

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL COMMITTEE – 24 AUGUST 2006

DISABILITY DISCRIMINATION ACT AND COUNCIL PROPERTIES

Report by Executive Director of Development and Property Services

1 PURPOSE OF REPORT

- 1.1 To advise the local committee of the current position in relation to publicly used properties in the Northern Local Committee area in respect of Disability Discrimination Act (DDA) matters.

2 BACKGROUND

- 2.1 At its meeting on 9th March 2006, the Committee requested that a report be submitted on DDA matters in respect of Council owned property, local shop owners and other public bodies. These subjects are discussed in section 3 below.

2.2 DDA Responsibilities

The Disability Discrimination Act 1995 requires new standards of accessibility to services available to the public, provided by both private businesses and public sector agencies. Provisions requiring a higher standard of accessibility to properties came into force in October 2004.

The terms of the relevant section of the Act are:

- Where a provider of services has a practice, policy or procedure which makes it impossible or unreasonably difficult for disabled persons to make use of a service which he provides, or is prepared to provide, to other members of the public, it is his duty to take such steps as is reasonable; in all the circumstances of the case, for him to have to take in order to change that practice, policy or procedure so that it no longer has that effect.

- Where a physical feature makes it impossible or unreasonably difficult for disabled persons to make use of such a service, it is the duty of the provider of the service to take such steps as is reasonable, in all the circumstances of the case, for him to have to take in order to –

- a) remove the feature
- b) alter it so that it no longer has an effect
- c) provide a reasonable means of avoiding the feature or
- d) provide a reasonable alternative method of making the service in question available to disabled persons.

The key word in the Act is 'reasonable'. It is generally accepted that organisations, such as the Council, will not be expected to have adapted every part of every building to make it suitable for people with every form of disability.

2.3 Audit of Properties and Investment Programme

A comprehensive audit of the Council's property portfolio was carried out by the Technical Services section of the Council. The audit was based on a computerised questionnaire which enabled the Surveyors to check systematically the facilities available at each property in relation to standards recommended by the Disability Rights Commission. The output of the audits is a report about each property which allows the Council to identify features that might require upgrading depending on the level of access for people with a disability which will, in practice, be required.

Each Council Department analyses the information held on each property to establish the Council's investment programme for the financial year.

2.4 Management Statements

Each Council property, which allows public access, has a Management Statement. This statement is a clear management policy as to how the Council responds to the requirements of a disabled individual. The statement outlines an Action plan for rearranging operations within the constraints of the property to provide a higher standard of accessibility.

2.5 Disability Awareness Officer

The Council's Department of Development and Property Services has in position a Disability Awareness Officer to advise the Council on Disability Discrimination matters.

2.6 Shopmobility

Shopmobility is a service which offers assistance to all people experiencing mobility impairment, whether temporary or permanent, to access shops, leisure facilities through the use of equipment e.g. Manual/Powered wheelchairs, scooters etc. The introduction of this scheme offers increased independence, self esteem and choice to disabled or elderly people. It allows people with disabilities to integrate with the general public and in return makes people more aware of the needs of people with disabilities.

The scheme offers many people equal opportunity to access a range of facilities, which had previously been restricted.

The Shopmobility premises at Kilmarnock bus station opened to the public on 17th July 2006, with the official opening scheduled for 17 August 2006. The Shopmobility Manager, Mr Danny Howley, has now been appointed to progress the service provision. A programme of promotional material and an action plan for the new service is currently being prepared.

3. DDA POSITION IN RELATION TO COUNCIL OWNED PROPERTY, PRIVATE BUSINESSES AND OTHER PUBLIC BODIES

3.1 Council Property

The Council's properties, which have public access, are categorised depending on the current access position. The categorisation used by the

Council is outlined below. This categorisation has been accepted and verified by Audit Scotland.

Category A – Compliant - Disabled ramp, push button door, lux meter, induction loop, disabled toilet.

Category B – Partially compliant - Disabled ramp, door access, mixture of Category A measures.

Category C – Non – compliant. No disabled ramp, no push button door (or equivalent) or disabled toilets.

Details of the categorisation of the Northern area properties are shown in the attached appendix.

Schools are not categorised into the Categories A-C, however, the current position in relation to disabled access to a property and the accessible toilet provision has been outlined in the attached Appendix.

The Education Department has an established responsive policy to undertake reasonable adaptations to schools in anticipation of enrolment of pupils with known disabilities. Schools are, however, included within the overall programme for adaptations aimed at providing a generally acceptable level of disability (including access to members of the public, parents etc)

3.2 Private Businesses including Local Shop Owners

As mentioned in Section 2.2, both private businesses and public sector agencies are responsible for implementing accessibility levels that are appropriate for the service provision and the user. It is the responsibility of the private business to take such steps as is reasonable to allow access to their services. Local businesses can obtain guidelines from the Disability Rights Commission in relation to their specific service provision. It is not the Council's responsibility to advise private businesses on required adaptations to their building and service provision.

