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**CAPITAL PROGRAMME – RELEASE OF FUNDING FOR DISABILITY  
DISCRIMINATION ACT AND FIRE REGULATORY REFORM COMPLIANCE**

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**Responsible Cabinet Member - Councillor Stephen Harker, Resources Portfolio**

**Responsible Director – Paul Wildsmith, Director of Corporate Services**

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**Purpose of Report**

1. To request release of funding approved in the 2007/08 Capital Programme, for the above scheme proposals.

**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 Regulatory Reform and to meet the Council’s BVPI 156.’ (*‘The percentage of authority buildings open to the public in which all public areas are suitable for, and accessible to disabled people.’*)

***BVPI 156 Compliance***

3. For the purpose of BVPI 156 compliance good progress has continued to be made and at the end of the second quarter (September 2007) 88.67% of the Council’s properties have been inspected and signed off as compliant by the Council’s Building Control ‘Access’ Officer. The remaining buildings are either awaiting further minor works prior to the final inspection or are subject to refurbishment, for example 4 Woodland Road.

***DDA Compliance***

4. Progress has also been made on ensuring DDA compliance in Council occupied buildings which goes beyond the works required for BVPI 156 and 71.96% of the properties are considered to be compliant.
5. The majority of those not considered compliant are awaiting minor items of work and final inspection, or are awaiting refurbishment for example the Arts Centre, Branksome Hall and 4 Woodland Road or re-provision as in the case of Beck House.
6. 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 Regulatory Reform 2006**

7. Following the introduction of the Fire Regulatory Reform with effect from 1 October 2006, the Council's Building Control Section are undertaking a programme of fresh Risk Assessments of those buildings occupied by the Council's workforce.
8. The 'Fire Regulatory Reform' places responsibility on building owners/occupiers to undertake Fire Risk Assessments and to put measures in place to remedy/manage those risks identified.
9. Where remedial actions are being identified these are largely being addressed through revenue budgets.

### ***Objectives and Outcomes of the Scheme including Performance Measures***

10. The scheme will enable the Council to continue to work towards meeting its obligations under the DDA and Fire Regulatory Reform and to meeting its targets under BVPI 156.

### ***Delivery of the Project***

11. Delivery of the DDA, Fire Regulatory Reform and BVPI 156 project falls under the responsibility of the Estates and Property Manager within the Corporate Services Department.
12. 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***

13. The DDA legislation continues to evolve, with the Disability Discrimination Act 2006 bringing 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.
14. The outcome of the Fire Risk Assessment under the Fire Regulatory Reform are expected to impact on revenue budgets.

### **Proposed Works for 2007/08 Capital Allocation**

		<b>Estimated Cost £</b>
Bennett House	Automatic doors and entrance to Bennet House off Bull Wynd	50,000
4 Woodland Road	External Ramp and internal adaptations to ensure building is accessible and DDA compliant as far as is practicable	20,000

Minor Works to remaining non-compliant buildings	As identified under Access Audit prior to final inspection by the Council's Access Officer	Total cost not yet quantified
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15. The works identified above amount to more than the £50,000 allocated in the 2007/08 Capital Programme. It is proposed therefore that the £50,000 will go towards one or more of the above items of work, depending on tendered costs.

### **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 to meet the DDA 2006 legislation and Fire Regulatory Reform	£45,000	Corporate Resources 2007/08 Capital MTFP	£50,000
Professional Fees (Int and Ext)	£5,000		
Total	£50,000		£50,000

16. It is anticipated that work will start in 2007/08 but it unlikely to be completed until 2008/09.

### **Outcome of Consultation**

17. 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**

18. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor 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**

19. 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**

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

## **Decision Deadline**

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

## **Recommendation**

22. It is recommended that Members:-

- (a) Agree to the release of the £50,000 identified in the report from the 2007/08 Capital MTFP; and
- (b) Authorise the Director of Corporate Services to undertake the works identified in the report and/or considered appropriate to ensure compliance with the relevant legislation.

## **Reasons**

23. The recommendations are supported by the following reasons:-

- (a) To ensure funds are available;
- (b) To enable appropriate works to be progressed.

**Paul Wildsmith**  
**Director of Corporate Services**

## **Background Papers**

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

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