



Communal Area Management Policy

2024

Document Version Information	
Procedure Owner	Tenancy & Estates Manager
Implementation Date	12 th April 2024
Review Date	11 th April 2026
Version	1

Contents

1. Introduction	Page 2
2. Aims	Page 2
3. Legal Framework	Page 3
4. Communal Areas in Council Housing	Page 3
5. Internal Communal Areas	Page 4
6. External Communal Gardens – Gardens, Paths, Parking Areas..	Page 5
7. Inspections	Page 6
8. Enforcement	Page 6
9. Reporting Procedure	Page 7
10. Prevention	Page 7

1. Introduction

- 1.1 As a landlord, Oadby & Wigston Borough Council (The Landlord) has a responsibility to ensure all communal areas are accessible and free from hazards so that tenants/leaseholders can exit the building safely and as quickly as possible in the event of an emergency.
- 1.2 This will also allow the emergency services easy access to the property or person in need of assistance.
- 1.3 This procedure sets out how the landlord aims to ensure that internal and external communal areas are managed effectively, kept free from obstructions and safe for other tenants and users of the building.
- 1.4 This procedure applies to both internal and external communal areas in general needs blocks of flats, sheltered housing blocks of flats, other types of communal areas, for example, shared footpaths for shared access and designated parking areas.
- 1.5 A communal area is any area that is not within the confines of the tenant's property. Such areas include corridors, stairways, landings, lobbies, meter cupboards, external gardens and entrances to the building, garages, and parking areas.
- 1.6 This procedure provides a framework for how communal areas will be managed and what is expected from tenants/leaseholders.
- 1.7 A zero-tolerance approach will be operated when it comes to enforcing this procedure for internal communal areas.
- 1.8 A risk-based approach will be operated when it comes to enforcing this procedure for external communal areas.

2. Aims

- 2.1 The aim of this procedure is to:
 - Ensure the health and safety of tenants, leaseholders, staff, and visitors when in a communal area
 - Give clear advice to tenants/leaseholders to minimise the risks of items causing an obstruction to access routes in the event of an emergency
 - Give clear advice to tenants/leaseholders to mitigate the risk of fire
 - Allow communal areas to be used safely for the benefit of all tenants, leaseholders, staff, contractors and visitors
 - Ensure that communal areas can be safely evacuated in the event of an emergency
 - Advise tenants and leaseholders how the landlord will manage and respond to concerns of fire safety in communal areas

- Ensure the landlord meets its statutory obligations

3. Legal Framework

3.1 This procedure will have due regard to local policies and procedures as well as national legislation, which include the following, but not limited to:

National Legislation;

- Fire Safety Act 2021
- Housing Act 2004
- Landlord and Tenant Act 1985
- Regulatory Reform (Fire Safety) Order 2005
- Health and Safety at Work Act 1974
- Building Regulations 2010
- Commonhold and Leasehold Reform Act 2002
- Anti-Social Behaviour Crime and Policing Act 2014
- Local Government (Miscellaneous Provisions) Act 1982

Local policy, procedures and guidance;

- Tenancy Agreement
- Health and Safety Policy and Procedures
- Aids and Adaptations Policy 2022
- Anti-Social Behaviour Policy 2018
- Anti-Social Behaviour Procedure 2021
- Recharge Policy 2022
- Community Safety Partnership Strategic Plan
- Fire Risk Assessments
- National Fire safety in purpose-build blocks of flats guidance

4. Communal Areas in Council Housing

4.1 Communal areas are those parts of a house, block of flats, street, or estate which tenants have a right to use in common with other tenants or leaseholders and for which a landlord is responsible. These include but is not limited to:

- communal hallways
- the roof and gutters on a block of flats
- shared stairways, lifts, doors, windows, balconies, and access paths
- all doors between a domestic premises and common parts
- gardens or yards, where each property does not have its 'own' garden or yard
- designated parking areas

5. Internal Communal Areas

5.1 Communal areas must not be used for additional storage, therefore it is the tenant's/leaseholder's responsibility to keep communal areas clear. This also includes any roof spaces as applicable. No personal possessions or unwanted goods to be stored, saved, or left within communal areas.

5.2 The following items are examples (but not limited to) of items not permitted in communal areas:

- Flammable liquids or gases, for example: patio heaters or barbeques, paints or solvent based materials, gas heaters or pressurised cylinders, motorcycles/mopeds, petrol drive gardening equipment
- Mobility scooters, wheelchairs, walking frames
- Any recycling, waste, or wheelie bins
- Clothes, shoes, boots, wellingtons etc
- Any electrical equipment
- Any exercise equipment, for example exercise bike, cross trainer, weights etc
- Clothes drying equipment
- Gardening equipment
- Festive decorations, Christmas trees etc
- Prams or buggies
- Bicycles
- Children's toys
- Any items of furniture, for example chairs, tables, storage units, mattresses etc
- Curtain's, net curtain's, blinds on communal windows
- Pictures, posters, or other flammable wall coverings
- Door mats, carpets, rugs, or runners
- Plant pots and plants, artificial flowers
- Any other items identified as a fire hazard or an obstruction to an escape route

5.3 Any flammable items, or those which present a fire risk must not be stored in the building. Where these are found within the communal area this must be reported to the landlord immediately, these are, but not limited to;

- Motorcycles / Scooters
- Mobility scooters
- Gas BBQ's
- Petrol lawnmowers
- Anything with an engine that uses petrol or diesel, cans of fuel etc
- E-scooters or e-bikes

5.4 Any electrical cupboards, meter cupboards and gas cupboards that are in communal areas are to be sterile environments. Due to potential risk of fire, cupboards must not be used for storage.

