

## Mobility Scooters

<b>Responsible Officer:</b>	Assistant Chief Executive – Asset Management
<b>Approved:</b>	By SLT May 2020
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<b>Regulatory Standard:</b>	Home Standard
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## 1.0 Introduction

- 1.1 Incommunities is committed to promoting independence and choice for older and disabled people and to compliance with the Equalities Act 2010. At the same time Incommunities has to ensure high standards of health and safety for customers, staff and visitors within buildings with communal areas.
- 1.2 This policy sets out how Incommunities will consider requests from customers to keep electric mobility scooters in buildings covered by current fire safety legislation and the factors to be considered when granting or refusing permission. It covers both Retirement Living accommodation schemes and general needs schemes comprised of flats with communal areas.

## 2.0 Statement of Intent

- 2.1 Incommunities has adopted a `clear area` approach to maintaining good housekeeping across general needs schemes. Within Retirement Living schemes a `managed use` approach is in place with only Incommunities fixtures or fittings in communal areas. Residents' possessions are not permitted in communal areas. Therefore mobility scooters are not allowed to be stored or charged in communal areas due to the significant fire loading risk unless it is a designated scooter room provided for both storage and charging.
- 2.2 The aims of this policy are to:
  - Advance health and safety and particular fire safety in the communal areas of our communal schemes
  - Ensure that Incommunities takes a consistent approach to managing and responding to requests from customers to keep a mobility scooter
  - Ensure customers ask for written permission before obtaining a new mobility scooter
  - Accommodate all requests for permission to keep a mobility scooter where practicable, and not to refuse permission unreasonably
  - Carry out a full assessment prior to a decision on whether or not to grant permission
  - Ensure that where permission is granted that the customer has adequate insurance
  - Provide clear information on the terms permission is granted, if any
  - Provide a clear explanation in writing of the reasons for refusing permission
  - Manage the number of mobility scooters in any one site so as not to compromise the safety of customers or other users of the site. In relation to available space a waiting list will be managed locally
  - Ensure that customers are aware of their responsibilities under the tenancy conditions and to others

- To ensure that appropriate action is taken to enforce the policy when required.

### **3.0 Purpose and Scope**

3.1 A mobility scooter is defined for the purpose of this policy as an electric mobility scooter or electric wheelchair designed mainly for outdoor use. See definition below.

3.2 Mobility scooters are considered to be 'Invalid Carriages' as defined under the Use of Invalid Carriages in Highways Regulations 1988 (as amended). The regulations divide these machines into three classes:

Class 1: manual wheel chair, not covered by this policy

Class 2: applies to motorised wheelchairs, designed for use on the pavement travelling at speeds of up to 4 mph. They may also be used to cross the road or where there is no pavement.

Class 3: applies to machines that can be used both on the pavement where, like Class 2, they are limited to 4 mph and on the road where they can travel up to 8 mph. These vehicles are required by law to be registered with the DVLA for road use. These vehicles will be licensed in the disabled taxation class and must display a nil duty tax disc. Insurance is not a legal requirement but it is essential if the vehicle is to be used and stored in a Retirement Living Scheme or communal area.

3.3 Customer refers to tenants, leaseholders and any other household members.

### **4.0 Policy**

#### **4.1 Requesting Permission**

4.1.1 This policy will apply to all requests to keep a mobility scooter at an Incommunities property with a communal area typically with a communal front door used by more than one household. For the purpose of this policy communal areas are typically "Any internal area within a building which is shared or is accessed by more than one person e.g. corridors, cupboards, lounges etc."(National Fire Chiefs Council).

4.1.2 Customers who wish to obtain a mobility scooter must apply in writing to their Neighbourhood Officer or for Retirement Living schemes to the Retirement Housing officer. The form at appendix 1 can be used to request permission.

4.1.3 It is recommended that this is done prior to the customer obtaining a mobility scooter. However the customer must be able to provide details of the model they plan to purchase. This is to ensure that the customer is clear about the extent of any limitations/conditions we may find it necessary to impose and that the customer can meet such conditions. Also to ensure that appropriate arrangements can be made for the safe storage of the vehicle before bringing a scooter into the scheme or building.

