



# **Mobility Scooter Policy**

**2020-2023**

## Mobility Scooter Policy

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### Brief Policy Summary:

This policy provides information and guidance for the safe use and storage of mobility scooters and electric wheelchairs within LHP's housing stock.

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## 1. Purpose

- 1.1 This policy provides guidance on the use and storage of mobility scooters, how to request permission for a mobility scooter from Lincolnshire Housing Partnership (LHP) and promotes responsible ownership.
- 1.2 There is no legal obligation to provide storage facilities for mobility scooters, however LHP 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. LHP also recognises that for some people, the use of mobility scooters is more of a lifestyle choice and their use is not critical to their continued independence.
- 1.3 LHP takes the health and safety of everyone residing in and visiting its properties and associated communal areas seriously and encourages them to promote responsible mobility scooter ownership, use and storage to mitigate all associated health and safety risks.
- 1.4 LHP wishes to ensure mobility scooters are being used legally and safely in individual properties, mobility scooter stores and communal areas of sheltered housing, general needs, and leasehold accommodation.
- 1.5 This policy has been produced in consultation with internal and external advisors and tenants of LHP.

## 2. Objectives

- 2.1 The aims and objectives of this policy are to ensure:
  - LHP 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 mobility scooter stores, permitted properties and locations in sheltered housing, general needs, and leaseholder accommodation.
  - Tenants and leaseholders are provided with advice and obtain permission from LHP prior to obtaining a mobility scooter.
  - Tenants and leaseholders adhere to their responsibilities relating to the storage, charging and use of mobility scooters once LHP 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 LHP property and/or another person's property as a result of their use of a mobility scooter.

### 3. Scope

- 3.1 This 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.

### 4. Definitions

- 4.1 For the purpose of this policy and accompanying procedure the following definitions apply:
- “The property” means the property let to a LHP tenant(s) or held by a leaseholder or shared owner.
  - “The communal area” means the area/land both internal and external around the property which the tenant, leaseholder, shared owner may have permission to use in conjunction with the property. This includes, but is not limited to, stairways, landings, lifts, entrance halls, hallways, lobbies, shared gardens, bin stores, bicycle stores, parking area, refuse area, other areas to gain access to the property.
  - A “mobility scooter owner” refers to the tenant, leaseholder, shared owner who has been granted permission for a mobility scooter by LHP as per this policy.

### 5. Legislation

- 5.1 This policy considers the following legislation and guidance:
- 5.2 **The Health and Safety at Work etc., Act 1974** is the primary piece of legislation, which places duties on the employer or person in control of premises to ensure the Health and Safety of their employees, other people who work on their sites and members of the public who may be affected by their work. The general duties are covered in sections 2 – 9.
- 5.3 **The Management of Health and Safety at Work Regulations 1999** is the main Statutory Instrument that overtly places the duty on the employer or person in control of premises to take a systematic approach to dealing with Health and Safety by:
- Assessing the risks
  - Setting up emergency procedures
  - Co-operating with others on Health and Safety matters
  - Providing information, instruction, training, and supervision
- 5.4 **The Equality Act 2010** replaced most of the requirements of the Disability Discrimination Act 1995. The Equality Act 2010 makes it unlawful for an employer to discriminate against or harass a disabled person. Also, an employer must make reasonable adjustments for disabled people. It confers rights for disabled persons to access public areas, such as shops, cinemas, and communal parts of multi-storey flats.

5.5 **The Regulatory Reform (Fire Safety) Order 2005** makes provision for conducting fire risk assessments for common areas of blocks of flats and requires the management of those risks. This includes the requirement to reduce fire risk in common areas and maintain the fire protection of the block.

5.6 Other pieces of legislation and mobility scooter guidance that need to be considered include:

- Use of Invalid Carriages on Highways Regulations 1988
- BS EN 12184:2014
- Fire Safety in Purpose Built Block of Flats Guide
- NFCC Specialised Housing Guidance Care Quality Commission (CQC) Fire Safety Information and Guidance Note 422
- RC59 “Risk Control: Fire safety when charging electric vehicles” 2012 published by the Fire Protection Association on behalf of RISC Authority
- House of Commons Transport Committee, Mobility scooters, Ninth report of session
- The Housing Act 1985 as amended
- Data Protection Act 2018
- Human Rights Act 1998

## **6. Mobility Scooter Classification**

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

- Class 1 - manual wheelchairs, i.e. self-propelled or attendant propelled, not electronically propelled. These are not required to be registered with the DVLA.
- Class 2 - powered wheelchairs and mobility scooters intended for footway (pavement) use only, not the public highway. Have a maximum speed of 4mph and an unladen weight not exceeding 113.4kgs. These are not required to be registered with the DVLA.
- Class 3 - powered wheelchairs and mobility scooters with a maximum speed of 8mph that can be used on both the footway (pavement) and the public highway. These must be limited to 4mph when travelling on footways and the unladen weight must not exceed 150kgs. These vehicles must be registered with the DVLA and cannot be operated by anyone under the age of 14.

