

Communal Areas Fire Safety Policy

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1. Equality

- 1.1. In line with the Equality Act 2010, we will ensure that no tenant or resident is treated less favourably on the grounds of gender, ethnicity, age, religion, sexuality or any other protected characteristic in the operation of this policy.
- 1.2. Some decisions involving tenants or residents may also be subject to individual equalities impact assessments (EqIAs). This is particularly common in cases involving enforcement.

2. Scope and terminology

- 2.1. This policy sets out the Council's approach to managing the communal areas in its blocks and buildings within its estates and any other grounds for the purpose of reducing the risk and impact of fire. The Council is taking a managed approach to items in the communal areas of estates and blocks.
- 2.2. For the purpose of this policy, references to "communal areas" includes landings, corridors, walkways, stairways, deck-ways, any external areas for communal use and all escape routes and emergency access, etc., including paths and walk-ways exterior to our buildings.
- 2.3. The policy also covers communal facilities areas in residential buildings such as common lounges, kitchens and laundry facilities where these exist.
- 2.4. The policy applies to all residents in Newham owned and/or managed properties, regardless of whether they are tenants or leaseholders. It also applies to authorised Housing staff in managing communal areas and the removal of goods for disposal where the Authority deems this necessary and proportionate in line with the law.

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3. Aims and objectives

- 3.1. The aims of the policy are to ensure that:
- 3.2. the means of escape for residents and anyone in any Council residential building remain clear and unobstructed in line with Article 14 of the Regulatory Reform (Fire Safety) Order Act 2005.
- 3.3. emergency services have clear and unobstructed access to the Council's blocks to deal effectively with any emergency arising.

4. Keeping Communal Areas clear

- 4.1. The Council also has a legal duty to ensure that all fire escapes and fire routes are kept free and clear to enhance safety and to allow access for emergency services when necessary. The Council has a managed approach to resident belongings and rubbish in communal areas.
- 4.2. For these reasons unauthorised items left in communal may be lawfully removed by the Council, with regular inspections of communal areas by a number of Council teams ensuring that matters are dealt with in a timely fashion as they arise and depending on their seriousness.
- 4.3. Items **not permitted** in communal areas:
 - DIY items, paint, solvents and oils and any other combustible materials
 - naked flames or burning items of any kind e.g. candles or incense sticks
 - shoes, boots, slippers or any other items of footwear or clothing
 - seasonal items such as festive decorations and lighting
 - bags and boxes of old clothes or newspapers
 - prams or push chairs or children's car seats
 - batteries for any e-bike or e-scooter or mobility scooter
 - charging leads for any e-bike or e-scooter or mobility scooter
 - other potentially explosive substances like gas, fuels, petrol and thinners
 - canvas and textile-based artwork or unframed / uncovered pictures
 - white goods (whether awaiting collection disposal or otherwise)
 - combustible furniture
 - refuse/black bags
 - mobility scooters
 - e-scooters
 - mopeds

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- e-bikes
 - any item that prevents wheelchair-user access by leaving less than 1m width access in any communal space, including corridors.
- 4.4. The Council has no desire to stop residents making their homes and the buildings they live in pleasant places to live, but health and safety has to be the Council's primary concern as a responsible landlord. For this reason, the Council is taking a managed approach to items left in communal areas.
- 4.5. Housing Liaison Officers and Concierge Team Officers will use their judgement to determine whether any item not listed at 4.3 presents a risk to tenants.
- 4.6. Residents should report issues in communal areas to their Housing Liaison Officer or via the Council's Repairs contact form. This includes items left in communal areas, obstructions or blockages, and any defects or problems with fire doors, emergency exits, wiring and any other structural issues.

Enforcement:

- 4.7. The Council must ensure resident and visitor safety and will be pro-active in taking enforcement action where this is necessary to protect individual and public safety in communal areas.
- 4.8. The Housing Service will work with residents to keep homes and communal areas safe and use advice and persuasion, rather than enforcement, as a first choice to resolving any issue or dispute. However, the Council reserves the right to perform its lawful duty with immediate action to remove items for disposal where this is lawful and deemed appropriate. Items deemed hazardous by the Council may also be subject to immediate removal.
- 4.9. Residents may be liable for the costs of removal and disposal of any unauthorised items in communal areas. Additionally, if there is any damage to communal areas caused by the storage of these type of items by the resident, the costs of making good the damage may be recharged to the resident.
- 4.10. In addition to costs incurred, as above, any breach of Newham's Tenancy Agreement may also result in further enforcement action.
- 4.11. A Tort notice may be affixed to any unauthorised item(s) in a communal area which does not present an immediate fire risk. The Tort notice must give the resident a reasonable amount of time to remove the item, which may vary from 24 hours to five working days depending on the nature of the item and the assessed risk.
- 4.12. The detail of the Tort notice will include the time and date on which the notice is served and the time by which the items must be removed. If the item has not been removed from the communal areas by the date the tort notice expires, the item(s) will be removed. The resident will be informed that the item(s) may be available for 14 days for collection. If the item(s) is not collected during this time, the items may

