

**REPORT TITLE: Review - Storage in Communal Areas - Zero Tolerance Policy
/ Fire Safety in Communal Areas Policy**

To:

Councillor Gerri Bird, Executive Councillor for Housing

Housing Scrutiny Committee: 17th September 2024

Report by:

Laura Adcock, Housing Services Manager (Support and Performance)

Tel: 01223 457649 Email: Laura.Adcock@cambridge.gov.uk

Wards affected:

All

1. Recommendations

1.1 It is recommended that the Executive Councillor for Housing:

1. Approve the changes to the Storage in Communal Areas - Zero Tolerance Policy, and the new title of the revised policy: Fire Safety in Communal Areas Policy (Appendix A)
2. Support officers of the council in enforcing the revised policy.

1.2 The main changes within the revised policy are:

- Change of title to 'Fire Safety in Communal Areas Policy'
- Inclusion of latest legislation
- Providing greater clarity around the aims and purpose of the policy
- Giving clear guidance on landlord and residents responsibilities
- Making explicit the revised timescales for the removal of items in communal areas:

“7.5. Items deemed as posing a significant fire risk will be removed immediately, or as a last resort within 24 hours.

7.6. Any other items will be issued with a 5 working days' notice to be removed. If they are not removed within 5 working days of the notice, the council will remove them without any further notice.”

2. Purpose and reason for the report

- 2.1 The purpose of the report is to update members of a review of the existing Storage in Communal Areas - Zero Tolerance Policy, and to seek approval to implement proposed changes to the policy. This includes a proposal to change the title to 'Fire Safety in Communal Areas Policy'.
- 2.2 This is a revision of a current policy in place, Storage in Communal Areas - Zero Tolerance Policy, which was signed-off in September 2018. Since the sign-off of this policy there has been several key legislative changes, and there is a need for Cambridge City Council to demonstrate how we intend to meet these requirements.
- 2.3 Other changes to the policy outlined in this report are to provide clear standards around timescales for the removal of items. This is to clearly communicate the council's position of zero tolerance on items in communal areas, to provide assurance that communal areas are appropriately managed, and that urgent remedial action around fire risks can take place.

3. Alternative options considered

- 3.1 The revision of the policy was needed to include new legislation and regulatory standards.
- 3.2 The current policy operates a 'zero tolerance' approach, throughout the review and consultation with tenants and leaseholders, no recommendations were made to change this approach.

Latest guidance from the Home Office on compliance with fire safety law for those responsible for fire safety in small blocks of flats states that:

“The common parts should be kept clear of any combustible materials or storage.

A zero-tolerance approach, in which residents are not permitted to use the common parts to store any belongings or dispose of rubbish, is recommended.”

4. **Background and key issues**

- 4.1 The policy was first approved in September 2018 [Agenda for Housing Scrutiny Committee on Thursday, 27th September, 2018, 5.30 pm - Cambridge Council](#) to replace the previous policy on storage in housing owned communal areas, and to approve a zero tolerance policy for all blocks where Cambridge City Council was the freeholder of the building.

The 2018 policy was initially produced with Cambridgeshire Fire and Rescue Service officers. The purpose of the replacement policy in 2018 (following a review of fire safety as a result of the Grenfell Tower fire) was to ensure a clear, consistent approach to prevent the storage of any items in the communal areas to reduce risks and improve the overall appearance of the internal communal areas of Cambridge City Council’s owned flats.

- 4.2 The 2018 policy has been reviewed so that it incorporates recent legislation regarding fire safety and new regulatory standards in social housing.

The review also recognised a need to reconsider if we are effectively enacting a zero tolerance approach through the prioritisation of items found in communal areas and timescales set out for their removal.

- 4.3 Under the **Regulatory Reform (Fire Safety) Order 2005** Cambridge City Council has a legal duty to make sure that all routes of access and exits in the event of an emergency are clear and safe.

