

Mid Devon District Council

Fire Risk in Communal Areas Policy

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Version Control Sheet

Title: Fire Risk in Communal Areas Policy

Purpose: To review the Fire Risk in Communal Areas Policy in accordance with good practice and any changes in legislation.

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Consultation **This document was sent out for consultation to the following:**

Cabinet Member

Staff

Tenants Together

Management Team

PDG Decent & Affordable Homes

Document History

This document obtained the following approvals.

Title	Date	Version Approved
Cabinet Member	28 June 2017	
Tenants Together		
Management Team	4 July 2017	
PDG Decent & Affordable Homes	18 July 2017	
Cabinet	<u>3 August 2017</u>	

1. Introduction

- 1.1. This policy statement outlines Mid Devon District Council's (MDDC) approach to the management of fire risk in communal areas. The purpose of this policy is to reduce the risk of fire and to promote the safety of all who use communal areas within the Council's Housing stock. It applies to all blocks of flats and any communal area managed by the Housing Service.

2. Scope

- 2.1. This policy sets out how the Council aims to ensure that all internal and external communal areas are managed effectively and kept free from obstructions or hazards to protect the health and safety of tenants and other users of its buildings. It applies to all tenants and also those who have licence to occupy any property within a block, or where there is a communal area. It covers the following points and should be read in conjunction with the related documents as stated below:-

- The respective obligations of both the Housing Service and tenants
- Fire risk assessments
- Communal inspections
- Preventive measures
- Permission requests
- Maintenance to communal areas
- Obstructions/hazards in communal areas
- The use of mobility scooters
- Smoking in communal areas

3. Related Documents

- a) Tenancy Agreement
- b) Pets and Animals Policy
- c) Tenant and Leaseholder Handbooks
- d) Recharge Policy
- e) Neighbourhood Management Policy
- f) Fire Risk Assessments

4 Definitions

- 4.1 A **Communal area** is any area that is not within the confines of the tenant's property. This will include stairs, stairwells, hallways, landings, common rooms, laundry rooms, boiler rooms, open areas and the entrance to the building.
- 4.2 A **Tenant** is a person who holds a Council tenancy with MDDC (and for the purpose of this policy includes leaseholders and any other person who has been granted licence to occupy a Council property by the Housing Service).

5 OBLIGATIONS OF THE HOUSING SERVICE

5.1 Fire Risk Assessments

5.1.1 Under the fire legislation, Regulatory Reform (Fire Safety) Order 2005, the Council as the responsible person, being the landlord, must carry out a fire risk assessment (FRA) and take reasonable steps to remove or reduce any risks that have been identified.

5.1.2 MDDC will ensure that all residential communal blocks with shared communal areas owned by the Council will have a FRA.

5.1.3 Where practical, FRAs will be located within the premises. On some sites, this may not be practical and, therefore, the FRA will be stored online in the Council's electronic document management system with read only access to all Officers in the Housing Service. Copies will also be available for inspection in the landlord's office (based either at Phoenix House or at the Old Road Depot).

5.1.4 The FRAs will be reviewed annually, or following a significant change. Situations which might prompt a review less than a year after the initial assessment was made include:

- A change in the number of people present or the characteristics of the occupants; including the presence of people with some form of disability
- Introduction of new equipment, structural alterations to the building; including the internal layout or significant changes.
- Awareness of shortcomings in fire safety measures or potential improvements
- Changes in security requirements, arson or the wedging open of doors
- If a fire occurs
- Updates in legislation
- Alterations to the building; such as replacement entrance doors or internal decoration to communal areas
- The storage of hazardous substances by a tenant

5.1.5 Following a review, the recommendations will be implemented within a reasonable timescale. An example of a recommendation is to reduce the testing of fire alarms in low risk blocks from weekly to monthly.

5.2. Communal inspections

5.2.1 As part of the Council's housing management functions, Officers will ensure that all communal areas are inspected on a monthly basis. Any issues identified during the inspection will be actioned within reasonable timescales and these will be recorded and monitored.

