



**City of London Corporation**  
**Department of Community & Children's Services**  
**Housing Service**

**Disposal of Personal Property Policy**

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<b>Approved by:</b>	<b><i>Housing Management &amp; Almshouses Sub-Committee</i></b>
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## **1. Introduction**

This policy describes how we will deal with the removal and disposal of personal property found, or left on, City of London housing estates. The City of London Corporation has certain duties towards the owner of any property found or deposited on its estates. The law also gives the Corporation the power to dispose of goods or personal property found on its premises once adequate notice has been given, where this is possible.

## **2. Aims of this Policy**

The aims of this policy include the following:

- To give clear guidance to officers on their responsibilities when dealing with personal property removed from Corporation premises
- To ensure residents are treated fairly when we remove and dispose of any personal property
- To enable estate staff to deal effectively with property which is found on our premises, whether it is lost, abandoned or placed there without authorisation
- To reduce the risk of disputes relating to the removal or disposal of residents' property
- To minimise storage costs and rent or void losses

## **3. Scope**

This policy applies to all the Corporation's Housing Revenue Account (HRA) housing estates, as well as the City of London and Gresham Almshouses. All officers working on our estates are expected to comply with this policy and any associated procedure.

This policy is intended to cover property found on any premises (or part of any premises) owned or managed by the Corporation's Housing Service, with application to:

- communal areas of the housing estates, e.g. walkways, balconies, lobbies, gardens, roadways or corridors
- any areas solely under the Corporation's control, e.g. plant rooms or roof areas
- void properties (both residential and commercial units)
- storage sheds, garages and parking spaces

## **4. Legislation**

The Local Government (Miscellaneous Provisions) Act, 1982 ("the 1982 Act") gives local authorities the power to dispose of goods found on their premises, or deposited with them, when certain conditions are met.

Where possible, a notice must be served on the owner or depositor. The legislation covers cases where the whereabouts of the owner are known and notice can be

served on them, as well as situations where it is not possible to serve notice on the owner, or the owner is not known.

### ***Cases where notice can be served***

Section 41(3) of the 1982 Act provides the following:

- Where property is found on their premises, or deposited with them, the local authority can serve a notice on the owner or depositor requiring them to collect the property
- The notice must give the owner or depositor at least one month to collect the property
- If the property is not collected after one month has elapsed, the local authority becomes the legal owner and may dispose of it

### ***Cases where notice cannot be served***

- If, *on the date they come into possession of the property*, the local authority forms the view that it is “impossible” to serve a notice on the owner, the property becomes theirs one month from that date;

Or

- If, *after making reasonable enquiries*, it appears to be impossible to serve a notice on the owner, the property becomes the local authority’s six months from the date they took possession

### ***Perishable items and other exceptions***

The 1982 Act allows us to dispose of items immediately if they are perishable, or if looking after the property would incur unreasonable expense or inconvenience.

We will make reasonable attempts to trace or contact the owner of any property before disposing of it, though we reserve the right to dispose of items immediately should it fall within one of these exceptions.

## **5. Recovery of costs**

We may require the owner of any property in our possession to pay relevant costs before releasing the property back to them. This includes:

- costs incurred in making reasonable enquiries for the purpose of serving a relevant notice
- costs incurred in looking after the property adequately while it was in our possession, including reasonable storage fees

## **6. Disposal of Property**

### *Cases where notice can be served*

In cases where we know the whereabouts of the owner, we will serve a written notice under section 41(3) of the 1982 Act as soon as practicable after we take possession of any property from premises under our control.

We are required to give a minimum of one month's notice to collect items in our possession and, in most circumstances, we will give this statutory minimum period only. Uncollected property will normally be disposed of without further notice once this period expires.

In exceptional cases, we may give longer than one month for the owner to collect the property, depending on the circumstances of the case.

