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1. Introduction and Objectives

- 1.1 This policy aims to provide a clear and consistent approach to the way we identify, store, or dispose of items left by tenants and their households in the properties that we manage.
- 1.2 We aim to be fair and transparent in the way we manage housing services. As well as balancing the needs and rights of a tenant, or former tenant, we have a duty to manage public funds and resources, including the way we manage empty properties. For this reason, we cannot allow a tenant's unclaimed possessions to be left for a long period in an otherwise empty property that we need to relet.
- 1.3 The key objectives of this policy, and the procedure which implements it are:
 - To give clear guidance to our staff and contractors to be able to deal with items left in properties, and to apply this policy consistently and fairly
 - To ensure residents are treated fairly when we need to remove and dispose of their personal property
 - To minimise the risk of disputes regarding the removal and/or disposal of residents' property
 - To minimise time and costs associated with clearance, storage, disposal, and the lost resource for empty properties

2. Scope and Exclusions

- 2.1 This policy applies to all introductory and secure tenants of Lewisham Council where the property is managed by our Housing Services.
- 2.2 This policy does not apply to items left inside a leasehold or shared ownership property, as this is outside of our jurisdiction, and we expect the leaseholder (or their estate) to manage this process in line with the terms of their lease.
- 2.3 This policy does not apply to temporary accommodation that we manage.



- 2.4 This policy also applies to property which has been abandoned within a garage or storage facility that we manage, and had made available for a resident or other person to use.
- 2.5 Items left in communal areas that we manage are out of scope. This is managed under a separate policy (Clear Corridors), as items must be removed more quickly from these areas due to health and safety risk. However, when it comes to storage and final disposal of items discovered in these or other unauthorised areas of our buildings, the legislation and principles of this policy also apply.

3. Legislation and Regulation

The primary legislation that applies in the case of this policy is:

- Section 41 of the Local Government (Miscellaneous Provisions) Act 1982

Additional legislation that we may need to consider includes, but is not limited to:

- Data Protection Act 2018
- Tort (Interference with Goods) Act 1977
- Equality Act 2010
- Section 47 of the Care Act 2014

4. Policy application

- 4.1 Where a tenancy has been ended, and there are items left in the property, we will serve notice under Section 41 of the Miscellaneous Goods Act. We will store items for a period of one month, in accordance with this legislation.
- 4.2 We will serve a copy of the notice to the tenant to their last known whereabouts and will also make all reasonable attempts to contact through any contact information we have on file. We will keep a record of all attempts to contact them. Once the notice period has expired, we will arrange for sale and/or disposal of the remaining items.
- 4.3 If it is impossible to serve the Section 41 Notice on the day the property comes into our possession, we will serve this as soon as is practically possible and will dispose and/or sell the property after one month from the date of the notice.
- 4.4 If enquiries were only made *after* the goods were taken into our possession and the Notice cannot be served (e.g., because the former tenant's whereabouts are unknown), then we will keep the goods for six months. After this time, Lewisham Council becomes the owner, and the goods can be sold and/or disposed of.
- 4.5 We will take photographs of the items in situ and will make an inventory of items which appear to us to have an individual value of £50 or more. Some items may be described together for the purposes of the inventory – for example clothing or paperwork, which we will not go through in detail, and likewise where there may be large amounts of hoarded items.



