

# OVERVIEW AND SCRUTINY COMMITTEE

2nd April 2013

## MONITORING UPDATE REPORT – SUPPORT PROVIDED TO DISABILITY ACTION REDDITCH

Relevant Portfolio Holder	Councillor Bill Hartnett, Portfolio Holder for Community Leadership and Partnership, Councillor Phil Mould, Portfolio Holder for Corporate Management and Councillor Greg Chance, Portfolio Holder for Planning, Regeneration, Economic Development and Transport
Portfolio Holder Consulted	No
Relevant Head of Service	Head of Legal, Equalities and Democratic Services, Head of Planning and Regeneration and Head of Regulatory Services
Wards Affected	All
Ward Councillor Consulted	None
Non-Key Decision	

### 1. SUMMARY OF PROPOSALS

An update concerning the support provided by Officers to the Redditch Disabled Group (now Disability Action Redditch) in relation to disability issues.

### 2. RECOMMENDATIONS

**The Committee is asked to RESOLVE that**  
**the report be noted.**

### 3. KEY ISSUES

#### Financial Implications

3.1 None – the officers concerned are currently employed by Bromsgrove District Council.

#### Legal Implications

3.2 The Equality Act 2010 requires all public authorities to pay “Due Regard” to the need to

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
- advance equality of opportunity between people who share a protected characteristic and those who do not; and
- foster good relations between people who share a protected characteristic and those who do not.

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Disability is one of the nine Protected Characteristics.

The Council's support for Disability Action Redditch demonstrates evidence of "Due Regard."

- 3.3 The Building Regulations 2010 impact upon the correct access and use of buildings by disabled people within certain parameters. There is no legal obligation to offer professional support to action groups within this legislation.

## Service / Operational Implications

- 3.4 The Equality Policy Officer's post has a wide range of responsibilities outside of the support role for Action Group. None of these responsibilities are specifically laid down by statute.
- 3.5 The Building Control Manager's post has a wide range of responsibilities outside the support role to the Action Group. These responsibilities are laid down by statute and therefore there is no discretion as regards prioritising between the support given to the Action Group and the day to day responsibilities of the post.
- 3.6 The creation of shared services has compounded the extent of these responsibilities over multiple authorities without an expansion of the resource.
- 3.7 The Building Control team continue to provide advice in relation to disabled access to properties as and when required.

## Customer / Equalities and Diversity Implications

- 3.6 No specific implications with this report.

## **4. RISK MANAGEMENT**

No specific risk with this report.

## **5. APPENDICES**

Appendix 1 – list of support provided

## **6. BACKGROUND PAPERS**

Disability Action Redditch Constitution.

## **7. KEY**

Not applicable.

## **AUTHORS OF REPORT**

Name: Adrian Wyre and Fiona Scott

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## **Appendix 1**

An update concerning the support provided by Officers to the Redditch Disabled Group (now Disability Action Redditch) in relation to disability issues.

Support from Officers comprises of the following actions :-

### **Fiona Scott – Equalities Policy Officer**

There is a relevant Council website page which includes details the meetings of the Action Group which is kept up to date with minutes of meetings. There is a link from the Council's website to the DAR website. The link to report Hate Crime has been sent to DAR with the intention that this is then added to the DAR website but this hasn't been actioned yet. See <http://redditch.whub.org.uk/cms/about-your-redditch/equality-and-diversity/disability-equality.aspx>

The Policy officer attends meetings of DAR whenever possible and brings relevant issues and news items to the attention of the group. These are then circulated by support staff from Directorate Support. The issues can be local, regional or national items, for example the Carer's Rights Day event in Redditch in December 2012, the Learning Disability Big Conversation in Worcestershire, the consultation on change from Disability Living Allowance to Personal Independence Payment and the reports on disability hate crime – "Hidden in Plain Sight" and "Out in the Open". A request for a volunteer secretary for DAR was put to council staff but there was no response.

The Policy officer has arranged for guest speakers to attend meetings. For example the October 2013 meeting, Sarah Kelsey attended to explain and discuss the nature and incidence of disability related hate crime. Two managers from Wychavon District Council attended the November meeting to explain their remit in relation to local car parking enforcement. As a result a request was made for the Community Safety Team to provide some awareness training in hate crime issues and reporting procedures for the Civil Enforcement Officers who cover Redditch. This is in hand.

The Policy Officer manages and controls the process for the Annual Betty Passingham Disability Access Awards in partnership with members of the group. This includes arranging for publicity through the Council's website and press mechanisms, co-ordinating the list of nominations and writing to nominees and those making nominations. There is some follow up work of individual enquiries and this information is reported back to the group for discussion and agreement.

An awards ceremony is then organised and certificates and stickers are commissioned. The next one is planned in mid to late Spring. A pop banner for the awards was provided for the 2012 awards.

