

## Keeping Communal Areas Safe Policy: APPENDICES

### Appendix 1: Urgent Removal Procedure #1:

#### Items in a communal area that constitute an immediate risk to life.

**This procedure is for items found in a communal area that present an immediate risk to life, may present a hazard or hindrance. This may include flammable items, or items in a corridor that do not allow safe passage in the event of an emergency. Items will be removed and stored in accordance with section 41 of the Local Government (Miscellaneous Provisions) Act 1982.**

1. When we, East Suffolk Council (ESC) encounter an item in a communal area that fulfils the above criteria, we will make every effort to identify the owner: this will include knocking on the door of the closest property to the item and neighbouring properties and calling telephone numbers that we have on our systems.
2. If we can identify the owner of the property, we will:
  - a. Explain that the item/s pose an immediate risk to life, and they are required to remove them immediately.
  - b. Explain why the item is an immediate risk (fire, hazard, blocking access)
  - c. Advise that our Keeping Communal Areas Safe Policy requires residents to keep communal areas clear.
  - d. Advise that our Tenancy Agreement states items should not be stored in communal areas.
  - e. Advise that the Regulatory Reform (Fire Safety) Order 2005 states 'routes to emergency exits from premises and the exits themselves are always kept clear' and that we, as a local authority, have a statutory duty to comply with this legislation.
3. If the resident agrees to remove the item/s immediately (and evidence of this is seen), we will thank them for their co-operation.
4. If the owner has been identified, but refuses to remove the items, or states they will move them later:
  - a. We will create a Miscellaneous Provisions Notice (MPN) by filling in the date, location, and description of item/s found.
  - b. We will issue the MPN to the owner of the item/s, explain that the notice allows us to remove the item/s immediately, and then the item/s will be removed immediately.
5. If the owner has not been identified:

- a. We will issue the MPN to a surface close to the item/s (wall, banister, railing or similar). The MPN will not be attached to the item as this/these item/s will be removed immediately.
  - b. We will take a photo of the MPN showing it in situ next to the items. The photo will include a clear image of the item/s, and any property details (door number) the items may be associated with.
6. Proceed to Appendix 4: Removal and storage of items in a communal area.

## Appendix 2: Non-Urgent Removal Procedure #2:

For items in a communal area that do not constitute an immediate risk to life.

**This procedure is for items found in a communal area that do not present an immediate risk to life, hazard, or hindrance. This may include items stored under a stairwell, or items in a corridor that allows safe passage past in the event of an emergency. This procedure should not be used when items present a risk to life or a hazard/hindrance. Items will be removed and stored in accordance with section 41 of the Local Government (Miscellaneous Provisions) Act 1982.**

1. When we (ESC) encounter an item in a communal area that fulfills the above criteria, we will make every effort to identify the owner: this will include knocking on the door of the closest property to the item and neighbouring properties and calling telephone numbers that we have on our systems.
2. If the owner can be identified, we will discuss and highlight the risks of leaving items in the communal areas. We will remind residents that:
  - a. We inspect areas and ask people to remove items to keep these areas safe for all to use.
  - b. Our Keeping Communal Areas Safe Policy requires residents to keep communal areas clear.
  - c. Our tenancy agreement states items should not be stored in communal areas.
  - d. The Regulatory Reform (Fire Safety) Order 2005 states 'routes to emergency exits from premises and the exits themselves are always kept clear' and ESC, as a local authority, have a statutory duty to comply with this legislation.
  - e. Items in communal areas may present a fire hazard.
3. If the owner agrees to remove the item/s immediately (and evidence of this is seen), we will thank them for their co-operation.
4. If the owner has been identified but refuses to remove the items, or states they will move them later:
  - a. We will create a Miscellaneous Provisions Notice (MPN) by filling in the date, location, and description of item/s found.
  - b. We will issue the MPN to the owner of the item/s, explain that the notice allows us to remove the item/s should we re-visit and find them still in the communal area.
5. If the owner has not been identified:
  - a. We will issue an MPN to the item/s by attaching it to the item, or to a surface close to the item (wall, banister, railing or similar).

- b. We will take a photo of the MPN showing it attached to, or close to the items. The photo will include a clear image of the items in situ, and any property details (door number) the items may be associated with.
- 6. On expiry of the MPN (28 days after serving), we will re-visit the location.
- 7. If the item/s are still in situ, we will proceed to the Removal and Storage of Items in a Communal Area Procedure (Appendix 4).