- 4.6 If we are able to identify small items that appear to be of higher financial value or importance – for example phones, laptops, passports, we may be able to store these items for over a month. However, we cannot promise storage beyond this time.
- 4.7 Exceptions to 3.1 are where it would not be reasonable for us to store certain items. This includes the following situations:
- Verminous items – where for example there are obvious signs of pests
 - Perishable contents, including food or plants etc which will be disposed of immediately.
 - Items that would incur unreasonable expense for us to store them. This is where the cost of storage and/or removal would be more than the estimated value of the goods.
- 4.8 For animals left abandoned at a property see our Pets policy.
- 4.9 Where a car is left abandoned in a garage, we will take steps to trace the owner via the DVLA. Where the car is untaxed, we will arrange for the vehicle's removal. See also our Garage policy.
- 4.10 Where a former tenant's possessions have been stored, we reserve the right to recharge the costs associated with storage and/or removal from the property. This is in line with our Rechargeable costs policy, and the terms of the tenancy which requires vacant possession. Charges will vary, depending on the number and type of items. Where a former tenant advises us that we may dispose of the items before the expiry of the notice, we will ask for this to be put in writing, and will still reserve the right to recharge for disposal.
- 4.11 Where we store or dispose of items that may contain personal information, such as a phone or laptop, we will do so in line with data protection requirements.
- 4.12 Where it is practical to do so, rather than disposal of all items to landfill, disposal may sometimes include disposal via repurposing to a charity partner, in line with our sustainability and social value aims. Staff are not permitted to take abandoned items for their personal use.
- 4.13 Where an abandoned item poses a risk to health, life, and property we may arrange for early disposal if it cannot be safely stored.
- 4.14 We are not responsible for insuring items abandoned in a former tenant's property. Residents are encouraged to insure their contents throughout their tenure, but should be aware that leaving items in a property for which they no longer have tenure or access is likely to invalidate such insurance. They should check cover arrangements with their insurance provider.

5. Monitoring and controls

- 5.1 This policy will be implemented through accompanying procedures, including agreed voids processes. We will monitor the implementation through case management checks as appropriate. This may include making and checking inventories, appropriate communication attempts, storage and notice periods for residents to claim items.



- 5.2 We will monitor spend associated with abandoned goods. Costs such as clearance and storage will be recharged and pursued in line with our Rechargeable cost's procedure.
- 5.3 Complaints regarding the implementation of this policy will be handled under our housing services complaints policy and process.

6. Equality, diversity, and inclusion

- 6.1 An Equality impact assessment was completed as part of the development of this policy. There was no specific impact as a result of any protected characteristic, and while our position is unchanged, having this information available in a clear published policy format is of potential benefit to all to whom it applies.
- 6.2 While it was acknowledged that some resident circumstances and conditions may make it more likely for goods being left in a property, we can help with signposting and solutions to support individuals to clear a property (See 7.1.4).

7. Communication and consultation

7.1 Information and support at the end of a tenancy

Where we know that a tenancy is coming to an end, we will ensure tenants are provided with information about how they should prepare for their move. This includes:

- 7.1.1 A copy or link to our 'Moving Out' leaflet – this has useful information and reminders, including responsible disposal of items, and advice for those who may need support with the move.
 - 7.1.2 Tenants will also be informed of ways they can responsibly dispose of items of rubbish, for example via bulk lumbar collection points and bulk rubbish collection services. We can also provide information about charities and other organisations who might be able to collect unwanted goods to pass on to others who could use them.
 - 7.1.3 Our information will emphasise the need for tenants to ensure Lewisham Council has their current and any new contact details.
 - 7.1.4 We recognise that for some tenants, moving may be a challenging time and they may need support in making the necessary arrangements. We advise tenants to contact us if they feel they need support. We will make direct contact to offer support to vulnerable tenants who will believe are likely to have difficulties.
- 7.2 This policy will be available on our website.
 - 7.3 We will communicate this policy, and the processes that accompany it, through our staff intranet site, and will provide briefings and training as appropriate.
 - 7.4 Residents were consulted as part of the development of this policy (May-June 2023 via Lewisham Homes). This feedback has been used to further develop the policy as well as the associated procedures, and included requests for more reminders around responsible disposal of items and available support.



8. Related documents

These include but are not limited to:

- Rechargeable costs policy
- Garage policy
- Clear corridors policy
- Hoarding processes

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| Replaces: Abandoned goods policy August 2023 (Lewisham Homes) Minor updates to reflect the return of landlord services previously managed by Lewisham Homes to Lewisham Council | |
| Date approved: 03/01/2024 | Effective date: 03/01/24 |
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