

# Policy

**Title:** Mobility Scooters in Common Parts of Flatted Blocks

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## 1. Introduction

- 1.1 The Regulatory Reform (Fire Safety) Order 2005 places statutory duties on Halton Housing as the *Duty Holder* for the properties it owns and manages. This duty requires the organisation to assess and manage the risk from the effects of fire in its premises and as a responsible landlord, we have a duty to comply with the law relating to fire safety.
- 1.2 The need to maintain fire safety in flatted blocks can sometimes conflict with the lives of our customers. It is recognised nationally that an increasing number of tenants have mobility scooters, and Halton Housing recognises the value that mobility scooters can bring to the lives of some customers by promoting and maintaining their independence. Although fires involving mobility scooters are infrequent, the consequences when they do happen can be particularly devastating and as such there is a fundamental need for this Policy.
- 1.3 The main aims and objectives of this Policy are:
- To establish a written Policy for reducing the risks of mobility scooters in flatted blocks
  - To establish a formal process for managing the risks of mobility scooters in flatted blocks
  - To establish suitable controls and safe systems for mobility scooters in flatted blocks
  - To provide clear guidelines for Halton Housing employees and customers in relation to the use, storage and charging of mobility scooters in common parts of general needs flatted blocks

### Definitions and Scope

- 1.4 For the purposes of this policy:
- A *communal area* is defined as any internal area within a flatted block which is shared or is accessed by more than one person
  - An *escape route* is defined as a route which forms part of a means of escape from any point in a flatted block to the final exit
  - A mobility scooter is defined in the 1988 Road traffic Act as an “*invalid carriage*”

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- A class 2 invalid carriage cannot be used on roads, (except where there is not a pavement) and have a maximum speed of 4 mph
  - A class 3 invalid carriage can be used on roads and has a maximum speed of 4 mph off the road and 8 mph on the road

## 2. Policy Statement

- 2.1 In all cases a customer must request permission and consent from Halton Housing to use, park, store or charge a mobility scooter in a flatted block. The provision of safe storage and charging facilities in some of our flatted blocks with communal areas will prove difficult. In these situations, it is recognised that owing to the size, design, layout and access to the building, it may not be possible to allow customers to store or charge mobility scooters in these locations.
- 2.2 Halton Housing will refuse permission where this may breach legislation, impact on the health, safety and welfare of other persons who use the premises, where alternative solutions are not feasible or where appropriate insurance cover is not in place. Appropriate insurance cover would include liability for damage and injury to other persons. Contents insurance alone is not sufficient to provide cover.
- 2.3 The request for permission should include an explanation about the type of scooter and the method of storage and charging. Where adaptations are requested, these should be included within the initial request.

### Fire Risk Assessments

- 2.4 The significant findings of Halton Housing's fire risk assessments for flatted blocks have indicated that the risk of harm from using, parking, storing and charging mobility scooters in communal areas is significant as they pose life safety risks to customers, employees, the emergency services and any other relevant persons who might use the premises. These findings can be summarised as follows:
- mobility scooters can place a significant *fire loading* on an escape route
  - mobility scooters are generally constructed around a steel frame, with plastic fairings, padded foam seats, electrical wiring and a lead acid or lithium battery. All batteries have the potential to release hydrogen when being charged
  - fires involving mobility scooters have been proven to exacerbate and increase the release of radiant heat which could affect people's ability to escape from the premises

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- fires involving mobility scooters have been proven to give off large volumes of dense, toxic smoke. Smoke can reduce visibility and / or cause incapacitation
  - mobility scooters parked in communal areas have the potential to impede escape routes and / or delay the emergency services in their response to an event. It is always vitally important that escape routes be kept clear
  - as well as posing a potential obstruction to escape, there is now a clear and increasing body of evidence to show that mobility scooters present a fire risk in themselves, often when charging
  - mobility scooters have the potential to cause damage to fire doors or compartmentation walls in communal areas
  - protected escape routes could become untenable due to smoke and fire and could put relevant persons (still within their flats) at risk of significant harm

### **The Storage And Use Of Mobility Scooters In Designated, Purpose-Built Facilities In Extra-Care Living Schemes**

- 2.5 The following Independent Living schemes have bespoke, designated mobility scooter storage and charging facilities:
- Naughton Fields
  - Barkla Fields
  - Hazlehurst
- 2.6 Mobility scooters shall be stored in the designated storage areas and in general will not be permitted in both dwellings and common parts of the buildings. Exceptions shall include visitors who use mobility scooters being permitted in the reception and bistro areas.
- 2.7 Electric wheelchairs, which are prescribed for medical reasons, will be permitted in dwellings and common parts of the premises.
- 2.8 It is the responsibility of the customer to ensure that:
- permission is sought before purchasing a mobility scooter, as there are limited storage facilities in each scheme
  - their mobility scooter is subject to a servicing and maintenance regime that is in line with the manufacturer's recommendations
  - their mobility scooter is PAT tested every 12 months

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- their scooter is insured (including liability for damage and injury to other persons)
- 2.9 The above conditions will be checked annually by the Neighbourhood Support Team.
- 2.10 Upon request, Housing Support staff may assist customers in such activities as transferring shopping from their mobility scooter to their dwellings.
- 2.11 It is the owner's responsibility to ensure mobility scooters comply with the use of Invalid Carriages on Highways Regulations 1988.

