

Communal Areas and Private Balconies Storage Policy

The policy outlines the Council's approach to ensuring Communal areas and private balconies are maintained in a safe manner.

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1. Purpose and background

- 1.1. This policy sets out Croydon Council's responsibility towards the management of health and safety, and in particular, fire safety of communal areas within Council buildings. Following the devastating tragedy at Grenfell Tower, the policy outlines the Council's approach as to how it will balance the need to manage the risks to residents whilst ensuring that residents are able to live in an environment that they can be proud to call home. This is known as a "managed approach". It recognises the requirement to abide by Fire Safety legislation and reserves the right to adopt a 'zero-tolerance approach' and withdraw permission to store items in the communal areas and on balconies, where these items may pose a potential fire or health and safety risk to residents and other users of the building

2. Statement of Intent

- 2.1. To ensure the health and safety of residents, and users of Council property, Croydon Council has adopted a 'managed approach' in communal areas.
- 2.2. If the 'managed approach' is not adhered to, Croydon Council reserves the right to adopt a 'zero tolerance' policy to ensure the overall health and safety of the building, minimise fire risks and communal areas are free from any obstructions. This would mean that items would no longer be permitted to be stored in communal areas, and if our instruction is ignored, this may be considered a breach of tenancy and/or lease.
- 2.3. In circumstances where there are changes or adaptations to the 'managed policy', the Council will engage and communicate with residents before taking any such action. However, we reserve the right to make immediate changes with appropriate notice given, to ensure the safety of residents and other users of our buildings.

3. Scope

- 3.1. The policy sets out how we will manage communal areas, and private balconies.
- 3.2. This policy also applies to smaller blocks, street properties and maisonettes where there may be maisonettes with internal communal space.

4. Legal Framework

- 4.1. The key regulation around the prevention of fire in residential buildings includes:
 - The Regulatory Reform (Fire Safety) Order 2005
 - The Housing Act 2004, which introduces the Housing Health and Safety Rating System (HHSRS)
 - Electrical Equipment (Safety and Use) Regulations 1994
 - Furniture and Furnishings (Fire Safety) Regulations 1988 (as amended in 1989, 1993 and 2010)
 - The Health and Safety at Work etc. Act 1974
 - Building Safety Act 2022

- The Fire Safety Act 2021
 - The Fire Safety Regulations 2022
- 4.2. In support of legislation, there are various supporting guides which have been considered in the formulation of this policy. These include:
- Fire safety in purpose-built flats by Local Government Association
 - Housing – Fire Safety by LACORS
 - Fire safety in specialised housing by the National Fire Chiefs Council
 - Torts (Interference with Goods) Act 1977.

5. Definitions

- 5.1. For the purposes of this policy, **Communal areas** are public areas that serve access and exit routes via several dwellings and include:
- Landings, stairs, and corridors
 - Approach balconies serving multiple flats,
 - Cupboards for use by multiple residents or contractors,
 - Under stair areas.
 - External areas forming part of the common facilities or escape routes for the building.
- 5.2. **Private Balconies** are enclosed areas generally accessed by an individual dwelling and generally enclosed by metal railings. Where lower ground floor or ground floor dwellings exist, rear gardens and front patios should be treated as a private balcony
- 5.3. **“Zero tolerance”** – the Council will remove any item left in a communal area and act against any tenant and leaseholder who stores items that are not allowed in a private balcony.
- 5.4. **“Managed Approach”** – the Council may allow specific items to be left in a communal or private balcony area to ensure a better environment for residents.

6. Associated Policies

- 6.1 This policy should be read in conjunction with the following current Council policies, procedures, and documents:
- Mobility Scooter and Electric Wheelchair Policy
 - Fire and Building Safety Policy
 - LBC Conditions of Tenancy
 - Croydon Council Equality Policy Statement

7. Management of Communal areas

- 7.1. We will ensure that communal areas are used in the correct way, to ensure the safety of our residents, visitors, staff, and emergency services.
- 7.2. It is the Landlord’s responsibility to ensure the accessibility of our communal areas, in order to:
- Restrict fire hazards
 - Reduce the chance of fire spread
 - Keep exits, corridors and stairways clear and accessible for safe escape and rescue purposes
 - Maintain communal areas for the safety and wellbeing of all residents, visitors, staff, contractors, and the emergency services
 - Allow Croydon Council staff to carry out their obligations for communal cleaning and effective property management and maintenance
- 7.3. We will undertake regular inspections of communal facilities and carry out any corrective actions that may be required, in line with the legislation and government guidance set out at ‘4. *Legal Framework*’ of this policy.

