



# Mobility Scooters Policy v0.3 DRAFT

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## 1. INTRODUCTION

Dover District Council (DDC) is committed to promoting and supporting equality and recognises the role that a range of mobility aids including mobility scooters play in helping some of our residents maintain their independence and social inclusion, positively impacting their quality of life.

At the same time, DDC has duties to ensure high standards of health and safety within blocks of flats, maisonettes and sheltered schemes are maintained for tenants, leaseholders, staff, visitors, and wishes to ensure mobility scooters are being used legally and safely in individual properties, mobility scooter stores and communal areas in the housing stock that we own and manage.

Whilst we do not have a legal obligation to provide mobility scooter storage, we recognise the benefits use of this type of equipment brings to residents and want to support the safe storage and charging of this equipment. As a consequence, there will be occasions on a case-by-case basis where we may provide storage and charging facilities for this or support residents who wish to provide this for themselves.

### 1.1 DEFINITIONS

“The property” refers to your home and all land, buildings, fixtures, fittings, hedges, and walls which are part of it. It does not include shared areas.

“The shared areas” or “communal areas” or “communal space” referred to in this policy are the part of the building or the estate that other residents might use or in some cases spaces that fall outside

of the curtilage of your property and need to be kept clear for the safety of all residents. They include but are not limited to entrance halls, stairwells, landings, communal lounges and communal laundry rooms, kitchens, bathrooms, and balconies.

A “Tenant” refers to an individual who has a tenancy agreement with DDC.

“Leaseholder” refers to an individual who has purchased a leasehold interest in their property.

“Shared Owners” are households who have part purchased their property and lease a share of their property with DDC.

“Residents” refers to tenants, leaseholders, and any other occupants of DDC owned council housing, shared owners, and any visitors, friends, family members of those listed.

“Mobility scooter users” refers to persons who use, own, or lease a mobility scooter that is either a Class 2 or Class 3 as defined under the [Use of Invalid Carriages on Highways Regulations 1988](#). The Regulations divide these machines into three classes:

- **Class 1** - Manual Wheelchairs.
- **Class 2** - Machines designed for use on the pavement, travelling at a speed of 4 Miles per Hour. They may also be use on the road to cross from one pavement to the other or where no pavement is available.
- **Class 3** - Machines that can be used both on the pavement where like class 2 vehicles they are limited to 4 Miles per

Hour, and on the road where they can travel at speeds of 8 Miles per Hour. These types of vehicles are required by law to be registered with the DVLA for road use. These vehicles will be licensed in the disabled taxation class where no duty will apply.

Please follow the link to government guidance to read more about the main features and differences in [Class 2 and Class 3 Mobility Scooters](#).

## 2. POLICY AIMS

This policy aims to balance the needs and aspirations of tenants and leaseholders to keep a mobility scooter with the Council's duties to maintain a safe living environment for tenants, particularly in relation to potential fire risks and escape from fire risks.

The Mobility Scooter Policy will ensure that all customers have fair and consistent guidance from the housing service regarding their responsibilities for safe storage and charging of their mobility scooter.

Clause 3.11.6 of the Tenancy Agreement will still apply; this document merely expands and provides clarity to tenants and DDC staff.

In accordance with the Tenancy Agreement, DDC intends to take a fair but firm approach to the issue of mobility scooters in buildings with communal areas, working with individuals and only taking enforcement actions when other reasonable alternatives have been exhausted.

