

# Mobility Scooters in Communal Areas Policy

Originator:	Policy and Strategy Team
Executive Management Team Approval Date:	July 2019
Review date:	July 2022

1	Introduction
1.1	As a responsible landlord One Vision Housing (OVH) aims to promote the health and safety of all users of buildings it owns and manages.
1.2	Part of this responsibility is the need to keep passageways, entrances and access points in buildings with common and shared parts free from obstructions that may cause a trip hazard, fire loading risk or impede access in and out, in the event of an emergency.
1.3	This Policy sets out specifically OVH’s stance for the use of mobility scooters (or any other similar motorised mobility vehicle) in domestic properties that have shared access points and shared or ‘common ‘parts.
1.4	There are wider responsibilities and actions that will be taken in regard to the safety of communal areas and these are set out in the ‘OVH Communal Areas Policy’ and ‘Fire Safety Policy’, which should be read in conjunction with this Policy.
1.5	In operating this Policy, OVH will meet the requirements of the Regulatory Framework for Social Housing, adopted by the Regulator for Social Housing, namely those set out in the Neighbourhood and Community Standard, as follows : <ul style="list-style-type: none"> <li>• 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</li> </ul>
1.6	<b>Access and Communication</b>
1.6.1	OVH is committed to ensuring that the services it provides are accessible to everyone. OVH will seek alternative methods of access and service delivery where barriers, perceived or real may exist, that may make it difficult for people to work for OVH or use its services.
1.7	<b>Equality, Diversity and Human Rights</b>
1.7.1	OVH is committed to ensuring that no person or group of persons will be treated less favourably than another person or group of persons and will carry out its duty with

<p>1.7.2</p> <p>1.7.3</p>	<p>positive regard for the following core strands of equality; Age, Disability, Gender, Race, Transgender, Sexual Orientation, Pregnancy, Maternity, Marital Status and Religion and/or Belief.</p> <p>OVH also recognises that some people experience disadvantage due to their socio economic circumstances, employment status, class, appearance, responsibility for dependants, unrelated criminal activities, being HIV positive or with AIDS, or any other matter which causes a person to be treated with injustice.</p> <p>OVH will also 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 OVH works, will adhere to the central principles of the Human Rights Act (1998).</p>
<p><b>2</b></p>	<p><b>Statement of Intent</b></p>
<p>2.1</p> <p>2.2</p> <p>2.3</p> <p>2.4</p>	<p>In operating this Policy OVH intends to take reasonable steps to ensure the health and safety of all users of buildings it owns and manages including any risks posed by the use of, storage or charging of mobility scooters (or similar devices) in buildings with communal parts.</p> <p>OVH 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 all other reasonable alternatives have been exhausted.</p> <p>OVH will ensure it takes reasonable steps to assess the capacity of those that may be impacted by enforcement actions, in regard to use of mobility scooters in communal buildings, to understand actions / consequences and will sign-post to appropriate support where there is a proven lack of capacity.</p> <p>Where possible, on any new domestic developments with communal areas commissioned by OVH, consideration will be given for appropriate facilities for the storage and charging of motorised mobility vehicles within the design and construction of the building (where this would be of benefit for the intended user group).</p>
<p><b>3</b></p>	<p><b>Policy</b></p>
<p>3.1</p> <p>3.2</p> <p>3.3</p>	<p>The vast majority of OVH’s rental stock that has communal parts was designed and constructed before the use of mobility scooters and similar devices became common practice.</p> <p>Whilst OVH appreciates the role that mobility scooters can play in maintaining independence for customers that need to use them, it has a duty to consider the health and safety of all building users.</p> <p>In discharging this duty OVH has to consider and do all that is reasonable to mitigate the risks to its assets and individuals that 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:</p>

- 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
- Inappropriate use of mobility scooters causing a danger to self or others

3.4 For the above reasons **OVH will not permit mobility scooters and similar devices to be stored or charged in any of the communal parts of its buildings** (unless a facility specifically designed for these purposes has been provided and the residents have OVH's express written permission to use it).

3.5 Where OVH becomes aware that mobility scooters or similar devices are stored or being charged in communal areas or that their use is causing damage to the property, it will in the first instance seek to identify the individuals responsible (sending general letters to all building occupants when this is not known).

3.6 OVH will work with the individuals to find solutions to the problems caused, taking into account individual circumstances including referral to relevant organisations including Occupational Therapists and social care.

3.7 OVH will not be obliged to provide alternative accommodation in these circumstances, although it may consider this at its discretion and on a case-by-case basis.

3.8 Under no circumstances will OVH grant permission for the device to be stored or charged in the communal parts of the building and customers will be advised of this stance verbally and in writing and will be expected to prevent this happening again.

3.9 If this fails to bring about the necessary changes, OVH will endeavour to maintain direct contact with the customer and in addition will send a further warning letter within a period of One calendar month.

3.10 The letters will advise that the mobility scooter cannot be stored or charged in the communal parts of OVH buildings and must be removed and failure to do so will result in enforcement actions.

