



PORTFOLIO AREA: CORPORATE RESOURCES

Date of Meeting: 26 November 2001

Public

Key Decision: Yes

Recorded in Forward Plan: Yes

Inside Policy Framework

Title: REPAIR AND MAINTENANCE OF GENERAL FUND
PROPERTIES AND COMPLIANCE WITH THE DISABILITY
DISCRIMINATION ACT 2002/03

Report of: Director of Environment & Development

Report reference: EN179/01

Summary:

This Report sets out the proposed programme of work for 2002/03 for Planned Maintenance on General Fund Properties and works required to ensure the Council's properties comply with the Disability Discrimination Act.

Recommendations:

The Executive is asked to: -

1. Approve the proposed Planned and Essential Repairs and works to ensure compliance with the Disability Discrimination Act for 2002/2003.
2. To note the position on further works being required in 2003/2004 is subject to further reviews, and will be reported back for consideration.
3. To approve the expenditure of £191,000 from the base budget for Planned and Essential Repairs element of the Repair and Maintenance budget.
4. To seek funding of £180,000 in 2002/2003 in the current budget process for the works to ensure the compliance with the Disability Discrimination Act.

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1. BACKGROUND INFORMATION AND OPTIONS

Background

- 1.1 Financial memo 2001/02 No 88 and EN 162/01 on Repair and Maintenance of General Fund Properties was presented to the Executive on 15 October 2001. Within this report a schedule of proposed 2002-2003 Planned and Essential works were identified, which were estimated to cost overall in the region of £191,000. These are shown on the attached Appendix A and the final allocation deferred pending consideration of this report.
- 1.2 On 10 April 2001 Report EN069/01 on Disability Discrimination Act (DDA) Requirements was presented to the Finance and General Purposes Sub-Committee identifying work to be undertaken in 2001/02. An earlier report to the Policy and Finance Committee on 20 December 2000 had informed Members that the anticipated costs (based on Class 1 Estimates at that stage) in complying with the Disability Discrimination Act was estimated at £753,950, excluding any work to parks and open spaces. These items have been shown on the attached Appendix B.
- 1.3 The provisions of the DDA become legislation in October 2004. The relevant elements of the DDA define that for the providers of goods and services it will be unlawful for service provider to discriminate against a disabled person by :-
 - refusing service
 - treating the disabled person less favourably in the standard of service, or in the manner in which it is provided
 - providing the service on less favourable terms.Service providers are required by Section 18 of the Act to take such steps as are reasonable to:
 - amend policies, procedures and practices
 - remove or alter physical features, or provide a reasonable means of avoiding them or provide reasonable alternative means of delivering the service
 - provide auxiliary aids or services.Guidance is still awaited as to all the factors that may be taken into account when determining reasonableness, however it is known that emphasis will be placed on financial consideration. Further information is supplied in Appendix D.
- 1.4 Both sets of schemes have been costed and include an allowance for fees and contingencies.

- 1.5 Work carried out/committed in 2001/02 to ensure compliance with DDA includes: -

- Stony Holme wheelchair access
- Harraby CC wheelchair access
- Currock CC stairlift
- Anchorage Centre – minor alterations
- Dalston disabled toilets
- Hammonds Pond, disabled toilet

Assessment Criteria

- 1.6 Against the background of limited resources and in order to optimise the Council's resources an assessment is needed of the condition of the properties and other factors of carrying out the schemes identified based on identified and approved criteria.

The criteria to be applied for each initiative are: -

- Council's duty to comply with legislation (including the DDA).
- Health and Safety considerations.
- Council's Key Objectives.

- 1.7 To date the Council's Access Officer has given advice and training on the Disability Discrimination Act to Building 'Owners'. From this the Building Owners identified their needs and these were assessed technically and costed (Class 1 estimate) by the Building Surveying Manager.
- 1.8 Building Owners have been asked to reappraise their service provision and DDA requirements but no further amendments have been made. The onus of identifying how DDA can be complied with, either by re-appraised service provision or physical works lies with the Building Operator with advice and technical support from the Access Officer and Building Surveying Manager.
- 1.9 Account can be taken of specific considerations relating to any particular scheme and consideration given as to when to commit expenditure, against the background that not investing in maintaining properties will ultimately lead to greater deterioration in the condition of a property.
- 1.10 A schedule is attached at Appendix C which summarises the above. In general terms it is proposed that all works previously reported as required, where not subject to any other consideration are carried out in 2002/2003. All other proposed works should be deferred until 2003/2004 or after the outcome is known of any review, tender or re-appraisal. Work could also be deferred to 2004/2005 but only if it can be completed by October 2004, the date by which the provisions of the DDA must be complied with.

