

Mobility Scooter Policy

2022 - 2025



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CONTROL SHEET FOR [policy title here]

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Introduction

Bolsover District Council is committed to supporting the quality of life of its residents. In accordance with the Equality Act 2010, residents are permitted to make use of the most appropriate equipment available to them. This includes leasing or buying mobility scooters which enable them to live independently and positively impact on their quality of life.

This policy provides guidance on the use and storage of mobility scooters, how to acquire permission for a mobility scooter from the Council and also promotes responsible ownership mitigating all associated Health and Safety risks.

The Council wishes to ensure mobility scooters are being used legally and safely in individual properties, mobility scooter storage facilities and communal areas of sheltered housing, general needs and leasehold accommodation.

1.1 Aims

The aims of this policy are to ensure:

- The Council meets its statutory obligations.
- Mobility scooters do not cause an obstruction and do not increase the risk of fire spread or block an escape route in the event of a fire.
- Clear guidance is provided on the safe use and storage of mobility scooters in permitted properties and locations in sheltered housing, general needs and leaseholder accommodation.
- Tenants and leaseholders are provided with advice and how to get permission from the Council prior to obtaining a mobility scooter.
- Tenants and leaseholders adhere to their responsibilities relating to the storage, charging and use of mobility scooters once the Council has granted permission.
- Tenants and leaseholders are aware that they are liable for any injury caused to another person and/or damage to mobility scooter stores, communal areas and/or other Council property and/or another person's property as a result of their use of a mobility scooter.

2. Scope

This document is written with the purpose of raising awareness to health and safety and operating issues relating to the use of Mobility Scooters.

The policy is applicable to all tenants, leaseholders and shared owners or members of their household, who wish to store a mobility scooter in their property, mobility scooter store or in an appropriate external area. Any persons visiting these properties should also adhere to the guidance in this policy.

It is imperative, that those using and storing scooters at Council operated Independent Living Schemes adhere to the guidance given by the Scheme Manager along with the guidance contained within this policy.

2.1 Legal Framework

The Council has a duty to comply with the law relating to fire safety. The Regulatory Reform (Fire Safety) Order 2005 applies and covers general fire precautions and fire safety duties which are required to protect people in case of a fire in and around premises.

One of the requirements under the Order is that fire risk assessment, focusing on the safety of occupants and visitors to the building, need to be carried out. Risk assessments have identified mobility scooters as a possible fire hazard when stored within communal areas, particularly near escape routes.

The primary legislation relating to mobility scooters includes:

- Regulatory Reform (Fire Safety) Order 2005
- Equality Act 2010
- Management of Health and Safety at Work Regulations 1999
- Use of Invalid Carriages on Highways Regulations 1988

This Policy will have due regard to relevant national legislation, guidance and local policy such as:

- Disability Discrimination Act 1995
- The Regulatory Reform Order (Fire) 2005
- Local Government Act 2000
- Human Rights Act 1998
- Health and Safety at Work Act 1974
- The National Fire Chiefs Council Mobility Scooter Guidance for Residential Buildings 2018
- The National Fire Chiefs Council Fire Safety in Specialised Housing 2017
- BDC Adaptations policy
- BDC Tenancy agreement
- Tenant Improvement Policy

3. Principles

The Council is committed to delivering an excellent service, ensuring that Council tenants and their household, as far as possible, continue to live safely and independently whilst ensuring well-being and quality of life.

The policy will help to fulfil the corporate priorities by, promoting equality and diversity and supporting vulnerable and disadvantaged people; and improving health and well-being.

4. Statement

4.1 Mobility Scooter Classification

Mobility scooters are defined as an “invalid carriage” under the Use of Invalid Carriages on the Highways Regulations 1988 in which they are divided into three categories:

Class 1 Vehicles

Manually operated wheelchairs not electrically powered.

Class 2 Vehicles

Powered wheelchairs and mobility scooters for pedestrian routes and indoor use that are limited to a maximum speed of 4mph. Class 2 vehicles are not allowed on the public highway.

Class 3 Vehicles

Powered vehicles and mobility scooters that are designed to travel up to 8mph and are used on roads/highways. Class 3 vehicles are not classed as motor vehicles but they are required to be licensed with the Driver and Vehicle Licensing Agency (DVLA) for road use and cannot be operated by anyone below the age of 14.