The Policy Officer issues regular information of interest to the local community through the Redditch Community Forum. Many of these items are relevant to disability equality. These items are then brought to the attention of a wider audience as well as the Action Group. The Policy Officer has agreed to summarise the recommendations from "Out in the Open" – EHRC report on Disability Hate Crime for the January 2013 meeting.

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## **Adrian Wyre – Buildings Control Manager**

Prior to the creation of a shared building control service, the then manager Mr Colin Audritt offered extensive support to the DAR group. The creation of a North Worcestershire wide shared building control partnership saw the responsibilities of that post widen considerably to cover three authorities. Accordingly without a commensurate rise in resources, the ability of the current post holder to offer the same level of support as was previously enjoyed was lost

That said the current post holder has endeavoured to attend DAR meetings as and when possible and to date has only been unable to attend 3 of 16 possible meetings.

It is understood that the support offered to DAR prior to sharing of the building control service ran beyond the traditional duties and normal building control remit. Such wider support which had hitherto required a large time resource is not now considered possible without detriment to the statutory functions of the building control role.

It is however fully appreciated that a technical advisor of buildings, access provisions and use by disabled people is a firm requirement of the DAR and this requirement will continue to be met as best possible within current resources. Technical advice on both the wider legislative issues and site specific problems will be provided to the fullest extent possible where within the expertise field of the Building Control Manager.

Outside this field, advice and support has and will continue to be provided as a researcher and link to appropriate external bodies. As a typical example of this, a link to Worcestershire county Council highways has been established and resolutions surrounding highway closures and dropped kerbs have been brought to the group.

In addition, investigation into the legal boundaries surrounding the potential use of section 106 monies for DAR initiatives has been investigated.

The support capability of Building Control Manager due to tight resources and the desires of the DAR may not always meet favourably. Building Control is a statutory local authority function but does operate in a competitive environment. The need to ensure that the health and safety of building projects with 3 authority areas is paramount. In tandem with this, significant demands are placed on building control regarding dangerous structures and income generating functions all of which are currently being serviced with minimal resources to assist corporate cost savings. It is not therefore currently envisaged that support to DAR by the Building Control section will significantly increase without additional corporate resources.

Directorate Support Officer attends meeting taking minutes, circulate minutes and agenda. Annually books the rooms for meetings and provides meeting rooms, tea and coffee free of charge to the group.

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DISABILITY ACTION REDDITCH

Constitution 19 April 2010

1. Name                      There shall be a Disability Action Redditch group for disabled people in the county of Worcestershire (Hereinafter referred to as "Disability Action Redditch " or 'DAR') It is the former Redditch Disabled Access Group
- 2 Objectives                The objectives of the DAR shall be
- a)        To support disabled people in efforts to ensure safe and easy access to buildings and facilities
  - b)        To help provide equal access to services and amenities for disabled people
  - c)        To maintain contact with local and national organisations and disseminate information and advice to and from national and local organisations with the concerns of local people in mind
- 3 Membership              Any visitor will be eligible for membership application. Membership shall be open to any person whose application for membership is accepted by the elected committee of the DAR. All other attendants of each DAR meeting will be known as Visitors. Visitors will NOT be allowed to vote in any decisions made by the DAR. Items to be voted on shall be proposed to the group in writing
- 4 Annual  
General  
Meeting                      There shall be an Annual General Meeting (Hereinafter referred to as AGM) held in April. At least twenty-one days clear notice till be given in writing to each member of the DAR. The AGM shall:-
- a) Receive reports from the RDAG Chairperson, Secretary and Treasurer regarding the DAR's work and finances of the previous year.
  - b) Nominate new Chairperson, Secretary and Treasurer.
  - c) Members vote and elect the above mentioned posts.
  - d) Voting by proxy shall be made in writing to the secretary prior to the AGM and only for the AGM
- 5 Committee                The committee shall be elected at the AGM. This Committee shall consist of the Three above mentioned posts plus two other members. The committee must consist of no less than five people. This committee shall remain elected until the next AGM. At meetings of the committee the quorum shall be three with the chairperson having the casting vote.
- 6 Duties and  
Powers of  
The committee              The committee shall:-
- a)        This committee shall meet at least twice a year.

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- b) The committee shall have power to fill by co-option any vacancies occurring in membership during the year.
- c) Promote activities in furtherance of the objectives of the DAR.
- d) Administer such funds as may be available to the DAR. The DAR's financial year runs from 1<sup>st</sup> April through to 31<sup>st</sup> March each year

### **7 Special Meetings**

Special meetings may be called at anytime by the committee or on the request of no less than one third of the elected members of the DAR. The secretary will inform all members about this meeting no less than fourteen days of this special meeting. Timing and place of special meeting will be decided by the committee and forwarded with the fourteen day notice.

### **8 Amendments**

Amendments to the constitution can be discussed as part of "Any other Business" in the agenda. All proposed changes must be discussed by members and agreed to by no less than two thirds of the DAR. Any proposed changes must be agreed no later than the March meeting before the AGM. The secretary will send a copy of the newly proposed constitution to all members, so it can be voted for and accepted at the AGM.