6.2 This policy applies to any Class 2 or 3 mobility scooters as defined above or any powered wheelchair.

6.3 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.

## **7. Advertising properties**

- 7.1 Where properties are identified as not being suitable for a mobility scooter, these will be advertised as such.
- 7.2 Properties in multi-storey buildings will be advertised with an indication of the facilities for mobility scooters. These advertisements will broadly fall under one of the following headings:
- Suitable for mobility scooters
  - Facilities for mobility scooters not yet available
  - Not suitable for mobility scooters
- 7.3 Details may be added as available with likely costs where known. LHP will provide essential dimensions of the property to allow users of mobility scooters to determine the suitability of specific models.
- 7.4 Tenants wishing to introduce a mobility scooter will be refused permission unless they can demonstrate a mobility scooter can be stored and charged safely within their flat. Where a mobility scooter is refused, tenants can apply for alternative accommodation and their circumstances will be assessed in accordance with the Lettings Policy. A medical assessment may be required to determine the level of need.

## **8. Method**

- 8.1 Requesting Permission
- 8.2 All tenants and leaseholders are required to obtain permission from LHP to store a mobility scooter. This requirement applies retrospectively to customers currently storing mobility scooters and to those who are considering obtaining, or a member of their household obtains, a mobility scooter.
- 8.3 Retrospective permission for storage of mobility scooters obtained prior to the adoption of this policy will be considered using the same criteria. To aid this requirement, regular communication will be undertaken to raise awareness and an application form will be supplied to anyone who is identified as potentially owning a mobility scooter.
- 8.4 On receipt of an application form, an assessment will be made to determine the best method of storage and where batteries will be charged. Management intervention will be required should a mobility scooter be identified that increases the risks from fire.
- 8.5 If a tenant or leaseholder advises that they are considering obtaining a mobility scooter they must be advised of LHP's policy and be issued with the guidance information (Appendix 1) for them to consider before any vehicle is obtained.
- 8.6 Tenants and leaseholders must apply in writing by submitting a completed Mobility Scooter Storage Application form to the Housing Services Team for permission.

- 8.7 The requirement to obtain permission also includes any tenant, leaseholder or a member of their household who currently has a mobility scooter but does not have the written consent of LHP.
- 8.8 All new tenants will be advised of this policy at sign up.
- 8.9 Where a prospective tenant(s), or a member of their household, already has a mobility scooter(s), the tenant will need to obtain permission from LHP prior to storing the mobility scooter in the property being offered to them by LHP or mobility scooter store. This will be discussed at the offer/viewing/pre-tenancy interview stages as appropriate. Permission for the storing of Mobility Scooters will be granted by the Housing Services Team.
- 8.10 For tenants living at sheltered housing schemes where there is a mobility scooter store with spaces available, the mobility scooter must be stored there once permission has been granted.
- 8.11 Where there is no mobility store provision or spaces available at a sheltered housing scheme, tenants should be made aware of the option to transfer to a scheme where there is this facility and/or spaces available.
- 8.12 Tenants living in general needs accommodation may wish to consider transferring to a general needs site that has a mobility scooter store or a sheltered housing scheme, if eligible, that provides a mobility scooter store.
- 8.13 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. Such requests may require alterations to the property, such as, additional detection equipment; these will be managed via the existing Tenant Alteration Procedure. A Safe and Well visit from LHP's Compliance Team or the Fire and Rescue Service may also be required prior to permission being granted.
- 8.14 Where it is not deemed suitable for a tenant to store a mobility scooter in their property tenants should contact an Occupational Therapist and request an assessment of their need.
- 8.15 Where the tenant does not have an assessed need for a mobility scooter LHP will consider whether it is practical to make reasonable adjustments to the property or an appropriate external area where available, to facilitate appropriate storage and charging. This would include consulting with others who may be affected by these steps. In these circumstances LHP will impose reasonable conditions when giving consent including that the improvements would be at the tenant's expense, are carried out to an acceptable standard and that the premises are restored to their original condition when the tenant leaves. LHP may consider funding the improvements should it feel these would benefit the property/block and/or others would benefit in addition to the tenant making the request.



