



DISPOSAL OF GOODS POLICY

Responsible Director: Director of Homes and Wellbeing

Responsible Manager: Head of Homes and Wellbeing

Last updated: July 2018

Next update: **Under Review**

EST 07 Disposal of Goods Policy

1. Purpose

- 1.1 This policy applies to all customers who are living in homes that are owned or managed by Nottingham Community Housing Association.
- 1.2 It describes our legal requirements when removing, storing and disposing of customers goods that have been left in communal areas. It ensures that we dispose of goods appropriately and also explains our duty under fire safety regulations.

2. Risks

- 2.1 Failure to dispose of goods left in communal areas efficiently and in a timely manner may place customers at enhanced risk of injury or death due to fire, because of:
 - The risk of an arson attack using abandoned goods as combustible material.
 - The risk of trip hazards on escape routes blocking/hindering safe exit from the building.
- 2.2 Failure to meet our obligations under the Regulatory Reform (Fire Safety) Order 2005 may result in NCHA being sued for negligence in the Civil Courts, leading to heavy fines and/or imprisonment.

3. References

The Tort (Interference with Goods) Act 1977
The Regulatory Reform (Fire Safety) Order 2005
The Housing Act 2004

4. Process

- 4.1 Legal framework
 - 4.1.1 Customer's possessions are protected by the Torts (Interference with Goods) Act 1977. This Act governs the sale and disposal of goods, particularly abandoned goods. The Act states that we must serve a Tort notice before we remove and dispose of any goods.
 - 4.1.2 The term 'goods' defines anything that we believe is worth money.
 - 4.1.3 By serving a Tort notice we give a customer time to remove the goods themselves. If the customer fails to remove the goods within the allotted time we have the right to sell or dispose of the goods.
 - 4.1.4 Under The Regulatory Reform (Fire Safety) Order 2005 we are required to assess the risk of fire in our properties and take adequate precautions to reduce the risk. We have a duty to keep communal areas in a safe condition

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and to remove any goods in case they cause a fire risk. Furthermore, the Housing Act 2004, places a duty on landlords to carry out thorough risk assessments, including fire risk assessments.

4.2 Customers responsibilities

4.2.1 Customers must accept their responsibilities regarding their own goods including:

- removing all possessions from their property at the end of a tenancy.
- co-operating in keeping common areas free from obstruction.
- following health and safety advice given by Officers of Nottingham Community Housing Association.

4.3 Keeping communal areas clear

4.3.1 We have a legal duty to make sure that all fire escapes and fire routes are kept clear at all times. In order to achieve this NCHA has implemented a sterile communal area directive. It is therefore, important that all communal areas are kept free from any obstruction or fire risk. Communal parts include stairs, corridors, hallways, stairwells, shared kitchen, bathrooms and lounges etc.

4.3.2 A fire risk could include obstruction from a number of items e.g. prams, bicycles, bags etc., and any unwanted furniture or household goods as they could block a fire exit or escape route.

4.3.4 Arson is another risk and abandoned or left goods are a danger as they could quite easily be set alight and feed any fire in protected escape routes.

4.4 Contacting customers – retrieving goods

4.4.1 Estate Officers will make try to trace the owner of goods left in a communal area.

4.4.2 We may ask neighbours if they know the whereabouts of the owner.

4.4.3 When we contact customers with a notice we will give them a reasonable period of time to collect the goods except were the goods are causing a health and safety (fire) problem.

n.b. We will always dispose of perishable or hazardous goods as well as anything that appears to be rubbish.

4.4.4 The notice period will depend on the circumstances, and sometimes we will move goods straight away to prevent a fire risk.

4.4.5 If we believe that a customer may not understand the notice, or may find it difficult to collect goods themselves, we will contact someone who can help

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such as a family member, support agency or advocate. We will also provide the notice in other languages or formats where appropriate.

4.5 Record keeping

4.5.1 Before we move any goods within a communal area we will take a record of all the goods, which includes the estimated value of the goods. For operational purposes photographs will be taken and used as our record for future reference.

4.6 Storage

4.6.1 Where it is appropriate, we will store goods in a safe, dry and secure location for a period between 14 to 28 days. We will try to inform the customer of where the goods are being stored, how long they will be stored for, how they can collect them. We reserve the right to charge a customer for storing their property.

4.7 Selling/Disposal of goods

4.7.1 If the customer fails to collect the goods within the allotted time, we can use our right to sell the goods. If we sell goods we will return any monies to the customer if we have their contact details. We will deduct the cost of any outstanding debt owed to Nottingham Community Housing Association before returning the money. In most circumstances after the time lapse of 28 days the items will be disposed of.