

Managing Fire Safety in Communal Areas of Camden Councils Housing

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1.0 Introduction

- 1.1 Camden 2025 commits the Council to achieving the highest standard of safety in all Council homes and in line with we Camden 2025 Call to Action 2 we know residents want to feel safe and secure in their homes.
- 1.2 The purpose of this policy is to provide guidance (including enforcement) on how Camden Council manages the common part of its Housing Stock. Camden Council recognises that many residents wish to personalise communal areas in order to make them more homely and welcoming. As such we take a 'managed use' approach to the use of communal areas as opposed to a 'zero tolerance' approach. Smoking is not permitted in any communal areas in any property type.
- 1.3 The likelihood of a fire or other health and safety incident is strongly influenced by social and lifestyle factors. It is these factors more than any other that result in a disproportionate number of fires, fire related accidents, injuries and death in blocks of flats.
- 1.4 This policy seeks to control the usage of the communal parts in order to minimise, remove or mitigate against social and lifestyle factors which might generate fire and other health and safety risks.

2.0 Aims & Objectives

- 2.1 Camden Council in formulating its "managed approach" has considered the need to maintain the following functional criteria of a communal area/corridor namely:
 - To allow persons to escape the premises in the event of a fire if required.
 - To provide a sterile area along which fire cannot spread.
 - To allow access for fire brigade personnel and equipment to deal with an emergency.
- 2.2 In effect any item permitted in any communal area would need to be deemed as non-flammable and not causing an obstruction in relation to meeting the criteria above.
- 2.3 Camden's approach has taking into account of the type of block as there be will different risks that need to be considered. The risk to residents from fire is generally lesser in the event of a fire in blocks with open balconies, walkways and staircases than those with enclosed ones. This is because most of the smoke and heat from a fire in open balconies will disperse to open air, whilst in enclosed blocks the heat and smoke will not be able to readily exit to air making the risk to persons greater.
- 2.4 Camden will consider the circumstances of the residents that live in a block of flats and assess and mitigate against risk factors in the communal parts of the building. This will include limiting the items stored in communal areas in order to reduce health and safety risks (including fire risks). Where possible Camden will work with work with residents to address their storage requirements

3.0 Legislation/Standards

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- 3.1. The Regulatory Reform (Fire Safety) Order 2005 established the requirement to risk assess the common parts of residential property which would include those areas defined as non-domestic i.e. common lobbies, corridors, stairs, lift lobbies, shared roof areas, access leading to the property etc.
- 3.2 The Fire Safety Order (the law) places a number of responsibilities on the responsible Person. Camden Council is the Responsible Person in relation to the premises that it manages. One specific requirement in relation to communal areas is listed in Article 14 of the Act.

Emergency routes and exits

14. (1) Where necessary in order to safeguard the safety of relevant persons, the responsible person must ensure that routes to emergency exits from premises and the exits themselves are kept clear at all times.

- 3.3 To show compliance with the law Camden must demonstrate clearly that where Camden have allowed storage in communal areas, it has been done following a clear assessment of the risk and that we have a management process in place to ensure compliance.
- 3.4 The fire risk assessment process is undertaken based on the relevant standards applicable to the building based on age of construction, demographic/occupancy type and best practice. The following will be considered (where relevant) as part of the fire risk assessment process;
 - Regulatory Reform (fire safety) Order 2005
 - The Housing Act 2004
 - Building Regulations 2010 Part B Fire Safety
 - Gas Safety (Installation and Use) Regulations
 - Electrical Equipment (Safety and Use) Regulations
 - Fire Safety in Purpose Built Blocks of flats
 - Guidance on fire safety for certain types of existing Housing - LACORS
 - Fire Safety in Specialised Housing
 - British Standards (where relevant)
 - London Fire Brigade Guidance Notes
 - TORT (Interference of Goods) Act 1977

4.0 Roles & responsibilities;

- 4.1 **The Council** - are responsible for ensuring, so far as is reasonably practicable, that suitable and sufficient arrangements and resources have been put in place to safeguard the Health, Safety and Welfare of employees and others affected by the work of Camden Council. This includes Fire Safety and specific responsibilities are detailed in Regulatory Reform (Fire Safety) Order.
- 4.2 **Residents** - must accept responsibility for their goods in accordance with their Tenancy Agreement, Lease or Licence Agreement.

Resident responsibilities include;

- Keeping the communal areas clean and tidy and free from obstruction
- Following any relevant Health & Safety Advice

4.3 Relevant clauses from both the standard tenancy agreement and lease are detailed below;

4.3.1 Tenancy Agreement

Sixth schedule contains restrictions & regulations imposed in respect of premises.

Paragraph 4

The Tenant shall not place leave or cause to be placed or left any furniture cycle perambulator toy box parcel bottle or other thing nor any refuse or rubbish on the Common Parts nor shall the Tenant throw or allow to be thrown anything whatsoever out of any window of the Flat.

Paragraph 11

The Tenant shall not allow any person or child to loiter or play in or about any entrance landing passage stairway lift (if any) or any of the Common Parts

4.3.2 Leaseholder Agreement (Street Lease):

Paragraph 4

The Tenant shall not place leave or cause to be placed or left any furniture cycle perambulator toy box parcel bottle or other thing nor any refuse or rubbish on the Common Parts nor shall the Tenant throw or allow to be thrown anything whatsoever out of any window of the Flat.

