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Pennaeth Gwasanaethau Cyfreithiol a Democraataidd



To: Cllr Ron Hampson (Chairman)

CS/NG

Councillors: Amanda Bragg, David Cox,
Peter Curtis, Ron Davies, Glenys Diskin,
Rosetta Dolphin, Jim Falshaw, Alison Halford,
George Hardcastle, Ray Hughes, Brian Lloyd,
Mike Reece, Gareth Roberts and Sharon Williams

9 December 2013

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Dear Sir / Madam

A meeting of the **HOUSING OVERVIEW & SCRUTINY COMMITTEE** will be held in the **DELYN COMMITTEE ROOM, COUNTY HALL, MOLD CH7 6NA** on **FRIDAY, 13TH DECEMBER, 2013** at **10.00 AM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

AGENDA

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**
- 3 **LEGAL AND GOVERNANCE ISSUES AROUND ESTABLISHING A PROPOSED HOUSING COMPANY** (Pages 1 - 8)
Report of Head of Legal and Democratic Services

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The Council welcomes correspondence in Welsh or English
Mae'r Cyngor yn croesawau gohebiaeth yn y Cymraeg neu'r Saesneg

4 **COMMUNAL AREA MANAGEMENT & FIRE SAFETY** (Pages 9 - 24)
Report of Director of Community Services

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **HOUSING OVERVIEW & SCRUTINY COMMITTEE**

DATE: **FRIDAY, 13 DECEMBER 2013**

REPORT BY: **CHIEF EXECUTIVE, HEAD OF LEGAL AND DEMOCRATIC SERVICES AND HEAD OF HOUSING**

SUBJECT: **LEGAL AND GOVERNANCE ISSUES AROUND ESTABLISHING A PROPOSED HOUSING COMPANY**

1.00 PURPOSE OF REPORT

1.01 To explain the legal and governance issues around the establishment of the proposed housing company and to approve its creation.

2.00 BACKGROUND

2.01 At its meeting on the 15 October Cabinet resolved:

- (a) That urgent work be commissioned to develop the legal and governance model for the company; and
- (b) That officers report back to Cabinet and the Housing Overview and Scrutiny Committee with detailed proposals for establishing the company.

2.02 In complying with that resolution officers have used the feedback gained from an Overview and Scrutiny seminar (to which all Councillors were invited) which took place on 11 October as well as advice from external solicitors to draw up some proposed governance arrangements for the housing company. The need for the company is understood and its purpose widely supported by members and officers. Further assurance is required over the governance of any such company and how it can be appropriately controlled by the Council.

2.03 When establishing a company of this sort there is a fundamental question to be decided about the level of independence to be enjoyed by the company. In summary, the less control the Council has over such a company, the greater its freedom from other regulatory burdens such as reporting and the public procurement rules. In this instance it is appropriate that the level of Council control should be very high (at least during the company's early years). This will mean it is subject to quite a high level of regulation but this should not prove a hindrance to the company's ability to achieve its desired aims.

3.00 CONSIDERATIONS

3.01 There are a range of issues that need to be considered when setting up a company of this type. For the purposes of this report these issues are presented under the following headings:-

- Purposes
- Corporate Model and Statutory Powers
- Council Control
- Employment
- State Aid
- Reporting and Accountability
- Internal Controls and Governance
- Business Planning

3.02 Purposes

During its early years this particular company would be expected to undertake the following activities:-

1. Owning and letting its own properties.
2. Leasing and sub letting properties.
3. Letting and managing properties on behalf of private landlords.

In future years it is possible that, as the company grows it can expand and take on further roles such as property development/house building. It would be possible to establish the company with just a limited range of purposes at the outset and to add additional powers as and when ready. However, it would be the preferred option to establish the company with wider powers at the outset and then to restrict its activities through its business plan and control of the board, allowing it to expand and grow as it proves itself in governance and performance. Given the high level of control that will be exercised by the Council over the company, officers advise that it is safe and appropriate to give it unlimited powers from the very start.

3.03 Corporate Model and Statutory Powers

There are different legal entities that can be used to establish a company of this sort:- a company limited by shares (CLS), a company limited by guarantee (CLG) and an, industrial and provident society (IPS). The two company models are the most flexible. They would enable the Council to tailor the corporate arrangements to suit its purposes, whilst still building in sufficient safeguards to protect the public interest.

