
**CAPITAL PROGRAMME – RELEASE OF FUNDING FOR DDA AND FIRE
PRECAUTIONS (WORKPLACE) REGULATIONS COMPLIANCE**

**Responsible Cabinet Member(s) - Councillor Don Bristow,
Resource Management Portfolio**

Responsible Director(s) - John Buxton, Director of Development and Environment

Purpose of Report

1. To inform members of the above scheme proposals and to request release of funding approved in the 2006/07 Capital Programme.

Information and Analysis

Description of the Scheme

2. *‘To implement works key to (non-educational and non Housing Revenue Account) Council occupied buildings to ensure compliance with the Disability Discrimination Act (DDA) and the Fire Precautions (Workplace) Regulations and to meet the Council’s BVPI 156.’*

BVPI 156 Measures

3. *‘The percentage of authority buildings open to the public in which all public areas are suitable for, and accessible to disabled people.’*
4. Following the completion of ‘Access audits’, physical works have been identified as being required to make buildings occupied by the Council and used for delivering a service compliant for the purposes of both BVPI 156 and DDA.
5. It is worth mentioning that wherever possible works to meet DDA compliance have been undertaken alongside BVPI 156 works but more recently much of the focus has been on trying to meet the target set for BVPI 156.

BVPI 156 Compliance

6. Excellent progress has been made and out of a total of 57 No. properties requiring to be compliant for the purpose of BVPI 156, already 49 have been inspected and signed off as compliant by the Council’s Building Control ‘Access’ Officer.
7. This represents 85.96% and although the target for 05/06 was 91%, works are ongoing in those buildings representing the percentage shortfall and these are scheduled to be completed and signed off shortly.

8. The BVPI 156 target for 06/07 is 92% and increasing incrementally thereafter to 100%.
9. The latest BVPI 156 comparative benchmark data available from the Audit Commission is for the 2004/05 quartile data for all English Authorities:-

Best Quartile	75.14%
Medium	53.15%
Worst Quartile	31.19%
Mean	53.86%

10. The Council's performance for 2004/05 was 75% and since the above is the latest data available from the Audit Commission the Council's performance is regarded as Best Quartile. No doubt other Councils will have improved in the interim and the 2005/06 results are awaited.

DDA Compliance

11. Similar good progress has also been made on ensuring DDA compliance in Council occupied buildings albeit again the focus to date has been on those areas available for and used by the public.
12. Works required to accommodate a member of staff with a disability falls to the employing department and where it has proved practical or cost effective to do so these works have also been addressed at the same time.
13. In terms of DDA compliance 31 No. properties out of the same 57 properties are considered to be compliant representing 54%.
14. The majority of those not yet compliant are either subject to ongoing or proposed refurbishment or are in the process of awaiting minor works and are due to be completed shortly.
15. It should be noted that throughout the process the Council has worked with Darlington Association on Disability to ensure that where buildings fail to be compliant DAD are aware of the reasons and that wherever possible the Council has taken steps that are reasonably practical to try and comply with its statutory obligation.

Fire Precautions (Workplace) Regulations 1997

16. The Council's Building Control Section have undertaken Fire Risk Assessments of those buildings occupied by the Council's workforce and these have been distributed to respective managers. In the majority of cases the risk assessments identified issues which have been remedied through better house keeping and management procedures. Where physical works were recommended these have or are continuing to be addressed in conjunction with DDA and BV 156 related works.
17. The Government has announced that the 'Fire Regulatory Reform' will come into effect on 1 October 2006 which is intended to place responsibility for Fire Inspections on building owners/occupiers rather than being undertaken by the Fire Brigade in connection with the issuing of 'Fire Certificates'.

18. In light of this transfer of responsibility onto the Council the Building Control Section are programming to review the Fire Risk Assessments for each building and the actions resulting from these assessments will need to be addressed in due course.

Other Options Considered

19. None due to statutory nature of the Disability Discrimination Act and the Fire Precautions (Workplace) Regulations.

Objectives and Outcomes of the Scheme including Performance Measures

20. The scheme will enable the Council to continue to work towards meeting its obligations under the DDA and Fire Precautions (Workplace) Regulations and to meeting its targets under BVPI 156.

Delivery of the Project

21. The DDA, Fire Precautions (Workplace) Regulations and BVPI 156 project falls under the responsibility of the Estates and Property Manager within the Development and Environment Department.
22. However, a good working relationship has been forged with Darlington Association on Disability (DAD) which has enabled a sensible and pragmatic approach to be applied.

Future Revenue Costs

23. The DDA legislation continues to evolve, for example the Disability Discrimination Act 2006 is due to be implemented in December this year and will bring with it the need for full inclusion and a disability quality scheme. The financial implications for the Council's occupied buildings remain to be assessed but rather than physical works requiring capital expenditure the guidance suggests that the legislation may impact more on department's revenue budgets.
24. The Fire Regulatory Reform may also have an impact on revenue budgets.

The Costs of Scheme and how it will be funded

Budget

<i>Type of Expenditure</i>	<i>Budget</i>	<i>Source of Funding</i>	<i>Amount</i>
Physical works/ Construction Costs to remaining buildings and to meet costs arising from the proposed DDA 2006 legislation and Fire Regulatory Reform	£90,000	Corporate Resources 2006/07 Capital MTFP	£100,000
Professional Fees (Int and Ext)	£10,000		
Total	£100,000		£100,000

Outcome of Consultation

25. The Council continues to consult with Darlington Association on Disability on the proposals emanating from the Access Audits and works collaboratively to try and ensure a consistent interpretation of the legislation is applied.

Legal Implications

26. This report has been considered by the Legal Services Manager for legal implications in accordance with the Council's approved procedures. There are no issues which the Legal Services Manager considers need to be brought to the specific attention of Members, other than those highlighted in the report.

Section 17 of the Crime and Disorder Act 1998

27. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is not considered that the contents of this report have any such effect.

Council Policy Framework

28. The issues contained within this report do not represent change to Council policy or the Council's policy framework

Decision Deadline

29. For the purpose of the 'call-in' procedure this does not represent an urgent matter

Recommendation

30. It is recommended that Members:-
- (a) Agree to the release of the £100,000 identified in the report from the 2006/07 Capital MTFP; and
 - (b) Authorise the Director of Development and Environment to undertake works considered appropriate to ensure compliance with the relevant legislation.

Reasons

31. The recommendations are supported by the following reasons:-
- (a) To ensure funds are available;
 - (b) To enable appropriate works to be progressed.

John Buxton
Director of Development and Environment

Background papers

1. Disability Discrimination Act 1995
2. Fire Precautions (Workplace) Regulations 1997
3. Best Value Performance Indicator 156

Guy Metcalfe : Extension 2735
kr