



# London Borough of Enfield

## e-Bikes and e-Scooters - Council Housing Policy

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This document will be amended according to changes in legislation or good practice as and when required

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## 1.0 Scope

This Policy complements the over-arching Corporate Health and Safety Policy and reflects current Fire Safety Legislation:

- Regulatory Reform (Fire Safety) Order 2005 (as amended by Fire Safety Act 2021);
- The Fire Safety (England) Regulations 2022; and
- The Building Safety Act 2022

The Policy supports the London Borough of Enfield's arrangements for managing the fire safety risks within its directly managed housing stock (general needs, specialised housing schemes and temporary accommodation) and community hall facilities.

## 2.0 Definitions and the Law

### 2.1 e-Bikes

eBikes/electric bikes are known as 'electrically assisted pedal cycles' (EAPCs). No license is required to ride one and it does not need to be registered, taxed or insured.

An EAPC must have pedals that can be used to propel it.

It must show either:

- the power output
- the manufacturer of the motor

It must also show either:

- the battery's voltage
- the maximum speed of the bike

Its electric motor:

- must have a maximum power output of 250 watts
- should not be able to propel the bike when it's travelling more than 15.5mph

An EAPC can have more than 2 wheels (for example, a tricycle).

### 2.2 e-Scooters

The term "powered transporters" covers a variety of novel personal transport devices which are mechanically propelled (propelled by a motor) as well as or instead of being manually propelled. It includes e-scooters, Segways, hoverboards, go-peds (combustion engine-powered kick-scooters), powered unicycles, and u-wheels.

There is no specially designed legal regime for powered transporters. This means that they are covered by the same laws and regulations that apply to all motor vehicles.

The definition of "motor vehicle" as set out in the Road Traffic Act 1988 is "any mechanically propelled vehicle intended or adapted for use on roads". The law aims to ensure safety, consistency, and environmental sustainability in the manufacture and use of motor vehicles. Failures to comply with these rules are criminal offences for which users can be arrested and prosecuted.

You can use powered transporters on private land to which the public does not have access without legal restrictions. By section 72, Highway Act 1835 it is an offence to ride on, or to lead or draw a carriage on a pavement. This rule applies almost all vehicles, with special legal exceptions for mobility scooters and wheelchairs. In addition, powered transporters are

forbidden from using footpaths. A footpath is a public right of way over land which may only be used on foot (as opposed to a bridleway or a carriageway). Mechanically propelled vehicles are forbidden from using footpaths by section 34 Road Traffic Act 1988.

### **3.0 Risks**

The London Fire Brigade has produced guidance on the risks associated with the storage and recharging of electric powered personal vehicles (EPPVs) including e-bikes, e-scooters, and other similar modes of transport<sup>1</sup>.

In 2022, the London Fire Brigade (LFB) attended 87 e-bike and 29 e-scooter fires, attributed to lithium batteries. In the first eight months of 2023 LFB have attended 104 e-bike and 19 e-scooter fires. A total of three deaths arising from an e-bike being left on charge have been recorded in London this year. TfL has banned e-scooters and e-bikes from its network.

The LFB has issued general fire safety advice to landlords on the hazards associated with electric powered personal vehicles:

*The lithium batteries...hold a significant amount of energy and can expel this in the form of a very hot localised fire, or in some rare cases an explosion...which can be difficult to control and/or extinguish. These fires or explosions can occur when the battery is damaged or charged incorrectly.*

There is evidence that that some of the batteries in kits that are being bought online are not regulated and do not meet the standards necessary to ensure safety.

Clearly this presents a significant risk, especially to residents of blocks with shared communal areas. There is evidence that residents are, on occasion, recharging e-scooters and e-bikes in shared areas and/or in their own home.

This recent advice recommends landlords following the established general approach to fire safety in flats, sheltered schemes etc: either a managed or zero tolerance approach to storage of any potential fire hazards in common areas because of the risk to persons being able to escape and the subsequent risk of death or injury from fire.

