Management of Communal Spaces and TORTS Policy

Should colleagues require any reasonable adjustment to allow for engagement with this document please contact the policy lead

Date of Approval:	August 2025
Policy Author:	Sara Hendry, Housing Manager (Tenancy and ASB)
Policy Lead:	Sara Bennett, Head of Housing
Date of next review:	August 2028

You are advised that a printed version may not be the latest available version. The latest version, which supersedes all previous versions, is available on the Brighter Places Policy Index Sheet. Those to whom this policy applies, are responsible for familiarising themselves with the latest version and for always complying with the policy requirements.

Contents

Contents 2
1. Policy Statement / Purpose 3
2. Definitions 3
3. Commitment 4
4. Linked Documents 4
5. Legal and Regulatory Compliance 5
6. Policy Detail 5
6.1 Managing items left in communal areas 7
6.2 Review of items left in storage 7
7. Training Requirements 7
8. Monitoring and Review 7
9. Data Protection 7
10. Equity, Diversity and Inclusion 8
11. Summary Roles and Responsibilities 8
Appendix 1 – Process for Tort Notices and Timings

1. Policy Statement / Purpose

The Aim of this policy is to outline Brighter Places approach to proactive management of Communal Areas, in conjunction with the Fire Safety Policy.

This Policy is to assist Brighter Places compliance with our legal obligations as a Social Landlord and meet the statutory requirements of the Regulatory Reform (Fire Safety) Order 2005.

The policy objectives are:

- To provide safe housing for our customers and satisfy our legal obligation to manage the safety of communal areas in blocks that we own or have management responsibilities for.
- To adopt a zero-tolerance policy for the management of items within communal areas. This will ensure a clear, consistent approach to the prevention of storage of items in communal areas in order to reduce the risk of fire and ensure clear, hazard free, escape routes. This policy also ensures that our approach is consistent with what our tenancy agreements and leases say with regards to residents' responsibilities in ensuring that communal areas are kept clear.
- Good housekeeping is fundamental to reducing risk in communal areas. Controlling the presence of combustible materials and ignition sources not only reduces the potential of accidental fires (including trip hazards), in common parts but also reduces risk of deliberate fires and ensures that emergency escape routes are kept clear. Consequently, Brighter Places, like many other landlords, have a "zero tolerance" approach to communal areas to ensure clear and concise expectations to staff and residents.
- This zero-tolerance policy will apply to all communal areas which are defined as shared areas in and around properties such as, but not restricted to: corridors, entrance halls and doorways, landings, staircases, lifts, bin stores, bin chutes, cycle storage areas, car parks and meter cupboards. Private balconies and ground floor enclosures are also included as actions or items stored in these areas can affect neighbouring properties.

2. Definitions

Communal areas – shared parts of a premises where there are two or more dwellings which may include grounds, paths, stairs, corridors, entrances, bin stores, storage areas, laundry areas, balconies, communal lounges, communal kitchens, community spaces, integral parking areas.

Shared spaces - are those spaces associated with a registered providers' homes and used by their tenants that are not the responsibility of the landlord, as opposed to

communal areas where landlords have direct responsibilities for ensuring their safety and maintenance.

This policy is relevant to all our properties that we own or have leasehold responsibilities for. This policy is not used for organisations where we deliver a housing management service, and do not own the property.

3. Commitment

- We will proactively manage and work with our customers to ensure that there is a zero-tolerance approach to any items left in communal areas.
- We will proactively manage and report any issues within shared spaces, such as communal play areas owned or managed by others e.g. local authorities, managing agents, in conjunction with our Estate Inspection Policy.
- We will ensure the health and safety of customers, colleagues, contractors and visitors when visiting or working in a communal area or a residents property.
- We will prevent and act to address any accumulation of items in communal areas that could contribute to a fire risk or hamper safe evacuation in the event of an emergency.
- We will contact the tenant (where known) and advise them to remove their goods and set out the implications of what will happen should they not remove their items within an agreed timescale.
- We will sticker all goods that need removing with the relevant TORT notice.
- We will remove all items promptly, and arrange storage for goods if necessary as part of this process.
- We may sell items over a perceived value of £2,000 and use any proceeds to offset any debt attached to the tenancy. For clarity this includes current or former arrears, service charges court costs and any other customer charges.
- We will reserve the right to charge for the storage and disposal of any goods removed to the owner or through the service charge if the owner is unidentifiable.

