

Cheltenham Borough Council

Social & Community Overview and Scrutiny Committee - 13th September 2004

Council wide access review

Report of the Building Control Manager and Access Officer

1. Summary and recommendation

- 1.1 My report comes at the request of the Social and Community Overview and Scrutiny Committee.
- 1.2 It provides an overview of the implications of the Disability Discrimination Act 1995 as they relate to the services and facilities provided by the Council; a status report regarding the process of auditing these facilities and details of the continuing programme of access audits that are currently being undertaken.
- 1.3 **I therefore recommend that Committee note the current status of Council buildings and services with regard to access issues and that consideration is given to the means by which the Council can assist with the development of an inclusive environment within Cheltenham.**

2. Introduction

- 2.1 The Disability Discrimination Act 1995 has been active for many years; however, part III of the Act will become fully operational on the 1st of October 2004. This date has been used by many people as a 'watershed' for when facilities must 'comply', this is not correct. The Act does not provide a 'standard'; it only provides a method by which a person who believes they have suffered discrimination can take civil action against the person who, they believe, discriminated against them.
- 2.2 The Act is split into three parts. Part I provides definitions and other background information. Part II and III are the most relevant to this report, part II deals with employment and part III with service provision.
- 2.3 Part II of the Act places responsibility on employers who employ 15 or more people. There is no general duty under this part to make provision for disabled people, however, if an individual disabled person applies for a job, is employed or an existing employee becomes disabled then 'reasonable adjustment' must be made so that the person can continue in employment.
- 2.4 Part III of the Act places responsibility on service providers to make 'reasonable adjustment' to service provision and also to remove physical features which present a barrier to access.

2.5 Until such time as there is case law, which will give a clear definition with regard to the meaning of reasonable, we will not be able to be sure of the extent to which works will need to be undertaken.

3. Background

3.1 The Authority, as an employer and service provider, has responsibilities under part II and III of the Act. As a means of providing a datum for future works a programme of Access Audits have been instigated. These audits provide a 'snap-shot' of the building and service provision plus there is a prioritised list of actions that need to be considered if access is to be improved. Currently the following buildings have been audited:

- The Municipal Offices. This work need to be reviewed and updated with regard to the new unified reception facility.
- The Museum and Art gallery.
- The leisure@cheltenham facility. (This did not include the cricket hall).
- The Everyman Theatre
- Beechwood shopping centre, Shopmobility facility.
- Regent Arcade car park.
- The public areas of the Whaddon Lodge and Coronation Square offices.

3.2 When audits have been carried out and work undertaken to improve access it will not mean that buildings and services will be fully accessible to all people. Clearly, this is what we should be aiming for but it will not always be possible to achieve.

3.3 The Authority should seek to improve our facilities and help promote a more inclusive culture within the organisation and, as much as is possible, within the wider community.

3.4 The recent provision of £50,000 to help with the development of buildings and services must be considered to be a positive move. However, it must be recognised that there will be an on-going requirement to review and adapt buildings and services so that our services are as inclusive as is reasonably possible.

4. Implications

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| 4.1 Financial | A budget of £50,000 to fund adaptation works was approved for 2004/05, using part of the under spend form 2003/04. |
| 4.2 Legal | Section 21 of the Disability Discrimination Act 1995 imposes a duty on the Council which if breached could lead to civil claims for damages from disabled persons |
| 4.3 Personnel | None as a direct consequence of this report. |
| 4.4 Equal opportunities, social justice and anti-poverty | None as a direct consequence of this report. |

4.5 Environmental

None as a direct consequence of this report.

Background Papers

Disability Discrimination Act 1995.

BS 8300 Design of buildings and their approaches to meet the needs of disabled people – Code of Practice

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Accountability

Deputy (Performance and Support Services)

Scrutiny Function

Economy and Business Improvement

A copy of the consultation checklist is held in Democratic Services and is available on request