Document Management

<table>
<thead>
<tr>
<th>Author</th>
<th>Interim Sheltered Housing and Careline Manager</th>
</tr>
</thead>
<tbody>
<tr>
<td>Directorate</td>
<td>Safer Communities and Housing</td>
</tr>
<tr>
<td>Document version</td>
<td>1</td>
</tr>
<tr>
<td>Policy approved by</td>
<td>Director of Safer Communities and Housing</td>
</tr>
<tr>
<td>Effective date</td>
<td>April 2019</td>
</tr>
<tr>
<td>Review frequency</td>
<td>Every 3 years</td>
</tr>
<tr>
<td>Review date</td>
<td>April 2022</td>
</tr>
</tbody>
</table>

Contents

1. INTRODUCTION ................................................................. PAGE 2
2. DEFINITIONS ........................................................................ PAGE 2
3. LEGISLATION, REGULATION AND GUIDANCE .......................... PAGE 2
4. AIMS AND OBJECTIVES ..................................................... PAGE 2
5. ROLES AND RESPONSIBILITIES ........................................... PAGE 3
6. REQUESTING PERMISSION .................................................. PAGE 3
7. ALLOCATION OF SPACES .................................................... PAGE 4
8. SAFE STORAGE ................................................................ PAGE 4
9. SAFE DRIVING ................................................................... PAGE 5
10. MAINTENANCE AND INSURANCE OF MOBILITY SCOOTERS ......... PAGE 5
11. CHARGES RELATED TO USE OF MOBILITY SCOOTER STORES .... PAGE 5
12. ENFORCEMENT ................................................................ PAGE 6
13. REQUESTS TO INSTALL A MOBILITY SCOOTER STORE .......... PAGE 6
1. Introduction

1.1. The London Borough of Ealing, hereinafter called “the Council”, recognises that the safe use of mobility scooters enables its tenants and leaseholders to maintain and increase their independence and social inclusion, positively impacting their quality of life.

1.2. The Council takes the health and safety of its tenants, leaseholders, Council staff, visitors and contractors seriously and encourages them to promote responsible mobility scooter ownership, use, and storage to mitigate health and safety risks.

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

2. Definitions

2.1. “The property” in this policy means the property let to a Council tenant(s) or held by a leaseholder.

2.2. “The communal area” in this policy means land outside and surrounding the property which the tenant or leaseholder may have permission to use in connection with the use of the property. This is including, but not limited to, stairways, landings, lifts, entrance halls, hallways, lobbies, fire safety equipment, shared gardens, bin stores, bicycle sheds, electrical cupboards, parking areas, play areas and refuse areas, including areas necessary to gain access to the property.

2.3. A “mobility scooter owner” refers to a tenant who has been granted permission to purchase a mobility scooter by the Council as per this policy.

2.4. Mobility scooters are defined as ‘invalid carriages’ under the Use of Invalid Carriages on Highways Regulations 1988 and are divided into three categories.

2.5. Class 1 applies to manual wheelchairs. This policy does not apply to manual wheelchairs.

2.6. Class 2 applies to any mobility scooter or powered wheelchair that is designed for use on the footway (pavement) and is not allowed on the public highway. They are limited to a maximum speed of 4mph, and are not required to be registered with the Driver and Vehicle Licensing Agency (DVLA). Class 2 also includes battery powered wheelchairs.

2.7. Class 3 applies to any mobility scooter or powered wheelchair that can be used on both the footway and the public highway. They are limited to 4mph on the footway, and 8mph on the highway. Class 3 vehicles must be licensed with the DVLA for road use, and cannot be operated by anyone under the age of 14.