- 1.11 Members should note that the planned maintenance element of the base budget for 2003/2004 will be the subject of a separate report in Autumn 2002 where recommendations will be put forward.
- 1.12 Members should note that the recommended expenditure on Planned Maintenance and complying with the requirements of the Disability Discrimination Act is £371,300 for 2002/2003, which is some £180,000 above the base budget allocation for Planned Maintenance of £191,000.
- 1.13 At this stage (due to the uncertainty of the status, ownership and review of other properties as outlined in Appendix B) it is not possible to identify the level of expenditure that will be required in 2003/2004 (or 2004/2005).

2. CONSULTATION

- 2.1 A building users views have been sought and further consultation will be undertaken as any proposed scheme is developed.
- 2.2 The Corporate Management Team have considered the proposals identified in this report.

3. STAFFING RESOURCES / COMMENTS

- 3.1 There are no staffing or resource implications for the planned maintenance works. A fee allowance of 10% has been included in all the estimated costs for the Disability Discrimination Act works.

4. FINANCIAL COMMENTS

- 4.1 The financial implications of this report will form part of the overall budget deliberations.

5. LEGAL COMMENTS

- 5.1 Legal comments are included within the Report

6. CORPORATE COMMENTS

- 6.1 The comments of the Corporate Management Team have been included in this Report.

7. ENVIRONMENTAL IMPLICATIONS

Not applicable.

8. RECOMMENDATIONS

The Executive is asked to: -

- 8.1 Approve the proposed Planned and Essential Repairs and works to ensure compliance with the Disability Discrimination Act for 2002/2003.
- 8.2 To note the position on further works being required in 2003/2004 is subject to further reviews, and will be reported back for consideration.
- 8.3 To approve the expenditure of £191,000 from the base budget for Planned and Essential Repairs element of the Repair and Maintenance budget.
- 8.4 To seek funding of £180,000 in 2002/2003 in the current budget process for the works to ensure the compliance with the Disability Discrimination Act.

9. REASONS FOR RECOMMENDATIONS

- 9.1 The recommendations are made following earlier requests to identify the implications of complying with the Disability Discrimination Act alongside the Planned and Essential Works base budget for works in 2002/2003 and beyond.

PROPOSED 2002-03 PLANNED AND ESSENTIAL REPAIRS**Civic Centre**

Continuation of window replacement programme with the Commencement of window renewal to South Elevation	£83,000
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Morton Community Centre

Phase 2 Electrical rewiring and upgrade to bring installation to complying condition (note Phase 01 / 02 in hand £10,000)	£15,000
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Denton Holme Community Centre

Phase 1 Window replacements	£8,000
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Phase 1 Re-roofing works	£36,000
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Enterprise Centre

Stone repairs (previously made safe) defer further work to 2003-04	£35,000
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Lift traction inspection (statutory requirement)	£2,000
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Tullie House

Lift traction inspection (statutory requirement)	£5,000
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Asbestos Removal

Contingency requirement to ensure we meet statutory Health & Safety measures should asbestos be found	<u>£7,000</u>
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TOTAL BUDGET **£191,000**

DISABILITY DISCRIMINATION ACT (DDA)

The following shows works required to ensure compliance with the requirements of the DDA, following surveys of the properties.

PUBLIC TOILETS

Note that work is in hand for the provision of disabled toilets at Hammonds Pond and Dalston.

A re-appraisal of the location and usage of the potential provision of disabled toilets will be undertaken. It is proposed to defer consideration of the scheme to 2003/2004.

Chinese Gardens

New-build disabled toilet to be built	£12,500
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Richardson Street

New-build disabled toilet built in Cemetery ground	£12,500
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Sheepmount

Redesign existing public toilets to include disabled toilet	7,500
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Stony Holme

New disabled public toilet built on outside of existing	12,500
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HOUSING PROPERTIES

With the potential transfer of Housing properties in 2002 the Director of Housing will re-appraise the appropriateness of carrying out the following previously identified DDA works. Pending the outcome of the transfer vote and the Director's review it is not recommended to carry these works out in 2002/2003 but to defer to 2003/2004.