5.3 Prevention

- 5.3.1 There are many risks in communal areas which need to be considered in any FRA. These may include anti-social behaviour including arson, an accumulation in rubbish and smoking. This is not an exhaustive list.
- 5.3.2 Wherever possible, the Council will aim to prevent fire safety issues by educating tenants from the beginning of their tenancies and ensuring that support, advice and assistance is readily available.
- 5.3.3 The Council has a duty to ensure that the means of escape from a building or communal area is not obstructed, to ensure that tenants and visitors can exit safely in the event of a fire. The Housing Service will operate a zero tolerance policy in respect of storage of belongings in communal areas. Any items left in communal areas will be removed and this policy will be widely publicised by writing to all those tenants living in flats, and leaseholders. In addition, it will be publicised in our tenant newsletter and via social media.
- 5.3.4 We will place and maintain clear safety signage in our blocks.
- 5.3.5 We will keep our fire policy and procedures updated.
- 5.3.6 We will carry out fire risk assessments as and when needed.
- 5.3.7 We will remove any flammable items left in communal areas as a matter of urgency to reduce risk
- 5.3.8 We will place fire log cabinets in communal areas of blocks of flats. These will be secure and will contain information to be used in the event of fire which informs the emergency services about the individual needs of tenants and other residents. We will write to residents of all of our blocks of flats on an annual basis in order to inform a review of the information held in order to ensure that the records are kept updated.
- 5.3.9 We will provide fire-proof letter boxes if there is a risk of arson, in order to provide reassurance to tenants and other residents, as appropriate.

5.4 Fire Prevention

- 5.4.1 The Council has a duty to prevent possible sources of fire and to minimise fire risk to tenants. For this reason, we will implement a strict policy regarding permission relating to storage, improvements and decorations in communal areas.
- 5.4.2 The Council will update FRAs and make necessary alterations to associated procedures relating to testing, or, if appropriate, implement other improvements relating to either the procedures or the building to reflect the risks identified.

5.5 Maintenance

- 5.5.1 The Council's Caretakers will carry out a 5-weekly cycle of communal inspections.
- 5.5.2 They are responsible for completing minor repairs, checking fire door closers, testing fire alarms, checking appropriate signage is displayed correctly and working with tenants to keep communal areas clean and tidy.
- 5.5.3 Fire Alarms will be tested either weekly or monthly, based on the risk to the residents. Records of the testing will be recorded in the log book kept within the fire testing log cabinet in each communal area. The caretakers carrying out this task will be appropriately trained and provided with the testing equipment and keys to the log cabinets.
- 5.5.4 The Council's Caretakers will report any repairs which they are unable to undertake in order that other Operatives can be deployed to complete the work as a matter of urgency.
- 5.5.5 Where communal areas provide emergency lighting, carbon monoxide detectors and electrical items, servicing of these items will take place in accordance with the Council's cyclical programme, following legislative guidance and manufacturers' recommendations. Servicing of the communal smoke alarms will take place every six months in accordance with the appropriate regulations.
- 5.5.6 Any contractors engaged to work in our blocks will be expected to take all necessary precautions to prevent fire; and will be monitored to ensure that they do so.
- 5.5.7 Electrical installations within blocks of flats will be checked every five years in accordance with relevant guidance.
- 5.5.8 Individual gas heating systems within flats in blocks are checked annually in accordance with relevant legislation.

6 TENANT OBLIGATIONS

6.1 Conditions of tenancy

6.1.1 Our standard tenancy agreement contains a section relating to tenant responsibilities as they relate to communal areas. Tenants in blocks of flats are responsible for keeping all communal areas clean and tidy. In accordance with tenancy conditions, tenants must not:

- block or obstruct communal areas
- leave any items or articles in communal areas
- wedge open any communal doors
- fly tip in the communal areas

- store harmful or explosive materials in properties, gardens, communal areas, sheds or storage areas
- misuse the communal area
- throw anything or allow anything to fall from any windows, balconies or communal areas
- leave refuse or recycling boxes in enclosed communal areas except where designated facilities are provided
- tamper with, damage or deface any door entry system, emergency alarm equipment, smoke or carbon monoxide detectors, gas, electric or water supplies or meters, Solar PV Panel Systems, communal aerials or damage any fire doors, escapes or lifts
- place hanging baskets or planters in communal areas without permission

6.1.2 It is a tenant responsibility to understand fire procedures for their block and what they should do in the event of a fire. Some of our blocks have a “stay put” policy whilst in others, tenants are expected to leave using designated escape routes. Tenants will be made aware of the arrangements relating to their block at the viewing and letting stage and there will be appropriate signage explaining this in communal hallways.