This policy applies to any Class 2 or 3 vehicles as defined above or any powered wheelchair.

For the purposes of this policy, vehicles that are not specifically designed for mobility use will not be permitted, neither will any equipment that may use an alternative power, including but not limited to, a combustion engine or flammable fuels.

4.2 Ownership of Mobility Scooters

If a resident is considering obtaining a mobility scooter, they must seek permission in writing from the Council first, to agree storage of the scooter.

Whilst permission will not be unreasonably withheld, the Council's responsibility for health and safety of all residents within a block of accommodation must be paramount.

Permission will only be granted if the tenant/leaseholder is able to store the mobility scooter in suitable storage facilities, if they are available where they live, or within their home if they live in general needs housing. This will be assessed and deemed suitable or not by the Council.

The Council will maintain a register of all scooter ownership and this will be renewed annually.

4.3 Requesting Permission

Whether you are considering moving into a Council rented or leased property, or you are an existing tenant or leaseholder and already have a mobility scooter you must seek permission from the Council to keep and store a scooter.

A request for permission must be made in writing, the decision will be made after an assessment of the property has been undertaken. This can be carried out prior to the tenant/leaseholder obtaining a mobility scooter by providing the details of the model they are planning to get.

When considering external storage and charging of mobility scooters, the following conditions must be considered.

The storage building or unit;

- should be constructed of non-combustible material (to minimise the risk of fire spread whilst storing / charging the scooter.)

- must be sited to the rear of the property (this is to protect the street scene, so we don't have sheds visible from the road), located 3 metres from the property (to prevent fire spread to the property), and 1 metre from the property boundary (to enable maintenance of the boundary)
- must be secured to a suitable base consisting of paving slabs, or concrete. (to prevent the building being affected by wind)
- may have electrics installed for charging or lighting. These must be installed by a competent person to current regulations, and the Installation Certificate forwarded to the Council. (to ensure electrical safety and compliance with regulations)
- must have suitable paths installed to allow safe access, consisting of paving slabs or concrete.

All applications must be submitted and approved by the Council in accordance with the Tenant Alteration and Improvement Policy prior to carrying out any works.

The Council reserves its right to not grant permission or withdraw permission to store a mobility scooter at any time should a tenant/leaseholder not adhere to this policy.

Permission will be refused where:

- there is no safe storage in the tenant/leaseholder's property, no Council mobility scooter store is provided at the sheltered housing scheme/general needs site,
- it is unreasonable to make alterations to the physical features of the building/property;
- if the scooter is too large to fit through internal or external entrances to the building/property/lift or storage facility without causing damage;
- if the tenant/leaseholder wishes to keep more than one scooter;
- there are concerns regarding a tenant/leaseholder's ability to use a mobility scooter safely;
- a tenant/leaseholder fails to have an assessed need;
- a tenant/leaseholder fails to provide any documentation requested by the Council.

If permission is refused by the Council, the reasons for refusal will be outlined in writing to the tenant/leaseholder.

4.4 Appeals

If the tenant/leaseholder is unhappy with either the refusal of their request or the conditions that are imposed, they may appeal to the Housing Management Team. Appeals should be in writing setting out reasons why they object. Documentary evidence to support the appeal/dispute should be provided where possible.

A decision will be taken by the Operational Repairs Manager, and Housing Enforcement Manager and will be confirmed in writing.

If the tenant is not satisfied with the outcome of the appeal or dispute, their complaint will be entered into the Council's Complaints Procedure

4.5 Safe Storage

Mobility scooters must not be stored or charged in communal areas at any time because they could increase the risk of fire or obstruct a fire escape route.

If a mobility scooter is stored within a tenant/leaseholder's property they must ensure there is enough space within the home to store the scooter safely. An inspection may be arranged to assess the need for any additional fire safety requirements. Mobility scooters are not permitted above ground level in Independent Living Schemes or in lifts.

The Council does not have a duty to provide provisions for resident's mobility scooters.

Residents will be responsible for altering access paths/gates and supplying hard standings, sheds, electrical supply and any other associated works connected to accommodating their scooter. Permission from the Council must be obtained first, and where applicable, Building Control and Planning.