7.4. Permitted Items (all block)

7.4.1. The Council accepts that to many residents the communal areas are the entrance to their home. As a landlord, we are responsible for keeping these areas safe, clean and free of personal belongings and possessions that may become hazards.

7.4.2. In recognition of this we have introduced a “managed approach” which sets out the items that are permitted in communal areas as well as items that are prohibited.

Item	Condition
Purpose made doormat placed outside a Front Entrance Door	The doormat should be in good / reasonable condition, non-slip, should not be made from offcuts of carpet or similar materials and should not cause an obstruction/trip hazard to anyone.
Paintings	Small wall-mounted and metal-framed, must be fully covered with a fire-resistant glass front, and securely fixed in the frame.
Decorative plants	Must not be a head height hazard and must be placed in a way that does not cause any obstruction to either residents, visitors, Council staff members, fire-fighters or other emergency response services. Pots must not be plastic, plants cannot be artificial and must only be made of limited combustible materials (metal, ceramic, or clay) Where plants are watered in the communal area they must not cause a slip hazard.

7.5. Items that are not permitted

7.5.1. Below is a list of common items found in communal areas that are not permissible under any circumstances:

- Prams or push chairs
- Refuse/black bags
- Naked flames or burning of any kind e.g., candles or incense sticks
- Mobility scooters
- Mopeds
- E-Scooters
- E-Cycles and cycles
- Bags and boxes of old clothes or newspapers
- Combustible furniture
- White goods (whether awaiting disposal or not)
- Seasonal items – e.g. decorations
- Canvas and textile-based artwork or unframed / uncovered pictures
- Plastic plant pots
- Wooden tables
- Gym Equipment

8. Summary of Residents Responsibility

8.1. Resident responsibilities are set out in the Council's Conditions of Tenancy. For the purposes of this policy, we specifically refer to '*Communal Areas and Facilities, Clause 41 & 43*'.

8.2. Tenants and Leaseholders should demonstrate the following behaviours.

- Residents should not hinder the landlord in managing the property.
- Residents should not store combustible materials, including white goods or use barbecues, and potential ignition sources on their balconies.
- Residents with concerns about the fire safety of their premises should contact the Council in the first instance. The Council will promptly provide them with information on fire safety of the building and how this is being managed.

8.3. More specifically in relation to the 'managed approach' in communal areas, there are some key requirements that must be followed unconditionally by all residents:

- Any items introduced under the 'managed policy' must not obstruct routes in such a way that prevents wheelchair user access. This means that 1m width (or the existing corridor/final exit width, where the width is less than 1m) should be always maintained.
- Any items introduced under the 'managed policy' must not compromise either escape or fire-fighting activities or obstruct any fire-fighting equipment at any time.
- Any items introduced under the 'managed policy' should not cause damage to the existing building fabric.
- Any items introduced under the 'managed policy' must not disproportionately increase the fire risk

9. Adaptions to the Policy

- 9.1. We reserve the right to make adaptations to the Policy on a case-by-case basis. This approach is key to ensuring that the Policy remains effective, and the most suitable action can be taken to reduce any risks identified.
- 9.2. In smaller blocks with fewer residents a different approach may be allowable assuming an automatic fire detection and alarm system is fitted that will initiate simultaneous evacuation procedures. The Housing Team will ensure that fire risk is managed appropriately. For example, if there is evidence of anti-social behaviour on an estate, which could increase the risk of arson, the Council will adapt the policy to resolve that situation, so that it remains effective.
- 9.3. Decisions on adaptations to the policy will also revolve around the type of materials involved. Some materials such as plastic are more hazardous and more ignitable when combined with metal. Metals are generally much less combustible and therefore will often be safer from a fire safety perspective, although all decisions will be based when considered with other risk factors.
- 9.4. Where we have **communal facilities in residential buildings** (i.e. resident lounges, laundry facilities and kitchen areas etc.), we will manage these appropriately and carry out portable and fixed appliance testing to items within these areas. Residents using these facilities should ensure that the areas are used appropriately, including:
 - Keeping fire exits and emergency routes clear from any obstructions
 - Using appliances and kitchen facilities in accordance with relevant instructions

10. Allowances for bicycles

- 10.1. In some blocks, where storage of bicycles can be safely achieved in accordance with the principles set out within this policy, it may be permissible to store a bicycle, providing it is secured and will not topple over or excessively move during

escape or firefighting efforts. This is based on a low fire load associated with bicycles.

10.2. Residents can discuss bicycle storage with their Tenancy Officers if there are any queries regarding this. If there are bicycle storage facilities located near a block, then permission to use the communal spaces to store a bicycle will not be granted.

10.3. No other item is permissible in communal areas unless written permission is given by a Tenancy Officer.

11. Reasonable adjustments

11.1. Where a building has a vulnerable or disabled resident, the Council will consider all requests for reasonable adjustments and use every endeavour to assist.

