

TONBRIDGE & MALLING BOROUGH COUNCIL

LEISURE and ARTS ADVISORY BOARD

9 December 2013

Report of the Director of Street Scene and Leisure 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 - ACCESS AUDITS

Summary

This report brings forward Access Audits undertaken at Tonbridge Cemetery, Tonbridge Racecourse Sportsground and Tonbridge Farm Sportsground.

1.1 Background

1.1.1 The Equality Act, which incorporates the Disability Discrimination Act 1995, came into force in October 2010, 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, is progressing Access Audits of its five principal public open spaces on a regular basis. The most recent audits undertaken are:

- Tonbridge Cemetery (December 2012)
- Tonbridge Racecourse Sportsground (June 2013)
- Tonbridge Farm Sportsground (September 2013)

1.1.3 Previous Access Audits were undertaken in liaison with the Tonbridge & Malling Access Group. This group has, however, disbanded, and the audits brought forward in this report have been undertaken by the Council's Senior Building Control Surveyor.

1.2 Audit Reports

1.2.1 Inspections were undertaken of all sites and a full copy of all three Audits can be found at **[Annexes 1-3]**. The Audits highlighted that, in general, facilities were good with no immediate works required.

- 1.2.2 Each Audit highlights a number of suggestions for site improvements and it is proposed that these be progressed on a priority basis as funding is identified.
- 1.2.3 With regard to the Tonbridge Cemetery Audit, a number of improvements have already been implemented and include resurfacing of the main path through the site, clearing of moss and “marking” of the central shelter.

1.3 Legal Implications

- 1.3.1 The Council has a legal duty to make ‘reasonable adjustments’ to services under the Equality Act. If the Council fails to comply with this duty the Equality and Human Rights Commission can serve a Compliance Notice on the Council. Failure to meet the terms of such a Notice can lead to the Commission obtaining an Order from the Courts requiring compliance.

1.4 Financial and Value for Money Considerations

- 1.4.1 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.

1.5 Risk Assessment

- 1.5.1 The Council runs the risk of being challenged under the Equality Act if reasonable adjustments to services are not planned/offered to the public.

1.6 Policy Considerations

- 1.6.1 Community, Equalities/Diversity, Asset Management.

1.7 Recommendation

- 1.7.1 It is, therefore, **RECOMMENDED TO CABINET** that:
- 1) the Access Audits for Tonbridge Cemetery [**Annex 1**], Tonbridge Racecourse Sportsground [**Annex 2**] and Tonbridge Farm Sportsground [**Annex 3**] be noted;
 - 2) suggestions within the Access Audits shown at [**Annexes 1-3**] be progressed on a priority basis as funding is identified; and
 - 3) Access Audits of Tonbridge Castle Grounds be undertaken in 2014, Haysden Country Park in 2015 and Leybourne Lakes Country Park in 2016.

The Director of Street Scene & Leisure confirms that the proposals contained in the recommendations, if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

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Nil

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