

Cheltenham Borough Council
Cabinet – 13 December 2016
Accessibility issues

Accountable member	Chair of Overview and Scrutiny Committee, Councillor Tim Harman
Accountable officers	Democratic Services Manager, Rosalind Reeves
Accountable scrutiny committee	Overview and Scrutiny Committee
Ward(s) affected	All indirectly
Significant Decision	No
Executive summary	<p>As part of the agenda for the Overview and Scrutiny meeting held on the 12 September 2016, the committee received a talk from two wheelchair users about some of the problems disabled people encounter when trying to find accessible public toilets in Cheltenham, as well as more general access issues.</p> <p>The committee were grateful for having been given an insight into some of the access issues being faced by disabled people and felt that the council should consider whether more could be done to address some of these issues.</p> <p>The Overview and Scrutiny Committee agreed that it would refer the matter to Cabinet and ask that they devise an action plan.</p>
Recommendations	<p>That Cabinet:</p> <ol style="list-style-type: none"> 1. Note the issues that were raised at Overview and Scrutiny Committee. 2. That Appropriate Officers be asked to look at what actions the council could take in areas where it has direct control of access to toilet facilities in the light of the comments made to reduce the difficulties being experienced by disabled persons with a view to an action plan being submitted to Cabinet
Financial implications	<p>As detailed within the report.</p> <p>Contact officer: Paul Jones, paul.jones@cheltenham.gov.uk, 01242 775154</p>
Legal implications	<p>County, district and parish/community councils may provide public conveniences but are not obliged to do so. The council may charge for the use of the facilities.</p> <p>Contact officer: Peter Lewis, peter.lewis@tewkesbury.gov.uk, 01684 272012</p>

HR implications (including learning and organisational development)	None as a direct result of the content of this report. However, officers need to ensure that they have capacity/resource to complete the action plan. Contact officer: Julie McCarthy, Julie.McCarthy@cheltenham.gov.uk 01242 26 4355
Key risks	None arising from this report.
Corporate and community plan Implications	None arising from this report.
Environmental and climate change implications	None arising from this report.

1. Background

- 1.1 A number of Councillors, including the Chairman of the Overview and Scrutiny Committee, had attended a talk on disabled access earlier in the year and had been of the opinion that it was a topic which would be of interest to the committee and its members.
- 1.2 The talk, by two wheelchair users (Billie-Jane and Nicola Bates) gave the committee an insight into some of the difficulties faced by disabled people. The draft minute of this item is attached at Appendix 2 of this report.
- 1.3 Some of the issues that were highlighted to the committee included:
 - Many public toilets for the disabled were not accessible due to insufficient space, poor layout and/or lack of facilities. Modern, more sophisticated wheelchairs were far larger than manual wheelchairs and depending on the severity of a person's disability they could require the assistance of one or more carers and may even require a changing bed and/or hoist.
 - Some disabled toilets were used as a storage space for highchairs and as well as posing an accessibility problem to disabled people wanting to use the facilities, it also raised concerns about hygiene.
 - Bus accessibility was an issue for those in larger wheelchairs: there was insufficient space for the chair to be manoeuvred into the required position (with the back of the chair against the window) and the time it took to manoeuvre out of the aisle often meant that the bus had moved off, which made the process more difficult.
- 1.4 The committee were told that the public accessible toilet in what was the Beechwood Arcade, had been of a good size and well-equipped, though this had been closed to the public since John Lewis had occupied the building. The accessible toilet at the Brewery (located near the cashpoints) was of a good size but did not have a hoist or a bed.
- 1.5 The Cabinet Member Clean and Green Environment had reported (at O&S) to have had an initial discussion with John Lewis about retaining the accessible toilet, formerly of the Beechwood Arcade. It should be noted that this toilet would only be accessible during store opening hours.
- 1.6 The Cabinet Member Clean and Green Environment had also reported (at O&S) that he was giving consideration to where in the town a 'Changing Places' toilet, which had more space and equipment than a standard accessible toilet, could be located.

2. Reasons for recommendations

- 2.1 The Overview and Scrutiny Committee recognised that some people felt unable to go out without the assurance of access to adequate public toilet facilities.
- 2.2 The Committee felt that this council should be doing everything within its power to ensure that the town centre had at least one accessible toilet of 'Changing Places' standards, available any hour of the day, to those that could not use a standard accessible toilet.
- 2.3 A British Standard (8300:2009) for the design of buildings and their approaches to meeting the needs of disabled people already exists as a code of practice and takes the form of guidance and recommendations. The committee understood that there was an ongoing campaign to improve the minimum standards.
- 2.4 The committee had been advised that the Cabinet Member Clean and Green Environment (whose portfolio included public toilets) was currently considering the accessible public toilet provision in the town.