11.2. Although we recognise the role that mobility scooters can play in maintaining independence for residents who need to use them, we have a duty to consider the health and safety of all building users and cannot sanction storage within a block. Although we will look for alternative storage solutions, we cannot guarantee that such a provision will be identified.

11.3. For those who have mobility problems, in some circumstances, additional allowances can be made to provide a metal hinged chair (for the purposes of comfortable waiting for the lift car to arrive), or for a small, suitably located stool or chair formed of limited combustibility materials. These requests will be assessed and agreed by the Council on a case-by-case basis.

11.4. Croydon Council will make reasonable adjustments to support our residents' needs when they access our services. The term 'reasonable' refers to what we can do without compromising our resources, efficiency, or ability to practically fulfil requests. This does not include [Aids and Adaptations](#) to our properties and common parts of a building.

11.5. No resident should be at a disadvantage when accessing our services. The following statements offer a general overview to ensure that our services are adjusted to meet the needs of our residents where possible. This list is not exhaustive, and we will adapt our approach based on individual resident needs.

11.6. We aim to provide services that are accessible to all who require them. As a result of this, we will:

- Ensure our officers get to know our residents and their individual needs
- Provide a range of ways for residents to contact our officers including phone, mail, email and via [Housing Online](#)
- Provide alternative communication methods on request, such as Braille, foreign language interpreter, large print etc.
- Ensure residents are always able to select their preferred method of contact.
- Ensure our offices are fully accessible to visitors

11.7. We will continue to diversify our services to meet residents' needs where possible.

12. Private Balconies

12.1. Residents must adhere to the requirements of the [Conditions of Tenancy](#) – (Schedule 3, Code of Guidance – Balconies) in relation to the upkeep of their balconies.

12.2. Allowable Items

Under the managed approach, the following items are permitted in private balcony areas:

- Metal (or thick timber) framed tables and chairs.
- Clothes-line - clothes must not overhang balcony railings and must be placed as close to balcony doors as possible. There have been incidents of cigarette ends being thrown from other balconies presenting a fire risk.
- Plants/flowers that do not pose a hazard of falling and are kept watered, and alive in pots made of limited combustibility materials.

12.3. Items not allowed on private balconies

The following items present a hazard and are not permitted:

- Gas canisters, barbeques, or patio heaters
- Fuel, petrol, or sources of ignition of any kind (or any equipment powered by fuel e.g., generators or gardening equipment
- Trailing cables, sockets, or electrical white goods
- Paints, oils, or paint thinners
- Excessive furniture or items cluttering the balcony
- Plastic or upholstered furniture
- Loose plant pots/plant pots placed insecurely on ledges.
- Curtaining or enclosing of the balcony on any side i.e. bamboo screens
- Gating off any communal area or balcony
- Gazebos, tents, and sheds – if they cannot be sited more than six meters away from any Croydon Council building perimeter (fires have occurred because of carelessly discarded smoking materials fuelled by garden structures).

12.4. The above lists are not exhaustive. Other items may be considered unsuitable or unsafe at the discretion of the Council.

12.5. There may be instances where site-specific risks require a more stringent approach in certain blocks of flats. Where residents have any queries about the suitability of storing items in communal or balcony areas, they should seek advice and/or written permission from the Tenancy Team.

13. Enforcement

- 13.1. The Council is committed to an approach which balances a resident's enjoyment of their homes with the need to prioritise safety. We will work with tenants and leaseholders to achieve this and will always welcome resident feedback and suggestions.
- 13.2. However, the Tenancy team will be proactive in taking action against individuals who risk the health and safety of themselves and other residents in communal areas or private balconies.
- 13.3. Where the Tenancy team becomes aware of any non-flammable personal items in a communal area, a letter will be delivered requesting that they are moved within 48 hours. It is the responsibility of the resident to move the identified items. Please refer to Clause 41 and Clause 43 of your Tenancy conditions for further information.
- 13.4. Communal areas are subject to routine inspections. Where flammable items are found in communal areas, these will be removed immediately under Section 41 of the Local Government (Miscellaneous Provisions Act 1982). There may be instances where items that are deemed hazardous may also be subject to immediate removal.
- 13.5. The Housing Team will store non-perishable items which in their considered opinion are of value in a dedicated storage space for 28 days plus one, after which, any unrecovered property will be disposed of. Residents may be liable for the costs of removal and disposal of any non-permitted items found in communal areas. Croydon Council will not accept any liability for loss or damage to any item(s) that have been left in a communal area. Additionally, if there is any damage to communal areas caused by the storage of such items, the costs of making good the damage may be recharged to the resident.
- 13.6. The Tenancy team will take photographs of items that are to be stored or disposed of. The Housing Team will record all items that are subject to storage/disposal (including its current condition). It is the responsibility of the resident to contact their Tenancy Officer to make arrangements to retrieve their possessions, in line with the time scale mentioned at 13.5.
- 13.7. Croydon Council take a serious view on breaches of tenancy or lease agreements that pose a fire risk or health and safety risk to the household and others living within a block. If a resident refuses to remove items that are posing a risk following verbal/written requests, then appropriate enforcement action to resolve this may be taken. Each case will be assessed on its own merits, and depending on the severity, an injunction or court order may be sought.