The changes to the policy further emphasise the importance of having clear communal areas at all times so that escape and access routes in the event of fire are not obstructed, and there are no trip hazards.

- 4.4 The **Fire Safety Act 2021** sets out to amend the Regulatory Reform (Fire Safety) Order

2005 and is designed to ensure that people “feel safe in their own homes and that a tragedy like the Grenfell Tower fire never happens again”.

The Act clarifies that responsible persons (RPs) for multi-occupied residential buildings must manage and reduce the risk of fire for the structure and external walls of the building, including cladding, balconies and windows, and entrance doors to individual flats that open into common parts.

Changes in the revised policy enable a more robust process to manage and reduce fire risks in communal areas and are key to the council carrying out the requirements of the Fire Safety Act 2021.

4.5 The **Social Housing (Regulation) Act 2023** has introduced four new Consumer Standards that define specific expectations that Landlords are required to meet. The four Consumer Standards are:

- Neighbourhood and Community Standard
- Safety and Quality Standard
- Tenancy Standard
- Transparency, Influence and Accountability Standard

The Safety and Quality Standard is relevant to this policy, particularly the following extract.

1.3 Health and safety

1.3.1 When acting as landlords, registered providers must take all reasonable steps to ensure the health and safety of tenants in their homes and associated communal areas.

Changes in the revised policy underline the importance of Cambridge City Council fulfilling its responsibilities to manage fire safety, to ensure residents feel safe in their homes, and to meet the requirement of the Safety and Quality Standard.

4.6 The review process highlighted a need for more urgent action on the removal of items in communal areas and to streamline the way in which we prioritise items for removal so that we could operate a zero tolerance approach more effectively.

The revised policy has just two categories of items and more shorter timescales for removal:

7.5. Items deemed as posing a significant fire risk will be removed immediately, or as a last resort within 24 hours.

7.6. Any other items will be issued with a 5 working days' notice to be removed. If they are not removed within 5 working days of the notice, the council will remove them without any further notice.

4.7 The review process also drew attention to the lengthy title of the current policy 'Storage in Communal Areas - Zero Tolerance Policy', and has proposed that a shorter title 'Fire Safety in Communal Areas Policy' is used instead. It was considered more appropriate that the overall purpose of ensuring fire safety should be emphasised, rather than the specific approach taken.

Corporate plan

5.1 The changes to this policy support the strategic objective of "improving housing conditions and making best use of existing homes" - as set out in the Greater Cambridge Housing Strategy.

The changes proposed in this report also align with the council's new vision for Cambridge, 'One Cambridge, Fair for All', in that it will contribute towards the following ambition - "Residents enjoy a high quality of life and exemplar public services. Cambridge is a place of high employment where everyone has a warm, safe, and affordable home, and beautiful open spaces to enjoy."

6. Consultation, engagement and communication

6.1 Council officers responsible for health and safety and enforcement of this policy have been consulted on the revisions.

The draft policy was presented to elected tenant and leaseholder representatives on

19th August 2024. Following their feedback, changes were made to ensure that the policy is more assertive in its wording and that there is also an emphasis on items not being stored or left in communal gardens.

Feedback also highlighted the need for good communication with residents about changes and making the policy more accessible.

If approved, the changes as a result of the revised policy will be communicated to residents through the Open Door magazine, a letter will also be sent to all relevant residents along with an updated fire safety leaflet. The updated policy will be published on our website.

7. Anticipated outcomes, benefits or impact

- 7.1 The changes in this revised policy will enable the council to be more responsive to the risk of fire in communal areas. Greater urgency regarding the removal of items found in communal areas provides a clearer commitment from the council on taking fire risk seriously.

8. Implications

8.1 Relevant risks

This policy is part of the Council's mitigations and controls relating to the Operational Risk RAC0005 – Fire Safety Compliance which sits in City Services.

Failure to approve the policy or alter its timescales will increase the risk to life of tenants in the event of their being a fire in their building.

