

WAVERLEY BOROUGH COUNCIL

EXECUTIVE – 5 MARCH 2013

CORPORATE OVERVIEW & SCRUTINY  
HOUSING IMPROVEMENT SUB COMMITTEE – 7 JANUARY 2013

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**Title:**

**SHELTERED HOUSING SCOOTER POLICY AND PROCEDURE**

**[Portfolio Holder: Cllr Keith Webster]**

**[Wards Affected: All]**

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**Summary and purpose:**

The purpose of this report is to present the draft Scooter Policy for Sheltered Housing residents. The Policy has been created to formalise current practice and ensure that the Council and tenants have a safe, fair and reasonable policy and procedure for dealing with requests to store and charge mobility scooters.

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**How this report relates to the Council's Corporate Priorities:**

The Policy relates to Affordable Housing and Understanding our Residents Needs by making arrangements within our sheltered schemes to safely store and charge mobility scooters as required by tenants.

**Financial Implications:**

There is a risk of increase in communal electricity costs which will be met by the service charge. However officers will monitor the costs and the policy states the Council reserves the right to introduce a charge at a later date. Tenants and Scheme Managers will ensure scooters are not left on permanent charge and only charged for the manufacturer's recommended time. Scheme Managers will also monitor electricity consumption of each scheme.

**Legal Implications:**

Tenants must abide by the permission conditions. Failure to comply may result in breach of tenancy and ultimately legal action to seek possession.

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**Background**

1. The Sheltered Housing Internal Audit recommended that the Council develop a Scooter Policy. There has been an increase in number of requests from tenants wishing to use and store mobility scooters. The policy formalises current practice and sets out the Council's view to permit the use, charging and storage of scooters in sheltered schemes. It also sets out the responsibilities of all parties involved.

## **Introduction**

2. Mobility scooters were developed to allow outdoor mobility to those who would otherwise be confined to their home. Mobility vehicles can help tenants maximise their independence. The Policy document demonstrates that the Council supports all tenants' right to a quality of life which under the Disability Discrimination Act (DDA) includes the right to use a mobility scooter. The Council will **not** provide Mobility Scooters for tenants but has a duty to ensure that vehicles are being used legally and without affecting the quality of life of others who may live in the scheme.

## **Permissions and Procedure**

3. The policy and procedure state that tenants must seek written permission from the Sheltered Services Manager before acquiring a Mobility Scooter if they wish to store them at the sheltered scheme. Permission will not be unreasonable withheld but an assessment must be made to establish a suitable storage area and consultation with other tenants must be held. The policy and procedure give clear guidance to staff and tenants. Please refer to Annexe 1.

## **Conclusion**

4. The Policy and Procedure formalise current practice and sets out the Council's view on Mobility Scooters in sheltered schemes.
5. The Corporate Overview and Scrutiny Housing Improvement Sub Committee considered the policy and procedure on 7 January 2013 where it was endorsed and commended to the Corporate and Overview & Scrutiny Committee and Executive for approval.

## **Recommendation**

It is recommended that the Sheltered Housing Scooter Policy and Procedure be approved.

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## **Background Papers**

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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## **Sheltered Housing Scooter Policy**

Date: Draft December 2012

Policy author: Annalisa Howson

Approved by:

### **1. Policy statement**

Waverley Borough Council supports all tenants' right to a quality of life which under the Disability Discrimination Act (DDA), includes the right to use a mobility scooter. Mobility scooters were developed to allow outdoor mobility to those who would otherwise be confined to their home. Mobility vehicles can help tenants maximise their independence. Whilst tenants must meet the costs of ownership or leasing privately – Waverley Borough Council has a duty to ensure that vehicles are being used legally and without affecting the quality of life of others who may live in the scheme. When assessing the request to store a mobility scooter Waverley Borough Council will:

- Take reasonable steps to ensure residents can keep mobility vehicles in or close to their home
- Ensure that residents are not unduly inconvenienced by other people's mobility scooters.

### **2. Equality and Diversity**

The Council recognises residents' rights to own a mobility scooter. We will make reasonable adaptations or adjustments to allow tenants to own, charge and run mobility scooters, provided these costs are proportionate to the individual resident's need.

### **3. Value for Money**

The Council does not currently seek recompense for the storage and charging of scooters in its sheltered schemes. However, the use and demand for scooters is increasing, and the Council reserves the right to introduce a charge at a later date. The Council may seek financial contributions from individuals to pay towards:

- adjustments or adaptations necessary to accommodate mobility scooters,
- PAT (Portable Appliance Testing) testing of vehicles held in communal areas,
- communal electricity used to charge vehicles, and
- any damage caused to communal areas by the use of mobility scooters

### **4. Scope**

The policy and procedures outlined here relate to sheltered tenants of Waverley Borough Council, specifically those who share communal areas with other tenants and wish to use a mobility scooter.

## 5. Types of Mobility Scooters

- **Class 1 invalid carriage:** applies to manual wheelchairs.
- **Class 2 invalid carriage:** applies to machines designed for use on the pavement, travelling at speeds up to 4mph.
- **Class 3 invalid carriage:** applies to machines that can be used both on the pavement (where they are limited to 4mph) and on the road where they can travel at up to 8mph.