5.0 Managing items stored in communal areas of Camden Councils Housing Stock

5.1 Communication

5.1.1 There will be regular communication to all tenants/leaseholders explaining the Councils Policy Approach namely the overriding need to safeguard our residents' safety/manage fire risk in accordance with the Our Camden Plan commitment

5.1.2 The principles of the Communal Area Policy will be regularly communicated to residents which will include;

- Notices in the Communal Areas of Camden
- Updates in Housing News
- Updates via Rent/Leaseholder correspondence

5.2 Legislation

- 5.2.1 This Policy will be enforced using the Torts (Interference with Goods) Act 1977 under which the Council as freeholder/landlord could maintain it has become an (involuntary) bailee of goods/ items left in communal areas.
- 5.2.2 Any items that are combustible or cause an obstruction will be deemed to unauthorized and may be removed without notice.

5.3 Key Principals

- 5.3.1 The following framework will be established to facilitate the management and removal of items that have been placed in communal areas by residents or third parties;
- 5.3.2 The TORT (Interference of Goods) Act 1977 provides protection for Residents' possessions whilst allowing Landlords, and their nominated agents, to dispose of items as long as they follow a reasonable procedure.
- 5.3.3 The following has been implemented to inform residents of the need to keep communal areas clear;
- As part of Housing News the Clear Communal Area leaflet has been sent to all residents setting out the importance of keeping communal areas clear and the focus on enforcement.
 - Regular communications will be ongoing to keep the safety message including enforcement fresh to all residents.
- 5.3.4 In addition, the following will be implemented to manage the process operationally;
- A specific TORT notice will be affixed any item(s) in the communal area giving residents **7 days** in which item(s) must be removed. **Unless the item is deemed an immediate fire risk in which case it will be removed immediately.**
 - Where an item is directly located in an area that is clearly unequivocally linked to a specific flat (e.g. directly outside a front door) will use reasonable endeavors to (i) attach a notice in the form of a sticker to the item saying it will be removed in **7 days**, (ii) putting a written copy of the notice through the adjoining front door and (iii) door knock (where appropriate) to engage with residents to remove the items.
 - Where items have not been removed within **7 days** of the notice affixed by the relevant Camden service area, officers will attempt a door knock (where appropriate) to encourage residents to remove the items in question before they are taken away.
 - All correspondence and communication will inform residents that any items removed will not be stored and will be disposed of immediately.
 - Only items of value will be stored, and this will be by exception and, at Camden's discretion.
- 5.3.5 There will be ongoing communication to residents highlighting the need to safeguard residents' safety/manage fire risk, summarizing the key points of the policy approach namely;

- the Council reserves the right to remove all items stored without further notice and destroy or dispose of the item.
- where an item is removed, the Council reserves the right to dispose of it /destroy it without making any reimbursement if an “owner” subsequently seeks to claim it
- the Council may at its own discretion store certain high value items e.g. mobility scooters and/or dispose of them however this will be entirely at the Council’s own discretion

6.0 Camden Housing Stock - Management Policy

6.1 Camden Council risk mitigation will take into consideration the type and construction of the property to ensure that the approach is proportionate. Possessions in communal areas should not be flammable and should not obstruct the escape route.

6.2 **Unacceptable Items** - the following should be kept completely clear of all combustible cleaning materials, refuse and possessions for all of Camden’s Housing Stock:

- riser cupboards
- electrical intake cupboards
- lift motor rooms, tank rooms and drying rooms
- other rooms / areas that open onto communal escape corridors or staircases and that need fire-resisting doors that self-close or are kept locked
- staircases
- fire exits
- communal entrances/exits to buildings
- under stairs

6.3 **Street Properties** - generally these properties include house conversions, mansion type blocks and/or where the compartmentation between flats cannot be ascertained. This will be indicated in the fire risk assessment and will be reflected in the fire evacuation strategy.

6.3.1 **Clear Communal Area Policy** - street properties have a clear communal areas policy.

6.3.3 **Acceptable Items** - Door mats are permitted but that’s all.

6.3.4 Any variation to the above will be reviewed by exception only.

6.4 Purpose built blocks of flats

6.4.1 **Managed approach Communal Area Policy** - A managed approach will apply to all block communal areas outside of the above list whether they have enclosed internal communal areas (as with tower blocks) or whether they have open, external walkway access.

6.4.3 **Acceptable Items - What can tenants have outside their flats:**

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- Real plants if they are in terracotta, earthenware or metal pots (not plastic or wood etc) and don't obstruct exit
- A standard size door mat provided it's not an improvised door mat made of carpet or fabric etc
- Bicycles where not obstructing exit routes and never on stairways.
- Small metal garden furniture (eg chairs) provided it doesn't obstruct exit

Also

- Although we don't encourage them we will not usually ask tenants to take down washing lines from open walkways (unless a particular line is causing an obstruction or other hazard)

6.5 Applicable to all Camden Council Housing Stock

6.5.1 **Mobility Scooters** - each scooter / proposed scooter to be assessed individually by Camden's Fire Safety Team. Generally these are not allowed within the common areas due to the increased fire risk created.

6.5.2 **Metal security gates** - only to be agreed if they on the ground floor, open to air and have enough space around them when open not to cause an obstruction.

6.5.3 **Tenant's balconies** - the fire safety communications strategy will incorporate messages to tenants about keeping themselves and their neighbours safe for any property specific areas. Particularly problematic balconies will be addressed on a case by case basis

6.6 Alternative Storage Options

6.7 Camden will consider the storage needs of residents and where additional storage is deemed necessary will seek to put in place safe facilities.

6.8 Additional storage provision and options that may need to be considered and provided include the following;

- Secure bicycle, motorbike and moped parking areas
- Secure pram-sheds
- Secure parking and charging areas for mobility scooters
- Storage areas for miscellaneous items including residents' work equipment or children's toys.

6.9 The provision of alternative storage areas will be subject to both funding and the ability to site a facility safely. Whilst every endeavour will be made to provide facilities where this is not possible it will not negate the removal of items.