

**Minutes of the meeting of  
Central Beds Access Group  
Held on Tuesday 14<sup>th</sup> June 2011  
At Priory House, Chicksands, Shefford**

**Present**

Roy Storey	CBAG
Ian Kelly	CBAG
Mary Walsh	CBAG
Jean Bird	Guide Dogs for the Blind/CBAG
Martin Usher	Access Officer CBC/CBAG
Clare Harding	Corporate Policy Advisor (Equality and Diversity) CBC
Steve Nash	Aragon Housing/CBAG
Sally Aspinall	CPPC/CBA
Charlotte Bonser	Bedfordshire LINK/CBAG

**1. Welcome & Introductions**

The Chairman welcomed all to the meeting.

**2. Apologies Received**

Simon Daize	CBAG
Seema Jassi	Aragon Housing
Peter Keates	CBC Building Control
Susan Childerhouse	CBC Public Protection/Licensing
Alex Rose	Greensand Trust
Margaret James	CBC Licensing Officer

**3. To agree the Minutes of the meeting held on 8<sup>th</sup> February 2011**

The Minutes of the meeting held on 8<sup>th</sup> February 2011 were agreed as a true and accurate record with the following amendments: Claire Harding to be shown under Apologies Received and Under item 7, 6<sup>th</sup> paragraph - name to be shown as Samantha Holder.

**4. To receive a report from Margaret James regarding the "Accessible Taxi" issues in Central Bedfordshire**

Margaret James was unable to attend the meeting to deliver her report due to circumstances beyond her control and sent her apologies.

Margaret James had contacted the Group regarding accessible taxi issues and Roy had sat in at a meeting, (July 2006) when MBDC had agreed a policy that any 7 year old vehicle had to be replaced with an accessible vehicle. This had since been altered to 10 years and taxi owners were now complaining about this policy. Roy felt that the agreed policy should be adhered to in line with most other Councils in Britain. Ian Kelly was concerned about the effect of a change of policy and felt many things could be done to mitigate this e.g. a percentage of accessible vehicles could be required. It was considered that taxi owners had been given enough time to deal with the requirements and there were plenty of suitable vehicles on the market. Ian also pointed out that an impact assessment would be required before any changes could be made to current policy. Margaret James supported the policy but was finding it

difficult to enforce in the face of protests from taxi owners. Jean Bird mentioned that a case was going to court regarding a taxi refusing to accept a guide dog and that this had also happened to her on occasions; she had also been asked to pay extra for the dog.

The Group supported the current policy in force and Roy Storey would write to Margaret James to confirm this.

**5. To receive an update on some of the newer sections of the Equality Law. Martin Usher**

Martin had attended a Forum and presentation on anachronisms within the Equality Act, indicating that some of the problems had been written out and some new ones introduced. The Equality Act had taken over the DDA and this meant that no claims to be DDA compliant were relevant now. Nothing important within the DDA had been lost but there had been a slight description change to the definition of disability as shown in the DDA. Disability now had a fifth protection not attributed to the other issues covered by the Act. This covered an area that if A discriminates against B in a particular way because of a disability, it falls within the protection offered under the Equality Law. This overturns a recent Law Lords Appeal decision involving a person having mental health problems who could not sublet under his lease. The defence had been that the person involved didn't understand what 'lease' meant. An able bodied person doing this would be in breach of the lease and evicted. This has reversed the decision to accept that as a defence. There is now no comparator with the actions taken against someone who hasn't got a disability. An example of the effect of this is that it was not possible to treat someone with mental health problems with many absences from work, in the same way as someone without the mental health issues with regards to sickness absence.

The Equality Act contradicted itself regarding reasonable adjustment e.g. common areas such as reception and who is required to do what with regards to those areas and reasonable adjustments. There is a difficulty in assigning responsibility for such areas and the Act offers no guidance. Leases and rentals are prime examples for a Housing Association and also what is considered reasonable, in terms of making adjustments for the disabled person, if other residents do not agree with the changes? In this situation changes cannot be made without agreement and the disabled person would be required to meet the expense; they would also be required to put things back to their original state if leaving the property. Ian Kelly was concerned about the issue of reasonable adjustment and its definition in areas outside of service provision. Disability Facility Grants were still available but it would depend on the size of the operation and number of employees.

