



Committee Report

PURPOSE: Final Decision Report

KEY OR NON-KEY DECISION: Key decision affects 2 or more wards

COMMITTEE: Homes and Housing Delivery Committee

DATE: 20 September 2024

TITLE: Mobility Scooter Policy (Housing and Landlord Services)

Ward(s): Citywide

Officer presenting the report: Miles Tilling

Job title: Head of Business Development, Housing and Landlord Services

Committee Chair: Cllr Barry Parsons

Executive Director lead: John Smith: Executive Director for Growth & Regeneration

Proposal origin: BCC Staff

Purpose of Report:

1. To seek approval to adopt a revised policy and process for the management of mobility scooters in blocks of flats including an approach to enforcement, should it be required.

Evidence Base / Options to consider:

1. An updated Mobility Scooter policy for Housing and Landlord Services and new guidance on the safe storage/charging of e-bikes and e-scooters is attached to this report as Appendix Ai. The Mobility Scooter policy replaces a previous policy from 2013. The revised policy has been reduced in length and takes into account more recent legislation but is otherwise unchanged. The key content remains the same – that residents should not leave or charge mobility scooters in the communal areas of blocks of flats unless there is specific designated storage set aside for this purpose. It is a breach of the Regulatory Reform (Fire Safety) Order, 2005 (FSO) to do so. BCC will always work with affected residents to try and find alternative storage solutions, however, in some circumstances, there may be occasions when BCC will have no other option but to take enforcement action and remove the scooter to a safe location. BCC's current [tenancy agreement](#) (section 2.17) makes it clear that communal areas are to be kept clear of potential obstructions/hazards and BCC [leaseholders](#) are also instructed that they 'must not leave a mobility scooter in communal areas such as landings, foyers, stairwells, walkways and community rooms'. This information is also stated on our website @ [Fire safety for council tenants and leaseholders \(bristol.gov.uk\)](#).
2. The 'Safe Escapes Routes' policy was updated and approved in 2022 to take a more robust stance on items left in communal areas, particularly in high rise blocks. The approach outlined in the mobility scooter policy is in alignment with the updated Safe Escape Routes policy.
3. A number of approaches to tackling 'clear corridors' in residential buildings were considered, and numerous other local authority or registered provider Mobility Scooter policies were also taken into account when drafting the policy - including their approaches to enforcement, as summarised in Appendix Aii. The policy makes clear that BCC will always work with affected tenants to try to find

alternative storage solutions but that BCC reserves the right to take enforcement action if no alternative solutions can be agreed, as letting mobility scooters remain in communal areas is a fire risk and is not permitted and is likely to result in enforcement action being taken by Avon Fire and Rescue against BCC as the 'responsible person'.

4. The main points of the revised mobility scooter policy are:

- Policy has been reviewed/updated to reference the most recent legislation and links to the revised Safe Escape Routes policy which was updated and approved in November 2022.
- Policy reiterates key message that 'Mobility scooters must not be parked or charged in any of the communal areas unless an area has been specifically set aside for this purpose'.
- Policy re-introduces a permission scheme to ensure that people consider an appropriately sized scooter before purchase/lease. Going forward, the permission scheme will also provide BCC with better information on the extent of mobility scooter ownership in blocks which will enable better targeting of any future storage solutions.
- Policy states that BCC Housing and Landlord Services will work with affected residents on a case-by-case basis to try and enable their continued use of a mobility scooter and will explore potential alternative storage solutions with residents, as informed by the [National Fire Chiefs Council Mobility Scooter Guidance 2018](#). However, BCC HLS reserve the right to remove any items which are not permitted to be kept or charged within a communal area, particularly in high rise (high risk) blocks of flats in order to ensure fire safety.
- Alongside the mobility scooter policy, guidance on the safe storage of e-bikes and e-scooters has also been produced. Lithium-ion batteries (LIBs) are commonly used in electric bikes/scooters and it is essential that some information on their safe use and charging be provided to residents.
- The enforcement of the Mobility Scooter policy is very likely to have resource implications, both in terms of the potential need for some additional staff and in some cases for alternative storage facilities. Appendix Aiii outlines a standard operating procedure for Mobility Scooters in blocks with no dedicated storage.