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

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

3. Legislation, regulation and guidance

3.1. This policy takes into account the following legislation and guidance:

- Health and Safety at Work Act 1974
- Use of Invalid Carriages on Highways Regulations 1988
- Management of Health and Safety at Work Regulations 1999
- Regulatory Reform (Fire Safety) Order 2005
- Equality Act 2010
- The Care Act 2014
- Local Government Association guidance on fire safety in purpose built blocks of flats 2011
- The Chief Fire Officers Association draft Mobility Scooter Guidance 2017
- The National Fire Chiefs Council Fire Safety in Specialised Housing 2017
- The National Fire Chiefs Council Mobility Scooter Guidance for Residential Buildings 2018

3.2. This policy should be read in conjunction with the Council’s Tenancy Agreement and the Safer Communities and Housing Fire Safety Policy, and HRA Adaptations Policy.
4. Aims and objectives

4.1. The aims and objectives of this policy are to ensure:

- the Council meets its statutory obligations.
- mobility scooters do not cause any obstruction when stored in mobility scooter stores and that they 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 in relation to mobility scooters in mobility scooter stores and permitted properties in sheltered housing, general needs and leasehold accommodation.
- tenants are provided with advice, and obtain permission from the Council prior to purchasing or leasing a mobility scooter. This will ensure that before a mobility scooter is purchased, a tenant is advised on the storage space options available to them in their sheltered housing scheme, in their block or on their estate.
- tenants adhere to their responsibilities relating to the storage, charging and use of mobility scooters in mobility scooter stores, once the Council has granted permission.
- tenants and leaseholders are aware that they are liable for any injury caused to another person, damage to mobility scooter stores, communal areas and/or other Council property as a result of their use of a mobility scooter.

5. Roles and responsibilities

5.1. The Director of Safer Communities and Housing has overall responsibility for fire safety in Council owned properties and communal areas.
5.2. The Fire Safety Manager oversees this policy in relation to fire safety ensuring that fire risks are managed.
5.3. The Sheltered Housing Manager has overall responsibility for mobility scooters within sheltered housing, the Tenancy Management Team Manager for general needs housing, and the Home Ownership Manager for leasehold properties.
5.4. Sheltered Housing Officers will ensure they understand and follow this policy and are able to explain it to tenants so that they understand their responsibilities before requesting, and then, acquiring a mobility scooter within sheltered housing.
5.5. Tenancy Management Officers will ensure they understand and follow this policy and are able to explain it to tenants so that they understand their responsibilities before requesting, and then, acquiring a mobility scooter within general needs housing.
5.6. Home Ownership Officers will ensure they understand and follow this policy and are able to explain it to leaseholders so that they understand their responsibilities with regards to section 8, 9 and 12 of this policy whilst in ownership of, and operating a mobility scooter.

6. Requesting permission

6.1. All tenants are required to obtain permission from the Council to store a mobility scooter before acquiring, or a member of their household acquires, a mobility scooter.
6.2. Tenants who wish to obtain a mobility scooter, or with household members who wish to do so, must apply in writing to their Sheltered Housing Officer or Tenancy Management Officer for permission using the ‘Mobility scooter request form’.
6.3. The requirement to obtain permission also includes any tenant using and storing a mobility scooter at the time this policy comes into effect or with a household member doing so.
6.4. New tenants will be advised of this policy during sign up.
6.5. Where a prospective tenant(s), or member of the household, already owns a mobility scooter(s), the tenant will need to obtain permission from the Council before storing the mobility scooter in a property or mobility scooter store.
6.6. Where there is a mobility scooter store in a sheltered housing scheme with spaces available, the mobility scooter must be stored there once permission has been granted.
6.7. Where there is no mobility scooter store provision or spaces available, tenants are encouraged to transfer to a scheme where there is a mobility scooter store.
6.8. Tenants in general needs accommodation should consider applying to the Council’s housing register for a transfer to a sheltered housing scheme, if eligible, that provides a mobility scooter store.

6.9. Where there is no mobility scooter store provision or spaces available, and a transfer is not feasible, tenants should make an application to store a mobility scooter(s) inside their property.

6.10. The Fire Safety Officer will arrange and conduct a risk assessment prior to the tenant obtaining a scooter provided they can provide details of the make and model they are planning to purchase; permission cannot be granted unless the make and model is indicated on the request form.

