

# Advice Note

## Access For All

**Denbighshire County Council promotes Access for All and a barrier-free environment within Denbighshire**

This advice note seeks to help service providers, public/developers/agents to understand the implications of the Disability Discrimination Act 1995 and their duties in providing reasonable access for disabled people - to their premises and services in compliance with the DDA. Specific information on access can be found in the Council's Access Strategy and design guidance.

### **1. The Disability Discrimination Act 1995 (DDA)**

Introduces new laws aimed at ending the discrimination that many disabled people face. It affects virtually everyone -

- Providers of goods, facilities and services
- Education
- Employment
- Renting and letting of land and property
- Transport

The DDA defines disability and identifies who is protected under the Act as “a person who has a physical or mental impairment which has a substantial and long-term adverse effect on a person’s ability to carry out normal day to day activities,” for example -

- Physical disabilities
- Hearing and sight impairments
- Mental health
- Learning disabilities

If you provide goods, facilities or services to the general public – whether paid for or free-of-charge – you are a “service provider” and you have responsibilities under the Act.

## 2. The Challenge

This is the first time the law has required virtually everybody to consider whether their buildings, goods and services are 'accessible to all' and it presents a new challenge.

- Focusing on the needs of disabled people can also provide an opportunity to gain from a significant consumer market
- Think through how disabled people would access and use your premises and services and how this might be improved  
Focus particularly on making reasonable adjustments to the physical features of your premises.
- Access is not just bricks and mortar, it also relates to open spaces, the countryside, education and transport facilities

## 3. Compliance

- **Since 1<sup>st</sup> October 1999** service providers have had to make reasonable adjustments for disabled people in the way they provide their services, i.e. auxiliary aids and equipment, information, alternative service.
- **From 1<sup>st</sup> October 2004** any person who provides services to the public will be required by the Disability Discrimination Act to ensure that those services are 'reasonably' accessible to disabled people, ie accessible buildings.

## 4. What is 'Reasonable'?

- This will vary according to circumstances
- No authoritative answer
- The opinion of disabled people is as valid as the limitations you may face

Factors include -

- Costs and convenience
- The resources of the service in total
- The effectiveness of change  
(recommendation is to seek advice - see 'useful contacts')

## **5. Non-Compliance**

- If service providers do not comply then they may be open to challenge, prosecution and payment of compensation. It is a statutory requirement.
- Building Regulations approval and Planning permission does not guarantee compliance with the DDA. (Seek advice - see 'useful contacts')

## **6. Advice**

- Local Authority Access Officer
- Planning Officers where planning permission is required
- Building Control Officers where Building Regulations apply
- Agent/Architect when undertaking physical works
- Local disability organisations
- Disability Rights Commission on the Disability Discrimination Act 1995

## **7. Building Regulations**

Part M of Building Regulations covers access affecting disabled people.

- (i) Non-domestic/commercial
  - Approach and access to main entrance
  - To and within the building
  - Provision and design of toilets
  - Audience and spectator seating
  - Aids to communication – theatre, meeting rooms, reception areas
  - Car parking provision
  - Fixtures and fittings
- (ii) New dwellings (see Lifetime Homes, Joseph Rowntree)
- (iii)
  - From May 2004, Part M includes BSI 8300:2001 design guidance
  - A statutory requirement applies to material change of use and adaptation of existing buildings
  - Start planning now and incorporate into refurbishments
  - Courts will assume change has been anticipated
- (iv) Change of use and adaptations to existing buildings are covered by the DDA.

## **8. Planning Permission**

Access for disabled people is a material planning consideration, to be taken into account when Local Authority determines a planning application in respect of –

- New build
- Alterations and extensions
- Change of use
- Alteration to a shop front
- Change of use e.g. , shop to office
- Pedestrianisation of shopping centre/housing estate
- Adaptation to office, shop, hotel, community facility, bank, pub, restaurants, hospitals, schools and colleges
- “Any building used by the public”

## **9. BSI 8300:2001**

British Standard BS 8300:2001 is the ‘Design of buildings and their approaches to meet the needs of disabled people, Code of Practice’.

This publication should be used by architects, surveyors, town planners and builders to ensure they comply with the Disability Discrimination Act, working towards making access easier for disabled people. It gives recommendations for the design of new buildings and their approaches to meet the needs of disabled people.

It applies to -

- Car parking provisions
- Setting down points and garaging
- Access points to and around all buildings and entrances to and interiors of new buildings
- Routes to recreational facilities associated with and in the immediate vicinity of existing buildings, such as patios, seating and picnic areas

The recommendations in this standard also apply for assessing the accessibility and usability of existing buildings, and where practicable, as a basis for their improvement. This applies to the following types of building-

- Transport and industrial buildings
- Health and welfare buildings
- Religious buildings
- Dwellings and other residential buildings
- Administrative and commercial buildings
- Refreshment, entertainment and recreation buildings

- Educational, cultural and scientific buildings

This standard does not apply to dwellings or residential buildings designed exclusively for use by disabled people.

## **10. Historic Buildings**

Historic buildings, listed buildings and conservation areas are not exempt from compliance with the DDA –

- Identify the access issue and explore ways of removing or altering the physical barrier
- See 'Overcoming the Barriers', Providing Physical Access to Historic Buildings published by CADW. (See below)
- Listed Building consent will be required
- Early application for consent is recommended

## **11. Advantages**

Other groups also stand to benefit from improved access –

- People with children in prams/buggies
- Elderly people
- People carrying luggage/shopping bags
- People with a temporary impairment

Premises made more accessible for disabled people will be more convenient for everyone.

