

ABERDEEN CITY COUNCIL

COMMITTEE	Communities, Housing and Infrastructure
DATE	20 th January 2016
DIRECTOR	Pete Leonard
TITLE OF REPORT	Mobility Scooters in Sheltered and Very Sheltered Blocks
REPORT NUMBER	CHI/15/322
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

The purpose of the report is to highlight health and safety issues within sheltered/very sheltered blocks with regard to mobility scooters.

2. RECOMMENDATION(S)

That committee approve the Mobility Scooter Policy as set out in appendix 1.

3. FINANCIAL IMPLICATIONS

None associated with this report

4. OTHER IMPLICATIONS

None associated with this report

5. BACKGROUND/MAIN ISSUES

Mobility Scooters are becoming more popular as a means of getting about for those with mobility and other health issues. They enhance the quality of life which allows tenants to maintain and maximise independent living. Whilst the council recognises the benefits they bring it is vital that we do all we can to ensure the Health and Safety of all our tenants, staff and visitors to Sheltered and Very Sheltered blocks.

The Housing Service as landlord needs to ensure that these scooters are used legally and safely and in accordance with the requirements of their lease. The Fire (Scotland) Act 2005 places a general requirement for anyone in control of premises to take appropriate action to prevent fire and to mitigate the detrimental effects of fire including:-

- ✓ The Fire integrity of individual dwellings within Sheltered Housing Schemes and other housing blocks.
- ✓ Access to and from common areas and the need to keep such areas clear of obstructions and combustible materials.
- ✓ The integrity of escape routes from the building.

Many of these scooters are being stored and charged in the communal areas of buildings close to heaters and exit points, this practice is inappropriate and potentially a danger to other residents and visitors in the event of a fire or any other reason to evacuate the building.

We have developed a draft policy in conjunction with the Scottish Fire and Rescue Service, (Bon Accord Care and our own Health and Safety service) to ensure that legislation, guidance and good practice are followed to make our buildings as safe as possible please see appendix 1. The introduction of this new policy will naturally take time to bed-in as housing staff engage with current and new tenants to explain the benefits to all tenants and to give help and advice to those who currently own a scooter and those considering getting one. The initial focus will be on the issue of safe storage, with technical officers currently investigating the potential use of charging facilities.

6. IMPACT

Improving Customer Experience –

The proposed policy will assist in providing an enhanced Health and Safety environment for all residents and visitors with these blocks and will comply with current fire safety legislation.

Improving Staff Experience –

The proposed policy will assist in providing an enhance Health and Safety environment for all staff with these blocks and will comply with current fire safety legislation.

Improving our use of Resources –

N/A

Corporate –

The Community Plan sets out our vision for the future of the city – an even better place to live and work, where people can expect high quality services to meet their needs.

This report meets the following objectives:

Homes Challenge – improve the quality of housing and environment for individuals and the community.

Adopt and implement strategies to support independent living for people with special needs.

It also meets the objectives in the policy statement Aberdeen – the Smarter City”.

Smarter Living – we will enhance the physical and emotional wellbeing of all our citizens by offering support and activities which promote independence, resilience, confidence and self esteem.

Supports our corporate duty to ensure the Health and Safety of our buildings

Public –

The report will be of interest to the general public. The contents of this report will treat citizens equally in terms of race, gender, LGBT, older people and people with disabilities.

7. MANAGEMENT OF RISK

The Council has a duty to ensure that mobility scooters are being used legally and safely within our buildings and in accordance with the requirements of their lease and legislation such as the Fire (Scotland) Act 2005 and subordinate regulations, as interpreted by the Fire and Rescue Service Enforcement Officer and general Health and Safety legislation. The Fire (Scotland) Act 2005 places a general requirement for anyone in control of premises to take appropriate action to prevent fire and to mitigate the detrimental effects of fire. It is therefore essential that the council sets out rules to minimise the risk of fire and accidents to residents, staff and visitors.

8. BACKGROUND PAPERS

[Health and Safety Report](#)

9. REPORT AUTHOR DETAILS

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Appendix 1



MOBILITY SCOOTER POLICY

COMMUNITIES, HOUSING AND INFRASTRUCTURE

ABERDEEN CITY COUNCIL

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1. [Introduction](#)

- 1.1 Aberdeen City Council (ACC) recognises that our tenants should, under The Equalities Act, have a quality of life which allows them to maintain and maximise independent living. Whilst the Council does not have an obligation to provide scooter storage or charging facilities for its tenants, there is recognition of the value that a mobility scooter can bring to the

lives of some tenants by maintaining and increasing their independence.

