



# Communal Areas Policy

Originator:	Policy and Strategy Team
Executive Management Team Approval Date:	14 <sup>th</sup> December 2022
Review date:	December 2025

1	Introduction
1.1	Pine Court Housing Association (PCHA) will strive to ensure that all internal and external communal areas are managed effectively and kept free from obstructions or hazards to protect health and safety of residents and other users of its buildings.
1.2	<p>The Policy applies to:</p> <ul style="list-style-type: none"> <li>• Communal areas within properties - passageways, entrance halls and staircases</li> <li>• Where there are shared facilities within buildings e.g. bin stores or bin chutes, other storage facilities</li> <li>• Where there are shared communal and social facilities e.g. communal lounges, kitchens or laundry facilities and guest rooms</li> <li>• External areas e.g. shared gardens and through routes</li> </ul>
1.3	<p>The operation of the Policy complies with the relevant legislation in regard to the provision of health and safety and accessibility. The relevant legislation includes:</p> <ul style="list-style-type: none"> <li>• Regulatory Reform (Fire Safety) Order 2005</li> <li>• Housing Act 2004 – Housing Health and Safety Rating System</li> <li>• Equality Act 2010 – Equality Duty</li> </ul>
1.4	<p>The application of this Policy ensures compliance with the outcomes of the Regulatory Framework for Social Housing in England as adopted by of the Regulator for Social Housing.</p> <ul style="list-style-type: none"> <li>• <b>Understanding and responding to the diverse needs of tenants</b> <ul style="list-style-type: none"> <li>○ Registered providers shall treat all tenants with fairness and respect</li> <li>○ Demonstrate that they understand the different needs of their tenants including in relation to the equality strands and tenants with additional support needs</li> </ul> </li> <li>• <b>Quality of accommodation</b> <ul style="list-style-type: none"> <li>○ Registered providers shall ensure that tenants’ homes meet the standard set out in section five of the Government’s Decent Homes Guidance<sup>14</sup> and continue to maintain their homes to at least this standard</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>● <b>Neighbourhood management</b> <ul style="list-style-type: none"> <li>○ Registered providers shall keep the neighbourhood and communal areas associated with the homes that they own clean and safe</li> </ul> </li> </ul>
<b>1.5</b>	<b>Access and Communication</b>
<b>1.5.1</b>	PCHA is committed to ensuring that our services are accessible to everyone. We will seek alternative methods of access and service delivery where barriers, perceived or real may exist, that may make it difficult for people to work for us or use our services.
<b>1.6</b>	<b>Equality, Diversity and Human Rights</b>
<b>1.6.1</b>	PCHA is committed to ensuring that no person or group of persons will be treated less favourably than another person or group of persons and will carry out its duty with positive regard for the following core strands of equality; Age, Disability, Gender, Race, Gender Identity / Gender Expression, Sexual Orientation, Religion and/or Belief, Marriage and Civil Partnership, Pregnancy and Maternity.
<b>1.6.2</b>	PCHA also recognise that some people experience disadvantage due to their socio economic circumstances, employment status, class, appearance, responsibility for dependants, unrelated criminal activities, being HIV positive or with AIDS, or any other matter which causes a person to be treated with injustice.
<b>1.6.3</b>	PCHA will endeavour to ensure that all services and actions are delivered within the context of current Human Rights legislation. Staff and others with whom we work, will adhere to the central principles of the Human Rights Act (1998).
<b>1.7</b>	<p>This Policy should be read in conjunction with the:</p> <ul style="list-style-type: none"> <li>● PCHA Fire Safety Policy</li> <li>● PCHA Repairs, Maintenance and Planned Works Policy</li> <li>● PCHA Mobility Scooters in Communal Areas Policy</li> <li>● Regulatory Reform (Fire Safety) Order 2005 – Fire Guides – available at <a href="http://www.communities.gov.uk/documents/fire">www.communities.gov.uk/documents/fire</a></li> <li>● PCHA Health and Safety Policy</li> <li>● PCHA Tenancy Agreement</li> </ul>
<b>2</b>	<b>Statement of Intent</b>
<b>2.1</b>	PCHA will provide a framework for the management and control of communal spaces to comply with the relevant legislation including accessibility requirements.
<b>2.2</b>	PCHA will develop a programme of environmental improvement works for external communal areas and will seek resident’s views on proposed works.
<b>2.3</b>	PCHA will clearly outline landlord’s and tenants’ responsibilities within individual Tenancy Agreements and this Policy.
<b>2.4</b>	PCHA will strive to balance the requirements of the Health and Safety Regulations, with maximising the opportunities for residents to enjoy communal spaces.