- 8.16 When assessing applications for mobility scooters, LHP will consider the following:
- a. Is there a designated scooter storage area already installed?
  - b. Is there an existing brick built shed with electrical supply?
  - c. Can it be stored within the flat (including a change of model and providing evacuation routes are not obstructed)
  - d. Could an external shed be converted?
  - e. Is there an appropriate garage that could be allocated and converted?
  - f. Is there the provision for the installation of an external storage facility?
  - g. Where appropriate, discuss options for alternative accommodation.
  - h. If there is no suitable solution, LHP may deny permission and remove, and store, the mobility scooter.
  - i. As a last resort, undertake legal action to resolve a breach of tenancy conditions.
- 8.17 This hierarchy is a guide for officers in making the most appropriate decision in individual cases. Where charging facilities are provided, these will be from the tenant's or leaseholder's supply.

## **9. Permission Outcome**

- 9.1 LHP aims to respond to mobility scooter requests within 10 working days of receiving the permission request. Permission will be refused where:
- there is no safe storage in the tenant/leaseholder's property, no LHP mobility scooter store is provided at the sheltered housing scheme/general needs site, no space available in the LHP mobility scooter store.
  - it is unreasonable to make alterations to the physical features of the building/property.
  - a tenant/leaseholder fails to take out the necessary insurance cover.
  - if the scooter is too large to fit through internal or external entrances to the building/property/lift or does not fit into the LHP mobility scooter store without causing damage.
  - if the tenant/leaseholder wishes to keep more than one scooter.
  - a tenant/leaseholder fails to have a Safe and Well Visit by LHP's Compliance Team or the Fire and Rescue Service where appropriate.
  - a tenant/leaseholder fails to provide any documentation requested by LHP
- 9.2 If permission is refused by LHP, the tenant or leaseholder will be provided with a letter clearly outlining the reasons for the refusal. Complaints will be addressed in line with the LHP's complaints procedure.

- 9.3 If permission is granted by LHP, the tenant/leaseholder will need to sign a Mobility Scooter Agreement and provide the necessary paperwork to LHP. If the tenant/leaseholder fails to provide the relevant documentation within the timescale given, LHP will consider withdrawing permission and taking appropriate enforcement action.
- 9.4 LHP will generally only permit the use of one mobility scooter per person (the exception being at our extra care housing schemes where permission maybe granted for both an indoor and outdoor mobility scooter).
- 9.5 Once permission has been granted, the tenant/leaseholder must notify LHP immediately should there be a change in circumstances for any reason, for example a change in sight or hearing loss, as it may affect permission.
- 9.6 The permission to store a mobility scooter in an LHP mobility scooter store will be reviewed on an annual basis by the Housing Services Team to ensure that the best use is made of the facilities available. Permission can be withdrawn from a tenant or leaseholder if:
- They are not keeping to the terms of the permission, or
  - They had no confirmed disability or medical need for a mobility scooter and there was another resident/s who urgently needed to use the LHP's mobility scooter store to store their mobility scooter on disability and/or medical grounds.
- 9.7 Where a tenant or leaseholder is in breach of the conditions and written permissions of this policy and this presents an unacceptable hazard, LHP will remove the mobility scooter and notify the owner without undue delay. The owner may be charged for storage at the discretion of the LHP officer. Release of the mobility scooter shall only be granted once suitable arrangements for storage and charging are in place. If there are repeated breaches, the tenant or leaseholder will be required to permanently remove the mobility scooter. This may require legal action.

## **10. Allocation of Spaces in Mobility Scooter Stores**

- 10.1 Tenants who hold a Blue Badge or have a confirmed disability/medical need for a mobility scooter will be given priority for spaces when they become available in mobility scooter stores in date order of request. LHP will request proof of the Blue Badge and/or medical need (supporting letter from GP, Occupational Therapist, other medical professional) during the application process, and failure to do so may affect the space allocation.
- 10.2 Spaces will be allocated on a 'first come, first served' basis to all other applicants.
- 10.3 When there are no spaces available, a waiting list will be maintained. The waiting list will be prioritised based on a confirmed disability and/or medical need. When a space becomes available, the tenant at the top of the list will be contacted to process their application for permission.