Stafffield House

Lift to serve all floors (inc. shaft), entrance ramp, 2 new Showers, disabled toilets	150,000
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John Street Hostel

Lift serving two floors, disabled toilet and disabled showers	50,000
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Housing Shops

Altering entrances to all shops	25,000
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LEISURE AND COMMUNITY DEVELOPEMENT WORKS

Previously identified works are listed below.

25 Shadygrove Road

Lift to first floor, new disabled toilet	18,800
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The status of this property is under review and a decision on any expenditure should be deferred to 2003/04

Youth Hut – Irthing Centre	
Redesign internally to provide disabled toilet	8,800

Tullie House	
New signs, minor alterations. (Majority of works is already planned from separate funds	6,300

The Pools	
Providing chairs to poolside, other minor alterations	6,300

Bitts Park Pavilion	
Entrance ramp, disabled toilet, alter service hatch, rest in hand	10,000

Whilst both the above properties are included in the Leisuretime tender these items of work have not been separately identified in the tender documents to be undertaken by the Contractor. On the basis that the Council would pay for these works even if under the new contract, it is proposed that these works are carried out by the City Council in 2002/2003.

St James Bowling Pavilion	
Ramped access to bowling green and other areas, alterations to pavilion, disabled toilet	40,000

Currock Bowling Green	
Access to bowling green and disabled toilet	10,000

Cemeteries	
Various alterations at all cemeteries mainly for access to chapels	26,300

Crematorium	
Disabled Toilet	7,500

Possible separate future development scheme is under consideration, proposed to delay implementation until outcome known.

Sands Centre	
New lift enclosure. Shaft and altering heavy doors, and other minor alterations	112,500

The provision of facilities to comply with DDA are included in Leisuretime Tender documents after which the service may be provided by an external contractor from mid 2002. Any expenditure should be deferred until the outcome of the tender exercise is known.

CIVIC CENTRE	
New signs, minor alterations. Alterations to City Treasury Counters, signage etc.	8,800

COMMUNITY CENTRES

The leases of the Community Centres have been drawn up so that it is the occupiers / lessees who are responsible for compliance with all legislation (including DDA). At the time of drawing up the leases the Council gave an understanding that it would fund the costs of complying with the DDA.

Longtown Community Centre

Lift to first floor bar, altering internal doors, provide new shower room for disabled	81,300
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The Director of Leisure is further reviewing the ownership issues relating to this property and expenditure should be deferred to await the outcome.

Belah Community Centre

Internal alterations to create disabled toilet, alter main entrance	7,500
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Petteril Bank Community Centre

Internal alterations to create disabled toilet	6,900
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This may be the subject of a Surestart /HAZ initiative for Carlisle South and expenditure should be deferred until the outcome is known.

Morton Community Centre

Lift to first floor, move dark room to ground floor, reopen rear Access to library, minor alterations	91,300
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Benefits Advice Centre

Possible expiry of lease before October 2004	-
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PLAY AREAS

A survey of play areas has been carried out and provision of disabled access has been identified. These have been costed in the region of £750,000 (Financial Memo 2001/2002 No. 88 and EN 162/01 to Executive on 15 October 2001). Whilst such work is desirable it is not clear at this stage as to the extent of the provision. Further some of the play areas surveyed may yet form part of the Housing transfer due to their location. It is not proposed to carry out any works to play areas under DDA until the position is clearer.

TABLE OF KEY OBJECTIVES

Key Objectives

- A Reduce Crime and Disorder
- B Promote Sustainable Transport
- C Improve Social Well-Being, Health and Education
- D Protect and Improve Our Environment
- E Develop Employment and Training Opportunities
- F Satisfy Housing Needs
- G Advance Carlisle as a Regional and Cultural Capital
- H Spend the Community's Money Wisely

