



# STEPPING OUT






Technical and legislative guidance on Disabled Access - from Movement Management.

Issue 4 : March 2001

## Editor's Welcome

Welcome to Stepping Out four. Issue three prompted a lot of comment and response, particularly our article attempting to clarify the relationship between the DDA and Approved Document M. In this issue we have reproduced part of an excellent article that appears on the CAE website that deals with the DDA/Approved Document M issue. We hope Sue Lindsey's expert view will bring further clarity to the situation. We reiterate that Stepping Out is a forum for comment from any individual or body that has something to say about disabled access. We welcome input and will publish any valid point of view that we feel will benefit our readers. In light of the fact that the DDA depends upon precedence, we are particularly keen to hear from access officers or building control officers. However, any reader that has an issue they would like to raise or who would like to submit material for consideration should contact Rosie Gray on 01572 724932 or email her - [rosie@axisco.com](mailto:rosie@axisco.com). In this issue we highlight some proposed changes to legislation that appears to rule out the future use of a platform lift that has the benefit of minimal impact on the structure or appearance of a building. It is feared that this will suspend or even cancel altogether provision of access to many listed buildings in the UK. Your views on these proposals would be welcome.

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Please note that this newsletter is produced for the benefit of all those people involved in improving access to public and private buildings. While its content is well researched, we can accept no liability for any errors or omissions. The views expressed are not necessarily those of Movement Management. For more information contact Rosie Gray at Axis on 01572 724932.

## DDA: HOW WILL SECTION 21 WORK IN PRACTICE?

Our last issue led with a piece that attempted to clarify the relationship between the DDA and Part M. It prompted significant response and some healthy debate. In the interests of balance and to offer our readers more "expert" advice we reproduce below part of an article written by Sue Lindsey that appears on the CAE website.

Sue Lindsey has practised as a chartered architect and is currently a barrister at Lamb Chambers, London, specialising in construction law, property law and related matters. From a lawyer's perspective she ponders the likely implications and potential difficulties for service providers when responding to the requirements of Part III of the Disability Discrimination Act 1995 (DDA). Apparently written in 1999 the article is still very relevant today. We have added the text highlights.

The Disability Discrimination Act 1995 addresses the needs of disabled people in a variety of fields. When section 21 comes into force it will impose a duty on providers of services to make adjustments to their premises to avoid discrimination against people with disabilities. The duty is imposed upon businesses, local or public authorities, information services, and indeed anyone responsible for a building to which members of the public have access. Consultants working in this area, as well as service providers, need to be aware of the implications and potential problems.

Present indications are that the guidance to be made available will be minimal. The Government's current intention seems to be that at least some

service providers will be used as test case 'guinea pigs' to establish exactly what their duties are: this is both an uncertain and potentially expensive way in which to legislate.

Where a disabled person finds it 'impossible or unreasonably difficult' to make use of the service provided, the service provider has a duty to take reasonable steps to change either the practice or procedure or the physical characteristic of the building, depending on which gives rise to the difficulty. Failure to comply with the section 21 duty may be discrimination, and **any person who has been discriminated against can bring a civil action.** The Government intends to bring section 21 into force in 1999 insofar as it relates to matters short of physical change to the building, with those more far-reaching requirements being imposed from 2004.

### THE NEED FOR GUIDANCE

Service providers have five years in which - literally - to put their houses in order. To do so they will undoubtedly need comprehensive guidance as to what physical changes they should consider, and might expect a certification procedure to enable them to demonstrate compliance with the Act. Most of the section 21 provisions hinge on 'reasonableness'. The Act makes provision for extensive regulations to be made, in particular to address what is reasonable, but the DfEE says that the Government is in fact adopting a 'light touch' in respect of these regulations, and are not providing any. What is reasonable will be left to the courts. There is, however, a proposed Code of Practice, which will give the court guidance as to what factors to consider.

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# WILL NEW LEGISLATION BE A BARRIER TO ACCESS?

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...the disabled are now the biggest minority in sport and things have to change and improve for them.  
**Eastern Daily Press**  
10th January 2001

The Queen has ordered two giant ramps to be built at the Grand Entrance to Buckingham Palace for Britain's paralympic stars to arrive at a royal reception in style  
**Wolverhampton Express & Star**  
14th February 2001

A new service offering advice to firms on issues including equal pay was launched by the Government today. Practical help will be given on how to improve access for disabled workers. The Equality Direct Service is on 0845 600 3444  
**Newcastle Evening Chronicle**  
30th January 2001

The Royal Institute of Chartered Surveyors is warning employers that the latest legislation relating to the Disability Discrimination Act could have costly consequences for employers, retailers and service providers who fail to take note of it's impact over the next three years. Whatever the size of your firm or organization - there is no exemption from this legislation  
**Manchester Evening News**  
13th February 2001

**P**latform lifts came about because wheelchair users were being prevented from gaining access to shops offices and other public places by steps. Where the provision of a ramp or the installation of a full sized passenger lift is not practical, a platform lift is often an ideal solution.