## 11. Enforcement

- 11.1 Mobility scooters cannot be stored in communal areas or anywhere in LHP's stock/land without prior written consent from the LHP, and as per this policy and the relevant clauses of the Tenancy Agreement.
- 11.2 LHP has a zero-tolerance approach to mobility scooters being stored anywhere on LHP stock/land without consent, other than in a designated scooter store or within the tenants/leaseholder's home.
- 11.3 LHP reserves the right to withdraw permission to store a mobility scooter at any time should a tenant/leaseholder not adhere to this policy.
- 11.4 The tenant/leaseholder will be asked to remove the mobility scooter immediately. Failure to comply will result in LHP removing the mobility scooter for which the tenant/leaseholder will be recharged and could result in enforcement action for breach of tenancy.

## 12. Safe Storage

- 12.1 Mobility scooter owners must ensure any manufacturer guidelines and instructions on the safe charging of the mobility scooter are followed.
- 12.2 Mobility scooter owners should aim to only charge their mobility scooter (whether it is stored in a property or a mobility scooter store) when they are nearby and able to monitor the charging process to reduce the potential risk of a fire.
- 12.3 The battery must be separated from the mobility scooter (if designed to have the battery removed) when the mobility scooter is not being charged to reduce the risk of fire.
- 12.4 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. External sockets are not 100% waterproof; therefore, it is recommended that an internal switch for power cut off is installed. Ideally sheds used for storing mobility scooters need to be 6m away from the property. If 6m is not achievable then the shed should be of a non-combustible construction and should be sited away from the doors and windows of the building.
- 12.5 When charging in a tenants/leaseholder home the door to the charging area 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.
- 12.6 If being charged in a flat with a single escape route, scooters should not be charged on the escape route itself, but ideally in a room with fire detection installed and behind a minimum FD30S rated door.
- 12.7 There must be a working smoke detector in the room/s in the property the mobility scooter is being stored and charged in, ideally a multi-sensor heat and optical smoke detector. If the room/s does not already have a smoke detector, LHP will fit a multi-sensor heat and optical detector at the tenants/leaseholder's expense.

- 12.8 Tenants and leaseholders should not leave the mobility scooter plugged in for longer than necessary as to do so would create a fire risk.
- 12.9 LHP will not be responsible for any loss or damage to a mobility scooter(s) kept in a mobility scooter store.
- 12.10 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 to LHP.
- 12.11 LHP will conduct regular health and safety inspections of mobility scooter stores.
- 12.12 LHP will ensure mobility scooter stores are included in fire risk assessments of LHP stock and manage any risks identified.
- 12.13 Any visitors who have a mobility scooter must leave them outside the sheltered housing scheme, block, or communal area; they are not permitted inside the building.

### **13. Safe Driving**

- 13.1 For the safety and wellbeing of our customers and to avoid damage and nuisance caused by the use of a mobility scooter, LHP expects the following actions to be undertaken:
- Mobility scooter owners should ensure any manufacturer guidelines or instructions on the safe use of the mobility scooter are followed.
  - 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 can drive the mobility scooter in the communal area, no other persons are allowed on the mobility scooter.
  - LHP advises all mobility scooter owners to partake in a certified mobility scooter training course to ensure they drive safely, confidently, and competently.

### **14. Maintenance & Insurance**

- 14.1 Mobility scooter owners are responsible for ensuring that their scooter and associated equipment is maintained as per the manufacturers guidance to ensure they are safe to use. This can be achieved by having a Portable Appliance Test (PAT) undertaken; this should be carried out by a certified engineer.
- 14.2 For mobility scooters that are a Class 3 vehicle, evidence must be provided to demonstrate that the mobility scooter is licensed with the DVLA for road use when applying for permission to keep the mobility scooter.

- 14.3 Mobility scooter owners are responsible for ensuring mobility scooters are always in a good working condition and are well maintained/serviced regularly in line with the manufacturer recommendations.
- 14.4 LHP requires mobility scooter owners to hold and maintain a valid certificate of insurance for the period of ownership of the mobility scooter. Insurance must include public and third-party liability to cover damage to buildings, property and grounds, or injury to any persons.
- 14.5 Tenants/leaseholders must be able to provide a copy of their valid insurance certificate on request from an LHP Officer.
- 14.6 Failing or refusing to provide evidence of any required certification/documentation within the timeframe given may result in LHP relinquishing permission to store the mobility scooter and taking action to remove the mobility scooter if necessary. LHP will look to recover any costs due to damage to property caused by a mobility scooter through the owner's insurance company.