3.04 Both models have a board of directors that 'run' the company. They also have owners (either members for a CLG or shareholders for a CLS) who set the strategic direction. A CLG is no more flexible and offers no more security than a company limited by shares. By contrast, a company limited by shares makes it easier to have different levels of ownership rights (by issuing differing categories of shares with fewer or

greater rights) and in addition the existence of shares will make it easier to raise investment (by selling share capital) or to dispose of the company as a whole should that be desired in the future. Officers recommend using the CLS model.

3.05 It is intended that the company will generate a trading surplus by its activities, which will be subject to Corporation Tax. That net surplus could either be reinvested in the company or could be distributed to the Council for it to spend on delivering local public services. For it to be able to distribute its surplus in that way the company cannot be a charity nor can it be established under the Council's well-being powers pursuant to the Local Government Act 2000. It is therefore recommended that the company should be established under S.95 of the Local Government Act 2003.

3.06 **Council Control**

The Council will be able to exercise control over the company through two routes:-

- Ownership of shares; and
- Control of the board of directors

Company shareholders fulfil a strategic role by approving certain matters at shareholder meetings such as the annual business plan and accounts. It is possible to stipulate that certain matters must be approved by shareholders or even that specific shareholders must approve particular decisions. So for example, it would be possible to say that the holder of the Council's share must approve decisions on the distribution of any surplus. This will in effect give the Council an appropriate 'veto' over key decisions. It is recommended that such a veto be reserved to the Council in respect of the issue of share capital, the distribution of any trading surplus, the approval of the business plan and the disposal by way of long lease or sale of the freehold of any properties owned by the company and securing any borrowing by the company against its assets.

3.07 In addition, the Council can reserve the right to appoint directors to the board. Officers would suggest that the board be limited to about 5 or 7 positions with the majority being held by councillors. There should be an officer to act as executive director who can actually carry out decisions on behalf of the company and the board. There should also be some form of non executive appointment of a person with expertise in the housing field but who is neither a councillor nor an officer, in order to give a fresh and external perspective.

3.08 **Employment**

Whilst the company is still small it is expected that it would buy whatever services it requires from the Council. Council employees

would remain employed by the Council but could also undertake functions on behalf of the company. They would not be paid any extra for doing so, the role being built into their job description as an extension of their current role, and the payments made by the company for the services would be an income stream for the Council. In some circumstances this will not be appropriate, for example where Council employees do not have the necessary skills or experience or the time and capacity to undertake the work, or where the company needs independent professional advice e.g. where it is entering into a legal agreement with the Council it will need its own separate legal advisor.

3.09 Given the high level of Council control over the company, it will be a “contracting authority” within the public procurement rules. That means that it will need to follow the EU procurement rules to let any contract with a value of more than £174,000. Given the small scale of the company during its early years, it is unlikely that any contract placed with the Council will exceed that sum.

3.10 **State Aid**

If the Council sells its services to the company and charges for any other benefits e.g. the company will need a registered address, then it is unlikely that arrangements between the Council and the company will be classed as state aid. However, should the Council give the company any form of asset or service at a reduced or nil cost then the state aid rules might be engaged. Specific external legal advice is being sought about the transfer of gifted properties from the Council to the company.

3.11 **Reporting and Accountability**

It is proposed that the Council would exercise control over the company through appointing its directors and by reserving the right of approval over certain matters. Those already powerful controls can be further enhanced by careful allocation of those roles.

3.12 The right to cast the Council’s vote as shareholder should be exercised by the Cabinet Member for Housing. This which will ensure that key decisions are taken in accordance with the wishes of the Cabinet. Any officer appointed to the board should be a senior one but below the level of chief officer. This will mean that the head of service is free to exercise control/accountability over the officer appointed. Likewise, councillors on the board should not be on the Cabinet. In that way, Cabinet members will be free to debate issues affecting the company without needing to declare a personal and prejudicial interest under the Code of Conduct.