4.1.4 Incommunities aims to respond to requests within 28 days of receipt where possible providing all relevant information has been provided by the customer. The

Scooter Policy and Procedures will be followed to determine whether permission is granted.

4.1.5 Requests to keep a mobility scooter will be considered by the Neighbourhood Housing Officer or Retirement Housing Officer.

4.1.6 We will not unreasonably withhold permission for the use and/or storage of mobility scooters in our schemes or buildings but we may impose certain conditions in order to protect the health and safety of all other customers, visitors and staff and also in the interests of preventing any potential fire risk.

4.1.7 Where appropriate a risk assessment will be undertaken by a Fire Safety Officer to support the decision-making.

4.1.8 We will consider requests based on the information received from the customer. We will assess whether there is an approved safe area to store and charge the mobility scooter. Mobility scooters will only be allowed where a customer can safely store and charge the scooter without hindering safe escape from the property in the case of fire. Each individual scooter requires a separate application/permission.

4.1.9 Permission will be refused where:

- There is no safe storage in the customer's flat and no alternative safe storage and charging space can be provided
- A physical alteration to the premises is required which we believe to be unreasonable in terms of cost and/or disruption to other customers
- A customer fails to take out the necessary insurance cover
- If the mobility scooter is too large to fit through internal or external entrances, or would exceed lift capabilities serving the property
  
- The scooter is in a visibly poor condition

Or

- If the customer wishes to keep more than one mobility scooter

Examples of safe storage and charging spaces may include:

- A designated room within a property
- A designated communal room
- A designated external space

4.1.10 Where permission is refused, Incommunities will explain the reasons and tell the customer how they can ask for a review of the decision. Where permission is given, this may include reasonable conditions and will outline the storage and charging arrangements available.

4.1.11 Should any customer fail to obtain permission and/or comply with any reasonable condition we impose in granting permission for the use and/or storage of a mobility scooter on one of our schemes, we may take enforcement action as appropriate.

## **4.2 Terms and Conditions of Permission**

4.2.1 Where permission is granted this may include reasonable conditions. The letter granting permission may specify:

- The size, weight and type of mobility scooter that can be kept
- That the permission is conditional on the customers having relevant insurance and tax registration (where applicable)
- That the mobility scooter will fit in the external doors, lifts and internal doors and is within the weight capability of any lift serving the property. It is the customer's responsibility to ensure this and that no damage will be caused by the scooter or its use.
- In Retirement Living schemes to allow reasonable access for the annual Portable Appliance Test (PAT) of the scooter charging equipment.
- If any charging equipment in a communal area fails a PAT, it is the customer's responsibility to remove, repair or replace the mobility scooter before using it. Failure to do so will be deemed a breach of this policy
- That mobility scooters are used at all times with due care and consideration of other residents, visitors and staff so as not cause a nuisance.

4.2.2 Customers must ensure that they have appropriate public liability insurance cover against accidents or the injury, to third parties or themselves, as well as any damage to the internal or external parts of the building.

4.2.3 Customers who apply for permission must produce their insurance certificate for inspection upon request. Failure to provide adequate insurance cover may result in the permission granted being refused or withdrawn.

4.2.4 Where permission is granted, the customer shall ensure that the mobility scooter is only stored in the space designated for the mobility scooter.

4.2.5 When considering an application where a mobility scooter is to be stored in a customer's home, an inspection must be undertaken to ensure that the property is suitable and that appropriate health and safety precautions can be adequately put in place, and the

means of escape out of their home remains uncompromised. This inspection must be carried out before the decision whether to grant permission to keep a mobility scooter is made. We may require a full application for permission to make adaptations/alterations required depending on the extent of the adaptations required. The cost of any adaptations/alterations identified is to be met by the customer.

Examples of adaptations include:

- Fillet ramp
- Upgrade of heat and smoke detection systems
- Electrical charging points with suitable protection
- Internal fire doors

4.2.6 Customers will need to have obtained prior written permission from us for any alternations for example the provision of storage facilities, ramp, access or hardstanding. We will not unreasonably withhold permission for alterations however there may be instances where it is not appropriate to grant permission due to the layout of the property.

4.2.7 Permission may be withdrawn if:

- Any condition is not adhered to
- The customer purchases an additional or larger mobility scooter
- This policy is updated to meet new regulatory requirements, and the mobility scooter breaches these requirements.