- 1.2 Mobility scooters have become more popular over recent years and Aberdeen City Council has developed this policy in response to the increase in usage.
- 1.3 Whilst tenants meet the cost of buying or leasing a mobility scooter themselves, in relation to their housing the Council has a duty to ensure that they are being used legally and safely and in accordance with the requirements of their lease and legislation such as the Fire (Scotland) Act 2005 and subordinate regulations, as interpreted by the Fire and Rescue Service Enforcement Officer and general Health and Safety legislation. The Fire (Scotland) Act 2005 places a general requirement for anyone in control of premises to take appropriate action to prevent fire and to mitigate the detrimental effects of fire.
- 1.4 Aberdeen City Council has worked closely with Scottish Fire and Rescue Service (SFRS), Bon Accord Care and our own Health and Safety service in developing this policy. In Council sheltered housing schemes multi storey blocks and tenements, mobility scooters should only be stored and charged within a tenants own property or in communal areas designated by the council for this purpose.
- 1.6 Aberdeen City Council in its capacity as landlord of wholly owned blocks is required to consider the responsibilities place upon it to ensure the Health and Safety of tenants, staff and visitors and especially in terms of Regulation 24 of the Fire Safety (Scotland) Regulations 2006, specifically:-
 - ✓ The Fire integrity of individual dwellings within Sheltered Housing Schemes and other housing blocks.
 - ✓ Access to and from common areas and the need to keep such areas clear of obstructions and combustible materials.
 - ✓ The integrity of escape routes from the building.

2. **Context**,

- 2.1 Mobility Scooters are defined as “Invalid Carriages” under the Use of Invalid Carriages on Highways Regulations 1988. The Regulations divide these machines into three classes:-

1. Class 1 - Manual Wheelchairs.
2. 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.
3. 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.

- 2.2 Aberdeen City Council has a duty to comply with the law relating to Health and Safety and including fire safety. The law applies to and covers general fire precautions and fire safety duties which are required to protect people in case of a fire in and around the premises. Where necessary, fire precautions should be put in place to the extent that is reasonable and practicable.
- 2.3. Storage of Mobility Scooters in communal areas such as corridors and community lounges heightens the risk to people in the event of fire. This might either be a fire caused by the scooter itself or the obstruction caused to other tenants as they try to escape the building. There is also a risk to the emergency services, which may be required to attend the property and find scooters stored in inappropriate place.
- 2.4 Due to damage to buildings including lifts, walls and doors, caused by scooters it is anticipated that this policy developed in consultation with tenants will help to advise and educate scooter users in the safe operation of their vehicles.

3 Aims and Objectives

- 3.1 Ensure as far as possible the safety of all our tenants.
- 3.2 Ensure the Council meets their statutory obligations in relation to the Fire (Scotland) Act 2005 and any other legislation which supports Health and Safety within block of flats.
- 3.3 Scooters must be of a size which can be stored and charged in the tenants own home.
- 3.4 Ensure that tenants engage with the council so that reliable and correct advice on their storage/charging options, health and safety, and responsibilities when using the mobility scooter both inside and outside the building can be discussed.
- 3.5 Ensure that where permission has been given that residents are aware of their responsibilities relating to the storage, charging and use of mobility scooters in and around the building and especially in communal areas designated for this purpose.
- 3.6 Ensure that tenants are aware that they are liable for any injury caused to another person or damage to the communal areas or other Council