The main aims of this policy are:

- To ensure that DDC meets its statutory obligations to protect and preserve the health and safety of all residents living within our accommodation, as well as staff and visitors.
- To ensure that mobility scooters do not cause an obstruction, trip hazard, or increase the risk of fire spread or block an escape route in the event of a fire
- To ensure all new and existing residents who live in flats, maisonettes or sheltered accommodation owned by Dover District Council have access to information and guidance before investing in a mobility scooter (whether they purchase, lease or other), about the Council's expectations of them to use and store safely their mobility scooter. This includes the need to seek permission from DDC if they wish to store it or charge it at their property.
- Tenants and leaseholders are aware of their responsibilities relating to the storage, charging and use of mobility scooters in and around the building and especially in designated communal areas.
- Tenants and leaseholders are aware that they are responsible for any injury or damage caused to another person, communal areas or other DDC property as the result of their mobility scooter usage.
- Ensure that tenants and leaseholders who use mobility scooters (whether owned, leased, or other) have adequate insurance

cover which should include public and third-party liability to cover damage to buildings, property and grounds, or injury involving residents, visitors or staff.

In operating this policy and procedure relating to mobility scooters, DDC will meet the requirements of the [Regulatory Framework for Social Housing](#), produced by the Regulator for Social Housing, namely those set out in the [Neighbourhood and Community Standard](#), as follows:

Registered providers shall keep the neighbourhood and communal areas associated with the homes that they own clean and safe. They shall work in partnership with their tenants and other providers and public bodies where it is effective to do so.

### 3. POLICY STATEMENTS

#### 3.1 HEALTH AND SAFETY OBLIGATIONS

The Council has an obligation under the Regulatory Reform (Fire Safety) Order 2005 to ensure a high standard of fire and safety is adhered to in internal and external shared areas in our properties so that residents can safely evacuate in the event of a fire, and that potential risks are mitigated against.

In discharging this duty, DDC must consider and do all that is reasonable to mitigate the risks to residents, as well as the stock it manages, that are caused by the use, storage or charging of mobility scooters and similar devices in communal areas. These include but are not limited to:

- Obstruction of communal passageways creating difficulties in access, particularly in emergency situations
- Hazard to visually impaired people and others who may have mobility difficulties
- Fire loading risk, when being charged or due to poor maintenance
- Damage to fixtures and fittings when they are used in buildings without adequate turning circles and for which their use was not designed
- Cause mechanical failure to lift due to the weight of the mobility scooter
- Impeding an escape route in an individual's property where there is limited space to store a mobility scooter

For these reasons any tenant or leaseholder living in a flat or maisonette will require our permission before storing or charging a mobility scooter either in their property or in a shared or communal area owned and managed by the Council. This might include balconies that fall outside of the main tenanted property and over which the tenant has the sole use. Permission will be subject to our careful consideration of the arrangements for storage and charging and may be revoked if a serious breach of any condition attached to the permission is breached.

For the reasons identified above, mobility scooters must not be stored or charged in shared areas of the property (as defined in 1.1.) owned and or managed by DDC unless a facility especially designed for these purposes has been provided and the residents have DDC's express permission to use it.

Appropriate enforcement action (see section 6) can be taken to remove any mobility scooter left in communal areas where we have not given our express permission for this to happen.

## 3.2 PERMITTED USE

By operating this policy, DDC does not intend to prohibit the use, storage and charging of mobility scooters entirely within our housing stock. Appendix 1 provides a breakdown of how residents can store and charge their mobility scooters in a safe way.

Where individuals live within Independent Living sheltered housing schemes, mobility scooters should only be stored in the designated mobility scooter sheds/rooms provided and charged within that area to minimise a fire risk to other tenants living in the schemes. Mobility scooters should not be charged or stored within individual flats.

Tenants and leaseholders who live in flats may wish to store and charge their mobility scooter at their own risk within the confines of their own home. Our permission for this will still be required and subject to there being no adverse impacts on the fabric of the building or DDC owned fixtures. DDC will need to be assured that the storage arrangements do not create an increased risk of fire and or impede emergency escape routes. Residents should review the information provided on our web site about fire escape route planning.

DDC will not give permission if a mobility scooter can only be stored or charged in an upper floor flat by accessing that flat using a lift.

DDC will take no responsibility for the loss or damage to mobility scooters used and stored by residents.

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### 3.2.1 OWNERS RESPONSIBILITIES

This section refers to DDCs expectations and responsibilities of tenants and leaseholders who use, own or lease mobility scooters within our housing stock.