There are of course many types of platform lift available but all can be categorised as one of two generic types. The most recent type is the fully enclosed platform lift which is supplied in its own shaft structure which typically houses the drive mechanism, often a hydraulic mast or a long vertical screw. The clear disadvantage of this type of unit is that the outward appearance is effectively of a large rectangular box stood on end, even when mitigated by glazing to the shaft. As such, this type of platform lift is not particularly suited to positions on the external facades of buildings.



Open style platform lift

The other type of platform lift, as exemplified by those operated by a scissor mechanism, does not have a shaft and indeed has a completely 'open' aspect as all the machinery is housed underneath the platform in a shallow pit. Protection is provided by flexible underside guarding, 1100mm high

handrails and gates on the platform secure the passenger. A big benefit in certain applications is that as well as having a low profile the gates, handrails and balustrade can be designed to suit the surroundings.

To our disappointment we are aware of moves within the European Community to amend the existing Machinery Directive and the proposed international standard ISO 9386 which would effectively rule out the use of all platform lifts travelling over 500mm unless enclosed in an obtusive shaft. The open style of platform lift has for many years provided a discrete access option for changes in level of up to 2.0 metres. Many hundreds of this

type of unit are installed throughout the UK and have an exemplary safety record. The reasoning and justification behind the proposed changes are therefore not clear.

It is feared that the inevitable outcome of this move will be to put back, suspend or prevent altogether improved access for the wheelchair user to listed buildings in particular. At a time when the DDA is encouraging businesses and operators of public buildings to improve accessibility for the wheelchair user this beggars belief. We would welcome your views.

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Furthermore, there will be no certification mechanism - the justification being that the duty is seen as an evolving one. **There is a suggestion from DfEE that compliance with Part M of the Building Regulations might be deemed to be compliance.**

This approach does not sit comfortably with the scheme of the Act, which envisages a somewhat heavy-handed regulatory regime.  
**HOW WILL PART M FIT IN?**

The extent to which the suggested compliance with Part M would fully meet the issues is questionable. First, the intended scope of the Act appears to be far broader than that envisaged by Part M. The Act, for example, makes reference to auxiliary aids and services. Second, the Part M Regulation is no more precise than the Act; it is the Approved

Document which contains prescriptive guidance. **In Building Regulation matters compliance with the guidance is deemed to achieve compliance with the Regulation.** Where compliance with the guidance is not feasible, the building control officer assesses compliance with the Regulation. In the present context, if exact compliance with the guidance is not achievable, Part M will provide little comfort. **However, a certification mechanism similar to, and perhaps even based upon, Part M and administered by, for example, local authority access officers might work.**

The full text of this article can be found at [www.cae.org.uk/abd\\_articles/section21.html](http://www.cae.org.uk/abd_articles/section21.html). We thank the CAE for allowing us to reproduce this item and would direct our readers to their website at [www.cae.org.uk](http://www.cae.org.uk) for further information.

# PLATFORM LIFT INSTALLED AT ESPORTA HEALTH & FITNESS CENTRE

A Swansea disability campaigner has given a cautious welcome to a highway code for wheelchair users and disabled electric scooter drivers. It includes similar advice to the conventional highway code but highlights matters of particular interest to disabled people.  
**South Wales Evening Post**  
27th January 2001

Approval has been given for £697,200 to be spent on projects aimed at improving access for physically impaired pupils at more than 20 Derbyshire schools. The government has given the cash as part of the Schools Access Initiative.  
**Derby Telegraph**  
21st February 2001

The DABSI stadium - Disabled and able bodied sports initiative - is the first sports complex in the world to cater equally for disabled and able bodied sportsmen and women. It's planned that work on the £7.1m project will get underway later this year.  
**Spilsby Standard**  
2nd February 2001

Wheelchair users can have a ramp to their front door regardless of whether they use an electric or manual chair, a council has confirmed.  
**Medway Today**  
23rd February 2001

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**E**sporta, the exclusive health and fitness chain, has ensured that people with mobility problems can have access to the wide range of facilities available at its new centre in Enfield, Middlesex by installing a Companion Prestige platform lift from Movement Management

The latest luxury £4million Enfield club brings the total number of Esporta sites across the UK to 28. It combines all the elements that have made Esporta one of the UK's leading health club chains and is fully equipped to meet every fitness need.