3	Policy
3.1	<b>Guidelines for Communal Areas</b>
3.1.1	PCHA manages a number of communal areas including internal areas within its low rise blocks, Independent Living schemes and communal gardens.
3.1.2	Communal areas, even those immediately adjacent to a resident's property, are not an extension of an individual's property, as such residents should not use these areas for their personal effects or have exclusive use particularly where access to communal facilities / areas is required by other residents.
3.2	<b>Internal Communal Areas</b> e.g. connecting corridors, landings, stairwells, lobbies, meeting rooms or common rooms must be kept entirely free from obstruction. Even temporary obstructions pose a risk of fire and injury, and can cause inconvenience including loss of accessibility for residents and visitors.
3.2.1	Common obstructions in internal communal areas include but are not limited to: rubbish and items awaiting disposal, furnishings such as mats and flower pots, bicycles, motorised cycles, scooters and mobility scooters. The storage of mobility scooters is covered further in section 3.8. Personal effects such as photo frames and pictures should not be placed in communal areas.
3.3	<b>External areas</b> e.g. courtyards and garden areas provide a greater degree of freedom to personalise and allow tenants opportunities to become involved with the community in which they live.
3.3.1	PCHA wish to balance the health and safety management of residents and visitors in its buildings and the accessibility of the communal spaces, with the opportunity to enjoy communal gardens and outdoor spaces.
3.4	<b>Permissions</b>
3.4.1	If a resident requests permission to make an alternation e.g. place hanging baskets or planters, or furnishings within a communal area, they should contact PCHA by email at <a href="mailto:contactus@pinecourt-housing.co.uk">contactus@pinecourt-housing.co.uk</a> , by phone on <b>0151 709 6878</b> or in person with PCHA officers. Requests for changes will be considered on a case by case basis at PCHA's discretion.
3.4.2	PCHA will approve requests provided that: <ul style="list-style-type: none"> <li>• The alteration is fully risk assessed and does not pose an obstruction or hazard to residents or visitors</li> <li>• The alteration is not considered offensive to any person or persons</li> </ul>
3.4.3	PCHA will maintain the condition of all furniture and other items it provides for residents use in the communal areas (e.g. furniture in communal lounges) and reserves the right to remove any furniture or other items belonging to residents that may cause an obstruction or fire hazard.
3.4.3	The following items and behaviours are not permitted at any time:

- Anything which is combustible or poses a fire risk. BBQ's are permissible in communal gardens provided they do not prevent the use of the garden by other residents
- Anything which prevents or significantly limits the use of shared facilities by other residents
- Anything which obstructs rubbish chute rooms or rubbish collection areas
- Anything which obstructs stairwells, fire escapes and through routes
- Anything which may be construed as offensive to staff or other residents

**3.4.5** Decisions on permission will be granted by the relevant PCHA Officer and residents will be informed in writing within 10 days of their request submission.

### **3.5 Service Charges**

Where PCHA provides services within a communal area, it will apply a service charge to residents in line with its policy.

### **3.6 Accessibility of communal spaces**

Residents should be able to access all areas of their own homes, including communal areas and facilities within the scheme or block where they live.

**3.6.1** Where PCHA is alerted to accessibility problems within communal areas by people with mobility difficulties or through property inspection, it will make reasonable adjustments to these areas to maintain the accessibility for tenants.

### **3.7 Pets in communal areas**

**3.7.1** Where PCHA grant permission for pet ownership in its properties, residents are responsible for any damage caused to their home or shared areas by any animal kept in the home or visiting their property.

**3.7.2** Dogs should not be left unattended for any length of time or allowed off their lead in a communal garden or communal areas of the building.

**3.7.3** It is the resident's responsibility to clean up after any animal kept in the home or visiting their property.

### **3.8 Residential Car Parks**

**3.8.1** In a limited number of locations PCHA provides car parking facilities that are for the specific use of residents of the building and PCHA staff (or others working on PCHA's behalf) that may need to visit the building in the course of their duties.

**3.8.2** Where these arrangements exist PCHA will ensure its staff and others working on its behalf, park responsibly and do not block access in any way for regular and authorised users.

### **3.9 Mobility scooters**

**3.9.1** Mobility scooters must not be stored or charged in the communal corridors, or communal areas. Mobility scooters introduce a considerable fire loading and obstruction hazards within these areas (For more details, please refer to PCHA Mobility Scooters in Communal Areas Policy and PCHA Fire Safety Policy).