## **15. Related documents.**

- Person Centred Risk Assessments (PCRAs)
- Personal Emergency Evacuation Plan (PEEP)
- Stock Condition Surveys
- Routine Tenancy Visits
- Common Area Inspections.
- Voids & Lettings processes – SHU sign up processes
- Support Services Compliance Inspection regime
- Fire Risk Assessments and other Compliance inspections.

**Name of policy / strategy / project (the “initiative”):**

**Policy Mobility Scooter Policy**

**Provide a brief summary of the aims and main activities of the initiative:**

**This policy provides information and guidance for the safe use and storage of mobility scooters and electric wheelchairs within LHP’s housing stock.**

**Completed by: Deborah Tempest**

**Date: June 2021**

**STAGE 1: SCREENING**

**This stage establishes whether a proposed initiative will have an impact from an equality perspective on any particular group of people or community – i.e. on the grounds of race, religion/faith/belief, gender (including transgender), sexual orientation, age, disability, or whether it is “equality neutral” (i.e. have no effect either positive or negative).**

**Q 1. Who will benefit from this initiative? Is there likely to be a positive impact on specific groups/communities (whether or not they are the intended beneficiaries), and if so, how? Or is it clear at this stage that it will be equality ‘neutral’ i.e. will have no particular effect on any group? Please consider all aspects of Diversity including as a minimum: Age, Disability, Gender/Transgender, Race/Ethnicity, Religion/Faith/Belief, Sexuality**

**This policy benefits those customers who need to rely on mobility scooters or motorised wheelchairs to maintain and increase their independence and social inclusion, positively impacting their quality of life.**

**Q 2. Is there likely to be an adverse impact on one or more minority/under-represented or community group as a result of this initiative? If so, who may be affected and why: Or is it clear at this stage that it will be equality ‘neutral’? Please consider all aspects of Diversity including as a minimum: Age, Disability, Gender/Transgender, Race/Ethnicity, Religion/Faith/Belief, Sexuality**

**No**

**Q 3. Is there sufficient data on the target beneficiary groups/communities? Are any of these groups under or over represented? Do they have access to the same resources? What are your sources of data and are there any gaps? Please consider all aspects of Diversity including as a minimum: Age, Disability, Gender/Transgender, Race/Ethnicity, Religion/Faith/Belief, Sexuality**

**Information on tenants, leaseholders & shared owners are held on the housing management data base.**

**Q 4. Outsourced services – if the initiative is partly or wholly provided by external organisations / agencies, please list any arrangements you plan to ensure that they promote equality and diversity. *Please consider all aspects of Diversity including as a minimum: Age, Disability, Gender/Transgender, Race/Ethnicity, Religion/Faith/Belief, Sexuality***

N/A

**Q 5. Is the impact of the initiative (whether positive or negative) significant enough to warrant a full impact assessment – see guidance? If not, will there be monitoring and review to assess the level of impact over a period of time? *Please consider all aspects of Diversity including as a minimum: Age, Disability, Gender/Transgender, Race/Ethnicity, Religion/Faith/Belief, Sexuality***

**We do not perceive any negative impact that would warrant a full EIA. Should any negative impact be highlighted through implementation, the policy and EIA will be reviewed.**

**Q 6. To be completed at six monthly review Detail actions taken to assess the level of impact over a period of time, or to address any gaps in data. *Please consider all aspect of Diversity including as a minimum: Age, Disability, Gender/Transgender, Race/Ethnicity, Religion/Faith/Beilief, Sexuality***

At Policy reviews.

#### **Guidelines: Things to consider**

- **Where a negative (i.e. adverse) impact is identified, it may be appropriate to make a full EIA (see Stage 2), or, as important, take early action to redress this - e.g. by abandoning or modifying the initiative. NB If the initiative contravenes equality legislation it must be abandoned or modified.**
- **Where an initiative has a positive impact on groups/community relations, the EIA should make this explicit, to enable the outcomes to be monitored over its lifespan.**
- **Where there is a positive impact on particular groups, does this mean there could be an adverse impact on others, and if so can this be justified? - e.g. Are there other existing or planned initiatives which redress this?**
- **It may not be possible to provide detailed answers to some of these questions at the start of the initiative. The EIA may identify a lack of relevant data, and that data-gathering is a specific action required to inform the initiative as it develops, and also to form part of a continuing evaluation and review process.**
- **It is envisaged that it will be rare for full impact assessments to be required. Usually, where there are particular problems identified in the screening stage, it is envisaged that changing the approach at this stage, and/or setting up a monitoring/evaluation system to review a policy's impact over time will tackle the problem.**