5. There are serious risks associated with not agreeing such a policy. BCC would be at risk of potential enforcement action by Avon Fire and Rescue for being in breach of the Regulatory Reform (Fire Safety Order, 2005, (as amended) (see [Article 32](#)) and potentially putting residents at risk by not ensuring that such a policy is adhered to and enforced if necessary. In addition, following the inquest into the death at 132 Twinnell House, the Coroner has made it clear that she will be issuing a Regulation 28 prevention of future deaths report on 1 October 2024 unless guidance/policies for storage and charging of vehicles using lithium-ion batteries are approved in September 2024. BCC is required to advise the Coroner that this decision has taken place prior to 1 October 2024.

Officer Recommendations:

That the Committee for Homes and Housing Delivery:

1. That the revised policy and process for the management of mobility scooters in blocks of flats including an enforcement approach (if necessary/required) are approved by the Committee for implementation.

Corporate Strategy alignment:

1. The policy aligns with the Corporate Strategy 'Homes and Communities' theme, supporting the goal of 'healthy, resilient and inclusive neighbourhoods' by ensuring both building and resident safety through proactive management of fire risks in blocks.
2. The policy also aligns with Sustainable Development Goal 11 – Sustainable cities and communities: 'Make cities and human settlements inclusive, safe, resilient and sustainable' by helping keep tenants, particularly those in high rise blocks, safer from the risk of fire.

City Benefits:

1. BCC have a duty of care to take all reasonable steps to prevent and control the risk from fire in all of the properties that it owns or manages. This updated Mobility Scooter policy contributes to our overall approach to minimise the risk of fires starting and spreading in BCC owned residential blocks of flats. Routes to emergency fire exits must be always kept clear and free of obstructions. Corridors and stairways that form part of escape routes should also always be kept clear and hazard free. This is raised in audits carried out by Avon Fire and Rescue Services and BCC need a policy and process to ensure compliance with this requirement to ensure the health and safety of all affected residents.
2. Some older and disabled tenants/leaseholders who cannot currently store their mobility scooter either a) in their flat or b) have no alternative external storage available may feel disadvantaged if a more robust stance on ensuring fire safety in communal areas is enacted going forward. However, any action to remove mobility scooters blocking safe escape routes would only be taken after exploring a range of potential solutions with affected residents, taking into account their particular circumstances and any disability or physical impairment that they may have. It would be a last resort option and would **not** occur in the vast majority of cases.

Consultation Details:

1. This policy has only primarily been considered internally as it is largely unchanged from the policy of 2013 and re-iterates information which is already available elsewhere, such as on our [website](#) and in section 2.17 of the tenancy agreement. A range of other local authority/registered provider policies were considered during the update, particularly their approaches to enforcement – see Appendix Aii.
2. Following the Acuity Resident Engagement Survey into Building Safety which took place between October 2023 and March 2024, a number of blocks were identified as having a significant number of residents with mobility scooters, and BCC have sought to engage with residents in the most affected blocks. BCC have also approached Age UK Bristol for input on this issue.
3. It should be noted that the local authority is required to comply with the Regulatory Reform (Fire Safety) Order 2005. The proposal that some residents may, in a small number of cases, potentially have their mobility scooter removed from communal areas and relocated to a safer location is likely to cause distress for affected residents. However, this remains an action that the Council may have to undertake, to ensure the safety of all residents within a block.

