

# Mobility Scooter & Electric Wheelchair Policy for Retired Living Schemes and blocks of flats

## 1. Introduction

- 1.1. This policy is applicable to all tenants, leaseholders and shared owners and any members of their household, who wish to store a mobility scooter in their property, mobility scooter store or in an appropriate external area.
- 1.2. This policy is not applicable to e-bikes, advice will be given to residents on the safe storage and charging of e-bikes separate to this policy.
- 1.3. This Policy provides guidance on the use and storage of mobility scooters, how to acquire permission for a mobility scooter from the Council and promotes responsible ownership.
- 1.4. East Suffolk 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.
- 1.5. East Suffolk 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.
- 1.6. East Suffolk Council wishes to ensure mobility scooters are being used legally and safely in permitted properties, mobility scooter stores and communal areas of retired living schemes, general needs, and leasehold blocks of flats.

## 2. Definitions

- 2.1. The 'property' refers to the property let to an East Suffolk Council tenant(s) or held by a leaseholder or shared owner.
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- 2.2. The 'communal area' refers to those parts of a block of flats, street or estate which tenants and/or leaseholders have a right to use in common with other tenants and for which a landlord is responsible. This includes but is 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. It also includes areas necessary to gain access to the property.
- 2.3. A 'mobility scooter owner' refers to a tenant, leaseholder or shared owner who has been granted permission to store a mobility scooter in our properties or a designated area by East Suffolk Council as per this policy.
- 2.4. When we use 'you' or 'your' we mean tenant, leaseholder or shared owner. The terms 'we', 'our' and 'us' means East Suffolk Council.
- 2.5. Mobility scooters are defined as 'invalid carriages' under the Use of Invalid Carriages on *Highway Regulations 1988* and are divided into three categories:
- Class 1 applies to manual wheelchairs. This policy does not apply to manual wheelchairs
  - 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 private highway. They are limited to a maximum speed of 4pm and are not required to be registered with the Driver and Vehicle Licensing Agency (DVLA). Class 2 also includes battery powered wheelchairs.
  - 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 8 mph 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.
- 2.6. This policy applies to any Class 2 or 3 vehicle as defined above or any powered wheelchair.
- 2.7. 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. Legal Requirements

- 3.1. This policy has been written taking into legislation, regulation, guidance and good practice. It should also be read in conjunction with East Suffolk Council's tenancy agreement.
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3.2. This policy takes into account the following legislation and regulations:

- *Health and Safety at Work Act 1974*
- *Use of Invalid Carriages on Highway Regulations 1988*
- *Management of Health and Safety at Work Regulations 1999*
- *Regulatory Reform (Fire Safety) Order 2005*
- *Equality Act 2010*
- *The Care Act 2014*
- Home Office guidance on Fire Safety in purpose-built blocks of flats 2011
- The Chief Fire Officers Association 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. Policy Statement

4.1. East Suffolk Council will ensure a fair and consistent approach to mobility scooters and the granting of permission for tenants and leaseholders to store mobility scooters in their property, mobility scooter store or in an appropriate external area.

4.2. This policy is only applicable to tenants, leaseholders and shared owners who live in Retired Living accommodation or blocks of flats.

4.3. We aim to ensure that our mobility scooter policy is clear and transparent for our tenants.

#### 5. Aims and Objectives

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

- East Suffolk 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 retired living schemes, general needs and leasehold accommodation
  - Tenants and leaseholders 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 retired living scheme, in their block or estate
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- Tenants and Leaseholders adhere to their responsibilities relating to the storage, charging and use of mobility scooters in mobility scooter stores once East Suffolk Council has given 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 East Suffolk Council property as a result of their use of a mobility scooter

## 6. Roles and Responsibilities

- 6.1. The Council's Chief Executive Officer 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 East Suffolk Council owned properties and communal facilities.
- 6.2. The Head of Housing has overall responsibility for fire safety in East Suffolk Council Housing Revenue Account owned properties and communal areas.
- 6.3. The Compliance Consultant and Housing Maintenance Manager oversees this policy in relation to fire safety ensuring that fire risks are managed.
- 6.4. The Retired Living and Leasehold Manager has overall responsibility for mobility scooters within retired living and leasehold properties, and the Housing Manager for general needs housing.
- 6.5. Retired Living Scheme Managers must understand and follow this policy and be able to explain it to tenants so they understand their responsibilities before requesting and acquiring a mobility scooter within retired living schemes.
- 6.6. Housing Officers must understand and follow this policy and be able to explain it to tenants so they understand their responsibilities before requesting and acquiring a mobility scooter within general needs blocks of flats.
- 6.7. The Leasehold and Service Charge Officer must understand and follow this policy and be able to explain it to leaseholders so they understand their responsibilities before requesting and acquiring a mobility scooter within leasehold accommodation.