Requests for permission to store and charge a mobility scooter must be made in writing. DDC will consider all requests on a case-by-case basis and in some instances, it may not be possible to give permission.

DDC will not give permission to charge any mobility scooter using an extension leads that passes across a communal area / space.

All mobility scooters must be set to the lowest speed setting whilst driven in a communal area.

Where customers wish to store their mobility scooter within their properties and require ramps or improved access to their property, this must be discussed with a member of the Property Services Team. The team will assess, often with the advice of an occupational therapist the resident's requirements and either grant permission to the customer to complete the works themselves or in exceptional circumstances may agree to carry out the works. Residents are not permitted to carry out any works without authorisation from the Council.

Mobility scooter users are responsible for ensuring their mobility scooter is always in a good working condition and are well maintained / serviced regularly in line with the manufacturer recommendations.

Mobility scooters should not be left on permanent charge and only charged for the manufacturers recommended time.

All mobility scooters must have an up-to-date Portable Appliance Test (PAT) certificate paid by the resident and supplied to DDC on an annual basis.

The upholstery on the mobility scooters must be fire retardant and other flammable materials must not be present.

Where the mobility scooter is considered a class 3, residents should ensure that they are registered with the DVLA and have adequate insurance.

Residents will be held liable for the cost of any damage to the interior or exterior of council buildings or communal areas including gardens caused by mobility scooters.

Tenants and leaseholders must also ensure any visitors bringing a mobility scooter onto DDC property also abide by the conditions of this policy.

## 4. APPLICATION PROCESS

### 4.1 REQUESTING PERMISSION

Residents must seek permission to use, store and / or charge a mobility scooter by completing the 'Mobility Scooter Permissions Form' set out at Appendix 2 of the policy.

Residents living in sheltered accommodation should speak to their Independent Living Manager about registering for a space in one of the specifically provided mobility scooter charging points provided for sheltered accommodation.

Completed applications should be returned to the housing services team who will arrange for an assessment to be conducted of the application and suitability of the building. This is to ensure health and safety is not compromised and insurance requirements are met.

The completed form should be sent to their Housing Officer or Independent Living Scheme Manager. A joint assessment with the resident and a member of the housing team will be undertaken to consider the building, potential risks and the person's needs together. The Risk Assessment will consider:

- What risk there is to the resident
- What risk there is to other residents
- Whether the resident supplies evidence of third-party insurance

### 4.2 OUTCOME

Following the risk assessment there can be 2 outcomes:

#### a) Grant permission

If permission is granted, then a confirmation letter will state:

- where the storage/charging space allocated is sited
- that any damage to our property caused by their *ir* mobility scooter will be recharged to the resident granted permission
- the storage and charging arrangements, depending on the facilities of the scheme

#### b) Refuse permission.

If permission is refused a confirmation letter will be sent stating the reasons why. Permission will normally be refused where:

- residents living in non-sheltered accommodation do not have a suitable area for the storage and charging of the mobility scooter
- we maintain a waiting list for mobility scooter facilities in sheltered accommodation, and we do not have an available space for a mobility scooter
- where risks highlighted in the risk assessment cannot be mitigated
- where the resident has not provided the necessary documentation as shown on the permissions form

## 5. ENFORCEMENT OPTIONS

DDC has a zero-tolerance approach to mobility scooters being stored or charged in any area of our buildings that:

- form a fire escape route for residents
- in locations where there should be nothing stored that is an ignition source and fire load

These areas are likely, but not limited to be, stairwells, landings, balconies, understairs space and corridors in communal areas.

Mobility scooter users will be in breach of the conditions of our permission if they store and / or charge their mobility scooter in:

- non-allocated internal and / or shared areas; or
- allocated areas, such as mobility scooter sheds, without our express consent; or

- the confines of a flat where our express consent has not been obtained or given

In these situations (no permission / breach of condition(s)), the Council can take enforcement against mobility scooter users.