4. Linked Documents

- Fire Safety Policy
- Estate Inspection Policy
- Recharge Policy
- Abandonment Policy and Procedure

5. Legal and Regulatory Compliance

- Torts [Interference with Goods] Act 1977 – Tenants personal possessions are protected from interference by the Torts [Interference with Goods] Act 1977. This Act allows the sale and/or disposal of uncollected goods, including abandoned goods.

- Occupiers Liability Act 1957 - This Act imposes a “duty of care” on the occupier of a property. When a visitor visits a property, the occupier of that property has a duty to take such care to see that the visitor will be reasonably safe in using the premises.
  - Health and Safety at Work Act 1974 - This is the primary piece of legislation covering occupational health and safety which includes requirements for protecting the health, safety and welfare of members of the public as well as staff.
  - The Regulatory Reform (Fire Safety) Order 2005 - Requires all those in control of non-domestic premises including the communal areas of blocks of flats to take adequate measures to ensure the safety from fire of all occupants and visitors to the building.
  - Fire Safety Act 2021 and Fire Safety (England) Regulations 2022 – National Fire Chiefs and Fire-Safety England Regulations 2022
  - Building Safety Act 2022
  - The Housing Act 2004 - places a duty on landlords to carry out thorough risk assessments, including fire risk assessments. Please refer to the Brighter Places Fire Safety Policy.
  - Regulatory Neighbourhood and Community Standard
  - Consumer Standards Code of Practice

6. Policy Detail

We operate a zero-tolerance policy where all customers and their visitors are not permitted to use communal areas to store or dispose of any belongings, rubbish or personal items.

Customers do not have the right to store or leave any belongings in communal areas of our buildings, or to leave any items in any shared external space.

Brighter Places has a legal duty to ensure that all fire escapes and fire routes are kept clear at all times. It is therefore important to ensure that there are no obstructions in communal areas that would:

- Contribute to the spread of fire or combustible materials creating accidental fires

- Prevent / reduce ability to escape in the event of fire
- Produce smoke
- Hinder Emergency Services in rescue duties
- Injure people by causing trips and falls

Obstructions in communal areas include, but are not limited to

- Rubbish and bulky items awaiting disposal
- Bicycles
- Motorised cycles
- Scooters
- Wheelchairs
- Pushchairs
- Household items such as unwanted furniture, clothing, toys, decorative items and
- Unauthorised CCTV units installed by tenants or their household.

Communal areas must always be kept clear and free from obstructions. Any items left in the communal areas represent a fire hazard, and we will ensure the areas are left completely clear of any items to comply with regulations and legislation.

All customers are expected to keep communal areas safe by:

- Keeping communal areas clear of any items.
- Not installing camera doorbells, decorative items or CCTV to the front doors of flats as this may potentially compromise the compartmentalisation of the flat.
- Accepting responsibility for all aspects of their Tenancy Agreement, Lease or Licence Agreement.
- Complying with relevant fire safety advise within the home and in the event of a fire.

The law on the management and maintenance of left items in tenancies and communal areas is generally unclear and refers to keeping items for a ‘reasonable’ timescale with no real clarity of what is considered as ‘reasonable.’

Considering this, below sets out how we deal with items that are left and Appendix 1 sets out what we consider reasonable timescales. As the law is indistinct, any housing team member can speak to a Housing Manager or our Solicitor for further advice at any point.