Property / Scheme	Cost inc Fees & Contingency £000	Contractual / Legal Requirements	Health and Safety Implications	Key Objective (see attached sheet)	Scheme Specific Considerations			Spend		COMMENTS
					Disabled access	Maintenance Priority	Phased Completion	02-3	03-4	
PLANNED MAINTNCE										
Civic Centre	83.0			H		Yes	Yes	83.0		
Morton CC Rewire	15.0	Yes	Yes	C		Yes	Yes	15.0		
Denton Hlm roof	36.0	Yes		C		Yes	Yes	36.0		
Denton Hlm windows	8.0			C		Yes	Yes	8.0		
Enterprise Cen store	35.0			H		Yes			35.0	Defer to 2003/04
Tullie House lift	5.0	Yes	Yes	G		Yes		5.0		
Enterprise Cen lift	2.0	Yes	Yes	H		Yes		2.0		
Asbestos Removal	7.0	Yes	Yes	H		Yes		7.0		
DIS.DISCIM.ACT										
Chinese Gardens toil	12.5	Yes		C	Yes				12.5	Subject to review
Richardson Street	12.5	Yes		C	Yes				12.5	Subject to review
Sheepmount dis toil	7.5	Yes		C	Yes				7.5	Subject to review
Stony Holme dis toil	12.5	Yes		C	Yes				12.5	Subject to review
Upperby Park										2001/02 scheme
Staffield House	150.0	Yes		C	Yes				150.0	Subject to review
John Street Hostel	50.0	Yes		C	Yes				50.0	Subject to review
Housing Shops	25.0	Yes		C	Yes				25.0	Subject to review
25 Shadygrove Rd	18.8	Yes		C	Yes				18.8	Subject to review
Yth Hut-Irthing Cen	8.8	Yes		C	Yes			8.8		
Tullie House	6.3	Yes		C	Yes			6.3		
The Pools	6.3	Yes		C	Yes			6.3		
Bitts Park Pavilion	10.0	Yes		C	Yes			10.0		
St James Bowl Pav	40.0	Yes		C	Yes			40.0		
Currock Bowling Gr	10.0	Yes		C	Yes			10.0		
Cemeteries	26.3	Yes		C	Yes			26.3		
Crematorium	7.5	Yes		C	Yes				7.5	Subject to review
Sands Centre	112.5	Yes		C	Yes				112.5	Subject to tender
Civic Centre	8.8	Yes		C	Yes			8.8		
Longtown Comm C	81.3	Yes		C	Yes				81.3	Subject to status
Belah Comm Centre	7.5	Yes		C	Yes			7.5		
Petteril Bank CC	6.9	Yes		C	Yes				6.9	Subject to review
Morton Comm Cen	91.3	Yes		C	Yes			91.3		
Benefits Adv.Centre	0.0									Expiry of lease
TOTAL	903.3							371.3	532.0	

D.D.A. ACT : CURRENT POSITION

The current position with regards to legislation is as follows (these are extracts from the National Disability Council's Code of Practice – the NDC are the Governments advisors).

The Act makes it unlawful for a service provider to **discriminate** against a disabled person:

- by refusing to provide (or deliberately not providing) any service which it provides (or is prepared to provide to members of the public; or
- in the standard of service which it provides to the disabled person or the manner in which it provides it; or
- in the terms on which it provides a service to the disabled person.

The service provider has a duty to make 'reasonable adjustments for disabled people'. There are currently three parts to the duty:

- changing practices, policies and procedures;
- providing reasonable adjustments and the physical features of the premises;
- providing auxiliary aids and services.

What is meant by 'reasonable steps'?

Section 21 refers to a service provider being under a duty to take such steps as it is reasonable, in all the circumstances of the case, for it to have to take in order to make reasonable adjustments. The Act does not specify that any particular factors should be taken into account. What is a reasonable step for a particular service provider to have to take depends on all the circumstances of the case. It will vary according to:

- the type of services being provided;
- the nature of the service provider and its size and resources;
- the effect of the disability of the individual disabled person.

However, without intending to be exhaustive, the following are some of the factors which might be taken into account when considering what is reasonable;

- whether taking any particular steps would be effective in overcoming the difficulty that disabled people face in accessing the services in question;
- the extent to which it is practicable for the service provider to take the steps;
- the financial and other costs of making the adjustment;
- the extent of any disruption which taking the steps would cause;
- the extent of the service provider's financial and other resources;
- the amount of any resources already spent on making adjustments;
- the availability of financial or other assistance.