- property as the result of their use of a Mobility Scooter.
- 3.7 To ensure that tenants who own or lease mobility scooters must 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.
- 3.8 To ensure that tenants, housing staff and other strategic partners such as SFRS Social Care and Wellbeing and the City Council's Health and Safety Service are involved in the monitoring and review of the policy.
- 4. Consultation and Communication**
- 4.1 Aberdeen City Council is committed to full consultation in the development of its policies. However there are certain areas where, as a responsible landlord and property owner, policy decisions have to be taken in line with Health and Safety considerations, legislation and guidance from bodies such as the Scottish Fire and Rescue Service and the City Council's Health and Safety executive. The safe storage and charging of Mobility Scooters is one such area.
- 4.2 Tenants and other residents have been consulted on this policy.
- 4.3 Area Housing Teams, Bon Accord Care, Scottish Fire and Rescue officers and Elected Members have also be briefed on the councils position and have endorsed this policy document.
- 4.4 Communication will now focus on discussing with residents who already own Mobility Scooters their storage and charging options. This will place the emphasis on finding a solution, while taking into account the Council's policies and resources.
- 5.0 Storage and Charging in Council owned blocks**
- 5.1 In the interest of safety all Mobility Scooters must be stored and charged in the residents own home if possible.
- 5.2 Mobility scooters should not be stored or charged in any internal communal areas unless an area has been specifically designated and set aside for this purpose. Allocation of any spaces if available will be on a first come first served basis.
- 5.3 It is important that all tenants should obtain written permission to have a scooter stored and charged within their property or in any storage area designated for such a purpose within the block. So that the housing service can communicate effectively with mobility scooter owners and provide help and guidance.
- 5.4 Since blocks vary in size and layout any request to store and charge scooters will be taken on a block by block case by case basis as determined by the Housing Manager.
- 5.5 Prior to a resident considering the purchase or lease of any size of Mobility scooter, it is important that they seek advice and assistance from the Housing manager. Then tenants need to apply to the local Housing Manager in writing to keep a scooter in their home or designated communal area if one exists. Please see appendix 3 which will provide details on where to send your written application.

- 5.6 Permission to store and charge a scooter will not be unreasonably withheld however this will depend on the availability of a suitable space within the block if the scooter will not fit into the tenant's home.
- 5.7 Residents must ensure that the charging of scooters in their home is conducted in line with the manufactures instructions. We strongly advise that residents use suitable circuit breakers when charging scooters in their home.
- 5.8 It is important for the safety of all residents that Scooters are not charged over night.
- 5.9 The Council's Housing Teams and the Housing Allocation section will work together to ensure that prospective new tenants are aware of the Mobility Scooter Policy prior to accepting an offer of accommodation in the block.
- 5.10 An assessment will be undertaken at each relevant development to identify any areas within them in which scooters may safely be stored and charged in consultation with the Fire Risk Assessor. The council will advise tenants if there are any areas where scooters can be stored and charged. Allocation of spaces will be on a first come first served basis.
- 5.11 Responsibility for undertaking the assessment and updating of the plan rests with the Housing Manager, in consultation with relevant council services and other relevant professionals.
- 5.12 Every effort will be made to accommodate all requests, and permission will not be unreasonably withheld. In considering whether permission is given, account will be taken of the assessment and potential impact on other people and it will only be granted where the needs and wellbeing of other tenants and users of the development are not adversely affected or put at risk.
- 5.13 Should any tenant store and or charge their scooter outwith their home or in any undesignated communal area within the block their scooter may be removed by the Scottish Fire and Rescue Service if it is deemed a fire risk or a risk in terms of evacuation of the building in the event of a fire by virtue of section 93 of the Civic Government Act 1982.

Permission is likely to be refused where:

- If there is no safe storage available in the tenant's flat and no alternative safe storage and charging space can be provided in the block.
- A major physical alteration to the premises is required which the council believes to be unreasonable in terms of cost, feasibility and/or disruption to other service users.
- A tenant fails to take out the necessary insurance cover.

6.0 **Communal Areas**

- 6.1 In the interest of tenants Health and Safety, Mobility Scooters must not be stored and charged in communal areas, unless the tenant is permitted to use a designated scooter storage/charging area in the block.
- 6.2 Aberdeen City Council & Bon Accord Care must comply with health and safety legislation and building standards. Tenants would have to comply with the terms of their tenancy agreement, and the landlord's policy on mobility scooters.
- 6.3 Please contact your Senior Housing Officer or the Senior Personal Carer to find out if your block has any designated storage area within the communal areas and if so its location within the block.

7.0 **Lifts**

- 7.1 If tenants are using scooters in the lifts, users must ensure they take due care and attention of the property and other lift users.
- 7.2 Mobility scooter users should also ensure they can safely manoeuvre their scooters for entry to the lift and exit, especially on the upper floors where there may be open stairwells.
- 7.3 It should be noted that any damage caused to the lift can potentially render it "Out of Service" for a period of time. Lifts are sensitive to damage and with tenants relying heavily on them, any time a lift is "Out of Service" it can cause great inconvenience for all tenants and staff.

8.0 **Training**

- 8.1 We would recommend that all mobility scooter users undergo some form of training/instruction on the usage and control of the scooter whether Class 2 or Class 3 machines, especially if the user is not used to driving.