Financial Implications

- 8.2 Any increased costs incurred as a result of items being removed by the Council will be added to tenant service charges wherever possible to ensure this policy is cost neutral to the Housing Revenue Account.

Legal Implications

8.3 This policy will enable to Council to better meet its legislative and regulatory requirements.

Failure to approve this policy or alter its timescales could result in increased risks of breaching legislation and resultant criminal prosecutions, or a poor regulatory inspection result from the Social Housing Regulator.

Equalities and socio-economic Implications

8.4 The main findings from the Equalities Impact Assessment are:

- The changes to the policy will a positive impact on all residents including those with protected characteristics as the changes are designed to ensure that the Council reduces fire risk in our housing stock and improves our residents' living conditions.
- Changes to the policy will have a positive impact on particular groups that may be vulnerable in the event of a fire and subsequent evacuation as safety of communal areas will be clear, reducing chance of fire from combustible items and allowing unobstructed evacuation by residents in the event of a serious incident. These groups include the very young, the elderly and those with a mobility, neuro-divergent or visual impairment.
- It was noted that changes to the policy could pose a barrier for disabled and/or elderly residents who are unable to store their mobility scooter in their home. The Council has processes in place to mitigate this by providing on request suitable facilities for a resident who is unable to store their scooter in their home. In addition, through the Estate Improvement Scheme the Council has recently increased provision of storage and charging facilities for mobility scooters across estates, where appropriate.

An Equality Impact Assessment has been prepared and will be available as an background paper to this report.

Net Zero Carbon, Climate Change and Environmental implications

- 8.5 There are no anticipated adverse climate change or environmental implications arising from this report. All waste collected will be disposed of by Greater Cambridge Shared Waste Service, who aim to recycle wherever possible and reduce the amount of waste going to landfill.

Procurement Implications

- 8.6 There are no procurement implications arising from this report.

Community Safety Implications

- 8.7 Cambridge City Council works closely with the Fire Service to ensure our buildings are as safe as possible in the unlikely event there is a fire. We take this responsibility seriously and this Policy is part of our responsibility and risk mitigation to Fire in our buildings.

9. Background documents

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 9.1
- Storage in Communal Areas – Zero Tolerance Policy 2018.
 - EQIA

10. Appendices

- 10.1 *List any appendices to the report.*
- Fire Safety in Communal Areas Policy 2024.

To inspect the background papers or if you have a query on the report please contact:

Kate Grigg, Resident Engagement and Performance Manager

01223 458323 or email: kate.grigg@cambridge.gov.uk.

Appendix A

Fire Safety in Communal Areas Policy

Date: September 2024

Department:

Next Review: September 2027

Accessibility of Document

Our aim is to make our services easy to use and accessible for everyone. We will take steps to make any reasonable adjustments needed for you to contact us, access our policies, or any requests to provide responses in other formats. Depending on the individual's needs, these might include but is not limited to:

- Using larger print, or a specific colour contrast
- Having an 'easy read' version of the document
- Having a translation of the document
- Having the document in Braille format

If you would like to contact us about having a copy of this document, or in alternative formats, please call us on 01223 457000, or write to us at Cambridge City Council, PO Box 700, Cambridge CB1 0JH.

1. Introduction:

Cambridge City Council is committed to ensuring that all communal areas in our housing stock are well-kept, meet all regulatory requirements and are a safe place for residents, visitors, staff and contractors to use.

The council adopts a zero tolerance approach to the storage of items in communal areas. Residents are not permitted to use the communal areas to store any belongings or dispose of rubbish.

Communal areas such as hallways, staircases, communal cupboards, utility meter rooms and landings do not belong to any resident, including the areas immediately outside the front door.

Cambridge City Council reserves the right to remove any item stored in communal areas immediately if deemed to be highly flammable or significantly increase fire risk.

2. Aims & Purpose:

This policy outlines the council's approach to keeping communal areas safe and free of items that could increase the likelihood of fire or impede evacuation.