6.2 Obstruction/fire hazards in communal areas

6.2.1 Tenants and visitors must not leave items in communal areas which could increase the risk of fire, including arson, and/or block the means of escape. Where a fire occurs, smoke becomes a barrier and any obstructions may become trip hazards.

6.2.2 Tenants must not leave doors open that prevent unauthorised people entering the building and minimise the spread of fire.

6.2.3 Tenants should be able to access all areas of their homes, including communal areas and facilities within the block.

6.2.4 Where the Council is alerted to accessibility problems, hazards, obstructions or the mis-use of communal areas, this will be investigated.

6.2.5 The Council is entitled to remove items left in the communal areas in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982. Officers will remove any items left in such areas. If the property is perishable, action will be taken to dispose of it immediately.

6.2.6 The Council will attempt to trace the owner of any goods left in a communal area. Letters will be written to the tenant or other resident if the owner can be identified, advising them that they may collect their goods; and that they need to contact their Neighbourhood Officer to make the necessary arrangements. Any costs incurred will be passed onto the owner.

6.2.7 If the Council is unsure who the owner is, a letter will be given to all tenants of the block of flats advising them that any items that remain unclaimed will be

disposed of. Each household will be charged a share of the cost of disposing of the items.

6.2.8 Before removal of any goods a detailed record of all items will be made and photographic evidence taken. This will then be kept on file and a copy sent to the owner of the goods. We will recharge any tenant who has left items in the communal area after the end of their tenancy.

6.2.9 The following items are not permitted:-

- Anything which is combustible or poses a fire risk. Barbecues are allowed in communal gardens provided they do not prevent the use of the garden by other tenants;
- Anything which prevents or significantly limits the use of shared facilities by other tenants;
- Plastic flowers and plants are not allowed;
- Shoes or boots left outside the front door
- Anything which obstructs rubbish collection areas; and
- Anything which obstructs stairwells, hallways, landings, entrances, fire escapes or access routes
- Small plants stored in ceramic pots;
- Small decorative items such as pictures

6.2.8 Tenants will not be given permission to store a number of items inside communal areas. Such items include but are not limited to: bicycles, prams, pushchairs, motorcycles, mobility scooters, mopeds, flammable liquids and gases, washing, clothing, furniture, festive decorations, refuse, recycling boxes or caddies, charity bags, personal items, toys, gardening equipment or materials.

6.2.9 Door mats will be permitted, providing it is stuck to the floor, is in good condition with no curling edges, and is of a standard size. It must not be located at the top of the stairs.

6.2.10 Rugs, runners and carpet will not be allowed.

6.3 Mobility scooters

6.3.1 Mobility scooters must not be stored or charged in communal areas because they can cause an obstruction and become hazardous within these areas.

6.3.2 Mobility scooters may be stored inside a tenant's home. There must be sufficient space to store the scooter and to secure it safely. The mobility scooter must not block any fire escape routes.

6.3.3 The Council may not permit a tenant or visitor from using a mobility scooter in a communal building if, by their general disrespect for safety they place at risk or injure/damage other persons or property.

6.3.4 The tenant is required to check that their home is suitable to house their mobility scooter.

6.4 Smoking

6.4.1 Tenants, employees, contractors, agents or visitors are not permitted to smoke tobacco, e-cigarettes and/ or to partake of substance misuse in communal areas. This policy applies to all areas covered by the Smoke Free (Premises and Enforcement) Regulations 2006. These areas include all communal areas such as stairs, stairwells, hallways, landings, common rooms, laundry rooms or boiler rooms.

7 Service standards

7.1 We are committed to the principle of openness and transparency and for this reason we will ensure that this policy is well-publicised. If there are any operational matters which impact upon our ability to operate this policy, we will ensure that information about this is given to tenants and other stakeholders.

8 References

- Regulatory Reform (Fire Safety) Order 2005
- Health and Safety Act 1974
- Housing Act 2004
- Smoke Free (Premises and Enforcement) Regulations 2006
- The Local Government (Miscellaneous Provisions) Act 1982

9 Equality and Diversity

9.1 The Council will tailor its services to meet the diverse needs of individuals. They will foster good relations with people when providing services to eliminate discrimination and to promote equality of opportunity.

10 Review

10.1 This Policy has been written in line with good practice and current relevant legislation. Unless there are any changes to such legislation beforehand, the next review of this Policy is due July 2021 and every four years thereafter.