6.1 Managing Items left in communal areas

Housing Officers and other Brighter Places colleagues visit our communal areas regularly to ensure we maintain safe and inviting communal spaces for customers.

If a member of the Housing Services Team visits an area and identifies anything that has been stored or left in communal areas of Brighter Places property, they will make reasonable enquiries with customers where possible, whilst on site, to ascertain who has left the goods.

Customers will be asked to remove these items immediately. If the items are not removed immediately, or the member of staff is unable to locate who has left the items in the communal areas they will use the Tort notices and sticker all individual items. If the items are not removed within the timescale set out on the TORT notice, then the relevant member of staff will arrange removal of the goods in line with our Tort process timescales.

If the member of staff determines the item(s) to be of no value (e.g. rubbish) or an imminent fire risk and highly flammable, they may accelerate timescales or determine if it needs to be removed immediately.

If the member of staff locates who has left the items and has to arrange removal and storage, they will look to charge the appropriate tenant.

6.2 Review of items in storage

The Housing Team will regularly review what is in our storage facilities and arrange removal or resale of any item that has been there for more than 3 months.

Housing Officers are responsible for ensuring that any items they have placed in storage are regularly removed and disposed of.

7. Training Requirements

All staff involved in the management of communal areas will receive appropriate training to ensure they understand the legal framework and policy requirements.

8. Monitoring and Review

The policy will be reviewed at least every 3 years.

9. Data Protection

Any personal data created or used in the application of this policy must be done so in line with the Brighter Places data protection policy and privacy notices.

10. Equity, Diversity, and Inclusion

Where required, reasonable adjustments will be considered to support colleagues to engage with this policy. Please speak to the policy owner for assistance.

11. Summary Roles and Responsibilities

	H of H	Hsg Mgrs	Hsg Officers	Exec Member	HR	Gov Team
Policy Ownership	X	X				
Review of Policy	X	X		X		
Governance of Policy						X
Training		X	X		X	
Conducting Estate Inspections			X			
Reporting abandoned / left or stored goods in communal areas			X			
Stickering abandoned goods (Tort notice)			X			
Checking Tort notice timings (if needed)			X			
Contacting tenant to advise to collect			X			
Removal of goods (to storage)			X			
Arranging storage of goods			X			
Arranging disposal of goods (from storage or property)			X			
Recharging			X			
Costs of Storage – payments	X	X				

Appendix 1

Process for TORT notices:

The officer dealing with the goods will draw up the Tort notice and secure it to the goods in question using Sellotape or similar. By doing this, the tenant is then formally advised that they should make arrangements to remove their items by an agreed date. The Tort notice will state the timeframe for removal.

Tort notices should be drawn up as soon as reasonably practicable for any left items. When the Tort notice is secured to the items or door the relevant officer must take a photograph of the notice in situ as proof and ensure this is uploaded into their estate inspection form or the Housing Management system.

If the officer is able to speak or advise the tenant via email, letter or text they will do so and advise why the Tort notice has been drawn up and the requirements that the tenant must adhere to, and the implications for the tenant and their goods.

Failure to remove the items identified means the housing team member or void repair team (in the cases of void / empty properties) will arrange removal of the goods.

Torts and timings

The law states that you can remove goods or items left by tenants within a reasonable timescale. This is usually anywhere between 7 days to 3 months dependant on individual factors – if the Housing Team member is unsure, they should discuss with a Housing Manager. The main factor to take into account is often the value of the items left – those items that are more costly will need longer for collection.

Officers are able to remove the goods and use storage facilities if this is helpful as part of the time given for tenants to reclaim any items - for example pushchairs. The cost of storage should not be prohibitive so an assessment on a case by case is needed.

Any larger items can be sold (such as motorbikes for example but usually includes anything over a second-hand value of around £2,000) and the Tort for these items will need to be for a 3 month period.

Brighter Places may look to charge costs for storage and removal of goods to the tenant subject to individual circumstances.