5.5 In flats and properties with shared facilities communal doors must not be jammed/wedged open.

6. External Communal Areas – Gardens, Paths, Car Parks

6.1 Tenants and Leaseholders must not construct patio areas, pathways, erect gates or fencing or take possession of an external communal land for the purpose of gardening and planting, without obtaining permission to do so.

6.2 External communal areas must not be used as additional storage areas, therefore it is the tenant's/leaseholder's responsibility to keep external communal areas clear. No personal possessions or unwanted goods to be within external communal areas. This includes but is not limited to:

- Flammable liquids or gases, for example: patio heaters or barbeques, paints or solvent based materials, gas heaters or pressurised cylinders, motorcycles/mopeds, petrol drive gardening equipment
- Mobility scooters, wheelchairs, walking frames
- Any recycling, waste, or wheelie bins
- Unwanted household items
- Any electrical, garden or plan equipment
- Any exercise equipment, for example exercise bike, cross trainer, weights etc
- Clothes drying equipment
- Gardening equipment, Garden furniture benches animal feeding stations
- Prams or buggies, Bicycles, Children's toys
- Any items of furniture, for example chairs, tables, storage units, mattresses etc

6.2 Outside areas must be kept clear of personal items and waste as this is land that is not let or sold with the property.

6.3 Paladin bins and wheelie bins must be stored in the appropriate or designated bin storage areas or in areas that are not likely to cause an obstruction or nuisance to tenants/leaseholders and as defined by the landlord

6.4 Tenants and leaseholders are not permitted to erect a fence or boundary marker on communal garden areas.

6.5 Tenants/leaseholders must park responsibly in designated parking areas only.

6.6 We apply the standard that any vehicle parked in a council housing car park will comply traffic regulation and legislation in that motor vehicles should have valid road tax, MOT and the vehicle is insured.

6.7 Only Council Tenants and Leaseholders will be permitted to park their vehicles in a housing car park connected to the property that they occupy.

- 6.8 Tenants and Leaseholders are not permitted to park un-taxed vehicles, vehicles without an MOT or vehicles that are uninsured.
- 6.9 Tenants and Leaseholders are not permitted to park caravans, trailers, boats, vehicles for repair or restoration in car parks or communal areas.
- 6.10 The parking of vehicles must not in any way obstruct access to another property, service road, or prevent access for emergency vehicles.
- 6.11 Tenants/leaseholders and their visitors are not permitted to smoke/vape within the internal communal areas. Tenants/leaseholders and their visitors can smoke/vape within an external communal area providing that this does not cause a nuisance or annoyance to other residents. Cigarette ends must be disposed of appropriately and must not be discarded in the external communal area.

7. Inspections

- 7.1 As part of the landlord's commitment to fire safety within our communal areas, the landlord will ensure that all communal areas are inspected on a regular basis by the Tenancy and Estate Management Team. Any issues identified during these inspections will be recorded and appropriate enforcement action taken.
- 7.2 Fire Risk Assessments will be carried out by a competent person for communal areas owned by the landlord and will be reviewed on a periodic basis, or when changes have been made.

8. Enforcement

- 8.1 Under the terms of the Landlord's Tenancy Agreement tenants must keep the communal areas clean, tidy, and free from personal belongings. In addition, the communal areas and fire exits must be free from any obstacles or things which amount to a fire risk, or health and safety hazard.
- 8.2 Under the terms of the Council's Leases', leaseholders can use the communal areas provided that such use shall be only for the purpose of quiet enjoyment therein (but not for the purpose of playing games or any other purposes likely to cause offence or constitute a nuisance to other owners lessees or occupiers of the building) and subject to and in conformity with any reasonable regulations which may be imposed from time to time by the Council.
- 8.3 If items are found in a communal area that are considered to be of immediate risk, such as items that present risk of explosion or would present a risk or acceleration of fire, immediate removal without notice to the items owner will be considered.
- 8.4 In all other circumstance the landlord will attempt to locate the owner to have the items removed.

- 8.5 Where the owner cannot be located, the landlord will store the item whilst enquiries take place to identify the owner. The owner will then have one calendar month to re-claim the item, proof of ownership must be provided and any costs for the removal and storage must be paid prior to the item being returned.
- 8.6 If the item is not re-claimed after one calendar month it will be disposed of accordingly.
- 8.7 The landlord will not be responsible for the loss of items disposed of or any damages to items that have been placed into storage. In no circumstances will compensation be paid for any items disposed of or placed into storage in accordance with this procedure.
- 8.8 Enforcement action may be considered to address a persistent or serious breach of tenancy.

9. Reporting Procedure

- 9.1 This procedure provides a framework for how communal areas will be managed and what is expected from tenants/leaseholders.
- 9.2 To report obstructions or serious hazards located in communal areas, in the first instance contact the landlord by;
- Telephone: 0116 288 8961
 - Email: estates@oadby-wigston.gov.uk

10. Prevention

- 10.1 Wherever possible the landlord will aim to prevent fire safety issues by educating tenants/leaseholders from the beginning of their tenancy and ensuring that information, support, and advice is readily available.
- 10.2 Where a property sits within a communal block, the landlord will advise new tenants/leaseholders about the Communal Area Management Procedure and explain what their responsibilities are in adhering to the procedure and terms of the tenancy agreement.