Background Documents:

- Appendix Ai – Mobility Scooter Policy & e-scooter guidance
- Appendix Aii – Enforcement Approaches
- Appendix Aiii – Operating procedure in blocks with no dedicated storage

See also (not an exhaustive list):

| | | | |
|--|---------------------|--|-----|
| Revenue Cost | £ N/A | Source of Revenue Funding | N/A |
| Capital Cost | £ N/A | Source of Capital Funding | N/A |
| One off cost <input type="checkbox"/> | Ongoing cost | Saving Proposal <input type="checkbox"/> If yes - existing or new saving? Choose an item. OR Income generation proposal <input type="checkbox"/> | |

Finance Advice: Post Grenfell in 2017, there has been heightened focus around building safety and accessibility of tower blocks in the case of fire and the need for evacuation. Mobility Scooters stored in corridors can be a contributing factor to inhibiting evacuation, as well as posing a risk around causing a fire. In addition, the recent Coroners inquiry into the fire at Twinnell House has stated that BCC must agree and publish a Mobility scooter Policy by September 2024, or it will issue a Regulation 28 notice – Prevention of Future Deaths Report. Such an action could cause further severe reputational damage to BCC at a time when the Social Housing Regulator has just issued a C3 Regulatory Judgement.

This report seeks approval of the Mobility Scooter Policy. The financial implications of the policy are that there could be the requirement for additional external mobility scooter storage to be constructed. At present, the HRA Business Plan has provision of £500k over the next 5 years to provide such storage. However, it is not yet known if this will be sufficient.

Should additional financing be required, then this will need to be contained within the overall financial constraints of the 30-year Business Plan.

Finance Business Partner: Martin Johnson – Interim Finance Manager Housing and Landlord Services. Date: 18 July 2024.

Legal Advice: The policy is likely to indirectly discriminate against persons with a protected characteristic (disability) under the Equality Act 2010. The policy will need to be applied subjectively in accordance with considerations of the individual circumstances of the specific tenant affected by the policy when a mobility scooter is found in a communal area. This is referenced in the policy but should be interpreted and applied as extending to considering the individual occupiers’ circumstances in accordance with the Equality Act 2010 where this applies, alongside the circumstances in general (such as the nature of the building and consideration of the issues of practicality, and, where applicable, any financial limitations), to comply with the public sector equality duty when enforcing that policy in respect of finding immediate and longer term solutions to the storage of an occupiers’ mobility scooter.

Indirect discrimination can be justified in matters where it is proportionate to reach a legitimate aim. Fire safety almost certainly falling to that legitimate aim and the known fire risks posed by e-vehicles and requirement for safe escape routes is likely to lend itself to the proportionality. Council officers should consider whether there is an alternative measure (to removal/enforcement action) which could meet the aim and if it is reasonable in all the circumstances to take that action, that action should be taken.

Whilst the policy itself is specifically related to Mobility Scooters, the actual practice of removing e-vehicles is not limited to mobility vehicles and extends in application to all e-vehicles and is notified to occupiers in the Safe storage and Charging of e-bikes and e-scooters guidance accompanying the Mobility Scooter policy.

Legal Team Leader: Anna Nixon, Specialist Lawyer, Litigation, Regulatory and Community Team. Date: 18 July 2024.

3. Implications on IT: I can see no implications on IT regarding this activity.

IT Team Leader: Alex Simpson – Lead Enterprise Architect. Date: 15 July 2024.

4. HR Advice: The enforcement actions required for the safe storage of mobility scooters may result in additional duties for Housing Officers in Tenancy Management. Any increase in workload will need to be managed effectively to ensure that a high -quality tenancy management service is maintained.

HR Partner: Niki Rodgers, HR Manager (on behalf of Celia Williams, HR Business Partner, Growth and Regeneration). Date 15 July 2024.

APPENDICES

Appendix A – Further essential background / detail on the proposal

Appendix Ai – Mobility Scooter Policy & e-scooter guidance

Appendix Aii – Enforcement Approaches

Appendix Aiii – Operating procedure in blocks with no dedicated storage **YES**

Appendix B – Equality Impact Assessment (EqIA) **YES**

Appendix C – Environmental Impact Assessment **YES**

Appendix D – Decision Risk Assessment **YES**

Appendix E – Exempt Information **NO**

Appendix F – Details of consultation carried out - internal and external **NO**

Appendix G – Options appraisal matrix **NO**

Appendix H – Business case / financial analysis **NO**