

# Cannock Chase Council Housing Services

## Housing Operational Communal Area and Space Policy 2025 - 2030

### Version Control

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## Contents

<b>1. Introduction</b> .....	2
<b>2. Aims</b> .....	3
<b>3. Definitions</b> .....	3
<b>4. Legal Framework</b> .....	4
4.1 Legislation/ Guidance .....	4
4.2 Local policy, procedures and guidance .....	4
<b>5. Policy Detail</b> .....	5
5.1 Communal Areas and Spaces .....	5
5.2 Tenancies .....	6
5.3 Alterations .....	6
<b>6. Other shared spaces</b> .....	7
<b>7. Land Transfers and purchases / sale</b> .....	7
<b>8 Enforcement</b> .....	7
<b>9. Reporting Procedure</b> .....	8
<b>10. Prevention</b> .....	8
<b>11. Responsibility for Implementation</b> .....	8
<b>12. Review and monitoring</b> .....	8

### 1. Introduction

As a landlord, Cannock Chase District Council has a responsibility to ensure all housing residential communal areas are accessible and free from hazards so that residents can exit the building safely and as quickly as possible in the event of an emergency.

This policy sets out how the Council aims to ensure that internal and external communal areas and shared spaces are managed effectively, kept free from obstructions and safe for other tenants and users of the building and space.

The policy applies to both tenants of the Council and leaseholders, plus anyone that visits or lives with a tenant or leaseholder or sublet tenants of leaseholders. Tenants include those in general housing properties as well as those living in Independent Living Schemes.

Officers of the Council and contractors assigned by the Council should also have due regard to the policy.

This policy applies to both internal and external communal areas and spaces in general needs blocks of flats, in between houses, independent living accommodation and other types of communal areas, for example:

- shared footpaths for shared access
- designated parking areas.
- passageways and through routes
- shared drives
- shared facilities
- shared land

## 2. Aims

The aims of the policy are:

- To ensure the health and safety of tenants, leaseholders, staff and visitors when in or using communal areas and shared spaces.
- To give clear advice to residents to minimise the risks of items causing an obstruction to access routes in the event of an emergency.
- To give clear advice to residents to mitigate the risk of fire.
- To allow communal areas to be used in the best possible way for the benefit of all tenants, leaseholders, staff, and visitors.
- To ensure that communal areas can be safely evacuated in the event of an emergency
- To advise tenants and leaseholders how the Council will manage and respond to concerns of fire safety in communal areas.
- The Council meets its statutory obligations as a landlord and property owner.
- Adhere to the Regulator of Social Housing's Neighbourhood and Community Standard; by way of setting out how the Council will co-operatively work with tenants, other landlords and relevant organisations to take all reasonable steps to ensure the safety of shared spaces.

## 3. Definitions

**A communal area-** is any area that is not within the confines of the tenant's property. Such areas include internal communal areas- corridors, stairways, landings, hallway, meeting rooms, communal rooms or meter cupboards. They 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.

**External areas-** include external gardens, walkways (open or closed), external stairs and entrances to the building, garages and parking areas. They can provide a degree of freedom and allow tenants opportunities to become involved with the community in which they live.

**Shared Spaces-** includes all other areas within the built and natural environment that adjoin its properties such as pathways, roads, street spaces and local amenities, such as greenspaces and parks.

Although the responsibility for upkeep of these areas may lie with other partner agencies or private entities, the Council acknowledges it has a pivotal role to play in making sure they are safe and well maintained and it will often be one of the first agencies that the community approaches to raise awareness of issues.

This policy provides a framework for how communal areas will be managed and what is expected from residents. A zero-tolerance approach will be operated when it comes to enforcing this policy.

#### **4. Legal Framework**

The policy will have due regard to local policies and procedures as well as national legislation, which include the following, but the list is not exhaustive.

