

**Winchester City Council – Housing Services
Policy and Procedure Template**

Title	Mobility Scooter Policy
Housing Team	Housing Operations & Community Safety
Author Name & title	Amber Russell, Service Lead Housing Operations & Community Safety
Version Number & Date Finalised	v.1. 18 May 2020

Review Date	May 2023
Title of officer with responsibility for maintaining and updating	Tenancy Services Manager/Sheltered & Extra Care Services Manager

<p>Ratification Details - i.e. where policy decision was finalised and by whom</p> <p>e.g. Committee paper references, Portfolio Holder Decision Ref, policy determined under scheme of delegation, DMT or other relevant meeting details & dates where policy determined. Include details in order that context of policy can be checked if necessary</p>	<p>Mobility Scooter working group (tenant and officer representation) reviewed updated policy requested as part of the Fire Safety group</p> <p>Date 18 May 2020</p>
Other Related Policy and Procedures	<p>This policy should also be read in conjunction with the Council’s Tenancy Policy, Fire Safety Policy and the Adaptations for Persons with a Disability Policy.</p>

Headline Summary of Mobility Scooter Policy November 2019

Introduction

This policy provides guidance on the use and storage of mobility scooters, how to require permission for a mobility scooter from the Council and also promotes responsible ownership.

Purpose/aim

The aims and objectives 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 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 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 persons property as a result of their use of a mobility scooter.

Scope

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.

1. Introduction

- 1.1 Winchester City Council, 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 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.
- 1.3 The Council 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.
- 1.4 This policy has been produced in consultation with internal and external advisors and tenants of the Council.

2. Definitions

- 2.1 “The property” means the property let to a Council tenant(s) or held by a leaseholder or shared owner.
- 2.2 “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.
- 2.3 A “mobility scooter owner” refers to the tenant, leaseholder, shared owner who has been granted permission for a mobility scooter by the Council as per this policy.

3. Legislation

- 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 & Safety at Work Regulations 1999
 - Equality Act 2010 – including the Public Sector Equality Duty
 - 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

4. Roles & Responsibilities

- 4.1 The Council's Chief Executive understands and accepts the legal obligations in respect of fire safety and in accordance with Corporate Policy will provide, as far as is reasonably practicable, an environment safe from fire for staff, residents and others who may be in or near Council owned properties and communal facilities.
- 4.2 The Sheltered and Extra Care Housing Manager has responsibility for mobility scooters within sheltered accommodation, the Tenancy Services Manager for general needs housing, and the Leaseholder Management Officer for leaseholder properties.
- 4.3 All Housing Officers will ensure they understand and follow this policy and are able to explain it to tenants/leaseholders.

5. Mobility Scooter Classification

- 5.1 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.
 - 5.2 This policy applies to any Class 2 or 3 vehicles as defined above or any powered wheelchair.
 - 5.3 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.
- #### **6. Requesting Permission**
- 6.1 All tenants and leaseholders are required to obtain permission from the Council to store a mobility scooter before obtaining, or a member of their household obtains, a mobility scooter.

- 6.2 If a tenant or leaseholder advises that they are considering obtaining a mobility scooter they must be advised of the Council's policy and be issued with the guidance information (Appendix 1) for them to consider before any vehicle is obtained.
- 6.3 Tenants and leaseholders must apply in writing by completing the Mobility Scooter Storage Application form (Appendix 2) to the Sheltered Housing Team, the Tenancy Services Team or the Leaseholder Management Officer for permission.
- 6.4 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 the Council.
- 6.5 All new tenants will be advised of this policy at sign up.
- 6.6 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 the Council prior to storing the mobility scooter in the property being offered to them by the Council or mobility scooter store. This will be discussed at the offer/viewing/pre-tenancy interview stages as appropriate.
- 6.7 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.
- 6.8 Where there is no mobility store provision or spaces available at a sheltered housing scheme, tenants are encouraged to transfer to a scheme where there is this facility and/or spaces available.
- 6.9 Tenants living in general needs accommodation should consider transferring to a general needs site that has a mobility scooter store (currently only Victoria Court, Victoria Road, Winchester) or a sheltered housing scheme, if eligible, that provides a mobility scooter store.
- 6.10 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 will require a Safe and Well visit by Hampshire Fire and Rescue Service prior to permission being granted.
- 6.11 Where it is not deemed suitable for a tenant to store a mobility scooter in their property tenants should contact OT Direct Hampshire County Council (tel. 0300 555 1386) and request an assessment of their need.
- 6.12 Tenants who have an assessed need for a mobility scooter will be considered in line with the Council's Adaptations for Persons with a Disability Policy. The Council will confirm whether it can complete the necessary works to enable the mobility scooter to be stored and charged within the property or in an appropriate external area if available, through the Council's adaptations budget.
- 6.13 Where the tenant does not have an assessed need for a mobility scooter the Council 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 the Council will impose reasonable conditions when giving consent including that the improvements would be at the tenants expense, are carried out to an acceptable standard and that the premises are restored to their original condition when the tenant leaves. The Council 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.