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be disposed of, by the Council..Officers are required to keep a detailed record of all items being removed, stored and disposed of.

- 4.13. Only items of significant value will be stored beyond the stated 14-day collection period, and this will be by exception and at the Council's discretion.
- 4.14. Any breaches may also be referred to relevant regulatory or law enforcement bodies where appropriate.

5. Service standards and performance

- 5.1. The key to the service standard is that all activities should be:
 - proportionate
 - non-discriminatory
 - legitimate.

6. Key risks

- 6.1 The removal and disposal of items in the ownership of an individual may elicit an emotional response and officer safety will be supported by a procedure. This will ensure true and accurate records can be used as reliable and credible supporting evidence during any complaint or dispute arising from the policy's operation.
- 6.2 Officers need to be mindful of any possible escalation and manage incidents fairly, appropriately and proportionately, following policy and procedure at all times.
- 6.3 It is the Council's duty to properly itemise and record all items and date of removal, with the higher the value or quantity of items removed, the greater the Council's responsibility as the landlord, so staff are reminded of the necessity for diligent and detailed record-keeping.

7. Appeals and complaints

- 7.1 The Authority is aware that the removal of items in communal areas may lead to complaints.
- 7.2 Appeals and complaints will be dealt with through the Council's complaints' procedure: [Make a complaint – Make a Complaint – Newham Council](#)
- 7.3 Subject Access Requests relevant to this area of activity can be made via: [Subject Access Request · Customer Self-Service](#).

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8. Data protection

- 8.1 The delivery of this policy must be consistent with the Council's policy on managing personal data: [Processing personal data privacy notice – Newham Council](#)

9. Context – Legal and Regulatory Framework

- 9.1. The safe management of communal areas is a legal and regulatory requirement; the key **regulation** around the prevention of fire in residential buildings includes:
- Electrical Equipment (Safety and Use) Regulations 1994
 - Furniture and Furnishings (Fire Safety) Regulations 1988 (as amended in 1989, 1993 and 2010)
 - Fire safety in purpose-built flats by Local Government Association
 - Housing – Fire Safety by LACORS.
- 9.2. This policy should be read in conjunction with the following Council **policies, procedures and documents**:
- Balconies Policy
 - Hoarding and Self-Neglect Policy for Housing
 - LBN's guidance on Disabled Resident Parking
 - LBN's Fire Safety Advice
 - Newham Council's Tenancy Agreement and Conditions of Tenancy
 - Cautionary Contacts Database (LBN Corporate Health & Safety policy).
- 9.3. London Fire Brigade has also produced **Guidance**: Fire Safety Guidance Note - Fires in Communal Areas - Information for External August 2023 - GN84 [\[Fire Safety Guidance Note GN84 - Fires in Communal Areas - Information for External Partners\]](#).
- 9.4. Key **legislation** includes:
- Torts (Interference With Goods) Act 1977
 - The Regulatory Reform (Fire Safety) Order 2005
 - The Housing Act 2004, which introduced the Housing Health and Safety Rating System (HHSRS)
 - The Health and Safety at Work, etc. Act 1974
 - Section 41 of the Local Government (Miscellaneous Provisions Act 1982).
 - The Fire Safety Act 2021
 - The Building Safety Act 2022.

10. Policy author

Name	Role	Service area and directorate
Emma Brunskill-Powell	Housing Strategy Manager	Housing Strategy and Partnerships

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APPENDIX – POLICY RECORD

Policy approval process	Housing Cabinet Accountability Portfolio Meeting The policy was approved on: 5 th August 2025
Record of changes to the policy	N/A
Risk management	N/A
Equality impact assessment (EQIA)	N/A
Data protection impact assessment (DPIA)	N/A
Next review date for the policy	This policy is will be reviewed in/by the following financial year: 2026/27 N.B. Please note the above date is indicative, and may be subject to change due to legal, regulatory or operational reasons.

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