
Subject:	MOBILITY SCOOTER POLICY
Meeting and Date:	Cabinet – 7 November 2022
Report of:	Louise Taylor, Head of Housing
Portfolio Holder:	Councillor Derek Murphy, Portfolio Holder for Social Housing, Port Health, Skills and Education
Decision Type:	Key Decision
Classification:	Unrestricted

Purpose of the report: To seek Cabinet approval for the draft Mobility Scooter Policy attached as Appendix 1.

- Recommendation:**
1. That Cabinet notes and approves the draft Mobility Scooter Policy.
 2. That Cabinet delegates to the Strategic Director (Finance and Housing), in consultation with the Portfolio Holder for Social Housing, Port Health, Skills and Education, authority to make future minor amendments to the policy as required.
-

1. Summary

- 1.1 An increasing number of residents living in Council-owned accommodation rely on mobility scooters to get out and about. This policy aims to balance the need of the individual to maintain their independence and reduce social isolation against our landlord responsibilities under relevant health and safety legislation including fire safety.
- 1.2 Mobility aids such as mobility scooters can pose a fire and safety risk when stored in internal communal areas where they may block fire escape routes, create trip hazards and increase the risk of a fire breaking out.
- 1.3 The Mobility Scooter Policy has been developed to provide guidance to staff and residents on how these vehicles can be stored and charged safely on our premises, what the responsibilities of owners are, and the enforcement action the Council will take where residents breach permissions.
- 1.4 This policy will ensure that we treat our tenants fairly and equitably whilst ensuring that they can remain living safely in their homes.

2. Introduction and Background

- 2.1 As a responsible landlord Dover District Council treats the health and safety of all users and resident of the buildings it owns and manages with the highest of priority. To help meet this responsibility there is a need to keep passageways, entrances and access points in buildings with common and shared parts free from obstructions that may cause a trip hazard, fire loading risk or impede access in and out, in the event of an emergency.

- 2.2 The Council recognises the benefits of mobility scooters which enable users with limited mobility to maintain their independence and supports social inclusion and this policy is intended to provide guidance to officers and residents of the arrangements for safe use, storage and charging of mobility scooters (or any other similar motorised mobility vehicle) in domestic properties that have shared access points and shared or 'common' parts.
- 2.3 The policy supports the Council's obligations under the Regulatory Reform (Fire Safety) Order 2005 (as amended by the Fire Safety Act 2021) and provisions within the Regulator of Social Housing, Neighbourhood and Communities Standard. In discharging these duties, the Council must consider and mitigate any risks arising from the storage and charging of mobility scooters which include but are not limited to:
- (a) Keeping clear of obstruction communal passageways and areas where access is needed particularly in emergency situations
 - (b) Reducing trip hazards for residents in particular visually impaired people and others who may have mobility difficulties
 - (c) Effectively managing increased fire loading risk from poorly maintained scooters being charged in shared areas.
 - (d) Damage to fixtures and fittings when they are used in buildings without adequate turning circles and for which their use was not designed
 - (e) Causing mechanical failure to lift's due to the weight of the scooter
 - (f) Impeding an escape route in an individual's property where there is limited space to store a mobility scooter

3. The Policy

- 3.1 The Mobility Scooter Policy has been developed in collaboration with other Council service areas to provide guidance to staff and residents and applies to Class 2 and 3 vehicles as defined under the 'Use of Invalid Carriages on Highways Regulations 1988', in both supported and general needs properties. Definitions of these Classes can be found in the draft policy under '1.1 Definitions'.
- 3.2 The key provisions of the policy are:
- (a) Mobility scooters must not create an obstruction for others by being stored or charged in internal communal areas of buildings owned and managed by DDC, especially where these areas form part of a fire escape route for residents.
 - (b) Residents who live in accommodation with shared areas must obtain permission from the DDC to store and charge their scooter, and they may only do so in an agreed and/or specially designated area or facility.
 - (c) The Council will support residents by providing information and guidance for those considering buying a mobility scooter so that they can make informed decisions about this and wherever possible will conduct joint assessments with applicants seeking permission to identify solutions for the safe storage and charging of this type of equipment where it is needed by the resident.
 - (d) Where permission is given, mobility scooter owners must ensure that they have adequate insurance for their scooter; that it is serviced and well-maintained; that at PAT test (paid by the owner) is completed annually and

submitted to the Council; and they abide by the UK Highway Code (rules 36 to 46) while using them on Council property.