Class 3 vehicles are required by law to be registered with the Driver and Vehicle Licensing Agency (DVLA), for road use. These vehicles will be licensed under the disability taxation class and display a nil duty tax disc. Insurance is not a legal requirement, but it is essential if the vehicle is to be used and stored within the sheltered scheme.

## 6. Related policies and procedures

The following policies and procedures should also be taken into account when applying this policy:

- Equality and Diversity
- Health and Safety
- Repairs and Maintenance (Aids and Adaptations)

### Procedure

#### 1. Guideline for request to store a Mobility Scooter

Tenants must always gain written permission from the Sheltered Services Manager before purchasing or leasing a scooter.

Any mobility scooters kept on Waverley Borough Council property must have appropriate insurance in place. This must include liability insurance in case of either damage to the building, or injury involving other people who may be living at or visiting the sheltered scheme.

Any damage caused to Waverley Borough Council property will be recovered through the owners insurance company. If the owner does not have a current insurance certificate, or the costs are not met by the insurance company, the owner shall be liable personally for all costs, and will be asked to remove the scooter immediately from the scheme.

A copy of the insurance certificate must be provided to the Council, and subsequently a yearly renewal certificate. Failure to comply will result in a breach of tenancy and a request to immediately remove the scooter from the scheme.

The Sheltered Services Manager is responsible for:

- authorising storage and/or charging of mobility scooters in communal areas
- ensuring a risk assessment has been completed for each permission

The Scheme Managers are responsible for:

- maintaining a register of vehicles approved for storage in communal areas
- consulting with residents and their neighbours prior to authorisation
- undertaking a fire risk assessment prior to authorisation

Residents are responsible for:

- ordering annual PAT (Portable Appliance Testing) test for vehicles
- storing their scooter safely and complying with permissions
- up to date tax disc (if applicable)
- arranging appropriate insurance
- ensuring scooters are safe for use

If a Scheme Manager becomes aware that a resident is not meeting their responsibilities, they may take action to revoke the permission to store and charge a scooter on the premises.

## **2. Allocation of spaces**

Space for scooters in communal charging areas is limited. Residents must obtain written permission from the Sheltered Service Manager before storing and charging a mobility scooter in communal areas. Spaces are usually allocated on a first-come-first-served basis. However, the severity of individual residents' disabilities may be taken into account. Scheme Managers will work to find suitable alternatives, including inside the residents flat or external scooter store.

**Scooters may not under any circumstances be stored in corridors or other communal places other than designated charging and storage points. Tenants who leave their scooters in corridors will be asked to remove them immediately.**

Once a request has been received, the Scheme Manager, within 28 days will:

- assess whether a designated storage area can be set aside for the vehicle
- consult with other residents who share the communal area to see if there are any reasonable objections. Objections must have a material basis and should not be merely an objection on aesthetic grounds.
- seek authorisation from the Sheltered Services Manager, who will write to the tenant informing them of their decision

If there is inadequate space in the communal areas and a resident can support their request with a recommendation from an appropriate specialist, the Council will work with the resident to achieve a mutually beneficial solution. This might include making reasonable adaptations to accommodate the mobility vehicle. The Council may request a contribution from the vehicle user towards the cost of any adaptations made.

The Council will remove vehicles stored in communal areas where permission has not been granted or has been revoked. Fourteen days notice will normally be given to residents before removal. However if the scooter presents a risk to residents it will be removed immediately. Vehicles which have been removed will be held in storage a

reasonable period, normally 28 days. The Council reserves the right to pass on any charges for storage off site.

### **3. Annual fees**

The Council reserves the right to introduce an annual fee at a later date taking into account the cost of charging, PAT testing and aids and adaptations pertinent to scooters, or following any changes in circumstances or legislation.

### **4. Health and Safety**

Tenants must be advised that it is their responsibility to ensure that they know how to handle the vehicle safely. The Council advises tenants to visit organisations such as Shop Mobility, who both hire scooters and offer training to allow users to gain experience.

The tenant must ensure that the vehicle is safe for use. The Council may request an inspection by an expert if it appears that the vehicle is unsafe. The Council may charge for this inspection. If the vehicle proves unsafe and the resident refuses to make the vehicle safe again, permission to store and charge the vehicle in communal areas will be revoked.

Vehicles must only be stored within designated areas, which must be agreed in writing between the resident and the Council. Specifically, vehicles must not block any fire escape route. The Scheme Manager will complete a risk assessment. Vehicles should not be left on permanent charge, and only charged for the manufacturer's recommended time.

### **5. Monitoring**

Scheme Managers will maintain a list of mobility scooters to be reviewed annually.

This Policy and Procedure will be reviewed at least every three years. Earlier reviews may take place depending on change in demand, legislation or practice.

The following legislation should be considered when implementing and reviewing this policy:

- Use of Invalid Carriages on Highways Regulations 1988
- Disability Discrimination Act 2005
- Equality Act 2010