kin a number of days to collect them. The inventory should be enclosed with/attached to the Notice and both should be clearly

displayed on the outside of the property. In addition, copies should be sent to the tenant(s) at any known forwarding address or any known next of kin.

11 Following Expiry of Notice

Once the period for collection of the Abandoned Items expressed in the Notice has expired, One Housing may remove them from the property where they have not been collected to enable the property to be re-let in a timely manner.

Once removed from the property, the Abandoned Items may be stored or sold (e.g. at auction) if they are of significant monetary value. One Housing should obtain the best available price for the Abandoned Items and hold the proceeds (after the deduction of sale, transit and any storage costs) for the tenant for six years.

If the value of the Abandoned Items is less than One Housing's likely sale, storage and transit costs, we may decide to dispose of the Abandoned Items after they are removed from the property. This should be recorded in writing and evidenced for future reference.

12 Equality and Diversity

This policy will be implemented in accordance with our responsibilities and duties under the relevant legislation, including the Equalities Act 2010.

13 Monitoring and Review

We will monitor the use of this policy and the way in which it is implemented, ensuring that any relevant matters are reported at appropriate levels.

This policy will be subject to a full review every 3 years.

14 Related policies / documents

This policy should be read in conjunction with the following:

- Disposal of communal hazards procedure
- Disposal of former tenant belongings
- Estates Management Policy and Procedure