## 7. Requesting Permission

- 7.1. If a tenant or leaseholder advises that they are considering obtaining a mobility scooter they must be advised of East Suffolk Council's policy and be issued with the guidance information for them to consider before any vehicle is obtained.
  - 7.2. Tenants and leaseholders must apply in writing/email/e-form by completing the Mobility Scooter Storage Application form to the Retired Living team, the Tenancy Services team or Leasehold and Service Charge Officer for permission.
  - 7.3. 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 East Suffolk Council prior to storing the mobility scooter in the property being offered to them by the Council or
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mobility scooter store. This will be discussed at the offer and/or viewing stages as appropriate.

- 7.4. For tenants living at retired living schemes where there is a mobility scooter store with spaces available, the mobility scooter must be stored there once permission has been granted.
  - 7.5. New tenants in retired living or in blocks of flats will be advised of this policy during sign-up.
  - 7.6. 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.
  - 7.7. Tenants in general needs blocks of flats should consider applying to East Suffolk Council's housing register for a transfer to a retired living scheme, if they are eligible, that provides a mobility scooter store. East Suffolk Council will consider the addition of a mobility scooter store in general needs blocks of flats, provided there is sufficient space and this doesn't impact on other residents use of the block and there is sufficient demand for a store.
  - 7.8. 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.
  - 7.9. The compliance team 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.
  - 7.10. **Permission will be refused where:**
    - There is no safe storage in the tenant/leaseholder's property, no mobility scooter store is provided at the retired living scheme/general needs block of flats, no space available in East Suffolk Council's mobility scooter stores
    - A tenant/leaseholder fails to provide any documentation requested by East Suffolk Council
    - It is unreasonable to make alterations to the physical features of the building, major physical alteration to the building is required which East Suffolk 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 or block
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- If the scooter is too large to fit through internal or external entrances to the building/flat/lift or does not fit into the Council's mobility scooter stores without causing damage
  - There are stairs and no lift facility and no external mobility scooter store
  - The tenant wishes to purchase and store more than one mobility scooter unless more than one member of the household requires a mobility scooter
  - The mobility scooter blocks any fire escape route
  - If permission is refused by East Suffolk Council, the tenant or leaseholder will be provided with a letter clearly outlining the reasons for the refusal
  - If the tenant or leaseholder is unhappy with the decision, they can give feedback/make a complaint to East Suffolk Council giving their reasons as to why they disagree with the decision. This will be investigated in line with East Suffolk Council's Customer Feedback Policy. Further information can be found here: [Customer feedback » East Suffolk Council](#)
- 7.11. If permission is granted by East Suffolk Council, the tenant/leaseholder will need to sign a Mobility Scooter Agreement and provide the relevant documentation within the timescale given, East Suffolk Council will consider withdrawing permission and taking appropriate enforcement action.
- 7.12. East Suffolk Council will take reasonable steps to respond to mobility scooter requests within 28 days of receiving a request for permission.
- 7.13. East Suffolk Council will only permit the use of one mobility scooter per person.
- 7.14. Once permission has been granted by East Suffolk Council, the tenant must notify East Suffolk Council immediately should there be a change in circumstances for any reason, as it may affect permission.

## 8. Allocation of spaces

- 8.1 Priority for spaces will be given firstly to Blue Badge Holders when they become available and then considered in date order of request. East Suffolk Council will request proof of the Blue Badge during the application, and failure to provide this may affect space allocation.
- 8.2 Spaces will be individually 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. When a space becomes available, the tenant at the top of the list will be contacted to process the application for permission.
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## 9. Safe Storage

- 9.1 Mobility scooter owners must ensure any manufacturers guidelines or instructions on the safe charging of mobility scooter are followed.
- 9.2 Mobility scooter owners must only charge their mobility scooter (whether it is stored in the property or in a mobility scooter store) between 08:00am and 08:00pm to reduce the risk of fire overnight.
- 9.3 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.
- 9.4 Mobility scooters must be charged directly from the mains electric in the mobility scooter store or inside a tenant or leaseholders' property. Extension leads are not to be used when charging any mobility scooter.
- 9.5 East Suffolk Council will not be responsible for any loss or damage to a mobility scooter(s) kept in a mobility scooter store or inside of a tenants/leaseholder's property.
- 9.6 Mobility scooter owners are responsible for making sure the mobility scooter store is left secure, tidy and free from any trip hazards.
- 9.7 East Suffolk Council will ensure mobility scooter stores are included in fire risk assessments of East Suffolk Council HRA owned stock and manage/mitigate any risks identified.
- 9.8 Any visitors who have a mobility scooter must leave them outside the retired living scheme, block or communal area; they are not permitted inside.

## 10. Safe Driving

- 10.1 Mobility scooter owners should ensure any manufacturers guidelines or instructions on the safe use of the mobility scooter are followed.
  - 10.2 Mobility scooters must be set at their lowest speed whilst being used in communal areas to avoid injury to themselves, other residents, Council staff, visitors and contractors.
  - 10.3 No more than one person (the mobility scooter owner) is allowed on a mobility scooter in communal areas.
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- 10.4 East Suffolk Council advises all mobility scooter owners to partake in a certified mobility scooter training course to ensure they ride safely, confidently and competently.
- 10.5 Mobility scooter owners should be able to read a car's registration number from a distance of 12.3 meters (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.