Standards of provision for people with a disability are set out in the Building Regulations. These regulations apply to new buildings or major modifications. Even then the service provider should contact the Disability Rights Commission to ensure that all features, which may be appropriate for the particular business, to cater for different forms of disability, are reasonably met.

The railway stations at Kilmaurs, Stewarton and Dunlop are managed by First ScotRail. According to the National Rail Enquires website there is step free access at the three stations with all trains carrying on board ramps if required. The website advises that there are ramps either down or up to a single platform at each station. First ScotRail would be able to provide further information in relation to their service provision.

3.3 Other Public bodies

The other public bodies e.g. NHS Ayrshire and Arran, Strathclyde Police etc have staff employed to advise on DDA requirements. The Council understands that these bodies have undertaken the appropriate action on DDA matters.

4. COMMENTS/DEVELOPMENTS

Proposed Stewarton Local Area Centre

The opening of the new Stewarton Local Area centre in the near future, which will conform fully to DDA requirements, will allow services to be provided from a publicly accessible building. This centre replaces a number of properties in Stewarton where access is currently restricted.

The Village Hall, Dunlop

A lease agreement is now in place with the Village hall committee who will manage and maintain the hall. The group intend to carry out DDA works as part of the overall redevelopment of the building.

Stewarton Annick Centre

A number of works are proposed for the Stewarton Annick Centre. Fully accessible toilet facilities are proposed in the centre which will be funded by the Community Association and the Council.

Local Venues

An exercise is currently under way to assess works and establish the costs required for upgrades in relation to the venues that the Council uses for local committee meetings and local planning meetings.

5. RECOMMENDATION

That the Committee note the current position in relation to the DDA matters.

James Lavery
Executive Director of Development & Property Services
4 August 2006
JL/LH

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APPENDIX 1

Northern Area Committee Properties

Town	Building category(See 3.1)	Community and Local Planning Venue	Comments
Kilmaurs			
Kilmaurs Library and Local Office, Irvine Rd, Kilmaurs	A		
Kilmaurs CC, East Park Drive, Kilmaurs	C	Survey of building planned to establish any other DDA required works.	Accessible WC available in playgroup area Ramped access available to main entrance N.B. This property is classified as C as the accessible WC is located outwith the main community centre in the playgroup area. The Kilmaurs playgroup lease the playroom from the Council and therefore any use of the WC requires the Playgroup's permission.
Morton Park Football Pavilion, Mill Avenue, Kilmaurs	C		Pavilion - see footnote
Kilmaurs Primary school, Sunnyside, Kilmaurs			Ramp access to main entrance and ramp access to dining hall No accessible toilet provision
Stewarton			
Stewarton Institute Hall and library, Avenue Street, Stewarton	B		New Local area centre proposed
Stewarton Local Office, Avenue Square,	B		New Local area centre proposed

Stewarton			
Cocklebie Park pavilion, Dunlop Road, Stewarton	C		Pavilion - see footnote
Standalane pavilion, Standalane, Stewarton	C		Pavilion - see footnote
Stewarton Annick Centre, Standalane, Stewarton	C	Works proposed in relation to creation of accessible toilet	Should move from category C to B.
Stewarton Institute Hall – Old persons cabin, Avenue Square, Stewarton	C		New local area centre proposed
Stewarton Social Work Office, Stewarton	C		Proposal to move staff into new area centre.
Nether Robertland Primary School, Pokelly Place, Stewarton			Ramp at entrance, No accessible toilet Nursery block – ramp at entrance, no accessible toilet
Lainshaw primary school, Kilwinning Road, Stewarton			Ramped access accessible toilet(requires upgrade as ambulant use only)
Stewarton Academy, Cairnduff Place,			Ramped access. accessible toilet

Stewarton			
Dunlop			
Dunlop Hall, Main Street, Dunlop			Leased to Community. Community group to progress adaptations for DDA
Dunlop PF pavilion, Kirkland Rd, Dunlop	C		Pavilion - see footnote
Dunlop PS. Main Street, Dunlop			New ramp installed and accessible toilet. 2 new classrooms proposed.
Fenwick			
John Fulton Memorial Hall, Main Street, Fenwick	B		Accessible toilet and access ramp.
King George V PF, Kirkton Rd, Fenwick	C		Pavilion -see footnote
Fenwick Primary School, Main Street, Fenwick			Accessible toilet No ramp
Waterside			
Waterside Community Centre, Main Rd, Waterside	C		

Football Pavilions – The Neighbourhood Services Department state that these properties serve grass sports pitches which have very low levels of use by people with disabilities. As this situation is unlikely to change there are no works proposed.