

## Balcony Safety Policy (Housing, Maggie Ward)

### Synopsis of report:

Runnymede Council owns several blocks within its Housing Revenue Account that have individual balconies. To ensure that these are maintained and utilised to minimise risks to residents and property a draft Balcony Safety Policy is submitted to the Committee with a request to carry out a consultation with residents.

### Recommendation:

Members approve an 8-week consultation with residents with a finalised policy to be brought back to this Committee with the results of the consultation.

## 1. Context and background of report

- 1.1 Despite being covered in the Tenancy Agreement the Council has not previously had a specific policy relating to balcony management and usage. The inherent risks posed by balconies warrant a specific policy and inspection regime to ensure compliance.

## 2. Report

- 2.1 A draft balcony policy is attached at Appendix A. This outlines the restrictions on usage to mitigate the risk to residents and property. The policy also established an annual inspection regime to ensure the integrity of the balcony and its appropriate usage. Any noncompliance with the policy will be addressed when it occurs.

- 2.2 The emerging policy was considered by the Housing Member Working Party on 13<sup>th</sup> December 2022.

- 2.3 The current Tenancy Agreement refers in Section 7 (Health & Safety) and Section 9 (Living in your home and your behaviour), to balcony usage and this policy encompasses these conditions into a wider policy on balcony safety and management.

### Tenancy Agreement

#### 2.4 7.1 Our responsibilities for Health and Safety

(f) You must not keep any portable oil or bottled-gas appliance, or fuel for such appliances, in your home which includes storerooms, private and public balcony space. You must not keep any dangerous or flammable goods materials or substances in your home, apart from those used for general household purposes.

(j) You must not use any form of barbecue on your balcony or on any shared area including balconies, entrance halls or staircases.

#### 2.5 7.5 General Safety

*(b) You must not store or leave any rubbish or items that could cause a nuisance or danger in your home, on your balcony, in your garden, shared areas or in any shed or garage you have been allowed to use. If you do, we will ask you to remove any items causing an obstruction, nuisance or danger. If you do not do this within a reasonable period of time, we may dispose of them without further notice, and you will have to pay our reasonable costs for doing this. We may also take action against you for breach of tenancy.*

## 2.6 9.5 General Nuisance and Behaviour

- Throw items from your balcony or window.*

## 2.7 Policy

The draft policy outlines in more detail the restrictions, including adding any form of combustible cover or screening to the balcony. It identifies the tenant's obligations for safe use of the area and the importance of fire risk management. The Member Working Party felt that it was essential to provide clear guidance on acceptable items to be placed on the balcony rather than a list of non-acceptable items.

## 2.8 4. Tenants' Obligations

*4.1 In line with the Tenancy Agreement tenants must keep their home, including its fixture and fittings, clean and in good condition. To ensure balcony safety tenants are obliged to regularly check the surfaces, flooring, glass, and railings of your balcony, to make sure they are safe and not in need of repair.*

*It is the responsibility of the tenant to report any defects so they can be repaired within a timescale relative to any Health and Safety considerations.*

*4.2 When letting a property with a balcony the door to the balcony will be lockable and two keys will be provided. A restrictor will be installed to the window if it is not present as part of the design. It is the responsibility of the tenant to ensure that the door is locked, or a window restrictor is engaged if there are small children in the property.*

*4.3 It is important to keep balcony decking clean to remove algae or dead leaves which could make your balcony surface slippery.*

*4.4 If the balcony also serves as a fire escape for other flats items must not be stored which would prohibit escape in the event of a fire.*

## 4.5 Tenants may not do the following

- Store items on your balcony – permissible items are fire resistant table or chairs.**
- Try to clean the outer face of your balcony's window glass by reaching over**
- Fix additional timber or combustible screening or flooring on the balcony (includes artificial grass or similar)**
- Fix anything to the external elements of the building/balcony**
- Allow anyone to climb or lean over the balcony or leave children unattended**
- Force anything in-between or connect anything to the railings**

