

Appendix Aiii - STANDARD OPERATING PROCEDURE (SOP) – Mobility Scooters in Blocks with No Dedicated Storage

Policy Context

This Standard Operating Procedure (SOP) describes the best practice approach to dealing with Mobility Scooters being stored or charged inappropriately in the communal areas of blocks of flats without any dedicated mobility scooter storage. 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. It is a breach of Fire Safety Regulations for mobility scooters and other powered vehicles to be left in communal areas. 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.

Use this SOP when identifying and removing mobility scooters stored inappropriately in communal areas of blocks of flats, ie:

- corridors
- landings
- staircases
- walkways
- any other communal area used for escape in the event of a fire

These procedures should be read in conjunction with:

- Mobility Scooter Policy
- Safe Escape Routes Policy
- Safe Escape Routes in High Rise Blocks SOP

PURPOSE

This procedure ensures:

- Communal areas are kept safe and free from potential obstruction in the event of a fire or other emergency evacuation,
- BCC HLS take a person centred approach to mobility scooter storage in BCC blocks of flats and take reasonable and proportionate steps to reach an alternative storage solution with residents currently storing mobility scooters inappropriately before considering enforcement action
- That BCC complies with its statutory responsibilities under Fire Safety legislation

KEY OUTPUTS

- Unobstructed emergency evacuations, particularly in high-rise blocks.
- BCC staff have processes in place when dealing with mobility scooters that are currently being stored/charged inappropriately in communal areas

PROCESS STEPS

1. Risk identified

Housing Officer/Caretaking/CSC & CSP

Mobility Scooter found – or reported- stored inappropriately in communal area of a block of flats (high rise or low rise)

2. Inspect Location

Caretaking/ Housing Officer

This may be carried out by a Housing Officer or a Caretaker from case-to-case.

All photos, communications with owners, notices, letters, and details of storage must be uploaded onto Civica as EVIDENCE.

- Take photos of Mobility Scooter and location as **EVIDENCE**.
- Check HMS to see if the scooter is registered to an owner resident at the building. (See **BELOW**)
- Check [RECORD] identify if the scooter is linked to any previous warnings?
- If the owner is known to us – check the HMS for known vulnerabilities and communication needs.
- Make best efforts to contact the owner. (See **BELOW**)
- Any/all communication with the owner whilst on site must be recorded as potential **EVIDENCE**.

Make contact with owner? (Directly or arrange a meeting/visit with HO)

Yes:	• Advise owner that scooter cannot be kept in communal areas for fire safety reasons. <i>Did the owner move the scooter?</i>
	Yes: <ul style="list-style-type: none">• Update notes in HMS / Scooter [RECORD].• Close Case END
	No: <ul style="list-style-type: none">• Discuss OPTIONS for alternative storage solutions (See BELOW)• Discuss individual circumstances and act on outcomes. (See BELOW)• If scooter cannot be easily stored in their flat, make temporary arrangement while negotiations are ongoing. (See BELOW)

Housing Officer

- Contact the resident owner of the scooter.

Have we agreed a solution for alternative storage for the scooter?

Yes:	<ul style="list-style-type: none">• Update HMS• Close Case END
No:	<ul style="list-style-type: none">• GO TO 2ND ATTEMPT

4. 2nd Attempt (Low Rise)

Caretaking/ Housing Officer

Has the scooter been moved/ now stored in an appropriate place?