Martin Usher recommended the Government Equalities Commission Quick Start Guide, which was downloadable from the Equalities Office and showed the changes to the Equality Act with examples. He considered this to be a very good and easy guide. The Equality Duty Guide was yet to be provided but was being changed.

**6 Clare Harding, Central Bedfordshire Council, Corporate Policy Advisor (Equality & Diversity)**

Clare gave an overview of her activities. There had been confusion with the Equality Duty and Government and she had received guidance on the Equality Duty at the beginning of the year. However, since then all guidance had been withdrawn without changes being made to the actual duties. This was now being looked at again as the duty was considered to be too onerous. Roy Storey pointed out that there remained a duty of care and a need to have due

regard to the equality duty; therefore, data analysis and impact assessments would be required to show due regard.

Clare reported that in April the Equality Guidance had been reissued and the previous guide disregarded. There were now guides showing that impact assessments were not required and in other parts it showed all contents of impact assessments as a requirement but failed to refer to it as an impact assessment. This meant there was a contradiction in the instructions.

Roy Storey asked whether any impact assessment had been carried out before the Welfare Rights department had been dismantled. Clare had seen and commented on a draft but had not seen the final document. Clare was concerned that following recent case law, it was necessary to review assessments and tighten up on the signing off process. The case law was already strong on consultation, and the impact on people and legal requirements regarding this, so that there was full awareness of the possible impact of decisions taken. Sending letters and short notice of meetings would not be considered as consultation under the law. There was a need to constantly remind people of the need to consult and James Jamieson (Leader of CBC) was to receive a presentation about consultation requirements. The group felt that there had been a change in mind set since the change of government and a drive to get rid of all of these duties, with the legal duty to provide a service used as the only guide as to whether it should be cut.

Clare had warned Social Care and Adult Housing departments etc that they would be vulnerable to legal challenge if they failed to carry out a full consultation and risk assessment, together with impact assessments, before making any cuts or alterations to services.

Birmingham had recently lost a case when they had withdrawn support from those people with substantial needs and only provided for those with critical needs. The Honourable Justice Sales had made a speech recently, warning that very clear processes would be needed to ensure the law was not transgressed.

The group expressed their concerns that they were being used to tick boxes on impact assessment documents, as saying consultations had been carried out, and wanted to ensure that this was not the case and emphasise that involving them did not mean full consultations had been carried out. The Government had included the Equality Act in its Red Tape Challenge asking people what they would want to see cut. The group felt that there were attempts to reduce the impact of the Act which had only just been put into place. Ian Kelly had been on a course on impact assessment, and felt that a lot of work and background information was required to substantiate any claims. These must be seen to be a clear and workable process.

The Access Group would contact Tim Hoyle to ask for the impact assessment on the withdrawal of the Welfare Rights service.

Both Clare Harding and Ian Kelly would be attending an Equality Forum meeting and would be taking this forward. Clare wanted to improve communications and to promote and publicise equality issues and would be using the Communications and Publicity Department to do this. The work of the Access Group would be included in an article.

Charlotte Bonser raised concerns regarding the Youth Service news that most of the budget

is to be cut from this and wanted to know whether an impact assessment had been done. Clare advised that it had been done and that the issues had been highlighted to the Executive Committee and they were now commissioning a new youth service to target vulnerable groups. The group discussed the many issues raised including a rise in antisocial behaviour if no activities or involvement was available to young people. Ian Kelly felt there had been no real consultation on the devastating budget cut and how much money would now be available.

Sally Aspinall advised that Keech Hospice had had the funding withdrawn for providing physio services to some very ill and disabled people.

Ian Kelly felt that many issues of concern to the group had been raised and it was difficult to know what to prioritise. It was felt that where no consultation or impact assessment had been made, then the issue should be challenged by the Group.

#### **7. To receive an update from Charlotte Bonser of the Bedfordshire LINK**

Charlotte expressed her concerns regarding the NHS listening exercise which was slowing down the process of change and that privatisations might still be in the pipeline. GP commissioning issues were also a concern as some would find this easier to do than others who may struggle to comply, leading to patient care being compromised. Charlotte did not know whether the LINK would simply transfer into Health Watch. Enable East had been given the task of rolling out the Health Watch and the process was still very unclear. However, it was hoped that by 2012 there would be a local Health Watch and that it would be overseen by Health Watch England and the Care Quality Commission. Health Watch would also be part of the Health and Wellbeing Board which may give some teeth to Health Watch. Other elements would include Health Watch as sign-posters and it playing some sort of part in helping people to access the right complaints advocacy. The Local Authority was going to commission the Bedfordshire Wide Advocacy Service.