- Use the balcony as a barbecue area or use any other appliance that emits a naked flame or intense heat
- Allow pets to foul on the balcony

2.9 Fire Risk Management

*5.1 Balcony fires can happen any time however, they are more common during the summer months. There are steps that can be taken to minimise the risk.*

*5.2 Tenants must keep their balcony clear at all times of flammable and dangerous items including:*

- Gas canisters, barbecues, and patio heaters
- Glass bottles or mirrors
- Paints, oils, or paint thinners
- Upholstered furniture, wood, plastic, or combustible materials
- Balcony covers including artificial grass

2.10 Smoking

Smoking on a balcony can have a serious impact on neighbours. The effects of passive smoking are well known, and smoking has not been allowed in communal areas of flats since 2016. Whilst the balcony is a private space as part of an individual dwelling the proximity to other properties means that activity in that space may impact more seriously on adjacent and above properties than internally.

Following discussion on smoking the Member Working Party decided to consult with residents on whether smoking should be allowed on balconies. The draft policy therefore has two potential clauses relating to smoking.

*5.3 Smoking is not allowed on a balcony as this will impact on the usage of balconies and potentially the health and safety of other residents.*

*Or*

*5.3 Residents or their guests should not smoke on a balcony if this causes nuisance to other residents. Smokers must stay safe on their balconies by putting out cigarettes completely and disposing of them carefully. Ashtrays must not be left on the balcony. Cigarettes or cigarette butts must not be thrown over a balcony.*

2.11 6. The Council's Responsibilities

*6.1 The Council is responsible for repairing and maintain the structure and outsides of its properties. The Council will inspect balconies annually to ensure they are safe to use.*

*6.2 If any items that shouldn't be stored on the balcony are seen the Council will provide written notice to the owner(s) of the item(s) to allow them to be removed within a short period. If items are not removed within the required timescale the council will remove them and recharge the tenant.*

2.12 The Policy does not impose additional conditions to those in the Tenancy Agreement but identifies specific dangerous behaviours and practices and informs tenants of the Council's obligations.

**3. Policy framework implications**

- 3.1 This policy relates to all Housing Revenue Account stock and is one of a suite of Health and Safety policies designed to ensure compliance with legislation and mitigate risk to Council tenants and assets.

**4. Resource implications/Value for Money**

- 4.1 This policy will be managed within existing staffing resources.

**5. Legal implications**

- 5.1 As indicated in the report the use of balconies on buildings can present a range of health and safety risks e.g., the possible activities carried out on balconies such as barbecues, the types of items which could be placed on balconies and even simple issues such objects held whilst leaning on a balcony
- 5.2 As a landlord of properties which have balconies it is both appropriate and sensible that the Council seek to adopt a policy which provides clear guidance on how balconies should be used. Such a policy will enable safe practices to be promoted.

**6. Equality implications**

- 6.1 The Equalities Group has been consulted and a full impact assessment is not required as this new policy is being put in place to have a positive impact on all tenants and promotes health and safety with tenants who have access to a balcony within their property. There is no evidence that tenants with any of the nine protected characteristics will be negatively impacted by this policy

**7. Environmental/Sustainability/Biodiversity implications**

- 7.1 No implications identified

**8. Consultation**

- 8.1 All tenants who currently occupy homes with balconies will be consulted on this policy, there is very little opportunity to change the policy as it is primarily to address health and safety concerns however with the inclusion of two options relating to smoking and the potential impact this may have for residents, attempts will be made to directly contact all residents with balconies with a short questionnaire. A door knocking exercise will be carried out if responses are not forthcoming to ensure that over 50% of the affected residents have expressed their opinion.

**9. Timetable for Implementation**

- 9.1 An 8-week consultation is recommended, with the policy to be brought back to the June meeting of this Committee.

**(To Resolve)**

**Background papers**

None