Yes:	<ul style="list-style-type: none">• Update notes in HMS / scooter RECORD.• Close Case END								
No:	<ul style="list-style-type: none">• Sticker scooter with notice warning that it will be removed to safe location. Update scooter record with 2nd attempt.• Make best efforts to contact the owner of the scooter. <i>Made contact with owner of scooter?</i> <table border="1"><tr><td>Yes:</td><td><ul style="list-style-type: none">• Discuss OPTIONS for alternative storage solutions (See BELOW)• Discuss individual circumstances and act on outcomes. (See BELOW) <i>Did the owner move the scooter?</i><table border="1"><tr><td>Yes:</td><td><ul style="list-style-type: none">• Update notes in HMS / scooter RECORD.• Close CaseEND</td></tr><tr><td>No:</td><td><ul style="list-style-type: none">• Go to REFER FOR REMOVAL.</td></tr></table></td></tr><tr><td>No:</td><td><ul style="list-style-type: none">• Record on HMS/ scooter RECORD.• Go to REFER FOR REMOVAL</td></tr></table>	Yes:	<ul style="list-style-type: none">• Discuss OPTIONS for alternative storage solutions (See BELOW)• Discuss individual circumstances and act on outcomes. (See BELOW) <i>Did the owner move the scooter?</i> <table border="1"><tr><td>Yes:</td><td><ul style="list-style-type: none">• Update notes in HMS / scooter RECORD.• Close CaseEND</td></tr><tr><td>No:</td><td><ul style="list-style-type: none">• Go to REFER FOR REMOVAL.</td></tr></table>	Yes:	<ul style="list-style-type: none">• Update notes in HMS / scooter RECORD.• Close Case END	No:	<ul style="list-style-type: none">• Go to REFER FOR REMOVAL.	No:	<ul style="list-style-type: none">• Record on HMS/ scooter RECORD.• Go to REFER FOR REMOVAL
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5. Refer for Removal

Caretaking/ Housing Officer

- Contact Team Manager for sign off for removal. Evidence of suitable actions taken so far to resolve with the resident owner. (See **BELOW**)

Team Manager

Team Manager agreed?

Yes:	Caretaking/ Housing Officer									
	<ul style="list-style-type: none"> Make best efforts to contact the resident on site at the time. <p><i>Made contact?</i></p> <table border="1"> <tr> <td rowspan="2">Yes:</td> <td> <ul style="list-style-type: none"> Inform them that the scooter will be removed as soon as possible that day and provide information about where it will be stored and how it can be accessed and any charge for collection. (See BELOW) [LETTER] <p><i>Did the resident owner move the scooter at contact?</i></p> <table border="1"> <tr> <td>Yes:</td> <td> <ul style="list-style-type: none"> Inform that the scooter will be removed to safe storage without notice if found to be stored in a dangerous way again. Update HMS and Scooter RECORD. Close case. <p>END</p> </td> </tr> <tr> <td>No:</td> <td> <ul style="list-style-type: none"> Go to ARRANGE REMOVAL </td> </tr> </table> </td> </tr> <tr> <td>No:</td> <td colspan="2"> <ul style="list-style-type: none"> If known, post letter explaining the scooter will be removed within timescale and provide information about where it will be stored and how it can be accessed and any charge for collection. If the owner's address is not known, efforts must be made to identify them. (see BELOW) Go to ARRANGE REMOVAL </td> </tr> </table>		Yes:	<ul style="list-style-type: none"> Inform them that the scooter will be removed as soon as possible that day and provide information about where it will be stored and how it can be accessed and any charge for collection. (See BELOW) [LETTER] <p><i>Did the resident owner move the scooter at contact?</i></p> <table border="1"> <tr> <td>Yes:</td> <td> <ul style="list-style-type: none"> Inform that the scooter will be removed to safe storage without notice if found to be stored in a dangerous way again. Update HMS and Scooter RECORD. Close case. <p>END</p> </td> </tr> <tr> <td>No:</td> <td> <ul style="list-style-type: none"> Go to ARRANGE REMOVAL </td> </tr> </table>	Yes:	<ul style="list-style-type: none"> Inform that the scooter will be removed to safe storage without notice if found to be stored in a dangerous way again. Update HMS and Scooter RECORD. Close case. <p>END</p>	No:	<ul style="list-style-type: none"> Go to ARRANGE REMOVAL 	No:	<ul style="list-style-type: none"> If known, post letter explaining the scooter will be removed within timescale and provide information about where it will be stored and how it can be accessed and any charge for collection. If the owner's address is not known, efforts must be made to identify them. (see BELOW) Go to ARRANGE REMOVAL
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No:	<ul style="list-style-type: none"> Go to REFER FOR REMOVAL with recommendations from manager. 									

6. Arrange Removal
Caretaking/Housing Officer

Note: Priority is to remove hazardous items from the escape routes. Item security and protection is secondary.