3.11 If customers do not comply with the requests to remove the mobility scooter or find alternative arrangements, OVH will take the following action:

- Removal of the item in which case a TORT notice will be served on the resident and they will have 14 days to collect the item before OVH disposes of it permanently
- Tenancy enforcement action if the situation recurs which could ultimately lead to possession proceedings and eviction

3.12 If OVH takes any of the above actions, it reserves the right to recharge the customer for:

- Cost of removal, storage and disposal (if required) of the mobility scooter
- All legal and administrative costs of the enforcement actions

3.13	OVH may also pursue recharges where it can be proved that those using mobility scooters in its properties have caused damage to the building or any fixtures supplied by OVH.
3.14	It should be noted that the above actions can result in considerable costs to customers and these will be recovered from the tenant(s) at the address where the issue occurs.
3.15	In all cases, where enforcement action is required or earlier when discussions on the issues are being held, OVH will assess the capacity of the individuals concerned to understand the situation and potential consequences.
3.16	Where there is a reasonable belief that a person 'lacks capacity' to make a decision at a time when it needs to be taken and where it is in their 'best interests', OVH may request a formal assessment of capacity be carried out by a relevant and qualified health practitioner and may do so without their consent.
3.16	Where physically and financially viable, OVH will look to incorporate facilities for the safe storage and charging of mobility scooters in new housing developments it commissions when this might be appropriate for the intended user group, e.g. properties that may be built for Independent Living.
3.17	Where these facilities are made available they will be discussed on an individual basis with building occupants including the possibility of any service charges that may be applied.
3.18	It should be noted that through operation of this Policy and the associated Communal Areas and Fire Safety Policies, OVH does not intend for use of mobility scooters to be prohibited entirely within its housing stock.
3.19	Where individuals use such devices and they are stored and charged entirely within their confines of their own home, with no adverse impacts on the fabric of the building or OVH owned fixtures, it will be at the customers own risk.
3.20	Where this applies OVH would, however, advise customers to ensure that the device does not restrict access to the property in any way, where appropriate seeking advice and assistance from the local Fire Authority on personalised escape route planning.
3.21	OVH will maintain a register of all properties with communal areas where mobility scooters are known to be used and will regularly monitor to ensure there are no issues requiring intervention measures (see 3.3 for examples).

<b>4</b>	<b>Implementation</b>
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4.1	All OVH staff should be aware of this Policy in order to direct any customer queries that may arise.
4.2	OVH Neighbourhood Services and Independent Living Teams will have responsibility for carrying out periodic checks of all communal areas in and around properties that they have responsibility for, in line with the provisions in this Policy.

4.3	The above Teams will also have responsibility for contacting individual owners of mobility scooters stored or left in OVH communal areas and any enforcement action that may be required in conjunction with the OVH legal advisors.	
<b>5</b>	<b>Performance</b>	
5.1	There are no additional performance requirements as a result of the operation of this Policy.	
<b>6</b>	<b>Consultation</b>	
6.1	All OVH staff have been consulted in the development of this Policy. The Tenant Policy Review Group were also consulted on 31/05/2019.	
<b>7</b>	<b>Review</b>	
7.1	The Policy will be reviewed every three years as near as is practical from the date of approval by the OVH Executive Management Team or sooner if required by the introduction of any new legislation, regulatory requirements or as a result of system audits in regard to use / storage of mobility scooters etc. in domestic properties.	
<b>8</b>	<b>Equality Impact Assessment</b>	
8.1	Was a full Equality Impact Assessment (EIA) required?	Yes.
8.2	When was EIA conducted and by who?	The EIA was conducted by the Policy and Strategy Manager and the Independent Living Manager on the 07-09-17.
8.3	Results of EIA	<p>Although there are differential and potentially adverse impacts for groups who have disabilities requiring the use of mobility scooters, the stance and measures OVH adopt are thought to be justified to preserve the health and safety of all building users in its control.</p> <p>OVH will always try where possible to work with individuals and offer support and signposting services and will only use enforcement actions when other reasonable attempts at compromise or alternatives have been exhausted.</p>
<b>9</b>	<b>Scheme of Delegation</b>	
9.1	Responsible committee for approving and monitoring implementation of the Policy and any amendments to it	Operations Director – Support Services

9.2	Responsible officer for formulating Policy and reporting to committee on its effective implementation	Policy and Strategy Team	
9.3	Responsible officer for formulating, reviewing and monitoring implementation of procedures	Policy and Strategy Team	
<b>10</b>	<b>Amendment Log</b>		
<b>Date of revision:</b>	<b>Reason for revision:</b>	<b>Consultation record:</b>	<b>Record of amendments:</b>
This is the new policy.	NA	See Section 6	This is the first version of this Policy
2 <sup>nd</sup> July 2019	<ul style="list-style-type: none"> <li>To incorporate a revised approach to enforcement</li> </ul>	See Section 6	<ul style="list-style-type: none"> <li>Revised wording on enforcement measures and shortening of the period that mobility scooters that are removed under Tort Notice will be held (14 days)</li> <li>Inclusion of additional clause advising OVH will hold a register and monitor properties with communal areas where mobility scooters are known to be used</li> </ul>