

Report title	Request to approve the Housing Balcony Safety Policy
Report author	Maggie Ward
Department	Housing
Exempt?	No
Exemption type	Not applicable
Reasons for exemption	Not applicable

Purpose of report:

To recommend to a committee approval of the Housing Balcony Safety Policy.

Synopsis of report:

Housing Committee considered at the January 2023 committee meeting the proposed balcony safety policy. A request was made at the January meeting to conduct consultation with impacted tenants to establish their view of the policy – and specifically to consider the proposal to ban smoking on balconies.

This is due to the anti-social impact of smoking on neighbouring balcony users and to limit the resultant cigarette litter falling from balconies.

The policy has the following objectives: -

- **Safe use of balconies**
- **Fire risk management on balconies**
- **Balcony inspection regime**

Recommendation(s):

That Housing Committee members approve the proposed Housing Balcony Safety Policy.

1. Context and background of report

1.1 Balcony safety is outlined in the existing Housing Tenancy Agreement.

Tenancy Agreement

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.

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.

9.5 General Nuisance and Behaviour

- *Throw items from your balcony or window.*

1.2 Due to the risks associated with balcony safety it is considered to require its own policy.

1.3 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.

1.4 The policy has been discussed at the Housing and Enabling Member working group on 13th December 2022. A draft policy was presented to the Housing Committee in January 2023 – where permission was given to undertake tenant consultation with tenants impacted by the policy.

2. Report and, where applicable, options considered and recommended

2.1 In April, Runnymede Borough Council began consultation with residents on the Balcony Safety Policy. The purpose of this policy was to mitigate fire and safety risks.

2.2 We asked for residents' views on what restrictions should be put in place on smoking on balconies:-

Emails sent: 174

Replies: 40 (23% response rate)

83% were non-smokers

15% were smokers

3% prefer not to say

40% stated that smoking should not be allowed on any balcony.

50% stated that smoking should not be allowed on a balcony if it causes a nuisance to other residents.

10% stated that smoking should not be allowed on a balcony which is adjacent to or directly above or below another home.

All of the residents who commented that smoking should not be allowed on a balcony were non-smokers.

Of the residents who commented that smoking should not be allowed if it causes a nuisance to others, 65% were non-smokers, 30% were a smoker, and 5% would prefer not to say.

Open responses asked for restrictions and limitations, such as enforcing ash trays and cigarette butts being thrown onto communal grounds.

- 2.3 The vast majority of respondents to the survey concluded that smoking should not be allowed on balconies, specifically if it causes a nuisance. Smoking does cause a nuisance when cigarette smoke is blown from one balcony to another.
- 2.4 Following the consultation it is proposed that the policy be amended to state that smoking is not allowed on any Runnymede Borough Council owned balcony. This position will be communicated to leaseholders.

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

- 4.1 The implementation of this policy will be managed within existing resources.
- 4.2 Some enforcement action will be taken by the Tenancy Services Team. When the Health Act 2006 was introduced, which **prohibited smoking in** certain premises, it required limited enforcement; it is anticipated that this policy will be adopted by the majority of tenants following clear communication.

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 as 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 It is not anticipated that this policy will have any beneficial environmental implications.

8. Other implications – consultation

8.1 All tenants who currently occupy homes with balconies have been consulted on this policy.

8.2 This policy primarily deals with health and safety issues in relation to the use of balconies.

8.3 Consultation focused on proposals around smoking on balconies and two options were presented to respondents.

9. Timetable for Implementation

9.1 If this policy is approved by Housing Committee in September it will be communicated to tenants – via the Housing web pages, the tenant’s newsletter and reminders on rent statements to impacted tenants.

10. Background papers

- Report to the Housing Committee meeting in January 2023

11. Appendices

- Amended Balcony Safety Policy to reflect the consultation responses