Our enforcement process will be as follows:

1. We will identify the mobility scooter user, and work with them to find an alternative solution. This may involve the Council assessing the equality impact with the tenant to assess the needs of the mobility scooter user. Potential solutions may include (but are not limited to) support to help the tenant move to more suitable accommodation and or on a case-by-case basis consideration of provision by the Council/or resident of suitable storage facilities.
2. If matters are not resolved or the mobility scooter user either does not have our permission or continues to breach the conditions of our permission, we will issue a written warning.
3. In circumstances of continued breach(s) of condition(s) the Council will revoke the mobility scooters user's permissions, and in circumstances of no permission serve a notice and proceed to have the mobility scooter removed.

Whilst this is the ordinary enforcement process, Officers will assess matters on a case-by-case basis and in exceptional circumstances may depart from the process. One such exception to this process will be where a mobility scooter poses an immediate fire and safety



risk, such as obstructing a fire exit, and we have no other option than to act immediately in the best interests of resident and staff safety. In such cases we will not always be able to give notice to mobility scooter users.

Non-compliance with this policy may also be considered appropriate for enforcement action for example (but not limited to), anti-social behaviour or breach of tenancy.

## 6. EQUALITY AND DIVERSITY

DDC will ensure that all services and actions are delivered within the context of current Human Rights legislation and will make every effort to ensure staff and others with whom DDC works, will adhere to the central principles of the Human Rights Act (1998), and that officers comply with the public sector equality duty as set out in [section 149 of the Equality Act 2010](#).

This policy will be applied fairly to all residents to ensure the safety of all building occupiers to minimise the risk of fire and allow for effective property management. Where legal action is contemplated or commenced equality impact will be assessed by the Neighbourhood / Housing Officer or by our legal advisors.

## 7. MONITORING AND REVIEW

Regular monitoring will take place to ensure Housing Services are dealing with use, storage and charging of mobility scooters in line with this policy.

The results will be used by Housing Services to enhance future policy reviews and continually improve service standards. All reviews will consider whether:

- The current policy adheres to legislative and regulatory requirements and reflects current good practice
- The aims and objectives of the policy are being met
- The current policy outcomes meet the needs and aspirations of our customer base
- Residents are aware of and understand the policy and believe it to be consistent and fair
- The policy provides sufficient information to residents

Overall monitoring and review of the policy will be undertaken in consultation with:

- Staff
- Members
- Existing and future council residents
- Resident and community groups

This policy will be reviewed in line with legislative or regulatory changes.