- **Fire Prevention:** the overall purpose of this policy is to minimise fire risks. 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.
- **Health and Safety:** keep our residents safe through the proactive management of health and safety risks in our communal areas.
- **Ensure Clear Escape Routes:** ensure that communal areas are free from combustible materials and obstructions, and for safe access and evacuation in the event of an emergency.
- **Promote Safety Awareness:** to give clear advice, engage with residents to ensure that they are aware of the risk posed by items left in communal areas, and that they understand the fire safety measures within the building.
- **Cleaning and Maintenance:** allow cleaning and maintenance staff and contractors to carry out their job effectively, supporting the upkeep of communal areas.
- **Compliance with Legislation:** ensure full compliance with the Fire Safety (England) Regulations 2022, Fire Safety Act 2021, Regulatory Reform (Fire Safety) Order 2005 and any subsequent fire safety legislation.
- **Support Vulnerable Residents:** provide tailored advice to vulnerable residents to address special requirements or vulnerabilities.
- **Provide Guidance to Staff:** this document aims to provide guidance for Cambridge City Council Estate Services Officers, Education, Engagement and Enforcement Officer, Housing Officers, Assistant Housing Officers, Leasehold Officers and any other Housing Services employee regularly required to manage and assess fire risks in communal areas across our housing stock.

3. Definitions

3.1.Residents: for the purpose of this policy, a resident is any person who lives in a building owned or managed by Cambridge City Council, including council tenants, leaseholders, sub tenants and licensees.

3.2.Communal areas: parts of a block of flats, street or estate that residents have a right to use in common with other residents, and for which we as the landlord and freeholder are responsible. This includes but is not limited to the following:

- Entrances and communal hallways/walkways
- Shared staircases and balconies
- Communal Cupboards and meter rooms

- Bin and storage areas
- Access paths
- Communal gardens
- Drying areas

3.3.Zero tolerance: A ‘zero tolerance’ approach is one in which residents are not permitted to use the communal areas to store or dispose of their belongings or rubbish - no exceptions apply. This is to ensure that communal areas are free of combustible material, ignition sources and obstructions.

4. Scope:

This policy applies to all shared communal areas in and around buildings owned and managed by Cambridge City Council.

5. Legislation and Regulations

The legislation and regulations listed below will be taken into consideration when implementing this policy:

- Social Housing (Regulation) Act 2023.
- The Fire Safety (England) Regulations 2022.
- The Building Safety Act 2022, Section 156.
- Fire Safety (England) Act 2021.
- The Building Regulations 2010 (Approved Document B).
- The Equality Act 2010.
- Regulatory Reform (Fire Safety) Order 2005.
- The Housing Act 2004.
- Local Government (Misc. Provision) Act 1982, Section 41.
- Health and Safety at Work etc. Act 1974.

6. Related Policies and Procedures

This policy links to and should be read in conjunction with the following policies and documents:

- Adaptations Policy
- Disposal of Possessions and Personal Data Procedure
- Tenancy Agreement
- Leasehold Agreement
- Tenant Sign-up pack
- Fire Safety in Flats – leaflet

7. Policy Statements:

7.1.It is residents’ responsibility to keep communal areas clear and free from obstruction at all times. This includes not having door mats in corridors, plants or any other items.

- 7.2. The council will be proactive in ensuring communal areas are clear of items and will use a range of powers to enforce the policy, including removal of items.
- 7.3. Where a resident stores items in the communal areas in breach of this policy, they will be asked to remove their items immediately.
- 7.4. Depending on the priority and value of items stored in communal areas, the council reserves the right to remove, store or dispose of these items if not removed by the resident.
- 7.5. Items deemed as posing a significant fire risk will be removed immediately, or as a last resort within 24 hours.
- 7.6. Any other items will be issued with a 5 working days' notice to be removed. If they are not removed within 5 working days of the notice, the council will remove them without any further notice.
- 7.7. If items are removed from communal areas, reasonable steps will be taken to identify the owner. If, after these steps, the owner cannot be identified items deemed to be perishable or of low value will be disposed of if not removed by the time indicated on the notice attached to the item.
- 7.8. If an item is of high value – worth £500 or more – it will be stored if not removed by the time indicated on the notice attached to the item (in accordance with the provisions of the Local Government Act 1982). If stored items are not collected within the period specified in the notice, they will be either sold or disposed.
- 7.9. The council reserves the right to recharge either the individual resident, or all residents of the block, the reasonable costs of removing and disposing of items.