Bedfordshire LINK had succeeded in winning back the money due to be cut from LINK and now proposed to look into the provision in Children's health services from 0 – 19 years, as she had heard cuts were to be made in the Child Development Centre and once a child reached 4 ½ with complex needs all support would be cut. This had already happened. LINK would also be assessing the cuts in the Mental Health Acute Assessment Unit in Kimbolton Road, to see how this is working and making other checks on the effects of cuts planned to services.

The group discussed their concerns regarding GP consortiums which were felt to be very business orientated. Some GPs were ready to take this on while others were not able to deal with it. The most worrying areas concerned those in the outlying countryside and the possibility of detriments to patients.

#### **8. Reports from members regarding access issues in their areas.**

Mary Walsh reported that some of the short metal posts around the green in Harlington had now been removed, thanks to the involvement of Members of the Group in raising the issues of safety. The local Council had also been involved. Some had been repaired with wooden rails replaced. The Group would write and thank the shop owners for their work on this.

Ian Kelly had written to Central Beds Council with regard to 2 Woburn Street planning application, pointing out that the Council had failed to follow its equality duty in telling the

applicant what it was likely he would have to do. This was a difficult building but the Council were not discharging the requirements of their Equality Scheme in telling the applicant what he may have to consider in terms of improving. This was a Georgian building, on a hill with steps in front of it. However, if you take out the fact that it could never be accessible to wheelchairs, they could correct handles, put highlighting on the stairs and add handrails etc. The Council's reply was not responsible for enforcing the Equality Act and ignored its own Equality scheme. He felt that CBC officers had ignored the advice they were given on this issue. He would write to them and make a complaint, suggesting that they had failed to comply with their own duty. He felt it was not the application itself but the way it had been dealt with that needed challenging.

## **8. Correspondence received since the Agenda was set and needs an urgent response**

1. Ian Kelly had received a letter from Wrest Park asking for advice on set down point for coaches. They were dealing with an issue of a water main being at the point they wanted to park the coaches. They wanted to put a 5" kerbstone and a path to the set down point and the bus wouldn't go over the pipe. He had suggested they use a high bay kerbing to give level access but if a bus couldn't make it into that, it would be necessary to have drop kerbs into it as a bus would require a lot of space. Martin Usher felt they could encase the water main in concrete or put a small piece of drop kerb in line with the path. Ian Kelly had checked that the portable ramp was of the correct specification.

Wrest Park wanted to lift the planning condition on the path from the house to the gate and Silso Parish Council was against this being lifted. Roy Storey had heard that the planning condition had been revoked and Ian Kelly felt disappointed with that decision.

2. Clare Harding had sent emails with regard to the Group's involvement with DisabledGo and the introduction of an award, to be given by the Group, to venues meeting high standards of accessibility. Mary Walsh had circulated an email with her own response to that. Ian Kelly was happy to identify a few venues. There were suggestions from DisabledGo that these awards be made for 100% accessible venues and for improvements etc. This would be publicity and would raise the profile of disabled issues and also be linked to racial equality.

Roy felt that there was a large gap between the standards required by DisabledGo and those of the Group and so could not support an award scheme from CBAG on the strength of their assessment of an accessible venue, which should also apply with the Equality Act.

Martin Usher had agreed with the email from Mary and would only consider giving an award to some facility that was exceptional and did not know of any at the present time. The group agreed that this needed more discussion and would look at it again next year.

## **9. Date and venue of the next meeting**

The Chairman thanked everyone for attending and thanked Martin Usher for securing the current venue for the last 5 years. Martin assured Roy that the room would continue to be available if the group wished to use it. Future meetings of CBAG would be held at Katherine's Gardens situated next to Aragon Housing Office in Ampthill, as this was considered to be more central and may encourage new people to attend.

The next meeting would be held on Tuesday 13<sup>th</sup> September 2011, at Katherine's Gardens in Ampthill.