



REPORT TO: POLICY & RESOURCES COMMITTEE ON 17 NOVEMBER 2009

SUBJECT: DISABILITY DISCRIMINATION ACT 1995

BY: HEAD OF ESTATES SERVICES

1. REASON FOR REPORT

- 1.1 This report provides the Committee with a progress report on the actions taken by the Council to comply with the duties placed on it by Part 3 of the Disability Discrimination Act 1995.
- 1.2 This report is submitted to Committee in terms of Section A(7) of the Council's Administrative Scheme to consider the Council's Capital Plan and monitor progress of projects in the approved Plan.

2. RECOMMENDATION

2.1 It is recommended that the Committee:-

- a) **Notes the progress reached to date on the adaptation works carried out to Council properties.**
- b) **Notes and approves the works to the 12 properties set out in Appendix 2 which are required to complete the programme.**
- c) **Notes the arrangements that are in place to ensure that the Council meets its duty under Part 3 of the Disability Discrimination Act 1995.**

3. BACKGROUND

- 3.1 The Policy & Resources Committee at its meeting of 5 August 2008 (para 17 of the Minute refers) considered a report by the Head of Estates Services providing the Committee with a progress report on the actions taken by the Council to comply with the duties placed on it by Part 3 of the Disability Discrimination Act 1995. Following consideration the Committee agreed to:
- a) note the progress reached on the adaptation works programmed for 2008/10.
- b) noted that the programme of works to Council properties which commenced in 2004 was expected to be completed in 2009.

- 3.2 Part 3 of the Disability Discrimination Act 1995 imposes a duty on the Council as a service provider to take reasonable steps to remove or alter any physical barrier which makes it impossible, or unreasonably difficult, for disabled persons to make use of such a service, or to provide some alternative means of making the service accessible to disabled persons.
- 3.3 Where a physical feature makes it impossible or unreasonably difficult for disabled customers to make use of the service offered to the public, service providers must take steps where reasonable to:-
- Remove the feature, or
 - Alter it so that it no longer has that effect, or
 - Provide a reasonable means of avoiding the feature, or
 - Provide a reasonable alternative or method of making the service available to disabled people.

4. **PRESENT POSITION**

- 4.1 Over the past 5 years officers from the Estates and Property Sections, in conjunction with the Moray Access Panel, have been working to identify features which make it impossible or unreasonably difficult for the public to make use of the services provided from Council buildings. Where it is practical to do so these features have been removed or altered to enable disabled customers to make use of the service. Where it has not been practical to do so or where the features cannot be removed or altered within a reasonable timescale Departments have been advised on how to make arrangements to provide the service to disabled people in alternative ways.
- 4.2 The following provides an update on the actions reported to this Committee in August 2008:-
- a) Approximately 500 properties were originally identified by Council Departments as providing a service to the public. These properties have now been inspected by the Council's DDA Auditor and the audit exercise is complete.
 - b) The Moray Access Panel has assisted the Council by advising on what works should be carried out to various categories of Council premises in order to comply with the Council's duties under the Act. This information has been used by the Council's DDA Auditor to assess what works the Council could reasonably take to remove or alter any physical barriers which make it difficult for disabled persons to make use of the Council's service.
 - c) The Head of Estates Services has consulted with Departmental representatives to review the DDA Auditor's recommendations to take account of the Department's plans for the future use of the property, the potential to deliver the service in an alternative way and to agree the extent and timing of works to minimise disruption to service provision.

d) During 2008/9 works to the Elgin, Buckie and Keith area schools was completed with the exception of Craigellachie and Aberlour Primary Schools where planning consent is required before the works can be implemented. **APPENDIX 1** sets out those properties where adaptation works have been completed. The Appendix also lists 2 properties where the DDA adaptation works will be addressed as part of a larger building project.

4.3 The DDA Project is almost complete with only those 12 properties listed in Appendix 2, requiring completion. The estimated cost of these works is £25,200. The works are programmed to be completed during the current financial year but as planning consent is required for 2 of the projects these may be delayed until the next financial year.

5. STATUTORY PERFORMANCE INDICATOR

5.1 The Scottish Government's public access Statutory Performance Indicator requires Councils to show the number of "Council buildings" from which the Council provides services to the public, and the percentage of these from which all public areas are suitable for, and accessible to, disabled people.

5.2 The Council has 69 buildings which fall within the Performance Indicator's definition of "Council Buildings". As at 31 March 2009 57 of these 69 buildings were suitable and accessible to disabled people i.e. 82.6%. This compares with a percentage of 80.3% as at 31 March 2008.

6. FUTURE APPROACH TO DDA

6.1 The project of adaptation works to remove or overcome physical barriers which make it difficult for people with disabilities to access Council services is expected to be complete during 2009.

6.2 The Council has taken a corporate approach to ensuring it complies with its duties under Part 3 of the Disability Discrimination Act 1995 and the project has been carried out taking into account the way the Council delivered its services at the commencement of the project. It is inevitable that the way the Council delivers its services will change over time. It is therefore important that the Council responds appropriately to the needs of persons with disabilities whenever services are delivered in different ways or from different locations. These issues are being addressed as follows:-

- Training to staff/managers.