##### 4.1 Legislation/ Guidance.

- Fire Safety Act 2021
- Housing Act 2004
- Landlord and Tenant Act 1985
- Regulatory Reform (Fire Safety) Order 2005
- Health and Safety at Work Act 1974
- Torts (Interference with Goods) 1977
- Building Regulations 2010
- Commonhold and Leasehold Reform Act 2002
- Anti-Social Behaviour Crime and Policing Act 2014
- Regulatory Reform (Fire Safety) Order 2005 (FSO)
- The Fire Safety (England) Regulations 2022
- The Building Safety Act 2022.
- Social Housing (Regulation) Act 2023
- Regulator of Social Housing's Neighbourhood and Community Standard

##### 4.2 Local policy, procedures and guidance.

- Tenancy Agreement
- Tenancy Services Environmental Health and Safety Procedures
- Adaptations and Disability working Facilities Policy
- Mobility Scooter Policy
- Anti-Social Behaviour Policy and Procedures
- Welcome Pack
- Love your Block.
- National Fire safety in purpose-built blocks of flats guidance
- Caretaker's inspection form
- Communal cleaning agreement
- Internal agreement with Open Spaces and Tree team
- Building Safety Policy and Procedures

## 5. Policy Detail

Council aims to deliver high quality communal services, and having the support and co-operation of Tenants / residents is critical to our success. Many environmental problems such as the dumping of rubbish, fly tipping, dog fouling, graffiti and broken door entry systems are costly to tackle.

To maintain communal standards, the Council needs the involvement and support of tenants / residents and visitors to act responsibly. It is only through proactive management, firm tenancy enforcement action and planned preventative measures that we can maintain high standards. Where environmental anti-social behaviour is blighting our properties, the Council will work with customers and other agencies and interested parties to identify and plan preventative measures to tackle the root causes.

### 5.1 Communal Areas and Spaces

The Council expect customers to keep their gardens tidy, report communal repairs quickly and not to do anything that would adversely affect the environment that everyone shares and wants to enjoy. In return the Council will:

- conduct regular communal area inspections and ensure gardens are well maintained, tidy and free from graffiti.
- work closely with local Police and other services to help keep our properties free from incidents of anti-social behaviour, harassment and hate crime.
- inspect blocks of flats regularly to ensure that they are clean and well maintained and kept clear of rubbish.
- conduct fire risk assessments in blocks of flats to identify and address fire risks.
- regularly check and maintain shared facilities such as door entry systems, lifts and fire alarms to make sure they are safe and fit for purpose
- let empty homes quickly to help maintain the appearance of the area.
- identify improvements and investment needs with customers to ensure our properties meet our communal standards
- will work with tenants / residents /visitors and external agencies to reduce irresponsible parking and abandoned vehicles and resolve access problems for emergency and service vehicles.
- ensure that properties have the appropriate facilities for disposing of rubbish and recycling.
- act against those found to be dumping rubbish or fly tipping on our property, including recharging them for the costs and providing evidence to support prosecution.
- play equipment, will be safe to use, properly inspected and fit for purpose. The internal team will undertake regular inspections of play equipment and assess whether the playground equipment is safe and structurally sound.

## 5.2 Tenancies

Regular Tenancy audit inspections are the main way we can ensure that Council properties are being looked after and to identify problems that need to be addressed. The frequency of the inspections will be determined on an individual basis and assessed on a range of factors, such as:

- anti-social behaviour
- the level of complaints and reported repairs
- the extent and condition of communal facilities, including any reports of damage.
- Issues highlighted following fire risk assessments
- poorly kept gardens
- type of properties, including number of storeys
- historical issues or any exceptional events such as storm damage or heavy snow.
- properties that look abandoned
- problems with accessing properties or communication with tenants
- Other tenancy breaches like rent arrears

All properties with communal areas or facilities will be inspected as part of the Building Safety compliance regime and will form part of estate inspections. Where necessary this can be frequent visits to building and sites. Where serious persistent issues are identified which affect safety of residents, and/or the appearance of the estate, then additional visits will be added to the inspection regime. Areas where the Council own no communal land or facilities will not have regular inspections but may still be inspected for management purposes.