3.13 Ordinarily, a company produces an annual report for its shareholders which is received at the Annual General Meeting (AGM). Given the level of control that the Council wishes to exercise over the company, it will

be appropriate for it to give more frequent and transparent accounts of its activities. It is recommended that the company should report regularly to Cabinet and the relevant Overview and Scrutiny Committee at a frequency to be agreed and no less than six monthly

3.14 The company will be required to produce its own set of annual accounts including: balance sheet; profit and loss account; director's report; and an auditor's report following the audit of the accounts. An annual corporation tax return will need to be completed. The accounts will be filed with Companies House and will be available for public inspection.

3.15 As a wholly owned subsidiary of the Council, the company's accounts need to be incorporated with our own accounts to form group accounts. The group accounts will be subject to scrutiny every year by the Audit Committee and Full Council as at present.

3.16 **Internal Controls and Governance**

Once the company is established it will need to draw up its own procedures and systems to ensure good governance. For example, it will need its own financial procedure rules, arrangements for ensuring internal control and rules for placing contracts. In order to ensure that those procedures are sufficiently rigorous and transparent the Council can require them to be approved by the board of directors.

3.17 **Business Planning**

The Head of Housing has commissioned the preparation of a business plan for the company. The business plan will cover:

- the objectives of the company
- the investment and other resources required to achieve the objectives
- any risks to the business; and
- the expected financial results of the business.

The business plan will need to be checked and approved once it is complete.

3.18 **Recommendations that will be made to Cabinet**

The following recommendations will be made to Cabinet in order to take this matter forward:

1. That the housing company is established as a company limited by shares as set out in the report on the basis that the Council is assured of having a sufficient level of control of the body.
2. That the Chief Executive, Head of Legal & Democratic Services, Head of Finance and the Head of Housing Services in

consultation with the Leader and the Cabinet Member for Housing be given delegated authority to take all necessary steps to establish the company.

3. That the Chief Executive in consultation with the Leader and Cabinet Member for Housing be given delegated authority to approve the business plan.

3.19 In addition, because of the complexity of setting up a company and because it is the first time that this has been undertaken for a very long time, a multi-disciplinary group consisting of Finance, Housing and Legal officers will be formed in order to ensure that all necessary issues are addressed.

4.00 RECOMMENDATIONS

4.01 That the Committee passes its views on the proposed legal and governance arrangements to the Cabinet meeting on 17 December.

5.00 FINANCIAL IMPLICATIONS

5.01 There is a small cost to establishing the company and to taking the necessary legal, financial and tax advice to set it up. This can be met within existing budgets.

5.02 The business plan currently being prepared for the company envisages that it will not require any start up capital from the Council. In the future the company may wish to borrow money and might ask the Council to stand as guarantor (due to the Council's very high credit rating) and each such request will be considered on its merit at the time.

5.03 Should the company not prove to be successful then the Council will not be responsible for its debts which will be paid off from the company's assets. It is possible for the Council to place a restriction on the disposal of any houses owned by the company so that they will continue to be used for public purposes even if they need to be sold to clear the company's debts.

6.00 ANTI POVERTY IMPACT

6.01 At present average earnings within the county are below the level required to afford average rental incomes. Whilst mortgages are cheaper, it is still difficult on the average county income to save the required level of deposit to purchase a house. Therefore there are people within the county who can neither afford to rent nor to buy at market levels but who do not qualify for social housing. It is anticipated that by letting properties below market rents, but above social rents, the housing company will assist such people.

7.00 ENVIRONMENTAL IMPACT

7.01 None.

8.00 EQUALITIES IMPACT

8.01 Currently, there are elderly residents within the County who are living in houses that are larger than their needs and are thus difficult to heat and maintain. However, because they own an asset, they do not have sufficient points to be eligible for sheltered accommodation. The housing company could take a lease on their properties during their lifetime enabling them to move into sheltered accommodation whilst freeing up much needed family sized accommodation.

9.00 PERSONNEL IMPLICATIONS

9.01 The workload involved in establishing and working for a company can be accommodated within existing resources.

10.00 CONSULTATION REQUIRED

10.01 None.

11.00 CONSULTATION UNDERTAKEN

11.01 A seminar has been held on this issue for all members of council and its views taken into account in drafting these proposals. All appropriate senior officers have been consulted. External expert advice has also been obtained.

12.00 APPENDICES

12.01 None.

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

As referred to in the report.