3. Alternative options considered

- 3.1 The committee had considered tabling motions which would call for the council to lobby Central Government on improving minimum standards for accessible toilets and Stagecoach on wheelchair access on buses, but will wait to review what action Cabinet intends to take, before deciding how to progress.

4. Officer comments

- 4.1 The Managing Director of Economic Development and Place attended the O&S Committee on 31 October 2016 to give members an update on the place and economic development strategy. At the end of this discussion he was requested to give an update on disabled toilet provision in the town. He advised that his officers had been looking at the potential for upgrading these facilities in line with the Changing Places initiative. The capital cost for such a facility was in the order of £20 to 30k and they were looking at the options for bringing in external funding. The issue was really the ongoing revenue costs estimated to be £10K per toilet as the council had currently no provision in the budget for this. They were also exploring the option of potential retailers coming into the town helping to provide these facilities.
- 4.2 As part of the preparation of the report, officers from Licensing and Planning were asked to comment on any powers that might be available as members had referred to this as a possible solution during their discussions.
- 4.3 Officers advised that there was no explicit duty on licensed premises to provide disabled facilities.
- 4.4 The authority has no control over the size and design of disabled toilets through the planning process as internal layouts did not normally require planning permission, nor did it have any controls in relation to fixtures and fittings.
- 4.5 Building Regulations provide a standard for access, but these are not retrospective and therefore the legislation can only really be applied to new buildings, extensions or a change of use. Whilst the regulations should be viewed as a minimum standard, they were often treated as a maximum standard by designers.
- 4.6 The Equality Act places a duty on owners to take reasonable steps to make facilities accessible in their premises. In period buildings, it could be argued that it was not reasonable to provide such facilities because of cost and the potential ineffectiveness of any such facilities, however new builds were required to take account of this and could not argue that it was unreasonable to do so. It is worth noting that Cheltenham Borough Council cannot enforce the Equality Act because action can only be taken by the person(s) who believe that they are not receiving the same services, as far as this is possible, as

someone who is not disabled.

5. Consultation and feedback

- 5.1** The draft report was approved by the lead members of the Overview and Scrutiny Committee (Cllrs Harman, Walklett and Payne).
- 5.2** A copy of this report was also circulated to the relevant Cabinet Members (Clean and Green Environment and Healthy Lifestyles).

6. Performance management – monitoring and review

- 5.1** The Overview and Scrutiny Committee look forward to seeing the Cabinet response to this report, before deciding how to progress.

Report author	Contact officer: Saira Malin, Democracy Officer Saira.Malin@cheltenham.gov.uk 01242 77 5153
Appendices	1. Excerpt of minutes of Overview and Scrutiny Committee (12 September 2016) where the matter was discussed
Background information	n/a

Overview & Scrutiny Committee
Monday, 12th September, 2016
6.05 - 8.40 pm

Attendees	
Councillors:	Tim Harman (Chair), Jon Walklett (Vice-Chair), Mike Collins, Colin Hay, Sandra Holliday, Chris Mason, Helena McCloskey, John Payne and Max Wilkinson
Also in attendance:	Councillor Adam Lillywhite, Councillor Steve Jordan, Councillor Chris Coleman, Councillor Paul McCloskey, Councillor Dennis Parsons and Councillor Roger Whyborn Blackadder (Cheltenham Business Improvement District) and Mark Sheldon (Director of Corporate Resources and Projects)

DRAFT Minutes

6. ACCESS ISSUES FOR THOSE WITH DISABILITIES

The Chairman explained that earlier in the year, he and other members, including the Police and Crime Commissioner and local MP, had taken part in the Wheelchair Challenge, which had provided a genuine insight into some of the difficulties wheelchair users face on a daily basis. At that time, he had also attended a talk on by the ladies that would be speaking to the committee this evening and was keen that the committee hear it and give some thought as to if and how the council could provide any solutions.

Bille-Jane had lived independently for 19 years and Nicola Bates who had lived independently for 8 years, stressed the importance of disabled toilets on their wellbeing, not just their availability, but their accessibility, as for some, this could often mean the difference between being able to go out and not.