7. Permission Outcome

- 7.1 The Council aims to respond to mobility scooter requests within 10 days of receiving the permission request.
- 7.2 Permission will be refused where:
- there is no safe storage in the tenant/leaseholders property, no Council mobility scooter store is provided at the sheltered housing scheme/general needs site, no space available in the Council 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 Council mobility scooter store without causing damage;
 - if the tenant/leaseholder wishes to keep more than one scooter;
 - there are concerns regarding a tenant/leaseholders ability to use a mobility scooter safely;
 - a tenant/leaseholder fails to have a Safe and Well Visit by Hampshire Fire and Rescue Service where appropriate;
 - a tenant/leaseholder fails to provide any documentation requested by the Council.
- 7.3 If permission is refused by the Council, the tenant or leaseholder will be provided with a letter (Appendix 3) clearly outlining the reasons for the refusal.
- 7.4 If the tenant or leaseholder is unhappy with the decision they can make a complaint to the Council giving their reasons as to why they disagree with the decision. This will be investigated in line with the Council's complaints procedure.
- 7.5 If permission is granted by the Council, the tenant/leaseholder will need to sign a Mobility Scooter Agreement (Appendix 4) and provide the necessary paperwork to the Council. If the tenant/leaseholder fails to provide the relevant documentation within the timescale given, the Council will consider withdrawing permission and taking appropriate enforcement action.

- 7.6 The Council will generally only permit the use of one mobility scooter per person (the exception being at our extra care housing schemes where permission may be granted for both an indoor and outdoor mobility scooter).
- 7.7 Once permission has been granted by the Council, the tenant/leaseholder must notify the Council 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.
- 7.8 The permission to store a mobility scooter in a Council mobility scooter store will be reviewed on an annual basis by the Sheltered Housing Team to ensure that the best use is made of the facilities available. Permission can be withdrawn from a tenant or leaseholder if:
- a) They are not keeping to the terms of the permission, or
 - b) They had no confirmed disability or medical need for a mobility scooter and there was another resident/s who urgently needed to use the Council's mobility scooter store to store their mobility scooter on disability and/or medical grounds.

8. Allocation of Spaces in Mobility Scooter Stores

- 8.1 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. The Council 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.
- 8.2 Spaces will be allocated on a 'first come, first served' basis to all other applicants.
- 8.3 When there are no spaces available, a waiting list will be maintained. The waiting list will be prioritised on the basis of 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.

9. Enforcement

- 9.1 Mobility scooters cannot be stored in communal areas or anywhere in the Council's stock/land without prior written consent from the Council, and as per this policy and the relevant clauses of the Tenancy Agreement.
- 9.2 The Council has a zero-tolerance approach to mobility scooters being stored anywhere on Council stock/land without consent, other than in a designated scooter store or within the tenants/leaseholders home.
- 9.3 The Council reserves the right to withdraw permission to store a mobility scooter at any time should a tenant/leaseholder not adhere to this policy.

- 9.4 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.

10. Safe Storage

- 10.1 Mobility scooter owners must ensure any manufacturer guidelines and instructions on the safe charging of the mobility scooter are followed.
- 10.2 Mobility scooter owners must only charge their mobility scooter (whether it is stored in a property or a mobility scooter store) between 8.00am and 8.00pm to reduce the potential risk of a fire.
- 10.3 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.
- 10.4 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.
- 10.5 When charging in a tenants/leaseholders 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.
- 10.6 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, the Council will fit a multi-sensor heat and optical detector at the tenants/leaseholders expense.
- 10.7 Tenants and leaseholders should not leave the mobility scooter plugged in for longer than necessary as to do so would create a fire risk.
- 10.8 The Council will not be responsible for any loss or damage to a mobility scooter(s) kept in a mobility scooter store.
- 10.9 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 the Council.
- 10.10 The Council will conduct regular health and safety inspections of mobility scooter stores.
- 10.11 The Council will ensure mobility scooter stores are included in fire risk assessments of Council stock and manage any risks identified.
- 10.12 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.