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **HOUSING OVERVIEW & SCRUTINY COMMITTEE**

DATE: **FRIDAY, 13 DECEMBER 2013**

REPORT BY: **DIRECTOR OF COMMUNITY SERVICES**

SUBJECT: **COMMUNAL AREA MANAGEMENT & FIRE SAFETY**

1.00 PURPOSE OF REPORT

- 1.01 The purpose of this report is to inform and advise the Housing Overview and Scrutiny Committee of the options available for the management of communal areas in relation to fire safety.
- 1.02 Members are requested to consider the options available and provide a steer to officers on their preferred method of management.
- 1.03 Included with this report is a copy of the draft Mobility Scooter Policy. This forms part of the Council's approach to the management of communal areas as these items have been identified by North Wales Fire and Rescue as being potential hazards.

2.00 BACKGROUND

- 2.01 The requirements of the Regulatory Reform (Fire Safety) Order 2005 make it necessary for the Council to reduce and manage risk in each of its 53 blocks of dwellings which contain common parts.
- 2.02 One of the hazards identified on the formal risk assessments of some of these blocks, and also brought to the Council's attention by North Wales Fire & Rescue is items being located in the common parts of residential blocks.
- 2.03 The Council is required to minimise risk by managing the communal areas. This means addressing items which may be a source of ignition, a source of fuel in the event of a fire, or an obstruction to the means of escape should a fire break out.
- 2.04 There are three options for managing common parts, and this paper seeks to set these out, with advantages, disadvantages, resource requirements and potential impact.
- 2.05 It is respectfully requested that members consider each option with a view to agreeing the approach to be taken by officers in relation to this

issue.

- 2.06 Members may be aware that there was recently some significant media coverage when the Council wrote to residents of Coppa View about items which were being stored in the communal areas.
- 2.07 Residents had been spoken to about the items previously, and the insistence to remove items was brought about following a site audit by North Wales Fire & Rescue (The Enforcing Authority) who highlighted the need to remove these items.
- 2.08 Due to the personal circumstances of two residents who were unable (rather than unwilling) to store their items anywhere else, consensus was reached that the items could remain until some alterations were made to the ground floor garage area, so that the items could then be safely stored without having an adverse impact on residents.
- 2.09 This situation did, however, highlight the need to agree an approach for the management of communal areas which would ensure that the Council was complying with fire regulations, whilst taking an understanding and sensible approach to customer's individual circumstances.

3.00 CONSIDERATIONS

- 3.01 The Regulatory Reform (Fire Safety) Order 2005 (the FSO) came into force in October 2006. It brought the common parts of blocks of flats within the scope of mainstream fire safety legislation for the first time.
- 3.02 The 'FSO' does not apply to individual flats, but does apply to the communal areas within each block. The FSO also applies to Work spaces within the block. For example, a room or office which may be used by Accommodation Support Officers, Caretakers or other staff.
- 3.03 The FSO imposes requirements and duties on the 'responsible person' and in many cases this means, the organisation responsible for managing the block, letting the properties and employing the workers.
- 3.04 A general duty of care in relation to fire safety is also imposed by the FSO affording protection to anyone legitimately being present in the building, including fire-fighters.
- 3.05 The FSO is enforced by the fire and rescue authority, who carry out inspections to audit compliance with the order. If the fire and rescue authority identify a breach of the FSO, they will notify the responsible person, and may issue an enforcement notice requiring that steps be taken to remedy the breach. In the case of serious risk, a prohibition notice, prohibiting or restricting the use of the premises, may be

issued.