They proceeded to outline some of the many issues that users often encountered when using disabled toilets:

- Some disabled toilets weren't big enough to accommodate modern, battery powered wheelchairs, let alone the carer(s) that the wheelchair user may need to have assist them, depending on the severity of their disability.
- Some of the toilets were set on plinths and in some cases this meant that they were too high for wheelchair users to be able to manoeuvre themselves onto.
- Panic alarms could be activated by accident where the cords were wrapped around the bar.
- It was often the case that disabled toilets were used as storage areas for highchairs and whilst this undoubtedly posed an accessibility issue for wheelchair users, it also raised hygiene concerns.
- It was also important for the rails and bars to be correctly fitted. Nicola had recently had an experience where the bar had come away from the wall and she had fallen to the floor and bumped her head.

The best example of a disabled toilet in Cheltenham had been in the Beechwood Arcade, though this had closed since John Lewis had taken over the building. Another good example was the toilet at the Brewery (located next to the cash points), this was a really large space but it didn't have a hoist or changing bed.

Billie-Jane and Nicola felt that when considering the layout and facilities for new disabled toilets, they should be consulting those people that will be using the toilet: people with disabilities, wheelchair users and carers, so that the result is a facility that works.

They then talked through some of the issues faced when trying to use buses;

- Much of the space was only large enough to accommodate a manual wheelchair, rather than powered chairs which were much bigger.
- Wheelchair users were expected to position the back of their chairs against the window but this necessitated a certain amount of manoeuvring and this was often impeded by the position of some of the poles.
- A lack of straps meant that there were occasions when the weight of the chair would cause it to move as buses took corners.
- Both had experiences of bus drivers refusing to lower the ramp.
- Often, the vehicle would start moving off before the wheelchair was in position, which made an already quite stressful experience, even more so. Put simply, they were not able to get into and use the space in the way that they were expected to.

Billie-Jane and Nicola gave the following responses to member questions:

- Both had their own radar keys and felt that this was the best option, rather than leaving disabled toilets open or having to seek someone out to permit access.
- There was a minimum standard which developers had to meet, but this standard resulted in many facilities falling short of many people's needs.
- The suggestion was that Cheltenham should have 1 or 2 fully equipped disabled toilets and that these would need to be readily accessible. Obviously any such facility within John Lewis would only be available during store opening hours.
- John Lewis had been contacted upon closure of the Beechwood Arcade to enquire about the future of the disabled toilet facility but no response had been received. This was a well sized toilet which included a hoist and a changing bed with safety rails on and it was hoped that this would be retained.

The Cabinet Member Clean and Green addressed the committee, explaining that responsibility for public toilets fell within his portfolio and as part of the Pittville Play Area he had become aware of Changing Places. Having reviewed Cheltenham's provision of disabled toilets and in view of the fact that many buildings in Cheltenham were considered to be of architectural and historical interest and as such, were listed, two sites that had been identified were Pittville and Montpellier gardens. Installation of facilities at Pittville Park alone would cost around £60k and the Council did not have the funds to both, but one option being explored was that of raising the funds. The Cabinet Member had also spoken with a senior member of staff at John Lewis about retaining and/or improving the current provision and it was considered that this would be beneficial to John Lewis if the facility was promoted on the Changing Places map. He hoped that gave assurances that this was something the Council was aware of and was giving serious consideration to.

Billie-Jane suggested that the Cabinet Member may like to speak to Scott Lahive at Regents Arcade as he had indicated that they would be reviewing their disabled toilet facilities.

A member highlighted that a 24hr public disabled toilet had been opened in Kidderminster and felt sure that if Kidderminster Town and Worcestershire County Council could install a facility of this standard, Cheltenham and Gloucestershire could do the same. Another member queried whether there was any Licensing legislation which would allow the authority to ensure that disabled toilets were not used for storage.

Members were reminded that Gloucestershire County Council were responsible for public bus services and therefore any issues should be raised at that level.

A mobile disabled toilet which came complete with a hoist was available to hire and this was something that should be considered for use at various events and perhaps this should be raised with the Trust.

The Chairman thanked Billie-Jane and Nicola for providing insight into an area which not all would be familiar and also thanked the Cabinet Member Clean and Green Environment for the update that he had provided. He confirmed that the Lead Members for this committee would put together

a list of issues raised as part of this discussion and decide how those issues would be taken forward. He also took the opportunity to thank the Phoenix Centre for allowing us to use their facility.

Billie-Jane and Nicola thanked the committee for giving them the opportunity to share their experiences and views.

Tim Harman
Chairman