9.0 **Speed Limits**

- 9.1 Scooters must be ridden safely and in a responsible manner especially within the confines of the building and grounds of the block and by taking due care and consideration for other tenants, staff and visitors to the block. All scooters must be set at the lowest speed setting when being used indoors.

10.0 **Insurance**

- 10.1 As part of the permission to keep a Mobility Scooter in the block have to have a valid certificate of insurance for the vehicle. Insurance must include public and third party liability to cover damage to buildings, property and grounds, or injury involving tenants, visitors or staff.
- 10.2 There are many companies offering such insurance, other insurance companies can be found through the British Insurance Brokers Association – www.biba.org.uk. Comparison websites are also a good source of information.
- 10.3 Proof that insurance cover exists must be provided to the estate management team before permission will be granted.

11.0 **Scooter Maintenance**

- 11.1 Tenants will be responsible for ensuring the scooters are serviced annually and maintained and charged in line with the manufacturers' instructions. Proof of annual service has been undertaken must be provided on request. Failure to do so will result in permission being withdrawn

12.0 Blocks Containing owner Occupiers

ACC are a co-owner in mixed tenure blocks and as such have no powers to permit our tenants to locate their motorised scooters, or any other products, within common areas of the tower block. In order to permit this practice, Aberdeen City Council is legally required to write to each and every other owner in the building seeking their approval for this to happen. It requires the permission of ALL owners for this consent to be given. Likewise, any other owner in a multi-storey is required to seek permission from all other owners before storing a scooter, or any other product in the common area. Due to the Health and Safety issue, and the current Fire Regulation, Aberdeen City Council as a co-owner will not give permission for any form of storage in the common areas.

It is the requirement of any person, taking a powered vehicle into the multi-storey, to ensure that they have adequate public liability insurance to cover any damage caused by the use of their motorised scooter to either a person or property and any compensation due in such circumstances.

APPENDIX 1 - GUIDANCE NOTES

We strongly recommend you consider the following advice before purchasing or leasing a Mobility Scooter.

1. You will need written permission to keep a Scooter.

- ❖ Please check if your property is suitable for a scooter or if there is a waiting list for the designated scooter storage area within your block.

2. Where will you store and charge your Scooter.

- ❖ All mobility Scooters must be stored and charged within your home unless there is a designated storage and charging area and ensure it does not cause any damage to your property. You must ensure that it will not cause an obstruction in the event of evacuation due to a fire.

3. Charging your Scooter

- ❖ You will need to ensure that the charging point/socket is appropriate for your scooter.
- ❖ Scooters **Must Not** be charged over night.

4. Using the lift

- ❖ You must check that you can take your scooter in the lift in your block.

5. Buying/Leasing a Scooter

- ❖ Seek professional advice before buying or leasing a scooter either from an occupational therapist or reputable dealer.

6. Insurance and Upkeep

- ❖ You will need adequate insurance cover.
- ❖ What are the maintenance costs?

APPENDIX 2

- PERMISSION TO KEEP A MOBILITY SCOOTER

1. Tenants must apply for permission to keep a Mobility Scooter. To apply you must contact your local Housing Management Office and apply in writing to the Housing Manager. Details of the offices can be found at the end of this document.
2. New tenants who already have a Mobility Scooter will not automatically be given permission to keep a mobility scooter and will be subject to the same assessment criteria as existing tenants.
3. Unless written permission has been granted from the Housing Service **NO** mobility Scooter is to be stored within the communal areas of the building.

4. Any damage caused to the building by a Mobility Scooter will be recharged to the owner of the scooter.
5. Where written permission is granted the tenant must agree to comply with all conditions placed upon the storage, usage and charging of the vehicle.
6. The Council reserves the right to withdraw permission at any time should the conditions of the permission be broken or the needs of the block change.

APPENDIX 3

CONTACT INFORMATION

Area Housing Manager
Communities, Housing and Infrastructure
Business Hub 1
Lower Ground Floor West
Marischal College
Broad Street
Aberdeen
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01224 522000

Area Housing Manager
Communities, Housing and Infrastructure
Mastrick Customer Access Point
Spey Road Aberdeen
AB16 6SH
Telephone: 01224 788503

Area Housing Manager
Communities, Housing and Infrastructure
Tillydrone Area Housing Office
Formartine Road
Aberdeen
AB24 2RW
Telephone: 01224 489500
Scottish Fire and Rescue Service
Fire Safety advice on parking mobility scooters in specific sites
Tel - 01224 618340
N.ABERFSE@firescotland.gov.uk