- 3.06 In order to ensure compliance with the FSO, the Council has instructed Fire Risk Assessments to be carried out on all of its 53 blocks which are affected by this legislation, and it has an action plan to address and manage any identified hazards.
- 3.07 Last year, the Local Government Association produced guidance to assist Local Authority Housing Providers to be compliant with the FSO. In particular it makes reference to the methods of managing communal areas which have posed some difficulty for landlords across England & Wales alike.
- 3.08 Good management of communal areas is essential in order to:
- Eliminate/Reduce sources of ignition which may cause a fire.
 - Eliminate/Reduce sources of fuel which may allow a fire to take hold and produce smoke.
 - Eliminate/Reduce the risk of any obstructions from any emergency evacuation routes from the building.
- 3.09 It is not unusual in blocks of flats containing dwellings, that residents feel that the common parts are very much part of their home. They often perceive these areas to be an extension of their own flat, and as such may use these parts for storage of their own personal items, or to decorate these areas with pictures, plants, mats and ornaments to give the area a “homely” feel.
- 3.10 Some of these items can be a potential hazard. However the level of risk posed will vary depending upon a number of factors.
- 3.11 The potential for significant smoke production and fire development when combustible materials are ignited will depend upon the properties of the material. This includes its ease of ignition, the quantity present and its configuration. Not all of the items commonly found in communal areas are either easily ignitable or likely to give rise to a serious risk if ignited in isolation.
- 3.12 This means in reality that some items which residents may currently place in the common parts will not be creating an undue risk in the building, however other items may be a greater hazard.
- 3.13 The challenge then for the Council is how to manage this situation, the options for which are detailed below.
- 3.14 It is clear from the FSO and also from the Local Government Association guidance that “unrestricted” use of the common parts by residents to store or display items is not acceptable.

- 3.15 LGA Guidance recommends either:-
- Sterile Approach
 - Managed Approach
- 3.16 This paper also proposes that a hybrid of the two approaches may also be considered as detailed below.
- 3.17 The **Sterile Approach** is one where the Council would not permit the common parts to be used for the disposal or storage of any items. No exceptions would apply. It would ensure that the common parts are effectively 'sterile' i.e. free of combustible material, ignition sources and obstructions.
- 3.18 The advantages of this are that this is the approach recommended by North Wales Fire & Rescue who are the enforcing authority for the FSO.
- 3.19 As specified in the LGA Guidance, the **benefits** of a '**sterile approach**' are as follows:
- it is the simplest policy to adopt
 - it removes not only the risk from accidental fires, involving items in the common parts, but also denies fuel for any potential arsonist
 - there is no ambiguity regarding what is allowed and therefore residents know exactly where they stand
 - it is easier for the Council as the landlord to 'police' when carrying out inspections
 - it is simpler to audit by those carrying out fire risk assessments
 - it arguably reduces the liability on landlords.
- 3.20 There are, however, **disadvantages** of a '**sterile use**' approach which include:
- by not taking into account the specific circumstances, this policy might not be risk proportionate
 - it unduly penalises those who could manage their common parts effectively
 - it denies residents an opportunity to personalise and improve their living environment.

3.21 LGA Guidance further states that a **sterile approach** should always be adopted in the following circumstances:

- when there is doubt over the ability of residents to apply a 'managed use policy
- where flats open directly onto stairways unless 'managed use' is considered acceptable by the fire risk assessment
- where the escape stairway is of combustible construction
- where the building needs to be evacuated immediately
- standard of fire protection does not support a 'stay put' policy.

3.22 The '**managed use**' approach allows strictly defined use of common parts and limits the type of items allowed.

It includes strict conditions on where such items can be kept. For example, a 'managed use' policy might permit residents to:

- place pot plants and door mats outside their front doors
- have framed pictures and notice boards on walls
- store bicycles, prams in places that are out of the way and not likely to cause obstruction.

3.23 The **benefits** of a '**managed use**' include:

- by making the common areas 'homely', it fosters a sense of pride and value in the block, which can impact positively on residents' quality of life
- it allows the specific risk factors in the building to be taken into account
- it may allow for communal areas to be used for social activities, such as residents lounges thus reducing isolation in sheltered accommodation.

3.24 The potential **disadvantages** of such a **managed use** approach are highlighted by the LGA and include the following:

- it is more difficult to adopt as it requires a clearly defined policy with a list of 'dos and don'ts'
- there is more scope for misunderstanding, requiring more education of, and communication with, residents

- while it might be possible to minimise accidental fires with an appropriate ‘managed use’ policy, deliberate ignition may still be a significant concern
- by allowing valuables to be left on view, it can encourage crime and subsequently increase the risk of deliberate ignition
- it is more difficult for landlords to ‘police’, and for enforcing authorities and fire risk assessors to audit
- it will require more frequent inspections by the Council to ensure compliance
- a failure to adopt the policy effectively could result in liability for the council should a situation occur that places residents at risk of serious injury or death in the event of fire.