11. Safe Driving

- 11.1 Mobility scooter owners should ensure any manufacturer guidelines or instructions on the safe use of the mobility scooter are followed.
- 11.2 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.
- 11.3 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.
- 11.4 The Council advises all mobility scooter owners to partake in a certified mobility scooter training course to ensure they drive safely, confidently and competently.
- 11.5 Mobility scooter owners should be able to read a car's registration number from a distance of 12.3 meters (40 feet).

12. Maintenance & Insurance

- 12.1 Mobility scooter owners are responsible for ensuring a Portable Appliance Test (PAT) is undertaken on their mobility scooter charging cable in line with the manufacturer's guidelines to ensure they are safe to use. This must be carried out by a certified electrician. Tenants/leaseholders must be able to provide a current PAT certificate if requested by an officer from the Council or Hampshire Fire and Rescue Service.
- 12.2 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.
- 12.3 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.
- 12.4 The Council requires mobility scooter owners to hold a valid certificate of insurance for the mobility scooter. Insurance must include public and third party liability to cover damage to buildings, property and grounds, or injury to any persons. Tenants/leaseholders must be able to provide a copy of their valid insurance certificate on request from an officer of the Council.
- 12.5 Failing or refusing to provide evidence of any required certification/documentation within the timeframe given will result in the Council relinquishing permission to store the mobility scooter and taking action to remove the mobility scooter if necessary.
- 12.6 The Council will look to recover any costs due to damage to property caused by a mobility scooter through the owner's insurance company.

13. Appendices

- Appendix 1 Mobility Scooter Guidance Information for Residents
- Appendix 2 Mobility Scooter Storage Application Form & Covering Letter
- Appendix 3 Mobility Scooter Refusal Letter
- Appendix 4 Mobility Scooter Agreement

Checklist

<p>Integrated impact Assessment (IIA)</p> <p>Have you carried out an IIA?</p> <p>Remember it is a statutory requirement that any significant change to policy or process for service delivery needs to go through the corporate impact assessment process – speak to the Housing Policy and Project Manager for further guidance.</p>	<p>Yes / No as doesn't meet IIA criteria</p> <p>If yes please provide details</p> <p>Date of IIA -</p> <p>Date of EIA -</p> <p>Validation Date -</p>
<p>Data Impact Assessment</p> <p>Have you carried out an DPA?</p> <p>Speak to the Housing Policy and Project Manager or Officer or WCC corporate Data Protection lead for further guidance.</p>	<p>Yes / No as doesn't meet DPA criteria</p> <p>If yes please provide details</p> <p>Date of DPA -</p>
<p>Ratification</p> <p>Is formal ratification required?</p> <p>If a change of policy is being set out check whether formal committee ratification is required.</p> <p>If unsure discuss with your manager, and/check WCC Constitution and Scheme of Delegation to officers.</p> <p>Legal, Finance and Democratic Service teams are also able to advise.</p>	<p>Yes / Not required</p> <p>If yes – complete section on page one with the details</p>

References - Remember to provide footnotes to guidance/documents etc you've used in developing the policy and procedure, especially references that relate to statutory requirements?

Glossary – Is this required? Please note that it is good practice to keep jargon to a minimum and use plain English which ideally will remove the need for a glossary.

Consultation Details – Remember to keep records of any consultation processes, along with the outcomes and how the policy has been amended as a result as an audit?

If preferred use the section below to record these details.

Who	Date	Comments Made	Changes Applied

Briefing/Training - Remember to keep details of how this policy and procedure has been communicated to those who'll be required to deliver it.

If preferred use the section below to record these details.

Who	How	Date

Formal Sign Off (optional) – If required, prepare and print off a sign off the slip on the next page as a record that this policy and procedure has been read and understood by those who apply it. This may also be required should formal procedures are required.

Sign off Housing Policy and Procedure

Officer Name	
Title of Policy and Procedure	
I confirm that I have read and understand the policy and procedure.	
Officer signature	
Date	