### **The Storage And Use Of Mobility Scooters In General Needs Flatted Blocks**

- 2.12 The vast majority of Halton Housing general needs stock that have communal areas were designed and constructed before the use of mobility scooters and similar devices became common practice. Whilst Halton Housing appreciates the role that mobility scooters can play in maintaining independence for customers, it has a duty to consider the health and safety of all building users. In discharging this duty Halton Housing must consider and do all that is reasonable to mitigate the risks to its assets and individuals, which are caused by the use, storage or charging of mobility scooters and similar devices in communal areas under its control. 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
- 2.13 For the above reasons Halton Housing under no circumstances will allow mobility scooters to be parked, stored or charged in any of the communal areas or escape routes (see definitions above) of Halton Housing's general needs flatted blocks. In accordance with the Items Left in Communal Areas Procedure, any mobility scooters left in communal areas will be tagged and subject to a TORT process before being removed and disposed of after 30 days.
- 2.14 If it has been identified that there is not adequate space Halton Housing will not allow mobility scooters to be parked, stored or charged in the domestic dwellings of Halton Housing's general needs flatted blocks.
- 2.15 Where Halton Housing becomes aware that mobility scooters or similar devices are stored or being charged in communal areas, or that their use is causing

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damage to the property, it will in the first instance seek to identify the individuals responsible (sending general letters to all customers in the building when this is not known). Halton Housing will try to work with the individual to find solutions to the problems caused, considering individual circumstances including referral to relevant organisations including Occupational Therapists and social services.

2.16 Under no circumstances will Halton Housing grant permission for the device to be stored or charged in the communal parts of the building and residents will be advised of this stance verbally and in writing and will be expected to prevent this happening again. Where residents persist in this type of behaviour despite reasonable attempts to find alternative solutions and when verbal and written warnings have been ignored, Halton Housing may be required to take enforcement actions. This could take the form of:

- Injunctions or tenancy enforcement actions
- Removal of the item, in which case the Neighbourhood Officer will serve a TORT notice, on the resident and the customer will have 30 days to collect the item before Halton Housing disposes of it permanently, see Items Left in Communal Areas Procedure

2.17 Halton Housing reserves the right to recharge the Customer or leaseholder for any of the costs associated with the above actions including any legal or storage costs incurred. Halton Housing may also pursue recharges, where it can be proven that those using mobility scooters in its properties have caused damage to the building or any fixtures supplied by Halton Housing.

### **Risk Assessment And A Managed Approach To Mobility Scooters In General Needs Flatted Blocks**

2.18 Halton Housing will consider the following factors if a customer requests to either use, park, store and / or charge a mobility scooter in a Halton Housing property.

- Are the premises suitable for storage; consider whether suitable and safe parking, storage and charging can be achieved. It is not acceptable to remove the risk from the communal area or escape route and introduce increased risk within the dwelling as this would place customers at undue risk. It is for this reason that Halton Housing does not permit mobility scooters to be stored in the dwellings of flatted blocks.
- Consider if reasonable adjustments can be made to the building that could offer alternative safe storage and charging within a protected compartment. It should be noted that any alterations will need to be reasonable and proportionate and that not all customer requests can be catered for.

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- Consider external storage solutions where an internal storage area is not viable. Any external storage facility must be situated at least six meters away from the premises to reduce the potential for fire spread. Mobility scooter storage facilities may be provided, where it is practicable to do so but would be subject to the practical constraints of the individual sites and the potential costs involved. It must be noted that Halton Housing does not have any obligation to provide bespoke scooter storage facilities for customers in flatted blocks.
  - Consider all options and the buildings fire risk assessment to agree a solution or refuse permission to store within any parts of the premises.
  - Consider potential options with the customer for more suitable accommodation that could better meet their individual needs

### **Performance Measuring And Monitoring**

- 2.19 Halton Housing shall monitor the number of incidents recorded relating to mobility scooters being illegally used, parked or charged in a communal area or escape route.

### **External Audits by Enforcing Authorities**

- 2.20 Fire risk assessments and records of fire safety control measures shall be made available, upon request to the Enforcing Authority. This shall include the Mobility Scooters in Common Parts Policy as evidence of management controls.

## **3. Regulatory and/or Legal Compliance**

- 3.1 The Regulatory Reform (Fire Safety) Order 2005 places statutory duties on Halton Housing as the *Duty Holder* for the properties it owns and manages.

## **4. Diversity Considerations**

- 4.1 A screening has taken place and a checklist completed to see if a full Equality Impact Assessment needs to be conducted in respect of the policy. The significant findings indicated that a Stage 2 EIA was required.
- 4.2 The Stage 2 EIA assessment was conducted, and the Policy has been amended or has addressed the matters that were raised.

## **5. Links to Strategies, Policies and Associated Documents**

- Fire Safety Management Policy



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- Fire Safety Management Procedure
  - Premises Management Policy
  - Items Left in Communal Areas Procedure



Translations are available on request, by calling 0303 333 0101.

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