8. Our Responsibilities

- 8.1. **Safety Inspections:** to carry out fire risk assessments annually to identify and remove any fire hazards in communal areas.
- 8.2. **Communication with Tenants:** to provide residents with relevant fire safety information in a format that is easily understood by the residents. All new residents will be given the 'Fire Safety in Flats' leaflet in with their Sign-up Pack.
- 8.3. **Fire Safety Measures:** to ensure that all fire safety measures are in place, functional, and regularly maintained.
- 8.4. **Communal Areas Repairs:** we are responsible for ensuring that the communal areas are safe and secure for our tenants and leaseholders. For more information, check: www.cambridge.gov.uk/council-home-repairs
- 8.5. **Support Vulnerable Residents:** we recognise that some residents may be at greater risk than others, of having a fire start in their property, or being able to safely exit in an emergency situation. Residents are encouraged to contact

us on 01223 457000 to discuss arrangements or advice where the following apply to them or member of their household:

- A disability, impairment, or health condition, that could adversely affect a safe exit from the building if required in an emergency Safety Policy.
- Advice and assistance for dealing with clutter and hoarding.
- Other reasons or combinations of reasons that could increase a risk from fire (for example smoking and living with dementia).
- We will also offer fire safety advice where requested.

9. Tenant and Leaseholder Responsibilities:

9.1. Communal areas: to keep communal areas clear and free from obstruction at all times. Residents do not have the right to store or leave anything in the communal areas of the building or in communal gardens.

- Report any items left in communal areas at: www.cambridge.gov.uk/report-flytipping or you can call 01223 457000 Monday to Friday 9- 5 or 03003038389 Out of Hours for emergencies.

9.2. Fire safety: To shut fire doors when not in use, and to read the 'Fire Safety in Flats' leaflet and Fire action notices posted in communal areas.

9.3. Bicycles, e-bikes, mopeds, motorbikes: Not storing bicycles, e-bikes, mopeds and motorbikes in communal areas unless specific storage has been provided by the council. Servicing or cleaning of these items should not take place in the communal areas.

9.4. Mobility scooters: storing mobility scooters inside their homes or storage shed or an appropriate storage facility that is suitably located.

- It is not a reasonable adjustment to allow a resident to keep mobility aids in communal areas if these present a risk to other residents. In such cases, the council will endeavour to accommodate the needs of a resident with disabilities where possible. For example, the council might assess the feasibility and cost of providing additional storage for mobility aids. The Housing Officer can also support customers to secure suitable alternative accommodation if their current home does not meet their needs.

9.5. Bins and bin stores: closing and locking bin store doors when not in use.

Not leaving wheelie bins in communal areas or under staircases. Where provided, wheelie bins must be stored away from the building.

- Any large items of household waste such as furniture must not be left in the bin store. If residents have any items that are too large or too heavy for your normal household waste collection Cambridge City Council provides a 'bulky waste collection' service. Check www.cambridge.gov.uk/bulky-waste-collections for more details.

9.6. Storage and electrical meter cupboards: Keeping storage cupboards in communal areas locked shut and not using them to store flammable items.

- Not using electrical meter cupboards for storage and to keep these cupboards locked shut at all times.

10. Monitoring and Evaluation:

Senior Managers within Housing Services will monitor the effectiveness of the policy and keep the policy under review as a result of any future legislative changes.

Notes

Updates & Changes

Date