

Report to: Cabinet

Date: 11 September 2019

Title: Access Audit

Report of: Director of Regeneration and Planning

Cabinet Member: Councillor Rebecca Whippy

Ward(s): All

Purpose of report: To seek Cabinet's approval of plans for an access audit to be undertaken and for an access accreditation scheme to be set up.

Decision type: Non-key

Officer recommendation(s): (1) That Cabinet approve plans for an Access Audit.
(2) That Cabinet approve the establishment of an Access Accreditation Scheme for Eastbourne.

Reasons for recommendations: An access audit and accreditation scheme would enable the council to determine the current levels of accessibility for disabled people of public buildings and services in the Borough. As well as raising the profile of access issues the audit could also act as a catalyst for driving improvements in accessibility.

Contact Officer(s): Name: Jo Harper
Post title: Head of Business Planning and Performance
E-mail: jo.harper@lewes-eastbourne.gov.uk
Telephone number: 01273 085049

1 Introduction

- 1.1 The council recognises that some groups experience stereotyping and unfair discrimination in society, and some people are, or become, isolated through a number of barriers such as physical and mental disability, culture and language, deprivation and a lack of knowledge. The council is committed to challenging all forms of inequality and takes its obligations to promote equality of opportunity and foster good relations very seriously (as set out in section 149 of the Equality Act 2010). This commitment is emphasised in the council's Equality and Fairness Policy.
- 1.2 For disabled people the environment in which they live can create barriers which limit their lives, in terms of not being able to access facilities and services. The

Equality Act 2010 places a duty on providers of goods, services and facilities to make reasonable adjustments in order to avoid a disabled person being placed at a “substantial disadvantage” compared with non-disabled people when accessing services and facilities.

- 1.3 When considering the ways in which disabled people may experience discrimination, the council is mindful of the range of types of disability which can impact on people’s lives, and that the nature of the disability is not always visible. Physical disability, visual Impairment, being deaf or hard of hearing, having mental health conditions, a learning disability, an acquired brain injury or autism spectrum disorder are all forms of disability which may be covered by the Equality Act 2010.

2 Access Audit proposal

- 2.1 At its last meeting the Cabinet agreed in principle to an access audit being undertaken, subject to a detailed scope being developed including resourcing requirements. This paper now sets out options for Cabinet to consider. These proposals are in line with the council’s adopted Accessibility Policy, which addresses how the Equality Act 2010 is considered and applied across the councils operational and commercial buildings where services are provided to members of the public, including the council’s core operational buildings.

- 2.2 The council’s Neighbourhood First team have received training in undertaking basic access audits. With additional training it would be possible for these staff to undertake a limited number of full audits of council buildings and facilities.

- 2.3 Given the possible number of buildings under consideration, and the other work commitments of the officers in question, it is recommended that the audits be undertaken over a 4 year period. As well as meaning the programme of audits could be delivered within existing resources, this would also allow time for Cabinet to consider and act on recommendations from one set of audit reports before undertaking the next tranche. In line with the council’s Accessibility Policy, priority will be given addressing accessibility issues where there are also health and safety implications.

- 2.4 It is proposed that the initial programme would cover audits of the following council owned buildings and facilities over a four year period:

- Council Offices at 1 Grove Road
- Eastbourne Town Hall
- Tourist Information Centre
- Public toilets owned by the council (x 22)
- Leisure centres owned by the council (Hampden Park, Cavendish, Sovereign Centre, Eastbourne Sports Park),
- Ocklynge Cemetery, Langney Cemetery and Crematorium.
- Children’s play areas owned by the council (x 54)

- 2.5 It is suggested that other buildings, allotments, parks, open spaces and other community and commercial properties the council owns could form part of a further schedule of audits, following the delivery of this initial 4 year programme.

However, the council will continue to be mindful of its duties under the Equality Act 2010 with regard to all of its premises and facilities and look to make reasonable adjustments where practicable.