14. Complaints

- 14.1. Should there be a complaint from an outgoing tenant or new tenant concerning any aspect of the Storage Policy, this will be dealt with via the [Council's Corporate Complaints Policy](#).

15. Equalities statement

- 15.1. The Council is committed to promoting fair and equal access to services and equal opportunities in employment, the procurement of goods and as a community leader. The Council's policies, procedures and day to day practices have been established to promote an environment which is free from unlawful and unfair discrimination while valuing the diversity of all people.
- 15.2. Discrimination on the grounds of race, nationality, ethnic origin, religion or belief, gender, marital status, sexuality, disability, and age is not acceptable: the Council will take action to ensure no person using the council's premises or services receives less favourable treatment or is disadvantaged by requirements or conditions that cannot be justified. The Council will tackle inequality, treat all people with dignity and respect and continue to work to improve services for all service users.
- 15.3. The legal framework for the Council's approach is provided by the Equality Act 2010 and specifically by the Public Sector Equality Duty, under which a public authority must work consciously to eliminate discrimination, harassment, victimisation and to advance equality of opportunity and foster good relations between people with differing characteristics.

16. GDPR and Data Protection Act 2018

Housing Management recognise the commitment to ensure that all data is:

- Processed lawfully, fairly and in a transparent manner.
- Collected for a specific and legitimate purpose and not used for anything other than this stated purpose, or as provided for in our privacy and fair processing notices.
- Relevant and limited to whatever the requirements are for which the data is processed.
- Accurate, and where necessary, kept up to date. Any identified inaccuracies will be amended or removed without undue delay.
- Stored for as long as required, as specified within Housing Management's Records Retention policy.
- Secured with appropriate solutions, which protect the data against unauthorised or unlawful processing and accidental loss, destruction, or damage.

Further information about the Council's commitment to the [General Data Protection Regulations](#) can be found via this link.

17. Roles and responsibilities

17.1. Director of Housing Management

17.2. The Director of Housing Management will have overall responsibility for the implementation of the Communal Areas and Private Balconies Storage Policy.

17.3. Heads of Housing Services

17.4. The Head of Housing Services will develop, implement, and monitor the effective management of Communal Areas and Private Balconies.

17.5. The Head of Housing Services will ensure the services comply with the Communal Areas and Private Balconies Storage Policy and associated procedures are embedded within property management, and all staff are aware of their responsibilities and are adequately trained to carry them out

17.6. Council staff

17.7. Will follow the Communal Areas and Private Balconies Storage Policy, the associated rules, and procedures, to ensure the operational delivery is fair and consistently delivered. Staff are aware of their roles and responsibilities and regularly carry out mandatory and personal development training offered to them.

18. Partners Consultation

18.1. Stakeholders with responsibility and operational knowledge of Fire Safety, have been consulted during the development of this policy.

18.2. Residents have also been engaged and consulted in the development and review of this Policy.

19. Monitoring and Review

19.1. This policy will be reviewed every 3 years, or sooner if required by statutory, regulatory, best practice, emerging developments, or circumstances arising from reviews of other Council-wide policies.

19.2. Arrangement for a full internal audit of the storage process to be undertaken by Croydon Council's Internal Auditors. The full scope of the audit will be agreed upon with the Internal Auditors, Director of Housing Management, and Heads of Service.

20. Document Control

20.1. This is a controlled document and should not be changed unless by authorisation of the policy owner.

Monitoring		
Approved Date:	31 October 2024	
Next Review Date:	1 April 2027	
Effective date:	1 November 2024	
Consultation Review		
Stakeholders review:	13.09.2024	
Legal review date:	22.03.2024	
Residents reading group:	21.10.2024	
Policy owner:	Director of Housing Management	
Ratified by:	Housing Directors Management Team	
Equality impact assessment:	The impact of this policy will be measured as it is implemented and used as part of a scheduled 1-year implementation compliance review.	
Version History		
Version Number	Summary of change	Author and Approver
1.0	New Policy	Developed with subject matter experts and the Resident's reading group