## **12. Access Statements**

Changes in the planning process are being introduced to ensure that planning authorities place a greater emphasis on the consideration of accessibility in the development of local plans and in the consideration of planning applications.

An Access Statement will provide an opportunity for developers, designers, product providers and managers of environments to demonstrate their commitment to ensuring accessibility in the work they undertake. It will allow you to demonstrate how a project will meet various obligations placed by legislation.

An access statement should explain how the needs of disabled people and everyone else are incorporated into the general design and arrangements of a scheme, and how the principle of inclusive design have been implemented into the scheme

### **13. Summary**

Service providers already have duties to make reasonable adjustments under the DDA, to consider policies, practices and procedures and provide auxiliary aids or services where these would help access for disabled people.

From 1<sup>st</sup> October 2004 these duties were extended -

- Service providers have to consider how to deal with physical features that are making it difficult for disabled people to use their service
- Provide an access statement showing how a scheme provides access for everybody, including disabled people.
- Recommendation is to adopt an “Inclusive Design” approach
- Improvements will often be of general benefit to everybody
- It is a legal and anticipatory duty
- Do not wait until a disabled person cannot use your facility/premises/service

When providing facilities and services for disabled people – tell them, advertise it, capitalise on it.

Consult with disabled people and disabled people’s organisations.

### **14. Further information**

Contact Karen Beattie, Access Officer on 01824 706515/708075 or [karen.beattie@denbighshire.gov.uk](mailto:karen.beattie@denbighshire.gov.uk) or write to her at Equality Unit, Trem Clwyd, Canol y Dre, Ruthin, LL15 1QA.

Some information is also available on Denbighshire County Council's website [www.denbighshire.gov.uk](http://www.denbighshire.gov.uk)

Other leaflets and information on Planning Services is available on 01824 706727

### **Guidance**

BSI 8300:2001 ISBN 0580384381 order website [www.tso.co.uk/british-standards.html](http://www.tso.co.uk/british-standards.html)

Planning Guidance (Wales) Technical Advice Note 12 – Design (Oct 2002) website [www.wales.gov.uk/subiplanning/content/tans](http://www.wales.gov.uk/subiplanning/content/tans)

The documents below can be found on Denbighshire County Council’s web site [www.denbighshire.gov.uk](http://www.denbighshire.gov.uk)

- Denbighshire County Council - Planning Service Supplementary Planning Guidance No. 8(Access For All)
- Denbighshire County Council – Access Strategy

## 15. Useful Publications

### Legislation

- Disability Discrimination Act 1995 (Code of Practice), HMSO Stationery Office also available to download from website [www.drc-gb.org](http://www.drc-gb.org)
- Approved Part M of Building Regulations, HMSO Stationery Office

### Other Publications

- Open for Business by David Bonnett and Patrick Tolfree - JMU Access Partnership
- Building Sight by Peter Barker, Jon Barrick, Rod Wilson – JMU Access Partnership
- Sign Design Guide – JMU Access Partnership
- Access Audits, - Centre for Accessible Environments
- Designing for Accessibility, - Centre for Accessible Environments
- Colour and Contrast – JMU Access Partnership

## 16. Useful Contacts

Centre for Accessible Environments (CAE)  
Nutmeg House  
60 Gainsford Street  
London SE1 2NY  
Tel/texphone 020 7357 8182  
Fax 020 7357 8183  
Email [info@cae.org.uk](mailto:info@cae.org.uk)  
Website [www.cae.org.uk](http://www.cae.org.uk)

JMU Access Partnership  
C/O RNIB Cymru  
Trident Court A  
East Moors Road  
CARDIFF CF24 5TD  
Email [jmuwales@rnib.org.uk](mailto:jmuwales@rnib.org.uk)  
Website [www.jmuaccess.org.uk](http://www.jmuaccess.org.uk)

Disability Rights Commission Helpline  
Freepost/MID 02164  
Stratford Upon Avon  
CV37 9BR  
Tel: 08457 622 633  
Texphone: 08457 622 644  
Email [enquiry@drc-gb.org](mailto:enquiry@drc-gb.org)  
Website [www.drc-gb.org](http://www.drc-gb.org)

CADW: Welsh Historic Monuments  
Crown Buildings  
Cathays Park  
Cardiff CF10 3NQ  
Tel: 029 2050 0200  
Fax: 029 2082 6375  
Email [Cadw@Wales.gsi.Gov.UK](mailto:Cadw@Wales.gsi.Gov.UK)  
Website [www.cadw.wales.gov.uk](http://www.cadw.wales.gov.uk)

Royal National Institute for the Deaf

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1<sup>st</sup> Floor  
Somerset House  
30 Wynnstay Road  
Colwyn Bay  
LL29 8NB  
Tel 01492 534 208  
Textphone 01492 534 488  
Website [www.rnid.org.uk](http://www.rnid.org.uk)

Blind  
RNIB Cymru  
Trident Court  
Cardiff  
Tel 02920 450 440  
Website [www.rnib.org.uk](http://www.rnib.org.uk)

Denbighshire Access Group  
Unit W1 Morfa Clwyd Business Centre  
84 Marsh Road,  
Rhyl  
Denbighshire LL18 2AF  
Tel: 01745 336421  
email [denbigh.access@virgin.net](mailto:denbigh.access@virgin.net)

**This advice note is available in alternative  
formats on request.**