4.2.8 Customers are responsible for ensuring their mobility scooter is serviced and maintained regularly.

4.2.9 We will undertake periodic checks to ensure that the policy is complied with.

### **4.3 Storage**

4.3.1 Mobility scooters must not be stored or charged in communal hallways or stairwells at any time. This is because mobility scooters introduce a considerable fire risk and sometimes an obstruction hazard within areas that should be maintained as safe, sterile areas at all times.

4.3.2 If there are already mobility scooters parked on a scheme, the Neighbourhood Officer or Retirement Housing Officer will, as part of the risk assessment ensure that there is adequate space for any additional scooters. If there is not, then the Neighbourhood Officer or Retirement Housing Officer will work with the residents to try to achieve a mutual solution or may refuse permission. The storage areas for mobility scooters will

normally be allocated on a first-come, first-served basis and permission for a mobility scooter is still required.

- 4.3.3 On occasion there may be a requirement to review the use of scooters and customers with a communal storage space who are not using the scooter regularly may be required to remove it.

#### **4.4 Charging Mobility Scooters**

4.4.1 Mobility scooters should only be recharged safely within the residents' home or designated storage shelter and in accordance with the terms and conditions of the permission granted.

4.4.2 Mobility scooters must be charged according to the manufacturer's instructions.

#### **4.5 Breach of Mobility Scooter Policy**

4.5.1 Where a mobility scooter is stored or charged on Incommunities premises without permission, or outside of the terms of permission granted, Incommunities will take a firm but fair approach working with customers and only taking enforcement action when other reasonable alternatives have been exhausted.

4.5.2 Obstruction of communal areas and/or escape routes is a serious fire risk and/or health and safety breach. Such an obstruction is considered to be an emergency and serious breach of tenancy. The removal of the scooter / obstruction may be necessary to remove this risk. Should a customer store or charge a mobility scooter in communal parts of the building outside of the terms of the permission granted, the customer may be requested to remove the item with immediate effect.

If the customer does not comply with the request to remove the mobility scooter within 24 hours of the request being made, Incommunities may take the following action:

- Removal of the item in which case a TORT notice will be served on the customer and they will have 28 days to collect the item.
- If the item is not collected Incommunities will try and contact the customer to see if this item is still required and they are able to come and collect.

If we are unable to contact the customer or the customer fails to collect the scooter within 7 days, Incommunities reserves the right to dispose of the item

- Tenancy enforcement action if the situation recurs which could ultimately lead to possession proceedings and eviction.

If Incommunities takes any of the above actions, it reserves the right to recharge the customer for:

- Cost of removal, storage and disposal (if required) of the mobility scooter

- All legal and administrative costs of the enforcement actions.

4.5.3 We may claim against a resident for the cost of any damage caused to Incommunities' property by the use of his/her mobility scooter.

## **5.0 Communication**

5.1 Clear information will be available via Retirement Housing Officers and, Neighbourhood Housing Officers and Incommunities communication methods including the website and publications.

5.2 As part of the Allocations process and suitability check information on mobility scooters will be available and where appropriate information given regarding the content of this policy.

## **6.0 Review**

6.1 There will be an automatic review of this policy whenever there is a change of statutory or regulatory provisions, or when other information becomes available that will impact on this policy. In any event there will be a substantive review of this policy every three years.

## **7.0 Performance Reporting**

7.1 Appropriate documentation will be used to record information and provide measures relating to mobility scooters and these will include:

- Tenancy records and permission granted or denied under this policy
- Presence of mobility scooters in communal areas identified in Fire Risk Assessments
- Appeals following refusal of permission for a mobility scooter
- Breaches of the Mobility scooter policy.

7.2 Measures detailed above will be included in management information reviewed by the Neighbourhood Management Senior Management Team and supplied to the Compliance Governance Group for review annually.

## **8.0 Monitoring**

8.1 Where permission for a mobility scooter has been granted, the information will be recorded centrally on the housing management IT systems.

## **9.0 Related Policies**

Incommunities Adaptations Policy  
Incommunities Allocation and Lettings Policy  
Incommunities Property Compliance Policies  
Incommunities Equality and Diversity Policy