3.26 Whilst not specifically mentioned in the LGA Guidance, there is a third possible option which would be a **hybrid** of the above two options. This would be a “sterile” approach with the exception of items provided by and sanctioned by the Council and as such would also contain elements of the ‘managed use’ approach. This would mean that items such as pictures and furnishings may be allowed which would be specifically chosen to be as safe as possible.

3.27 The **benefits** of a ‘**hybrid approach**’ in addition to those listed under the ‘managed use’ approach would be:

- The council could prevent each block from looking like an institution, and promote the sense of homeliness, valued by many of the Council’s residents who live in the affected premises.
- Items could be clearly marked to make it easy for the Enforcing Authority and Risk Assessors to identify them when inspecting the premises.
- It would reduce “creepage” of resident’s personal items into the common parts as these items would be easily identifiable and reduce scope for confusion when Housing Officers visit blocks, and are not sure what is allowed, and what isn’t.

3.28 However, at the same time, it would address many of the disadvantages which a managed use approach may give rise to.

4.00 RECOMMENDATIONS

4.01 Members of Scrutiny Committee are asked to give their views on the options contained within this paper to manage fire risk in communal areas.

4.02 Members are asked to support the draft Scooter Policy.

5.00 FINANCIAL IMPLICATIONS

5.01 Any will be managed from within existing budgets.

6.00 ANTI POVERTY IMPACT

6.01 There are no anti poverty implications arising from this report.

7.00 ENVIRONMENTAL IMPACT

7.01 The agreed approach will have impact on the internal environment of each block affecting both the aesthetics of the building and the safety of it.

8.00 EQUALITIES IMPACT

8.01 The majority of the Council's blocks of flats are allocated to older people, therefore, the proposals in this paper will have an impact on this customer group.

9.00 PERSONNEL IMPLICATIONS

9.01 A sterile approach would require at least monthly inspections of 30 minutes per block.

9.02 A managed use would be more time intensive to manage of the three approaches and would require a weekly inspection of the premises as the risk of increased liability would be inherent in this approach, and its success is dependent upon the successful implementation of a managed use policy.

10.00 CONSULTATION REQUIRED

10.01 Many customers who reside in the affected 53 blocks are over the age of 55 and therefore the decision will have a disproportionate impact on older customers.

11.00 CONSULTATION UNDERTAKEN

11.01 Initial discussions of the different approaches has been held with residents at Coppa View in Buckley.

11.02 Whichever approach is selected consultation with affected customers will be required.

12.00 APPENDICES

12.01 WHQS Scooter Policy.

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS

None.

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HOUSING ASSET MANAGEMENT MOBILITY SCOOTER POLICY

November 2013

Prepared by

THE CAPITAL WORKS TEAM - HOUSING ASSET MANAGEMENT

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REVISION HISTORY

WHO	STATUS	ISSUED TO	DATE OF ISSUE
CAPITAL WORKS	Version 04 Complete Awaiting Approval	Tenants Federation	November 2013
TENANTS FED			
<i>TENANTS FED REVISIONS</i>			
MEMBERS			
<i>MEMBERS REVISIONS</i>			
SCRUTINY			
<i>SCRUTINY REVISIONS</i>			
IMPLEMENTAION			

FCC QUALITY STATEMENT

This Policy was:

Prepared by:

Chris Grocott
Contract Surveyor
Capital Works

Checked by:

Tony Jones
Capital Works Manager

Approved by:

Clare Budden
Head of Housing

Date:



MOBILITY SCOOTER POLICY

Introduction

Flintshire County Council (FCC) fully recognises the value that mobility scooters bring to the lives of some residents and that they can be a vital piece of equipment to help older people remain independent.

This policy statement outlines FCC's approach to the keeping of mobility scooters by its residents on such housing schemes.

Scope

This policy applies to all motorised wheelchairs and scooters. Throughout the policy the term 'scooter' will be used but this term applies to motorised wheelchairs also. This policy can be enforced in both sheltered and general needs schemes as appropriate and also applies to FCC's Leaseholder schemes.

Background

Advice from fire services across Wales has confirmed that scooters should not be stored in communal areas for the following reasons:

- Scooters could restrict the width of an escape route.
- They are a potential trip hazard.
- Batteries whilst charging could create a build-up of flammable gases.
- Whilst charging, they could become the source of a fire.