## Appendix 3 – Removal Procedure #3:

### Mobility Scooters, wheelchairs, and sensitive items.

**This procedure is for mobility scooters, wheelchairs, and other items whose removal may cause detriment and disadvantage to the owners. This includes pushchairs and prams. Items of this nature should not be removed unless they present an immediate risk to life. Every effort should be made to identify and work with the owner of the item to find an alternative storage option in accordance with East Suffolk Council's Mobility Scooter Policy.**

1. When we, East Suffolk Council (ESC), encounter an item in a communal area that fulfills the above criteria, we will make every effort to identify the owner: this will include enquiring at the closest property to the item, and the neighbouring properties.
2. Our efforts to contact the owner will also include checking relevant systems to identify and contact the owner. In the case of mobility scooters and wheelchairs, details of disabled tenants within the block may be included on our records.
3. If the owner can be identified, we will discuss, and highlight the following by visiting or calling the owner:
  - a. We will advise that the item/s pose a risk to life or present a hazard and advise that the owner is required to remove them and store them in a safe alternative location.
  - b. We will explain why the item is an immediate risk (fire, hazard, blocking access)
  - c. We will advise that our Keeping Communal Areas Safe Policy requires residents to keep communal areas clear.
  - d. We will advise that our Tenancy Agreement states that items should not be stored in communal areas.
  - e. We will advise that the Regulatory Reform (Fire Safety) Order 2005 states 'routes to emergency exits from premises and the exits themselves are always kept clear' and that East Suffolk Council, as a local authority, have a statutory duty to comply with this legislation.
  - f. We will provide information on the risk posed by charging mobility scooters in communal areas, and in the home.
4. If the owner agrees to remove the item/s immediately to somewhere safe (and evidence of this is seen), we will thank them for their co-operation.
5. If the owner has no alternative storage area, or if storage of the item within the home may present a danger (mobility scooters), we will work with the resident to find an alternative storage facility, this may include:

- a. Dedicated external mobility scooter storage\*.
  - b. Dedicated pram and pushchair storage.
  - c. Dedicated cycle storage
6. There may be extreme cases where no safe storage can be found, in such instances we will work with the tenant to find an appropriate individual solution. This may require a welfare move in instances of mobility scooter use, where not having access to a scooter would cause detriment to their health and wellbeing.

\*Prior checks will be required to ensure the use of a mobility scooter is due to a physical impairment, this may be in the form of a Blue Badge, formal documentation from a medical practitioner, NHS establishment, Social Services or Home Improvement Team request.

## Appendix 4 – Removal Procedure #4:

### Removal and storage of items in a communal area.

This procedure is for storage of items that have been removed from East Suffolk Council (ESC) communal areas in line with removal procedures (see Appendices 1-3). ESC will store non-perishable items which are, in our considered opinion, of value. Items will be stored in a dedicated storage space for 6 months unless, to look after it adequately would involve ESC in unreasonable expense or inconvenience, in accordance with section 41 of the Local Government (Miscellaneous Provisions) Act 1982. After which time 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, in accordance with ESC's Chargeable Repairs Policy.**

**ESC is not liable for loss or damage to any item if they have been left in a communal area. Additionally, if there is any damage to communal areas caused by the storage of these type of items, the costs of making good the damage may be recharged to the resident.**

### Storage Procedure

1. The following items will not be stored and may be disposed of immediately:
  - Items which pose a significant fire risk such as petrol, or gas bottles.
  - Rubbish of any description including soiled items, clinical waste etc.
  - Highly flammable items such as upholstered chairs, sofas, textiles, mattresses, paper/card etc. where there is evidence to suggest that they have been discarded, for example, they are damaged or stained.
  - Perishable items.
  - Items which would cause ESC unreasonable expense or inconvenience to store.
2. All other items will be transferred to locally arranged storage facilities.
3. Each item will be labelled showing:
  - Date removed
  - Name of the person and contact details of the person who removed the item
  - Name and contact details of the Officer
  - Any addition information e.g. wheel broken, owner not known.
4. The item will remain in storage for 6 months.
5. It is the responsibility of the owner to arrange collection of the item and reasonable appointments will be made to accommodate this.
6. Once 6 months has passed, a Housing Officer will seek approval from a more senior manager to dispose of the item.

7. Once the 6 months has expired the legal title to the property will transfer to East Suffolk Council and the property can be disposed of. Disposal can be either:
  - Sold
  - Donated to a local charitable organisation
  - Recycled
  - Destroyed
8. If the item is of significant monetary value and the owner is being recharged the costs, arrangements will be made to sell the property and the proceeds used to offset any reasonable expenses incurred such as storage, transportation and administration fees.

A record of the sale and any payments or profits will be accounted for and retained on the tenancy file for a minimum of 6 months.
9. Where the owner has been identified, the cost of removal, storage, disposal and administration fees may be recharged in accordance with ESC's Recharge Policy.



## Appendix 5 – Example of a Miscellaneous Provisions Notice (MPN)



To the owner of the ..... (“the Property”), left in  
..... Communal Area, being premises owned and managed by  
East Suffolk Council

### **Local Government (Miscellaneous Provisions) Act 1982 Section 41**

1. You are required to collect the Property (described above) by removing it from where it is now and taking it to your own premises (or premises where you have permission to store it) by **4 p.m. on** .....
2. Our contact details are at the foot of this notice if you have any questions or concerns.
3. If you do not collect the Property as required by paragraph 1 above, ownership of it will vest in the council at the time and date specified and it will be disposed of.

Date.....