



Disposal of Goods in Garages Policy

Last reviewed January 2021

1.0 Disposal of Goods in Garages Policy overview

This policy is managed and adhered to by the housing service. This policy will be reviewed regularly to ensure compliance with government legislation, guidance and good practice.

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1.1 Introduction

This policy describes Dacorum Borough Council's (DBC's) legal requirements when removing, storing and disposing of customers' goods that have been left in garages at the end of a tenancy. DBC has certain duties under law towards the owner of any goods it takes into its possession or control.

This policy applies when processing all cases of abandonment, evictions, tenant absence, enforcing the Safety in Communal areas policy and the disposal of any goods left by tenants and leaseholders. It applies to all of DBC's social housing rented properties, communal areas belonging to DBC and separately rented garages. The term 'goods' defines anything that we believe is worth money.

1.2 Aim(s) of the policy:

The aims of this policy are to:

- Give guidance on DBC's responsibilities when dealing with personal property removed from our premises
- Be clear about and accountable for our actions in order to reduce the risk of disputes relating to the removal or disposal of residents' items
- Dispose of any goods left by a customer as quickly as possible, whilst complying with legal responsibilities
- Reduce storage costs and/or rent loss on empty garages (voids).

1.3 Links to Council's corporate aims:

This policy supports the council's corporate priorities which are set out in ['Delivering for Dacorum' – Corporate Plan 2020 - 2025](#)

In particular:

- A clean, safe and enjoyable environment
- Ensuring efficient, effective and modern service delivery

1.4 Equality and diversity

The council is committed to promoting equality of opportunity in housing services and has procedures in place to ensure that all Applicants and Tenants are treated fairly and without unlawful discrimination.

1.5 Policy Statement(s)

We will give owners two weeks' written notice to collect items unless the items pose a fire risk or it is not possible to contact the owner (see 2.1).

We will make every effort to trace the owner of goods (see 2.2).

We will follow the disposal of goods guidelines listed when removing items left on DBC premises (see 2.3).

Tenants/leaseholders must accept their responsibilities as stated in the Garage Terms and Conditions (see 2.4).

We will carry out fire risk assessments on garages – this may include removing goods that create a fire risk (see 2.5).

"The council is required to respond to any local or national restrictions imposed by central government. The administration of this and other Council policies could, therefore, be impacted by a pandemic or other emergency for the period that such restrictions are in operation."

2.0 Disposal of Goods Policy detail

2.0 Disposal of Goods Policy Detail

2.1) Power to Dispose of Goods

Section 41 of the Local Government Act (Miscellaneous Provisions, 1982) gives DBC the power to dispose of property left on council premises (e.g. in a council garage, council property or communal areas). Unless the property poses a fire risk, DBC must give the owner of the property one month's written notice requiring him/her to collect the property by a specified date. If the owner does not do so, DBC become the legal owners of the property on that date and can dispose of the property as it thinks appropriate.

If it appears that it is "impossible" to serve Notice on the date the property comes into DBC's possession (i.e. because the whereabouts of the owner is not known), DBC can dispose of the property one month from that date.

If, after making reasonable enquiries, we believe it will be impossible to serve a notice after the date that the property came into its possession, then DBC will become legal owners of the property six months from that date.

2.2) Tracing/Contacting Owners of Goods

We will make every effort to trace the owner of goods left either in a property or in a communal area. We may ask neighbours if they know the whereabouts of the owner.

When we contact tenants/leaseholders with a notice, we will give them a reasonable period of time to collect the goods. The notice period will be one month, but sometimes we will move goods straight away to prevent a fire risk.

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

2.3) Disposal of Goods Guidelines

- DBC will follow the guidelines set down in the procedures that accompany this policy in relation to the disposal of goods.
- Where rubbish or goods worth less than £100 are left in the property, DBC will assume that they have been abandoned and dispose of them as part of the normal void process.
- Where goods are perceived to be worth over £100, DBC will organise a valuation.

- Goods that might reasonably be thought of as having sentimental value (e.g. family photographs) will be retained and dealt with in accordance with our procedure.
- Where there is reason to believe that goods are owned by a third party (e.g. goods on hire purchase), every effort will be made to trace the rightful owner and notify them that the goods are ready for collection.
- When a tenant cannot be traced, important documents such as passports or benefit books will be returned to the issuing office. Any post left in the property should be redirected to the sender.
- Every effort will be made to dispose of goods within the shortest time possible to ensure the property can be re-let as quickly as possible.
- If it is necessary to store goods while waiting for them to be collected, DBC reserves the right to make a charge to cover the cost of storage and transport of the items. The charge will vary according to the volume of goods stored.

2.4) Tenant/Leaseholder Responsibility

Tenants/leaseholders must accept their responsibilities regarding goods as stated in their Tenancy Agreement or Lease Agreement. These include:

- Removing all possessions from the garage at the end of a tenancy;
- Co-operating in keeping common areas free from obstruction; and
- Following health and safety advice.

2.0 Disposal of Goods Policy detail (continued)

NOTE: Dacorum Borough Council's Notice to Quit (NTQ) is currently under review. Once finalised, it will be added to this policy as an Appendix.

2.5) Fire Safety

Under the Regulatory Reform (Fire Safety Act 2005) and the Housing Act (2004), DBC must carry out thorough fire risk assessments on our properties.

DBC have a legal duty to keep communal areas (including stairs, corridors and washing areas and garage forecourts) free from obstruction and to ensure fire escapes/routes are kept clear at all times. This may involve removing any goods that create a fire risk.

A fire risk could include obstruction from a large item, such as furniture or a large box, as it could block a fire exit or escape route. Arson is another risk and abandoned goods are a danger as they could quite easily be set alight.

If we have to immediately remove items in line with our Safety in Communal areas policy, we will follow the guidelines set down in the procedures that accompany this policy in relation to the disposal of these items.

3.0

Links to other corporate documents

This policy links to and should be read in conjunction with the following policies, strategies and other documents:

- Estate Management Policy
- Tenancy Management Policy
- Rent Arrears and Write Off Policy
- Rent and Other Charges Policy
- Anti-Social Behaviour Policy
- Safety in Communal Areas Policy
- Fire Safety Policy
- Clear landings procedure
- Garage Terms and Conditions

4.0

Legislation

The legislation listed below will be taken into consideration when implementing this policy:

- [Section 41 of the Local Government \(Miscellaneous Provisions\) Act 1982](#)
- [The Regulatory Reform \(Fire Safety\) 2005](#)
- [Housing Act \(2004\)](#)