

Report to:	Leader of the Council
Date:	2 April 2020
Title:	Access Audit
Report of:	Ian Fitzpatrick, Deputy Chief Executive and Director of Regeneration and Planning
Cabinet Member:	Councillor Johnny Denis, Cabinet Member for Communities and Customers
Ward(s):	All
Purpose of report:	To seek approval of plans for an access audit to be undertaken of council buildings and facilities.
Decision type:	Non-key decision
Officer recommendation(s):	To approve plans for an Access Audit.
Reasons for recommendations:	An access audit would enable the council to determine the current levels of accessibility for disabled people of public buildings and facilities for which is responsible and to determine what additional adjustments might be required to improve accessibility.
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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.
- 1.4 The council agrees an equalities and fairness action plan each year, which sets out what it will do to further its commitments with the Equality and Fairness Policy and to meet its commitment under the Equality Act. The most recent action plan was agreed by Cabinet in March 2019. At that meeting it was noted by the Cabinet that training had been arranged and delivered on Access Issues, including the process of undertaking access audits, to Neighbourhood First teams and ensure Neighbourhood Officers are able to respond confidently and effectively to customer enquiries relating to access issues.

2 Access Audit proposal

- 2.1 An access audit is the examination of an existing building, its facilities and services, against predetermined criteria to assess its usability. The audit may address, for example; physical access, building facilities, lighting and colour contrast, acoustics, signage and way-finding, means of escape/evacuation, policies and staff training.
- 2.2 The council recognises the importance of undertaking access audits as a part of ensuring our buildings, facilities and services are accessible to disabled people. As mentioned above, officers in the council Neighbourhood First Team have been trained to understand access issues and to be able to undertake simple access audits as part of their role. This training is updated and refreshed as new staff join the team.
- 2.3 To further the council’s commitment to the Public Sector Equality Duty, it is proposed that a full programme of access audits be undertaken to build on the work already progressed by the council. The audit would focus on the full range of disabilities (as per para 1.3), not just those limited by issues of physical access.
- 2.4 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.
- 2.5 As mentioned previously, the council’s Neighbourhood First team has 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.

2.6 Given the possible number of buildings under consideration, and the other work commitments of the officers in question, it is recommended that some of the audits be commissioned through an external auditor, with the remaining, more straightforward audits being undertaken over a 4 year period by the council's Neighbourhood First team. 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.

2.7 Being mindful of the council's ongoing asset challenge process, audits of buildings will be prioritised accordingly. 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 Southover House
- Saxon House
- Children's play areas x 31
- Public toilets x 16
- Robinson Road Depot
- Walmer Road recreation ground changing rooms
- Mountfield Road recreation ground changing rooms
- Newhaven Enterprise Centre
- Lewes cemetery
- Seaford Tourist Information Centre
- Lewes High street Tourist Information Centre
- Resource Centre and community room in Landport
- St Johns Cemetery (Lewes)
- Seaford Cemetery
- Stanley Turner Recreation Ground

2.8 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, regardless of when the facility is scheduled for audit.

3 Financial appraisal

3.1 The council recognises the importance of undertaking access audits as a part of ensuring Council's buildings, facilities and services are accessible to disabled people. Procuring the services of an access auditor to undertake a full programme of access audits will require a commitment of £13k in 2020/21, which will be met from the existing Business Planning and Performance Service budgets.

4 Legal implications

4.1 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 10 February 2020 (IKEN 8972-LDC-MW)

5 Risk management implications

- 5.1 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 that are not then addressed by the council.

6 Equality analysis

- 6.1 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.

7 Sustainability impact analysis

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

8 Appendices

None

Background papers

Accessibility Policy adopted as part of the Corporate Asset Management Plan – LDC Cabinet 26th June 2017– Appendix 2 refers

<https://democracy.lewes->

[eastbourne.gov.uk/Data/Lewes%20District%20Council%20Cabinet/201706261430/Agenda/toRgGrEtlkzOSvcvNWk94rTpDBXZX.pdf](https://democracy.lewes-eastbourne.gov.uk/Data/Lewes%20District%20Council%20Cabinet/201706261430/Agenda/toRgGrEtlkzOSvcvNWk94rTpDBXZX.pdf)