The Council has made considerable progress in carrying out adaptation works to the buildings from which it delivers services. However these works cannot ensure that all disabled people will not at some time experience difficulty in accessing a service and it is vital that staff respond appropriately to the needs of disabled persons. Training courses have been delivered to building managers and frontline staff and further courses will be arranged as required.

- Buildings which cannot be adapted at reasonable cost.
Several buildings have been identified from the audit where the barriers preventing disabled persons accessing the service cannot reasonably be overcome. In these circumstances Departments have responded by modifying the service, for example by offering the service to disabled persons from an alternative, more suitable location either within the building or elsewhere. In other cases where the building cannot reasonably be adapted nor the service provided elsewhere departments have relocated to more suitable premises or delivered the service to disabled people in some other way.
- Construction of new buildings/alterations to buildings.
Revisions to the Building Regulations which came into effect on 1 May 2004 have brought about changes to place greater emphasis on designing buildings to meet the needs of disabled users. The requirements of the Building Regulations are now incorporated into any new buildings or refurbishments which require a Building Warrant.

Compliance with the appropriate Building Regulations does not necessarily mean that the Council will fulfil its duties in terms of the DDA legislation. A newly constructed building that complies with the Building Regulations is likely to be more accessible to disabled users but the Council may not meet its DDA duty unless it takes account of the type of service that will be delivered from the building and the requirements of the persons who will use the service. For example a day centre for persons with mobility problems will require a higher degree of provision than, for example an area library.

- Changes to service delivery.
Service managers/building managers must consider the implications for persons with disabilities when modifying the way in which they deliver services by carrying out an equalities impact assessment. The needs of disabled people have been built into existing practices and procedures so that the Council can deliver services in an appropriate and non-discriminatory way.

7. SUMMARY OF IMPLICATIONS

(a) **Corporate Development Plan/Community Plan/Service Improvement Plan**

This report supports the Moray Council Development Plan 2004-07 Priority under Equal Opportunities Arrangements of Improving Access to Services by all Sectors of the Community.

(b) **Policy and Legal**

The Council has undertaken this programme of works to assist it in fulfilling its duties under Part 3 of the Disability Discrimination Act 1995.

(c) **Resources (Financial, Risks, Staffing and Property)**

Financial

The spend to date on DDA adaptation works inclusive of fees has been:-

2004/05	£ 91,288
2005/06	£388,635
2006/07	£237,592
2007/08	£306,950
2008/09	£253,900

The capital programme for the current year 2009/10 contains a provisional allocation for DDA works of £100,000. It is anticipated that this year £85,000 will be committed.

The total spend for 2010/2011 is estimated to be £2,500. This will include payment of contract retention monies.

Staffing

Where necessary provision has been made in contracts for out of hours working and working during school holidays to avoid disruption to staff and services.

Environmental

The works required to comply with the legislation include the provision of external ramps to Council buildings. Planning Permission and Building Warrants have been obtained where necessary.

(d) **Consultations**

The Chief Financial Officer, the Property Manager, Alasdair McEachan, the Principal Solicitor (Commercial & Conveyancing) and the Equal Opportunities Officer have been consulted in the preparation of this report and are in agreement with the recommendations.

8. **CONCLUSION**

- 8.1 **The Council's programme of adapting its public buildings to remove or overcome any barriers disabled persons may experience in accessing these services is almost complete. The report makes recommendations for completing the remaining projects and sets out arrangements for ensuring that the Council's meets its duties under Part 3 of the Act in the future.**

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Background Papers:
Ref: JB/JB/GEN/110/rep 091117

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Works Completed	Offices	15	
	Libraries	14	
	Museums	2	
	Public Conveniences	29	
	Community Centres	9	
	Halls	5	
	Day Centres	8	
	Pavilions	4	
	Burial Grounds	15	
	Schools Forres, Lossiemouth and Speyside ASG	46	
	Parks / Play Areas	49	

Ongoing and Planned Projects which will address DDA issues

Milne's High School Fochabers	Capital Project (Completion October 2010)
Speyside High School Swimming Pool	Capital Project (Programmed for 2011)

List of DDA Works to be completed

Works include provision of ramps, provision / alterations to disabled toilets, and improved signage.

PROPERTY	COST excl. preliminaries/provisional sum	
Registrars Office, Buckie	£150	Provision of signage
East End Heritage Centre, Elgin	£2,500	Alter toilet + install panic alarm
Clydeville Centre, 9 Queen Street, Buckie	£500	Provision of panic alarm to disabled toilet & signs
Landfill Site, Nether Dallachy	£150	Provision of signage
Sunken Garden, Grant Park, Forres	£6,300	Provision of handrail to steps.
Harbour Masters Office, Buckie	£500	Reflooring 5m ²
Harbour Masters Office, Burghead	£250	Provision of ramp to entrance door
Primary School, Aberlour	£7,050	Lines/ramp/handrails/signs
Ashgrove Depot, Elgin	TBC	Minor works may be required
Day Centre 26 Mid Street, Keith	£3,500	Automatic doors
Primary School, Craigellachie	£4,000	Awaiting Listed Building Consent for ramp
Recycling Centres at Keith & Buckie	£300	Provision of Signage
Total	£25,200	