
REPORT TO:	ETWALL JMC	AGENDA ITEM: 8
DATE OF MEETING:	19 JANUARY 2004	CATEGORY: DELEGATED
REPORT FROM:	DEPUTY CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	CHRIS MASON 5794	DOC: s:\cent_serv\committee reports\etwall leisure centre\19 jan 2004\disability discrimination act (dda) 1995.doc
SUBJECT:	DISABILITY DISCRIMINATION ACT (DDA)1995	REF: CM
WARD(S) AFFECTED:	ETWALL, HILTON, REPTON, WILLINGTON & FINDERN	TERMS OF REFERENCE:HCS08

1.0 Recommendations

- 1.1 That all of the Priority A work identified in the report is undertaken as soon as practically possible.
- 1.2 That the JMC commit to a strategy to deliver the remaining elements of the work identified within the shortest possible timescale.

2.0 Purpose of Report

- 2.1 To outline to the JMC the outcome of a recent audit undertaken of the Leisure Centre in relation to meeting the requirements of the DDA 1995.

3.0 Detail

Introduction – The Act

- 3.1 The Disability Discrimination Act 1995 came into force in the United Kingdom on 2 December 1996. The Act was introduced with the intention of changing the way that disabled people and others viewed their place in society. This was primarily associated with changes in attitudes, and the promotion of inclusive environments, whereby an individual should have equal access to employment, goods, facilities, services, education and transport, regardless of whether or not they have a disability. The Act has been introduced progressively over time, with key dates in 1996, 1999, 2004 and 2010.
- 3.2 For the purposes of the Disability Discrimination Act 1995, a person has a disability (and protection against discrimination) if s/he has a sensory, mental or physical disability that has a substantial and long-term affect on his/her ability to carry out normal day to day activities.

- 3.3 The aim of Part III of the Disability Discrimination Act 1995 is to ensure that disabled people are not treated less favourably than others when accessing services, goods and facilities that are offered to the public. By 01 October 2004, anyone providing a service, goods or facilities must reasonably remove, alter or avoid any physical barrier that prevents access or makes it unreasonably difficult for a disabled person to access services, goods and facilities available or offered to others.

DDA Audit

- 3.4 To have a better understanding of its commitments under the DDA 1995 Act the Council commissioned specialist consultants to undertake a detailed audit of all of its public buildings. In the absence of the JMC not having any real previous guidance on this issue they were asked to include the facilities at Etwall Leisure Centre in the audit.
- 3.5 The priority categorisations used in the Consultant's Report are identified at Annexe A. The costs included in the audit are approximate and based on the information available at the time of the audit. They exclude any necessary opening up of construction elements, ducts, roof spaces or voids or lifting of finishes, and any considerations pertaining to planning consent.
- 3.6 Detailed at Annexe B is a summary of the work identified by the consultants with costings and priority levels. At Annexe C is a detailed breakdown of the work. £60,000 worth of the work (£30k at each of the facilities) is to provide a lift to enable people with disabilities to move between floor levels.
- 3.7 A great deal of the work identified as Priority A relates to approaches to the site and needs to be co-ordinated with any actions the LEA and School are undertaking to address any related outcomes from their own audits.
- 3.8 In terms of delivering the work identified in the audit a key issue is the concept of 'reasonableness'. For the work identified at the Squash Courts an argument could be made that it is not reasonable to undertake any of the work because people with a disability, in its widest sense, cannot play squash or any current variation of the game. However, it is reasonable to expect that people with disabilities may want to spectate. Therefore, in strict accordance with the requirements of the legislation, full access should be provided to the facility.
- 3.9 It is recommended that all work identified as Priority A be undertaken as soon as practically possible. For the other identified work information will be provided at the meeting that will allow Members to consider a strategy for its delivery within an appropriate timescale

Procuring the Work

- 3.10 Unless other Members of the JMC have alternative suggestions, it is proposed to request the consultants, who undertook the audit, for a quotation to manage the work on our behalf. The work could then be tendered for on a competitive basis.

4.0 Financial Implications

- 4.1 Under the current management agreement the District Council have responsibility for funding the work at the Squash Courts. As outlined above there needs to be some discussion about the scope of the work that lies beyond the management area of both the Swimming Pool and the Squash Courts
- 4.2 For undertaking the work at the Swimming Pool, 60% of the cost would be funded by the District Council and 40% by the County Council.

5.0 Corporate Implications

5.1 Not Applicable

6.0 Community Implications

6.1 An audit of the Centre has identified that areas of the facility are designed in a way that could exclude an important sector of the community. The DDA 1995 is essentially about creating fully inclusive and accessible environments.

7.0 Conclusions

7.1 The concept of 'reasonable actions' can and will generate a great deal of discussion. In terms of the outcome of the audit it is difficult to identify any of the actions as unreasonable. It is therefore recommended that all of the identified priority work be undertaken within the required timescales.

8.0 Background Papers

8.1 Report from Fortune Consultants dated 13 October 2003.

11/11/11

11/11/11

11/11/11