

Mobility Scooters in Communal Areas Policy

Originator:	Policy and Strategy Team
Executive Management Team Approval Date:	12 th April 2022
Review date:	April 2025

1	Introduction
1.1	As a responsible landlord Pine Court Housing Association (PCHA) 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 PCHA’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 ‘PCHA Communal Areas Policy’ and ‘Fire Safety Policy’, which should be read in conjunction with this Policy.
1.5	In operating this Policy, PCHA 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"> • 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 • Understanding and responding to the diverse needs of tenants <ul style="list-style-type: none"> ○ Registered providers shall treat all tenants with fairness and respect ○ Demonstrate that they understand the different needs of their tenants including in relation to the equality strands and tenants with additional support needs
1.6	Access and Communication
1.6.1	PCHA is committed to ensuring that the services it provides are accessible to everyone. PCHA 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 PCHA or use its services.

<p>1.7</p> <p>1.7.1</p> <p>1.7.2</p> <p>1.7.3</p>	<p>Equality, Diversity and Human Rights</p> <p>PCHA 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 positive regard for the following core strands of equality; Age, Disability, Gender, Race, Gender Identity / Expression Sexual Orientation, Pregnancy, Maternity, Marital Status and Religion and/or Belief.</p> <p>PCHA 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>PCHA will endeavour to 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 PCHA works, will adhere to the central principles of the Human Rights Act (1998).</p>
<p>2</p>	<p>Statement of Intent</p>
<p>2.1</p> <p>2.2</p> <p>2.3</p> <p>2.4</p>	<p>In operating this Policy PCHA 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>PCHA 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>PCHA 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 PCHA, 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>3</p>	<p>Policy</p>
<p>3.1</p> <p>3.2</p> <p>3.3</p>	<p>The vast majority of PCHA’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 PCHA 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 PCHA 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 **PCHA 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 PCHA's express written permission to use it).

3.5 Where PCHA 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 PCHA 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 PCHA 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 PCHA 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, PCHA 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 PCHA 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, PCHA 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 PCHA disposes of it permanently
- Tenancy enforcement action if the situation recurs which could ultimately lead to possession proceedings and eviction

3.12 If PCHA 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	PCHA 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 PCHA.
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, PCHA 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', PCHA 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, PCHA 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, PCHA 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 PCHA owned fixtures, it will be at the customers own risk.
3.20	Where this applies PCHA 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	PCHA will maintain a record of all residents within sheltered schemes who use/store a mobility scooter and will regularly monitor this to ensure there are no issues requiring intervention measures (see 3.3 for examples).

4	Implementation
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4.1	All PCHA staff should be aware of this Policy in order to direct any customer queries that may arise.
4.2	PCHA officers 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	PCHA staff will also have responsibility for contacting individual owners of mobility scooters stored or left in PCHA communal areas and any enforcement action that may be required in conjunction with the PCHA legal advisors.

5	Performance	
5.1	There are no additional performance requirements as a result of the operation of this Policy.	
6	Consultation	
6.1	All PCHA staff have been consulted in the development of this Policy. The Customer Empowerment Panel were also consulted about the development of this Policy on 29 th March 2022.	
7	Review	
7.1	The Policy will be reviewed every three years as near as is practical from the date of approval by the PCHA's Operations Director 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.	
8	Equality Impact Assessment	
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 Policy Officer on the 01-11-19.
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 PCHA adopt are thought to be justified to preserve the health and safety of all building users in its control.</p> <p>PCHA 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>
9	Scheme of Delegation	
9.1	Responsible committee for approving and monitoring implementation of the Policy and any amendments to it	Operations Director - PCHA
9.2	Responsible officer for formulating Policy and reporting to committee on its effective implementation	Operations Director -PCHA
9.3	Responsible officer for formulating, reviewing and monitoring implementation of procedures	Operations Director - PCHA

Date of revision:	Reason for revision:	Consultation record:	Record of amendments:
This is the new policy-approved on 08/11/2019	NA	See Section 6	This is the first version of this Policy
12 th April 2022	In line with changes to business practices	See Section 6	Change at 3.21- it has been changed to state that 'PCHA will maintain a record of all residents within sheltered schemes who use/store a mobility scooter.'