6.11. Permission will be refused where:
- there is no safe storage in the tenant’s property, and no mobility scooter store is provided
- a major physical alteration to the property is required which the Council deems to be unreasonable in terms of cost and/or disruption to other tenants and/or leaseholders, in terms of their needs and well-being, residing in the scheme, block or estate
- the mobility scooter cannot fit through internal and/or external entrances
- there are stairs and no lift facility
- the tenant wishes to purchase and store more than one mobility scooter unless more than one scooter is required for the household members and/or
- the mobility scooter blocks any fire escape route.

6.12. The Council will use its best endeavours to respond to mobility scooter requests within 28 days of receiving the form.

6.13. If permission is not granted as the property is not deemed suitable, tenants should request an Occupational Therapist to undertake a feasibility assessment as per the HRA Adaptations policy.

6.14. Once permission has been granted by the Council, the tenant will need to sign a Mobility Scooter Agreement and provide necessary paperwork to the Council. If the tenant fails to provide relevant documentation within the timeframe given, the Council will consider taking enforcement action against them.

6.15. The Council will only permit the use of one mobility scooter per person.

6.16. Once permission has been granted by the Council, the tenant must notify the Council immediately should there be a change in circumstances for any reason, as it may affect permission.

7. Allocation of spaces

7.1. Blue Badge holding tenants will be given priority for spaces when they become available and then considered in date order of request. The Council will request proof of the Blue Badge during the application, and failure from the tenant to do so may affect space allocation.

7.2. Spaces will be individually allocated on a ‘first come, first served’ basis to all other applicants.

7.3. When there are no spaces available, a waiting list will be maintained. When a space becomes available, the tenant at the top of the waiting list will be contacted to process the application for permission.

8. Safe storage

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

8.2. Mobility scooter owners must only charge their mobility scooter (whether it is stored in a property or in a mobility scooter store) between 08:00am and 08:00pm to reduce the potential risk of fire overnight.

8.3. Mobility scooter owners must separate the battery from the mobility scooter (if designed to have the battery removed) to reduce the risk of fire by removing the source of ignition when the mobility scooter is not being charged.

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

8.5. The Council will not be responsible for any loss or damage to a mobility scooter(s) kept in a mobility scooter store.

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

8.7. The Council will conduct monthly health and safety inspections of mobility scooter stores to ensure they have been left, secure, tidy and free from any trip hazards.
8.8. The Council will ensure mobility scooter stores are included in fire risk assessments of Council stock and manage any risks identified.

8.9. Any visitors who have a mobility scooter must leave them outside the sheltered housing scheme, block or communal area; they are not permitted inside.

9. Safe driving

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

9.2. Mobility scooters must be set at their lowest speed whilst being used in communal areas to avoid injury to themselves, other tenants, leaseholders, Council staff, visitors and contractors.

9.3. No more than one person (the mobility scooter owner) is allowed on a mobility scooter in communal areas; this must be the mobility scooter owner.

9.4. The Council advises all mobility scooter owners to partake in a certified mobility scooter training course to ensure they ride safely, confidently andcompetently.

9.5. Mobility scooter owners should be able to read a car’s registration number from a distance of 12.3 metres (40 feet), and must take responsibility for ensuring that this can be done. Mobility scooter owners may have to pay compensation if they have an accident, and poor eyesight was part of the cause.

10. Maintenance and insurance of mobility scooters

10.1. Mobility scooter owners are responsible for ensuring a Portable Appliance Test (PAT) is undertaken on mobility scooters on an annual basis to ensure they are safe to use. This must be carried out by a qualified electrician.

10.2. A copy of the PAT testing certificate must be provided by the mobility scooter owner on an annual basis to the Council from the date the Mobility Scooter Agreement was signed.

10.3. For mobility scooter owners that own a Class 3 vehicle, evidence must be provided to demonstrate that the mobility scooter is licensed with the DVLA for road use; this must be shown when signing the Mobility Scooter Agreement.