## **11. Maintenance and insurance of mobility scooters**

- 11.1 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, and the Council can arrange for this to be undertaken with its inhouse team for a fee.
  - 11.2 A copy of the PAT testing certificate must be provided by the mobility scooter owner on an annual basis to East Suffolk Council from the date the Mobility Scooter Agreement was signed.
  - 11.3 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.
  - 11.4 Where a mobility scooter owner refuses or fails to provide evidence of certification within the timeframe given, East Suffolk Council will consider rescinding permission to store the mobility scooter and taking enforcement action against them.
  - 11.5 Mobility scooter owners are responsible for ensuring mobility scooters stay in good working condition and are well maintained and serviced regularly in line with manufacturing recommendations.
  - 11.6 East Suffolk Council requires all mobility scooter owners to obtain a valid certificate of insurance for the vehicle.
  - 11.7 Insurance must include public and third-party liability to cover damage to buildings, property and grounds, or injury involving tenants, leaseholders, East Suffolk Council staff, visitors, contractors and/or members of the public.
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- 11.8 A copy of the certificate of insurance must be provided by the mobility scooter owner on an annual basis to East Suffolk Council from the date the Mobility Scooter Agreement was signed.
- 11.9 Where a mobility scooter owner refuses or fails to provide evidence of insurance within the timeframe given, East Suffolk Council will consider rescinding permission to store the mobility scooter and taking enforcement action against them.
- 11.10 Any cost(s) due to damage to property caused by a mobility scooter may be recovered by East Suffolk Council through the owner's insurance company.
- 11.11 Only tenants or members of their household who are insured to drive mobility scooters are permitted to drive them in communal areas.

## **12. Charges related to use of mobility scooter stores**

- 12.1 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 mobility scooter store, administration, ongoing maintenance, or future improvements.
- 12.2 East Suffolk 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.

## **13. Enforcement**

- 13.1 Mobility scooter owners cannot store mobility scooters in communal areas of East Suffolk Council's retired living schemes and general needs/leaseholder blocks of flats without written consent from the Council, as per this policy and the following sections of East Suffolk Council's tenancy handbook: Fire, Electricity, Hoarding, General Safety, Communal Area and Parking, driving and vehicle repairs.
- 13.2 East Suffolk Council has a zero-tolerance approach to mobility scooters being stored anywhere on East Suffolk Council communal land and/or in our retired living schemes and general needs/leaseholder blocks of flats without consent, other than in a designated mobility scooter store or tenant's properties.
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- 13.3 East Suffolk 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.
- 13.4 Failure to comply with this policy is also a breach of tenancy and enforcement action will be taken to remove the mobility scooter.

#### **14. Requests to install a mobility scooter store**

- 14.1 Requests via a 'mobility scooter store request form', to provide mobility scooter stores in East Suffolk Council properties can be submitted at any time.
- 14.2 Requests will not be accepted by prospective tenants; the applicant must be an existing tenant. A recognised Residents Association can also submit requests.
- 14.3 East Suffolk 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.
- 14.4 If the request is feasible to implement, a needs assessment and consultation exercise will be conducted with the tenants of any retired living scheme, block and/or estate that may be impacted.
- 14.5 East Suffolk 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.
- 14.6 East Suffolk Council will respond to mobility scooter store requests within 40 days of receiving the form.
- 14.7 East Suffolk Council will consider if 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. In these circumstances the Council 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 property is restored to its original condition when the tenant leaves. East Suffolk Council may consider funding the improvement should it feel, these will benefit the property/block and/or others would benefit in addition to the tenant making the request.

#### **15. Conclusion**

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- 15.1 This policy sets out our approach to mobility scooter owners and the storage and charging of mobility scooters in East Suffolk Council’s Housing properties. You should consult your tenancy agreement/licence/lease for further information on your rights and responsibilities, ask our advice, or seek independent help.

## 16. Equality, Diversity, and Inclusion

- 16.1 East Suffolk Council, staff, Councillors, partners, stakeholders, and contractors are committed to providing services, which are relevant and appropriate to the needs of people. We will treat others fairly and without discrimination. Please refer to our [Equality and Diversity Statement](#) for more details.

## 17. Policy Review

- 17.1 The Housing Maintenance Manager, Tenant Services Manager and Compliance consultant will be responsible for ensuring the implementation of this policy.
- 17.2 We will review this policy every 5 years, or sooner if there are any changes to legislative, regulatory, best practice or operational issues.

## 22. Version Control

	Date Required	Completed	Completed by
Procedure Adopted	August 2022	August 2022	Samantha Shimmon
Review Required	August 2027		
Review Required			
Review Required			