Any notice we serve will include the deadline date for collection. While we may give longer than the statutory minimum, under no circumstances will property be retained for more than three months from the date of service of the notice to collect.

### *Cases where notice cannot be served*

Where the owner's whereabouts are not immediately apparent, we will make reasonable enquiries to establish whether a notice can be served on them. The nature and extent of the enquiries will vary from case to case and will be dependent in part on the assumed value of the goods. If, at the end of our enquiries, it appears that notice cannot validly be served, we are obliged to retain the property in question for six months from the date we took possession of it. We will then dispose of the property as soon as practicable after the six months has elapsed.

## **7. Void Properties**

Where rubbish or very low-value items are left in a property once we take back possession, we will normally dispose of these items immediately as part of the voids process.

Any other items, or goods that might reasonably be thought of as having sentimental value (e.g. family photographs), will be retained and dealt with in accordance with this policy and the associated procedure for officers.

Any important documents found in void properties, for example passports and driving licences, will be returned to the issuing office.

## **8. Removal and Storage of property**

When we remove property to storage, it will normally be kept on the estate on which it was found or left. We reserve the right to store items elsewhere, including at

commercial storage facilities, should appropriate storage not be available on the estate concerned.

We will document or record details of any items we remove and will, wherever possible, photograph items at the point of removal or as soon as possible after removal.

We will take reasonable care of any property in our custody. It will be stored in an appropriate place, which will normally be a secure area under our control, though in some circumstances it may not be possible or desirable to keep items in secure storage.

Reasonable storage costs will be charged to the owner and we may require payment of these costs prior to releasing their property back to them.

### **9. Arrangements for claiming property**

When property has been placed in storage, the owner can collect it by arranging an appointment via the relevant estate office.

It is the owner's responsibility to arrange collection and we are unable to provide assistance in removing items from storage, other than in exceptional cases.

When property is in storage, whether in an estate facility or a void property, we will normally provide one appointment for it to be collected by the owner. Any additional appointments will be at the discretion of the Estate Manager.

### **10. Communal areas – fire safety**

This policy will be used in conjunction with the Corporation's Fire Safety Protocol for communal areas in residential blocks. Any items removed from these areas under the Fire Safety Protocol will be dealt with in accordance with this policy.

### **11. Residents with support needs**

When applying this policy, we will ensure that any individual support needs are considered and officers may use their discretion to make exceptions accordingly.

We may involve relevant agencies or third parties to ensure that vulnerable residents are supported adequately when we are in contact with them about the removal and disposal of their personal property.

### **12. Monitoring and Performance**

We will monitor our use of this policy and the way in which it is implemented, ensuring that any relevant information is reported at appropriate intervals.

### **13. Training**

We will provide all staff responsible for implementing this policy with comprehensive training as required.

#### **14. Equality and Diversity**

This Policy has been subject to a full Equalities Analysis and will be implemented in accordance with our responsibilities and duties under relevant legislation, including the Equalities Act 2010.

#### **15. Accessibility**

We will ensure that tenants' needs are considered when implementing this Policy to ensure that they are treated fairly. We will make appropriate arrangements to ensure that customers with distinct communication needs are not unreasonably and disproportionately affected. This could involve providing communications in alternative languages or formats, or providing interpretation or transcription as appropriate.

#### **16. Data Protection and Information Exchange**

We will comply with our obligations under relevant data protection legislation and regulations. We will process and store personal information securely.

There are some circumstances in which we are required by law to disclose information given to us.

#### **17. Policy Review**


We will review this policy at least every three years, or following relevant changes to legislation, regulation or policy.

#### **18. Legislation**

- Local Government (Miscellaneous Provisions) Act, 1982

#### **19. Related documents**

- Removal of Personal Property Procedure
- Fire Safety Protocol (Communal Areas of Residential Blocks)
- Estate Management Policy and Procedure

<p><b>Department of Community &amp; Children's Services</b></p> <p><b>Housing Service</b></p>	
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