3 Access Accreditation Scheme

- 3.1 When developing the proposals above, consideration was given to widening the access audit scope beyond council owned buildings. However, as can be seen from options set out above, looking at council buildings alone represents a resource commitment, and therefore additional work would be likely to be resource prohibitive. In addition it would also be dependent upon other organisations being prepared to be audited, which could not be guaranteed.
- 3.2 An alternative approach to facilitating increased levels of accessibility to public buildings in the town would be to establish an access accreditation scheme. This could be used to celebrate good practice and provide additional motivation to encourage local businesses and other public buildings and facilities to become more accessible.
- 3.3 Businesses or other organisations wishing to participate in the scheme would be able to download an Access Accreditation Form from the council website. The form would include questions for them to answer about accessible design features of their premises, provision of staff disability training and business procedures/policies that make their service accessible to disabled people.
- 3.4 The Council's Neighbourhood First staff would review submitted forms. If key criteria are met officers would then visit the relevant premises to confirm the information supplied. Once verified, the applicant would be provided with an Access Accreditation Scheme logo to display at their premises.
- 3.5 In order to deliver the scheme within existing resources, a maximum of six Access Audit checks per month could be accommodated. Should more applications be received then the council would operate a waiting list for accreditations. This would be made clear at time of application.
- 3.6 All completed forms, whether or not the organisation meets key criteria, would provide the basis for an Access Statement to be developed. This would help the business or other organisation to identify areas for improvement and could be published on their website, or be provided to customers, to demonstrate the accessibility of the premises and services.
- 3.7 Costs of developing an accreditation scheme would be modest, mainly relating to the design and printing of accreditation window stickers. We will also seek the support of local voluntary organisations with a disability and access focus to help promote the scheme locally.
- 3.8 It is very important to stress that the awarding of accreditation does not prove compliance with the Equality Act 2010. This will be made clear to recipient organisations as part of a disclaimer from the council.

4 Financial appraisal

- 4.1 The proposed spend is not in the current budget and, if approved, would add to existing budget pressures.

5 Legal implications

- 5.1 The Equality Act 2010 places duties on the Council, which are referred to throughout the Report.

There is no explicit statutory requirement to undertake access audits. However, the Equality Act 2010 Statutory Code of Practice: Services, Functions and Associations at para. 3.42 states that service providers will be more likely to meet their obligations if they carry out and act on the results of an access audit carried out by a suitable qualified person. It refers to access audits as a method which helps to identify potential reasonable adjustments. Whilst the Code of Practice does not impose legal obligations it can be used in evidence in legal proceedings brought under the Act.

As the Equality Act 2010 section 20 duty to make reasonable adjustments is owed to disabled persons generally service providers and those exercising a public function must anticipate the needs of disabled persons and make appropriate reasonable adjustments.

Legal Services considered this Report on 13 August 2019 (IKEN 8474-EBC-MW)

6 Risk management implications

- 6.1 The proposals set out in this report, if implemented, will reduce the risk of the council not fulfilling its duties under the Equality Act 2010. However, there is an increased risk in relation to the council's duties under the Equalities Act, if access improvements are identified through the access audit process which are not then addressed by the council.

7 Equality analysis

- 7.1 An Equality analysis has been undertaken on these proposals. This has concluded that;

- **Negative impacts** – None identified
- **Positive impacts** – Age, disability and pregnancy/ maternity

The proposals have the potential to increase accessibility and work towards eliminating discrimination, advancing equality of opportunity and foster good relations – disabled people will be able to access the same services and work in the same environments as non-disabled people.

Additionally a positive impact is likely for carers and also parents/ carers who would benefit from more accessible buildings.

8 Environmental impact analysis

8.1 The proposals in this report, if implemented, are unlikely to result in a significant adverse impact on carbon emissions.

9 Appendices

None

10 Background papers

Access Audit Report to EBC Cabinet 9th July 2019

<https://democracy.lewes-eastbourne.gov.uk/documents/s10615/Access%20audit.pdf>

Accessibility Policy adopted as part of the Corporate Asset Management Plan – EBC Cabinet 12th July 2017– Appendix 2 refers

<https://democracy.lewes-eastbourne.gov.uk/documents/s5988/112%20Asset%20management%20plan%20App%201b%20Plan%20appendices.pdf>