- Contact CONTRACTOR and instruct removal (See [BELOW](#))

- If possible, attend the location at the time it will be removed.
- Goods may be stored in a secure, lockable, and weatherproof location and care may be taken to protect items from damage, where available.
- Take photos of new location.
- Inform the resident owner of the new location of the scooter. If on-site provide pictures.
- If off site location, inform how the scooter can be retrieved. (Letter)
- Book to review circumstances within 1 week.
- Go to **FOLLOW UP**

7. Follow Up

Housing Officer / Caretaker

- BCC will store the mobility scooter according to the rules regarding safe storage of goods and in accordance with the contract specification with the contracted provider to store them. (See **BELOW**)
- The resident will receive a letter explaining how they can retrieve the item and they may contact BCC for support as needed.
- **END**

SERVICE LEVEL AGREEMENT

BCC will make best efforts to contact owner residents to resolve storage issues before removal.

BCC will sticker scooters and write to owners where possible to bring their attention to the risks of inappropriate mobility scooter storage and notify of action that will be taken to remove.

In high rise blocks obstructions such as scooters will be removed on site at the time they are identified.

For Low Rise blocks owner residents will be given notice that the scooter will be removed within 48 hours.

OPERATING LEVEL AGREEMENT (OLA)

Housing Officers and Caretaking Teams and Customer Services will need to work together to identify, and understand a resident's situation, and act to ensure safety of the block. (see collaborative working below)

HANDOVER AND COLLABORATIVE WORKING

- Customer Services Advisors and Operations Centre will pass on the details of mobility scooters stored inappropriately in the communal areas of BCC blocks to Housing and Landlord Services.
- It will vary from case-to-case whether a Housing Officer or Caretaker is the initial lead on identifying risk and inspecting the location of the Mobility Scooter.
- Both teams are expected to take photos of the inappropriately stored Mobility Scooter and record details of any communication with the owner of the Scooter (if known).
- Caretakers may carry out a dynamic risk assessment of items left in communal areas and locations. If a Mobility Scooter is an immediate risk, such as blocking a fire exit door the Scooter should be removed to a temporary location as soon as possible, such as a communal room or outside the block while inquiries are ongoing.
- Housing Officers will arrange for the more permanent removal of a mobility scooter from the site if other methods of resolving the issue fail.
- Housing Officers will administer follow up letters, warning letters, or any other enforcement action and make a record of photos and any communications that occur on-site.

ADVICE, GUIDANCE AND TIPS

Mobility Scooter Owner – not a resident or can't be identified

- BCC will run a registration scheme for Mobility Scooters.
- It is possible that the scooter is not registered and or doesn't belong to a resident at the building, but a visitor to it. In this case we rely on the records kept for the times we have encountered the scooter parked or stored inappropriately. And use this process to escalate where we cannot make contact with the owner.

Temporary Arrangements

- Temporary Arrangements E.g., battery removed and stored in flat and scooter moved to a communal room/space away from an escape route or outside the block if necessary (ie. in high rise)
- Use letter [LINK] to confirm agreement.

Discuss Individual Circumstances

At every contact with a resident owner officers should evaluate the need for and offer the following:

- Provide evacuation information about their block [LINK]
- Direct the resident where and how to register their mobility scooter. [LINK]
- Complete or refer for PCRFA. (Go to PCRFA SOP to do or [LINK] for referral.)
- Engage housing officer/ refer to housing options for support. Having a need for a scooter may indicate deterioration in health or mobility and it might be appropriate to involve the residents housing officer to discuss their housing needs including registering for housing based on changed needs.

Contact the Contractor for Removal

- Agreed contact with contractor within contract specification – tbc

Identify the owner of scooter

- Contact DVLA ([Class 3](#) mobility scooters have to be registered with DVLA so there should be registration evident), Adult Social Care or leasing company if evidence/details that scooter is leased is viewable.
- Leave notice/letter in main foyer area of block with contact details asking for owner to come forward
- Best efforts to contact – try to call, text and if known and it is safe to do so, knock the door. If there is time (Low Rise Blocks) attempt to contact a second time during the day.