## 5.3 Alterations

Tenants should be aware that changes they make to their home can impact on the safety of the block, their home and the aesthetic of buildings, neighbourhoods and estate. Tenants should not:

- Tamper with or remove door closers on fire doors within their property
- Tamper with, cover or remove smoke detectors, carbon monoxide detectors or heat detectors within their property
- Replace existing electrical fittings (light fittings, sockets etc.) without seeking prior permission from the Council.
- Make changes to their flat entrance door or door frame, as this could reduce the integrity and fire performance of the door.
- Permission should be sought from the Council before making any changes to their home.

Where a tenant has made changes to their property that could impact on the safety of their property, adjacent council homes or the block they live in, the Council will

seek to take legal actions or recharge the tenant for any remedial works required to restore the property's safety integrity.

## **6. Other shared spaces**

Where issues are identified or reported on our properties that are not the responsibility of Cannock Chase Council Housing Services they will be noted, and customers will be advised to report the issue directly to the relevant organisation. If the query is associated with another local authority service an email will be sent to the other department with the customer details.

## **7. Land Transfers and purchases / sale**

The Council will consider the transfer and the sale of land from communal use to private use or vice versa where it will improve the area or make it easier to manage. Each case will be considered on its merits. Before such a transfer / sale can take place, a full appraisal will take place and appropriate consultation carried out with those to be affected by the transfer / sale.

## **8 Enforcement**

Under the terms of the Council's Tenancy Agreement tenants must keep the communal areas clean, tidy and free from personal belongings. In addition, the communal areas and fire exits must be free from any obstacles or things which amount to a fire risk, or health and safety hazard.

Under the terms of the Council's Leases', leaseholders can use the communal areas provided that such use shall be only for the purpose of quiet enjoyment therein (but not for the purpose of playing games or any other purpose likely to cause offence or constitute a nuisance to other owners, lessees or occupiers of the building) and subject to and in conformity with any reasonable regulations which may be imposed from time to time by the Council.

If items are found in a communal area that are of immediate risk, such as items that present risk of explosion or would present a risk or acceleration of fire, then immediate removal, and removal without notice to the items owner will be considered.

In all other circumstances the Tenancy Services Team will attempt to locate the owner to have the items removed. Where the owner cannot be located, and the item(s) is of significant value the Council will store the item(s) whilst enquiries take place to identify the owner. The owner will then have one calendar month to re-claim the item(s); proof of ownership must be provided and any costs for the removal and storage must be paid prior to the item(s) being returned. If the item(s) is not re-claimed after one calendar month it will be disposed of accordingly.

Enforcement action may be considered to address a persistent or serious breach of tenancy. Also, Civil Action will be considered and taken against private owners who have infringed the Council's property rights and ownership.

## **9. Reporting Procedure**

This policy provides a framework for how communal areas will be managed and what is expected from residents. A zero-tolerance approach will be operated when it comes to enforcing this policy.

To report obstructions or serious hazards located in communal areas, in the first instance contact the Council by;

- Telephone: 01543 462621 or;
- email: EM Team <emteam@cannockchasedc.gov.uk>

## **10. Prevention**

Wherever possible the Council will aim to prevent fire safety issues by educating residents from the beginning of their tenancy and ensuring that information, support and advice is readily available on site and in communication with Tenants.

Where a property sits within a communal block, the Tenancy Services Team will advise new residents about the Communal Area Policy and explain to the residents their responsibilities in adhering to the policy and terms of the tenancy agreement.

## **11. Responsibility for Implementation**

The Policy will be implemented by the Council's Housing Teams working in partnership with other Council departments, for example:

- Housing Property Services- Compliance Inspection, Cyclical works, component parts updates and FRA
- Repairs and Maintenance Team- Voids, maintenance and repairs of building and external areas
- Tenancy Services - Monthly inspection of blocks, on-site management of schemes, half yearly site inspection and enforcement of tenancy agreements
- Environmental Health Team- critical friend on compliance issues
- Parks and Open Spaces - covering landscaping, trees and parks

## **12. Review and monitoring**

We aim to review the policy every 5 years or if there is a substantial change in social welfare policy or legislation.

For monitoring purposes, the Council includes Neighbourhood and Communities within its key performance reporting data and monitor the number of key outputs on a quarterly basis to Management Team.