1.0 Aims

FCC wants to make it easy for residents to store and use scooters in and around its schemes only where this does not present a Health and Safety risk to other people. The aim of this policy is;

- a) To consider provision of scooter stores where feasible;
- b) To ensure that only those scooters that can be used and stored safely are permitted on schemes;
- c) To make it easy for residents to apply to store a scooter at their home;
- d) To ensure that residents have appropriate insurance; and
- e) To clarify the arrangements for storage and charging of scooters.

2.0 Scooter Storage

FCC are looking at all its residential schemes with a view to providing scooter stores where it is feasible. Some of FCC's schemes will not have the facility for scooter storage for various reasons such as lack of space in and around the scheme.

Schemes will be prioritised by the following criteria:

- a) The scheme has had a fire audit by a fire officer and a letter has been received to say that there is a scooter housed in a communal area and it has to be removed;
- b) The ASO/Scheme Manager/Housing Officer has identified scooters being stored in communal areas which need to be removed.

There will not be one solution for all schemes for scooter storage; each scheme will be assessed to identify the most appropriate form of storage. This could include purpose-built outdoor storage, conversion of an indoor area, external areas marked out for scooter storage and other solutions beside. Where electricity for charging can be provided, it will and residents who have been allocated a scooter space will pay a charge of £1 per month to cover this.

3.0 Agreement to store on Flintshire County Council Property

Residents requesting to purchase a scooter must do so in writing to their Scheme Manager/Housing Officer. Requests from residents for the storage of scooters will be considered against the following criteria:

- a) Storage and charging – whether specific scooter storage is available or whether the resident can store the scooter in their accommodation and charging can be undertaken safely.
- b) Size – whether the scooter is of a suitable size to be used safely on the scheme.

- c) Manoeuvrability – whether the resident is capable of moving the scooter in and out of their accommodation, into a lift (where present) and in and out of the scheme along agreed routes.
- d) Volume of scooters – the number of scooters at a scheme already and whether the health and safety of other residents or users of the scheme may be jeopardised by additional scooters.
- e) FCC reserves the right to review the allocation of a scooter space if for example the scooter is not being used on a regular basis.

4.0 Residents' Responsibilities

Residents who own scooters have responsibilities as follows;

- a) For the safe storage of their vehicles;
- b) Ensuring that they drive the scooter responsibly in grounds and where agreed, communal areas, taking due care and attention;
- c) Ensuring the right scooter has been chosen and as the user they can manoeuvre the vehicle in and out of their scheme or flat (try before you buy schemes exist);
- d) Scooters must not be stored in corridors, communal areas or under stairwells;
- e) To pay for their own electricity to recharge their batteries; a £1 per month nominal cost.
- f) Charging units (transformers) should be stored in residents own flats when not in use;
- g) Ensuring appropriate insurance cover is taken out to cover theft, damage, third party and personal injury and for any damage caused and provide proof of this to the scheme manager;
- h) Maintain the scooter so that it is fit for purpose.

5.0 Allocation of storage and charging space

As spaces for scooter storage will be limited within schemes, residents must apply for a space in writing. If available at the time of request, residents will be given a specific parking space for their scooter. If demand is higher than the number of available spaces, a waiting list will be established. The Neighbourhood Housing Manager will be responsible for managing the waiting list which will operate on a first come first served basis. In some circumstances, those residents with a medical need may be prioritised over other applicants.

Where written permission is granted for scooter storage and charging space, certain conditions will apply which must be adhered to by the resident.

5.1 Conditions

- a) Residents who are provided with a scooter storage/charging space will be required to sign a contract for the space. This will be reviewed on a regular basis.
- b) Spaces may not be 'transferred' to another resident, friend or relative.
- c) Residents must use only identified access routes.
- d) Residents must have suitable insurance in case of any claims made against them for damage/accidents. Insurance will be checked by the Scheme Manager.
- e) FCC will take no responsibility for loss/damage or any accident involving the scooter user and their scooter.
- f) Residents are responsible for ensuring the manufacturers guidelines are followed when charging their scooter.
- g) Scooters can only be taken along agreed routes which will be specified by the scheme manager.