Previous contact – escalation

One previous warning.	Go to 2nd Attempt
Has had contact and been instructed to move or received more than one sticker notice in the last 6 months .	Go to Refer for Removal
Has been agreed for removal within the last 6 weeks and broken agreement.	Go to Arrange Removal

Mobility Scooter - Options to Consider

It should be made clear to the resident at the outset that:

- a) 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,
- b) that it is a breach of Fire Regulations to keep a mobility scooter in these areas because they are a potential fire hazard and could prevent all occupants of the building escaping if one caught fire on an escape route, and

- c) that the Council has to take a firmer line on this issue following Grenfell and our own recent block fires and may have to consider enforcement action if this problem continues **but would prefer to work with the resident** to explore other options which may help resolve the issue.

The main options are informed by the [NFCC Guidance](#), and can be summarised as follows:

1. If mobility scooter is of suitable size for the property (ie. no need to consider possible alterations to the property), advise that the resident is required to **park and charge scooter within flat**. Ensure that the scooter does not cause a trip hazard or restrict an escape route within the property (hall for example). Preferably it should be stored in a recess off the hallway, within a room away from the front door, or in a balcony area. The ability of the driver to manoeuvre the scooter into and out of position needs to be assessed. An emergency plan for exiting the flat in emergency conditions also needs to be considered.
2. If too large to be stored in the flat, explore options with resident whether their **existing scooter can be traded in for a smaller model** that can be stored in the flat. The maximum dimensions of a scooter suitable for the property should be considered, and if possible the resident should arrange a trial.
3. **Park and charge scooter within flat - with some alterations to flat**. The cost and practicality of doing so will be a consideration for BCC HLS, particularly if the flat would have to be re-instated at a later date for future tenants. An initial feasibility study would need to be undertaken by a council surveyor and if feasible, negotiations would need to be undertaken to agree cost apportionment etc.
4. **Room available outside of the flat but within the block that could be used for storage**. BCC HLS will assess the potential for utilising any existing areas within the communal parts of the building including any unused areas, although cost and practicality will be a consideration. It should be borne in mind that 'communal' storage space within blocks of flats is usually 'open plan' with cages, with no electrical supply. The viability of storing the scooter in a designated communal area storage space but removing the scooter battery and charging it separately within the resident's flat could be considered (ie. consider the age and health of the resident to do this and distance from flat to storage). This option is, however, not suitable if the scooter cannot be stored safely in a designated storage space as escape corridors must be kept fire sterile and an unsecured battery-less scooter would still be considered both an obstruction and a fire hazard (from arson for example). The [NFCC Guidance](#) recommends that any purpose built or adapted internal storage and charging room has 60 minute fire resisting construction with fire resisting self closing doors and automatic fire detection (or 30 minutes fire resistance for 3 scooters or less). Any storage area would also be expected (by users) to be reasonably secure and accessible. BCC HLS will have to consider all issues of health and safety and the loss of amenity to other users of a communal area.
5. **Identify a room or space outside of the block, which could be used for safe storage/charging**. Provision of a suitable electricity supply to any areas away from the face of the building would be a major consideration, would likely require trenching and would be costly. Planning permission may also be required for some forms of permanent large storage facility (for example, double garage size structure for say 7 - 11 scooters). The [NFCC Guidance](#) recommends that any purpose built or adapted internal storage and charging room has 60 minute fire resisting construction with fire resisting self closing doors and automatic fire detection (or 30 minutes fire resistance for 3 scooters or less). In external buildings without electricity, the viability of the resident storing the scooter in the space but removing the battery and charging separately within their flat could be considered (ie. consider the age and health of resident to do this and distance from flat to storage). This option is, however, not suitable if the scooter cannot be stored safely in a designated storage space as escape corridors must be kept fire sterile and an unsecured battery-less scooter would still be considered both an obstruction and a fire hazard (from arson for example). Other external storage options include:
 - a. **Existing garages** may be utilised, however, are unlikely to have an electricity supply, will have non-automated 'up- and over' doors and may be located some distance away from the main building. They may be scheduled for demolition and re-development.
 - b. **Existing Parking spaces, and unused amenity areas in gardens** may be suitable for some form of covered park and charge facility – with or without fencing/gates etc. Electricity supply required. Unlikely to be favoured by other residents with cars if parking is already limited.
 - c. **Tenants own store (or cover) and electricity supply** may be possible for residents on ground or 1st floor flats, provided that the store/cover does not present a health and safety hazard to anyone, is suitable for the location, and the electricity supply can be fixed to the outside of the block from the residents electricity supply.
6. **Moving the resident to a block where suitable storage/charging is available**. However, unless the resident's mobility is extremely impaired (as assessed by Health and Housing Team/Occupational Health) this is unlikely to result in a quick resolution to the issue given the numbers of people currently on the Housing Register.
7. **Enforcement action to remove the scooter**. The option of last resort as it would result in a loss of independence for the resident. However, if none of the above options is viable, it is still the owner's responsibility to ensure that their scooter is no longer left in unauthorised areas as this will be breaching the Tenancy Agreement. Where the owner will not co-operate with attempts to find alternative solutions regrettably, BCC HLS will have no other option but to take enforcement action, which following a warning of our intention, will result in BCC HLS seizing the Mobility Scooter and removing it to a safe location.