10.4. Where a mobility scooter owner refuses or fails to provide evidence of certification within the timeframe given, the Council will consider relinquishing permission to store the mobility scooter and taking enforcement action against them.

10.5. Mobility scooter owners are responsible for ensuring mobility scooters stay in a good working condition, and are well maintained and serviced regularly in line with manufacturer recommendations.

10.6. The Council requires all mobility scooter owners to obtain a valid certificate of insurance for the vehicle.

10.7. Insurance must include public and third party liability to cover damage to buildings, property and grounds, or injury involving tenants, leaseholders, Council staff, visitors, contractors and/or members of the public.

10.8. A copy of the certificate of insurance must be provided by the mobility scooter owner on an annual basis to the Council from the date the Mobility Scooter Agreement was signed.

10.9. Where a mobility scooter owner refuses or fails to provide evidence of insurance within the timeframe given, the Council will consider taking enforcement action against them.

10.10. Any cost(s) due to damage to property caused by a mobility scooter may be recovered by the Council through the owner’s insurance company.

10.11. Only tenants or members of their household who are insured to drive mobility scooters are permitted to drive them in communal areas.

11. Charges related to use of mobility scooter stores

11.1. Tenants who use a mobility scooter store, or whose household member uses a store, are required to pay an annual charge. The annual charge includes, but is not limited to, covering the cost of electricity, use of the mobility scooter store, administration, ongoing maintenance or future improvements.
11.2. The Council, as the landlord, may alter the annual charge at any time by giving four weeks’ notice in writing. The notice will give the date that the change will come into force.

12. **Enforcement**

12.1. Mobility scooter owners cannot store mobility scooters in communal areas or anywhere in the Council’s stock without written consent from the Council, and as per this policy and the following sections of the Council’s tenancy agreement: Fire, Electricity, Hoarding, General Safety, Communal Area and Parking, driving, and vehicle repairs.

12.2. The Council has a zero-tolerance approach to mobility scooters being stored anywhere on Council land and/or stock without consent, other than in a designated mobility scooter store or tenants’ properties.

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

12.4. Failure to comply with this policy is also a breach of tenancy and enforcement action will be taken to remove the mobility scooter.

13. **Requests to install a mobility scooter store**

13.1. Requests, via a ‘Mobility scooter store request form’, to provide mobility scooter stores in Council stock can be submitted at any time to the Council.

13.2. Requests will not be accepted by prospective tenants; the applicant must be an existing tenant. A recognised Resident Association can also submit requests.

13.3. The Council will consider requests once an assessment of a scheme, block or estate has been made to determine feasibility and whether an internal or external, hazard-free location for a mobility scooter store can be installed.

13.4. If the request is feasible to implement, a needs assessment and consultation exercise will be conducted with the tenants of any sheltered housing scheme, block and/or estate that may be impacted.

13.5. The Council aims to provide a mobility scooter store(s) wherever possible, but this is subject to the practical constraints of the individual sites and the potential costs involved.

13.6. The Council will conduct a consultation exercise with tenants and leaseholders of the scheme, block or estate where necessary regarding submission of a form before making a decision.

13.7. A report will be submitted to the Estate Improvement Panel to consider the request once all the relevant information has been collated and the consultation has ended. The Panel will either approve or not approve the request and the decision relayed to the applicant.

13.8. The Estate Improvement Panel consists of the Head of Asset Management, Fire Safety Manager and either the Sheltered Housing and Careline Manager or Operations Manager (Tenancy & Involvement) depending on the tenure of the scheme, block or estate where the mobility scooter store is being proposed.

13.9. The Council will respond to mobility scooter store requests within 28 days of receiving the form.

13.10. If the Estate Improvement Panel does not approve a request for a particular scheme, block or estate, another request will not be accepted by any person(s) until five years have elapsed since the previous decision; this decision will be reiterated to the applicant.