

TONBRIDGE & MALLING BOROUGH COUNCIL

LEISURE and ARTS ADVISORY BOARD

12 January 2009

**Report of the Chief Leisure Officer and the
Cabinet Member for Leisure, Youth and Arts**

Part 1- Public

**Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken
by the Cabinet Member)**

**1 PUBLIC OPEN SPACES: DISABILITY DISCRIMINATION ACT ACCESS
AUDITS**

Summary

This report brings forward a draft of the Tonbridge Farm Sportsground Disability Discrimination Act Access Audit, for consideration and approval by the Board, and details the proposed arrangements for a similar audit to be undertaken of the Tonbridge Castle Grounds.

1.1 Background

1.1.1 The final stages of the Disability Discrimination Act 1995 came into force in October 2004, and Members will be aware that the Act places a duty on service providers to make 'reasonable adjustments' to overcome physical barriers to access.

1.1.2 The Council has responded proactively to this legislation, and with regard to Outdoor Leisure, Leisure Services is progressing access audits of all of its five principal public open spaces, in liaison with the Tonbridge & Malling Access Group. Progress to date is highlighted below:

- Haysden Country Park, Leybourne Lakes Country Park and Tonbridge Racecourse Sportsground – Audits completed, adopted and implementation in progress.
- Tonbridge Farm Sportsground – Draft Audit completed and awaiting adoption.
- Tonbridge Castle Grounds – Audit to be undertaken in summer 2009.

1.2 Tonbridge Farm Sportsground Draft Access Audit

1.2.1 Following liaison with the Tonbridge & Malling Access Group, a working group was established to assist in the development of the site audit. A site inspection

was carried out during the summer of 2008 and the draft Access Audit has been prepared to incorporate a costed and prioritised improvement plan. A full copy of the Audit can be found at **[Annex 1]** for Members' consideration.

- 1.2.2 The draft audit was considered at the November 2008 meeting of the Tonbridge & Malling Access Group. The Group welcomed and approved the audit, and highlighted its priority for improved changing accommodation and accessible toilets in the Tonbridge Farm Pavilion.
- 1.2.3 It is proposed that Priority 1 actions be progressed, subject to available funding, prior to the end of the 2009/10 financial year. Members will be pleased to note that a number of the identified actions can be incorporated within the current capital development works on site, funded entirely from developer contributions. With regard to the actions associated with the Pavilion, improvements to the building have been identified as a scheme for evaluation within the review of the Capital Plan. It will then be the intention to progress the remaining priorities in subsequent years and, taking into account the Council's overall financial position, sources of external funding may need to be identified to deliver all proposed actions.

1.3 Tonbridge Castle Grounds

- 1.3.1 It is proposed that the next access audit be carried out at Tonbridge Castle grounds during the summer of 2009. As with previous audits, it is suggested that the Tonbridge & Malling Access Group be approached to assist in its development.

1.4 Legal Implications

- 1.4.1 The Council has a legal duty to make 'reasonable adjustments' to services under the Disability Discrimination Act. Failure to do so may result in a member of the public making a claim against the Council.

1.5 Financial and Value for Money Considerations

- 1.5.1 Actions will be implemented through existing capital and revenue budgets on a priority basis, although other external funding sources may be required to fully deliver all identified improvements.

1.6 Risk Assessment

- 1.6.1 The Council runs the risk of being challenged under the Disability Discrimination Act, if reasonable adjustments to services are not planned/offered to the public.

1.7 Policy Considerations

- 1.7.1 Community, Equalities/Diversity, Asset Management.

1.8 Recommendation

1.8.1 It is, therefore, **RECOMMENDED TO CABINET** that:

- 1) the draft Disability Discrimination Act Access Audit for Tonbridge Farm Sportsground, as shown at **[Annex 1]**, be approved;
- 2) improvement actions within the Access Audit be implemented in accordance with the proposals highlighted at sub-section 1.2.3 of the report; and
- 3) an access audit of Tonbridge Castle Grounds be carried out in summer 2009 in liaison with the Tonbridge & Malling Access Group.

The Chief Leisure Officer confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

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Nil

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