3.9.2	Mobility scooters may be stored inside residents own homes but it is the residents responsibility to first ensure that there is sufficient space to store and secure it safely and that it does not block any fire escape routes.
3.9.3	Where this applies PCHA would, however, advise customers to ensure that the device does not restrict access to the property in any way, where appropriate seeking advice and assistance from the local Fire Authority on personalised escape route planning.
3.9.4	PCHA may prohibit a resident or visitor from using a mobility scooter in a communal building if, by their general disregard for safety; they place at risk or injure/damage other persons or property.
3.10	<b>Potential Enforcement Action</b>
3.10.1	PCHA will work with the individuals to find solutions to the problems caused, taking into account individual circumstances including referral to relevant organisations including Occupational Therapists and social services.
3.10.2	Where residents persist in this type of behaviour despite reasonable attempts to find alternative solutions and when verbal and written warnings have been wilfully ignored, PCHA may be required to take enforcement actions. This could take the form of: <ul style="list-style-type: none"> <li data-bbox="312 976 927 1010">• Injunctions or tenancy enforcement actions</li> <li data-bbox="312 1021 1433 1088">• Removal of the item in which case a TORT notice will be served on the resident and they will have 14 days to collect the item before PCHA disposes of it permanently</li> </ul>
3.10.3	In all cases, where enforcement action is required or earlier when discussions on the issues are being held, PCHA will assess the capacity of the individuals concerned to understand the situation and potential consequences.
3.10.4	PCHA reserves the right to recharge the tenant or leaseholder for any of the costs associated with the above actions including any legal or storage costs incurred. PCHA may also pursue recharges where it can be proved that those using mobility scooters in its properties have caused damage to the building or any fixtures supplied by PCHA.
3.11	<b>Capacity Assessment</b>
3.11.1	Where there is a reasonable belief that a person ‘lacks capacity’ to make a decision at a time when it needs to be taken and where it is in their ‘best interests’, PCHA may request a formal assessment of capacity be carried out by a relevant and qualified health practitioner and may do so without their consent.
3.11.2	Where physically and financially viable, PCHA will look to incorporate facilities for the safe storage and charging of mobility scooters in new housing developments it commissions when this might be appropriate for the intended user group, e.g. properties that may be built for Independent Living. Where these facilities are made available, they will be discussed on an individual basis with building occupants including the possibility of any service charges that may be applied.
3.11.3	It will not, however, be possible to retrofit this type of facility to existing properties even where there is high demand from building users.

<b>4</b>	<b>Implementation</b>	
4.1	Teams primarily responsible for the implementation of this Policy include: <ul style="list-style-type: none"> <li>PCHA Housing Officers – responsible for carrying out risk assessments within communal areas, approving/ rejecting requests for alterations to communal areas and enforcing this Policy within general needs and Independent Living stock</li> </ul>	
<b>5</b>	<b>Performance</b>	
5.1	Performance will be monitored against: <ul style="list-style-type: none"> <li>Number of requests for alterations in communal areas responded to within 10 days</li> <li>Number of enforcement actions taken</li> </ul>	
<b>6</b>	<b>Consultation</b>	
6.1	All staff have been consulted in the development of this Policy. The Customer Empowerment Panel were also consulted in the development of this Policy on 17 <sup>th</sup> November 2022.	
<b>7</b>	<b>Review</b>	
7.1	This Policy will be reviewed every three years, from the date of Operations Director’s approval to ensure its suitability, adequacy and effectiveness or as required by issues that may come to light through operation of the Policy and its supporting procedures.	
<b>8</b>	<b>Equality Impact Assessment</b>	
8.1	Was a full Equality Impact Assessment (EIA) required?	No
8.2	When was EIA conducted and by who?	An Equality Impact Assessment Relevance Test was conducted by the Policy Writer and the Policy and Strategy Manager on 5/11/2019.
8.3	Results of EIA	Although the Relevance Test indicated there may be differential impacts for elderly and / or disabled tenants, the system PCHA has in place for carrying out risks assessments for all requests to alter communal areas are designed to ensure a fair, consistent and safe service is delivered for all tenants regardless of protected characteristics.
<b>9</b>	<b>Scheme of Delegation</b>	
9.1	Responsible committee for approving and monitoring implementation of the policy and any amendments to it	PCHA DMT
9.2	Responsible officer for formulating policy and reporting to committee on its effective implementation	Operations Director – PCHA

9.3	Responsible officer for formulating, reviewing and monitoring implementation of procedures	Operations Director – PCHA	
<b>10 Amendment Log</b>			
Date of revision:	Reason for revision:	Consultation record:	Record of amendments:
This is the new Policy for PCHA-approved on 08/11/2019	Not applicable	See section 6	Not applicable
14 <sup>th</sup> December 2022	In line with the review schedule	See section 6	There are no significant changes to the Policy in this review.