Enforcement Action - Evidence

Removing an inappropriately stored mobility scooter from the communal area of a block of flats may face legal challenge under Section 15 of the Equality Act unless BCC can demonstrate (with evidence) that we have tried other, less drastic, ways of resolving the issue before considering enforcement action. The 2010 Equality Act does contain provisions (known as 'objective justification') that state if an employer (or landlord) has a good enough reason for any unfavourable treatment complained of, or any disadvantage caused, this does not necessarily constitute unlawful discrimination under the Act. In brief, the employer (or landlord) needs to demonstrate that the action(s) undertaken are 'a proportionate means of achieving a legitimate aim' (and compliance with Fire Safety Regulations would be considered a legitimate aim). The Council will need to be able to demonstrate that it has tried other ways to resolve the issue prior to taking enforcement action. Such evidence could include:

- Any letters sent to resident advising of requirement to remove scooter from communal area or arrange visit(s) to assess needs/discuss alternative storage or warning that enforcement action may be taken.
- Notes of discussions with resident and their stated reasons for continuing to store their Mobility Scooter inappropriately in communal areas.
- Details of the steps taken to try to resolve the issue with resident e.g. negotiating for smaller scooter that could be accommodated in flat, any consideration of external mobility shelter/cover or storage options etc.
- Any known evidence of disability e.g. occupational therapy reports and/or notes and details of any discussions to assess residents needs/vulnerabilities.
- Photos of each occasion that the Mobility Scooter was left in an unauthorised communal area.
- Photographs of the communal area concerned, highlighting the escape route.
- Details of the Mobility Scooter stored inappropriately (make/model/colour etc/[serial numbers](#)) .
- Details of any complaints from other residents on the issue.
- Copy of the Fire Risk Assessment for the building and/or any assessment of risk undertaken by Building Safety Team/Fire Safety Manager etc.
- If the owner is not known, any steps taken to identify and notify the owner of the mobility scooter.
- Copies of any leaflets, posters, customer magazines and newsletters sent to residents or displayed in the relevant communal areas that refer to the requirement that mobility scooters are not to be stored and charged within communal areas of blocks, unless there is a specific designated area set aside for this purpose.
- Supporting documentation from any third party organisations; i.e. fire service.

Safe Storing of Goods

- The statutory obligation to store goods is contained in Section 41 Local Government (Miscellaneous Provisions) Act 1982.
- Officers must make reasonable enquiry to ascertain whereabouts of the owner on the day the goods come into possession of the Council.
- Where the Council knows the whereabouts of the owner of the goods, the Council must serve a notice on the owner requiring the goods to be collected by a specified date.
- Where the Council does not know the whereabouts of the owner of the goods, we must make reasonable enquiries as to who is the owner.
- Upon the expiry of the notice, if uncollected, the Council can destroy, sell, or donate the items.
- Where it appears impossible to serve a notice, serve it on the location of the offending items - the property will belong to the Council one month from the date of the notice.

Costs of Removal

- A third-party company will be contracted to remove and store scooters.
- There is a charge for this which will be passed on in its entirety to the resident owner.
 - Residents will be made aware of this when they let the property and it will be highlighted in any warning letters or arrangement documents they receive.