## **4.0 Management arrangements for Communal Areas and Residents' Homes**

Tenants storing belongings in communal areas and riser cupboards (e.g. electrical cupboards) can pose a real risk to safety. Items can accidentally be set alight or be set alight deliberately. In the event of fire, items in hallways and on stairs can stop people escaping and hinder firefighters. A zero-tolerance policy has been adopted and applied to items stored within communal walkways. Caretakers and Resident Relationship officers have a daily/weekly presence and deal with unauthorised storage or dumped rubbish either through the tort process or simply by removing it.

### **4.1 Existing Approach and Powers**

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<sup>1</sup> Fire Safety Guidance Note: Guidance and principles for the charging and storage for electric powered personal vehicles. Commercial and Residential premises covered by the Regulatory Reform (Fire Safety) Order 2005

#### 4.1.1 Communal Areas

The Council's Fire Strategy confirms the current approach, with a "Clean and Clear" communal storage policy of zero tolerance i.e. no items to be stored in communal areas.

This policy position is covered by clauses within the tenancy agreement and should be robustly enforced.

#### 4.1.2 Individual dwellings

The tenancy agreement contains the following clauses:

*Condition 64. You must not do anything in or outside your home that may cause a danger to anyone in your home or in the locality*

And

*Condition 97. You must not park or permit visitors to park or drive on common grassed areas, verges (hard standing or grassed) or pavements outside or leading to your home*

This gives the Council powers to, in effect, manage the use of e-bikes and e-Scooters on its housing assets (inside dwellings and on its land).

These requirements will apply to leaseholders as well, and all are specifically aimed at keeping residents safe and reducing the risk of fires starting or affecting the home and neighbours.

### 5.0 Policy Statement

The Council must, as far as is reasonably practicable, take steps to reduce the risk from fire in our premises and make sure that everyone in, or nearby, can escape safely if there is a fire.

This means the Council's policy is that:

**e-bikes and e-scooters can only be on the Council's housing estates and inside our properties with the Council's written consent.**

Residents must be aware that, if they live in a property with shared areas (e.g. blocks of flats) the Council will refuse consent due to the high risks associated with the charging of e-bikes and e-scooters. For residents who live in other property types (e.g. houses) consent will not be unreasonably withheld but we must protect residents from harm.

Where consent is refused, we will work with residents who may, due to their circumstances, require more suitable accommodation.

### 6.0 Responsibilities for Policy Management

#### 6.1 Housing Management

As consent is given or withheld through the terms and conditions of the tenancy, then any decision must be made by the Council's Housing Management team.

## **6.2 Building Safety and Fire Safety**

The Council's Building Safety and Fire Safety Team will support the Housing Management Team through giving technical support to assess and manage the risks identified in relation to any individual application for permission

## **6.3 All**

All members of the Housing Service are responsible for reporting items in communal areas, in line with established procedures for ensuring compliance with the Council's "zero tolerance" approach.

## **7.0 Monitoring Fire Safety Performance**

### **7.1 Independent Fire Risk Assessments**

The fire risk assessments undertaken on residential buildings are conducted by fire risk assessors based within the Corporate Health and Safety Team. This provides a level of independence and separation to the operational teams within Council Housing. Fire safety performance can be raised and questioned accordingly.

### **7.2 Inspection**

Resident Relationship Inspectors and Caretakers are tasked with inspecting those blocks within their control, to identify, monitor and report on:

- Evidence of arson or fire starting;
- Storage of resident's items on communal parts;
- Evidence of smoking in communal parts;
- Obstructions to escape routes, fire doors or final exits;
- The levels of refuse or storage external to the building;
- The condition of informative and fire safety signage within the block; and
- The general condition of fire safety procedures i.e. fire doors and lighting;

Specialised Housing Scheme Officers, and managers of temporary accommodation and community halls undertake fire safety checks as part of their daily/weekly checks that are recorded within the Responsible Persons logbook.

### **7.3 Fire incident reporting and investigation**

All incidents of fire are to be recorded on the Councils electronic incident reporting system (CLASSI). The Corporate Health and Safety team will review all reports, liaising with managers and the LFB to investigate the cause of fire and making recommendations for additional fire precautions where necessary. A review of the fire risk assessment will also be triggered.

## **7.2 Fire safety key performance indicators (KPIs)**

Fire safety key performance indicators (KPIs) are provided monthly to assist the organisation to monitor performance, learn and improve. These risk-based indicators reflect national standards and those required by enforcing authorities.