## APPENDIX 1: MOBILITY SCOOTER STORAGE & CHARGING CHART

What type of home do you live in?	Storage – what is allowed?			Charging – what is allowed?		
	Within your home	Internal shared areas	External shared areas	Within your home	Internal shared areas	External shared areas
<b>House</b> <b>(Not subject to this policy but included for information)</b>	Yes	N/a	N/a - if stored within the confines of your home (i.e., your own garden). You will not need permission for this, subject to 3.8.6 of the tenancy agreement.  You will need the Council's permission if you wish to use a storage facility, such as a storage shed, that is outside the confines your home.	Yes	N/a	N/a – if charged within the confines of your home (i.e., your own garden). You will not need permission for this, subject to 3.8.6 of the tenancy agreement.  You will need the Council's permission to charge your mobility scooter, if you wish to do so in a storage facility, such as storage shed that is outside the confines of your home.
<b>Flat / maisonette</b>	Yes  You will need our permission to store your mobility scooter within the confines of your home, permission is subject to meeting the conditions of our permission criteria. This will be at your own risk.  We will not give permission where mobility scooters will require the use of a lift to access your flat / maisonette	No (ordinarily)  You will not be allowed to store your mobility scooter in any internal shared area (such as a corridor or under stairs) within the building unless an internal area has been allocated for this use by the Council.  In these cases, you will need the Council's permission before you store your mobility scooter in that area.	Yes  Only within the designated areas or facilities, such as mobility scooter sheds.  In these cases, you will need permission from the Council before you store your mobility scooter in the area.  You will not be allowed to store your mobility scooter in any other external shared area not already allocated by the Council.	Yes  You will need our permission to charge your mobility scooter within the confines of your home, permission is subject to meeting the conditions of our permission criteria. This will be at your own risk.  We will not give permission where mobility scooters will require the use of a lift to access your flat / maisonette	No  You will not be allowed to charge your mobility scooter in any internal shared area within the building.  You must not pass extension cables through shared areas, windows or doorways to charge your mobility scooter that may be stored off our land.	Yes  Only within the designated areas or facilities, such as mobility scooter sheds.  In these cases, you will need permission from the Council before you can charge your mobility scooter in the area.  You will not be allowed to charge your mobility scooter in any other external shared area not already allocated by the Council.  You must not pass extension cables through windows or doorways to charge your mobility scooter that may be stored off our land.
<b>Independent Living Sheltered Accommodation</b>	No  You will not be allowed to store your mobility scooter	Yes  You will only be able to store your mobility scooter	Yes  You will only be able to charge your mobility scooter	No  You will not be allowed to charge your mobility scooter	Yes  You will only be able to charge your mobility scooter	Yes  Permitted in dedicated storage facilities provided.

	<p>within the confines of your home.</p>	<p>in designated storage room / area provided.</p> <p>You will need the Council's permission before you store your mobility scooter in the storage room / facility.</p> <p>You must not store your mobility scooter in any other internal area not already allocated by the Council.</p>	<p>within the designated storage facility / area provided.</p> <p>You will need the Council's permission before you store your mobility scooter in the allocated storage facility / area.</p>	<p>within the confines of your home.</p>	<p>in designated areas, such as a storage room / area.</p> <p>You will need the Council's permission before you charge your mobility scooter in any allocated area.</p> <p>You must not charge your mobility scooter in any other internal area not already allocated by the Council.</p> <p>You must not pass extension cables through windows or doorways to charge your mobility scooter that may be stored off our land.</p>	<p>You will need the Council's permission before you charge your mobility scooter in any allocated storage facility / area.</p> <p>You must not charge your mobility scooter in any other external area not already allocated by the Council.</p> <p>You must not pass extension cables through windows or doorways to charge your mobility scooter that may be stored off our land.</p>
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## APPENDIX 2: MOBILITY SCOOTER PERMISSION FORM

Dover District Council recognises the benefits of mobility scooter use, enabling people with mobility problems to remain independent.

If you are thinking of using a mobility scooter (whether buying, leasing or by some other arrangement) and you live in a block of flats or maisonettes with shared areas you will need our permission to use, store and charge a mobility scooter at the property.

You can find lots of useful information types of mobility aid on our website at [mobility scooter advice webpage](#).

To help us ensure that your mobility scooter does not pose a danger to you and your neighbours please complete this short form and a member of our Housing team will be in touch with you to discuss your application.

<b>Your full name</b>	
<b>Your address</b>	
<b>Your contact telephone number</b>	
<b>Your email address</b>	
<b>What floor are you on? (Ground floor, 1<sup>st</sup> floor, etc).</b>	
<b>Are you able to leave your home without the use of a mobility scooter?</b>	
<b>Please provide the type and size of the mobility scooter you want to use, store and / or charge</b>	
<b>If you live in a block of flats or maisonettes with shared areas without a designated mobility scooter</b>	

<b>storage/charging area what are your plans for storage and charging?</b>	
<b>Do you own or lease the scooter? Or by some other arrangement?</b>	
<b>How old is the scooter?</b>	
<b>Do you have insurance for the mobility scooter?</b>  <b>Please remember we will need a copy of your insurance certificate.</b>	
<b>Your signature</b>	
<b>Date</b>	

Please send this form to: <insert applicable email address>