- (e) Appropriate enforcement action will be taken to remove a mobility scooter where permission has not been granted, or the storage or charging of the scooter breaches the conditions of the permission.

3.3 Points 3.11.6 of the Tenancy Agreement prohibits the storage of mobility scooters in internal shared areas. The proposed policy is intended to reinforce this provision but also provide support and guidance to prospective owners on how they might obtain permission to store and charge their mobility scooters safely.

3.4 An Equality Impact Assessment (EIA) has been completed and is attached as Appendix 2 of this report. The report has identified that there may be a potential negative impact to tenants who currently use mobility scooters, and to tenants who may be considering using them to support their mobility.

3.5 To mitigate any potential negative impact, the Council will:

- (a) Provide advice and signposting through our web site and tenant communications for those considering purchasing this type of mobility aid in order that they consider carefully future storage and charging arrangements at the earliest possible point.
- (b) Provide clear guidance to residents about the circumstances in which they will be expected to obtain the Council's permission to keep a mobility scooter at the premises.
- (c) Conduct when requested site visits with residents to consider what reasonable storage and charging facilities can be provided either through the Council or by the resident
- (d) Provide specially designed facilities in our sheltered housing schemes that residents can safely store and charge their mobility scooters in.
- (e) Before taking enforcement action a range of solutions will be explored with the resident to try to avert the need for this which will include conducting an equalities impact assessment.
- (f) In these cases, the housing service will endeavour to find an equitable solution that may involve where appropriate provision by the Council or individual of a storage/charging facility or support to move to a more suitable property.

4. Preliminary Consultation

4.1 Preliminary consultation with specialist support groups was undertaken between 20 May 2022 and 17 June 2022. Five disability associations / organisations for person with mobility impairments were approached to take part in the consultation. None of those approached for comment responded by the initial consultation deadline.

4.2 The deadline was extended to 8 July 2022 and each organisation was contacted again to ask for their opinion on the policy's provisions, however no response was received by this date either.

5. Identification of Options

5.1 Option A: To approve the content of the draft policy, and its operational use by DDC.

5.2 Option B: Not approve the use of the proposed Mobility Scooter Policy

6. Evaluation of Options

6.1 Option A is the preferred option for the following reasons:

- (a) The Council does not currently have an operational mobility scooter policy
 - (b) It will give both staff and residents clarity on the expectations of mobility scooter owners when using and storing their scooters, especially in communal areas.
 - (c) Adoption of the proposed policy will allow the Council to comply with its regulatory responsibilities
- 6.2 Option B is not recommended as it will leave the Council without an operation policy for staff and residents to take guidance from, when using storing and charging their mobility scooters on Council premises.

7. Resource Implications

- 7.1 The services identified in the policy will be delivered within the existing resources in the Housing Revenue Account (HRA). No further financial implications have been identified as arising from the implementation of the proposed policy.
- 7.2 No additional staff implications have been identified with the approval for the implementation of the proposed policy.

8. Climate Change and Environmental Implications

- 8.1 No implications to the climate or environment have been identified with the approval for the implementation of the proposed policy.

9. Corporate Implications

- 9.1 Comment from the Director of Finance (linked to the MTFP): 'Accountancy have been consulted and have no further comments (AC)'.
- 9.1 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.
- 9.2 Comment from the Equalities Officer:

As noted in the assessment the adoption of this policy will potentially have a negative impact on those people of an older age and/or those people with a disability. In order to mitigate the negative impacts individual equality impact assessments will be carried out for those requiring a scooter. The team will also engage with residents to ensure they are supported as much as possible alongside the overall health and safety principle of all residents. Members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>

- 9.3 Other Officers (as appropriate):

10. Appendices

Appendix 1 – Mobility Scooter Policy

Appendix 2 – Equality Impact Assessment v0.2

11. Background Papers

- 11.1 Regulator of Social Housing Neighbourhood and Communities Standard
- 11.2 Regulatory Reform (Fire Safety) Order 2005
- 11.3 Fire Safety Act 2021
- 11.4 Use of Invalid Carriages on Highways Regulations 1988
- 11.5 DDC Tenancy Agreement (May 2021)

Contact Officer: Perry DeSouza, Housing Policy Officer