Storage units/facilities must be stored within reasonable distance of the user's property, whilst not causing any obstruction or hazard within communal areas, pathways and pedestrian area. To prevent the risk of fire they should not be stored near habitable properties.

Mobility scooters should not block access and fire escape routes for the user and other residents of the building/block, the risk of obstruction/hazard should be minimised.

If there is any reduction in the width of any escape routes, this must be assessed and deemed as legally acceptable by the Council.

The Council will not be responsible for any loss or damage to a mobility scooter kept in a mobility scooter storage facility.

Mobility scooter owners are responsible for making sure the mobility scooter storage facility is left secure, tidy and free from trip hazards, as well as reporting any concerns to the Council.

4.6 Safe Charging

Mobility scooter owners must ensure any manufacturer guidelines and instructions on the safe charging of the mobility scooter are followed.

Mobility scooter owners must only charge their scooter (whether it is stored in a property or a mobility scooter storage facility) in the day time to reduce the potential risk of a fire erupting and/or being undiscovered.

Scooters should not be left on permanent charge, and only charged for the manufacturer's recommended time and not left on charge overnight.

Mobility scooters must be charged directly from the mains electric in the mobility scooter storage facilities. Extension leads are not to be used when charging any mobility scooter.

When charging inside a tenant's/leaseholder's home the door to the property must be shut whilst they are charging their mobility scooter and care should be taken to ensure that the leads will not cause a trip hazard within the property. There must be a working smoke detector in the property.

4.7 Maintenance

It is important that the scooter is properly maintained and serviced regularly. This will prolong its life and reduce the risk of fire and mechanical breakdown. Mobility scooter owners are responsible for ensuring mobility scooters are in a good working condition at all times and are well maintained/serviced regularly in line with the manufacturer recommendations.

Tenants and leaseholders are liable for any injury caused to another person and/or damage to communal areas and/or another Council owned property and/or another person's property as a result of their use of a mobility scooter.

In the event of any damage to a property caused by a mobility scooter user, the Council will seek to recover any costs incurred through the owner's insurance company. If no documentation of insurance can be provided the Council will recover the costs from the mobility scooter user directly.

4.8 Safe driving

Mobility scooter owners should ensure any manufacturer guidelines or instructions on the safe use of the mobility scooter are followed.

Mobility scooters and powered wheelchairs can legally travel at a maximum of 4mph on footpaths or in pedestrian areas. However mobility scooters must be set to their lowest speed when being used in communal areas to avoid accident and injury to the driver, others and damage to property.

Only the mobility scooter owner is allowed to drive the mobility scooter in the communal area, no other persons are allowed on the mobility scooter.

Within the Independent Living Scheme the mobility scooter cannot be driven in the communal areas or corridors, and should only be driven to access the designated storage and charging area by its separate entrance.

5. Monitoring

The Council will keep up to date records for all registered mobility scooter users and this will include:

- A completed risk assessment
- Storage location
- The make and model of the scooter

The register will be reviewed annually.

6. Enforcement

Mobility scooters cannot be stored in properties or on land owned by the Council without prior written permission from the Council as per this policy and the relevant clauses of the Tenancy Agreement.

If permission has not been granted to store a mobility scooter or permission has been withdrawn the tenant/leaseholder will be asked to remove the mobility scooter immediately. Failure to comply will result in the Council removing the mobility scooter for which the tenant/leaseholder will be recharged and could result in enforcement action for breach of tenancy.

The Council reserves the right to withdraw permission to store a mobility scooter at any time if the tenant does not adhere to this policy. The tenant will be asked to remove the scooter, immediately, and potentially permanently.

The Council understands the positive difference to quality of life a scooter can make. However where there is a breach of this policy which also amounts to a breach of tenancy, enforcement action will be taken

7. Rehousing

If a tenant feels that they cannot remain in their own home and live independently without a mobility scooter, and their request for permission is refused, the Council will look favourably upon assisting the tenant into moving to a more suitable property. In these circumstances the tenant should contact the Council's Housing Needs Team on 01246 242424.

8. Responsibility for Implementation

The Policy will be implemented by the Council's Housing Management Team working in partnership with other Council departments,

- Council's Housing Needs Team
- Independent Living Scheme Managers
- Contractors
- Asset Management Team
- Property Services and Repairs Team