Converted from a 22,000sq ft office block, the club provides a state-of-the-art gym, dance studio, 20 metre swimming pool and relaxation area that includes sauna, steam room and jacuzzi. Members can also relax in the club bar and restaurant.

The Prestige platform lift has been installed in the club's reception area and provides alternative access to the first floor where the gym and dance studio are located.

A spokesman for the interior design company responsible for fitting out the premises confirmed that as space was restricted it was necessary to source a lift that didn't require a pit, a machine room or need much building work. As the Prestige is a fully self-contained unit and doesn't require a wall or structure for support, and simply runs on a 240v power supply, it satisfied these particular requirements

Aesthetically pleasing in design, the Companion Prestige is designed to travel up to three storeys, can carry an optimum load of 400kg, and has a

generous platform area of 1.5 x 1.1 metres. Furthermore, as it does not require a pit and has its own shaft, the Prestige can also be easily retrofitted with the minimum of disruption.

In addition to being manufactured to a customer's individual



specification, all Movement Management products are fabricated to meet the most stringent safety standards, codes, and machine directives, including Part M of the UK building regulations.

Sally Hillman, general manager at Esporta Enfield says: "Whether you want to embark on a healthier lifestyle, relax and unwind, or catch up with an old friend, Esporta has something that appeals to everyone. We are especially delighted that the installation of the platform lift ensures that our less mobile members can also have access to all the tremendous facilities on offer too."

# DUC SWITCH POPULAR IN SCHOOLS

In our continuing efforts to improve our platform lifts we have developed a Designated User Control (DUC) option for our enclosed Companion Prestige platform lift. Originally introduced by us some five years ago, this system was developed to prevent children from playing in platform lifts.

When we were installing our first Prestige platform lifts we came across a novel problem. Units installed in schools in particular were being played with and used as hiding places by children. This was obviously undesirable.

Initially our customers wanted us to prevent the operation of the lift by a child, so a simple key switch was added. This cutoff the power and prevented the lift from moving but didn't prevent the child from getting into the lift car and continuing to use it as a hiding place.



The problem was that whenever any platform lift is parked the door on that landing will be unlocked giving access. All other landing doors are of course automatically locked when the carriage moves away from that landing.

To restrict access to the lift car without putting additional locks on all the doors we modified our platform lift's electronics. We programmed the units controller to make the lift isolate itself.

In operation DUC works automatically; once the lift had not been used for a preset time, say sixty seconds, it moves away from the landing it was parked at and stops between floors. This activates all the automatic door interlocks making the

unit totally secure and prevents any of the doors being opened.

To summon the lift you need a key as key locks are placed on all the external

landing call stations. To call the lift activate the key lock and summon the lift in the normal way.

Keys can then be distributed to authorised users, teachers etc. and in this way you can control access to and use of your platform lift.

As an additional safety measure the lift controls within the cab remain live at all times, just in case a user should delay whilst within the lift car. This way they cannot get locked inside.

As we said this system was developed primarily for schools which are closed communities and have a limited and fixed number of users. However, since its introduction this optional feature has also proven popular with pub landlords, sports club operators and managers of facilities where children play. It seems that the slight inconvenience it causes the wheelchair user is offset by the increased assurance it gives parents or people responsible for young children playing in the area.

To get your own copy of *Stepping Out* call our sales office on 0116 225 2100 and get put on the circulation list. We appear 4 times a year and we are free.

All new buses in towns and cities across the country will soon have to be fully accessible to disabled passengers, according to a new European directive. **Norwich Evening News** 19th February 2001

Campaigners have criticised organisers of Leicester Comedy Festival because many of the venues are not adapted for disabled people. Of the 39 venues, nine did not have wheelchair access, 27 had no hearing loop, 17 had no adapted toilet and seven had no suitable parking nearby. **Leicester Mercury** 19th February 2001

in the NEWS

## DISABILITY AWARENESS TRAINING

Disability Equality Awareness Training (DEAT) is a registered charity based in Elgin, Scotland. Run by a small team of trainers, who are themselves disabled, DEAT's principal objective is to give able-bodied people an understanding about how there can be equality of opportunity for people with disability.

DEAT organises tailor-made courses, which normally run for a day. They give participants a first hand experience of the obstacles and frustrations, encountered by the disabled in everyday life. The courses aim to be enjoyable and informative and include a series of games and challenges, covering activities, which most people normally take for granted. For example:

- What it is like to go to the toilet in a wheelchair.
- When blind, what it is like to board a bus or train, or get a meal in a restaurant.

- When deaf, trying to understand people who are talking, but looking the other way.
- When lacking a limb, trying to get around a busy supermarket.

The overall aim of DEAT being to promote better communication and enable able-bodied and disabled people to understand each others point of view.

In addition DEAT will provide information about the Disability Discrimination Act (DDA) and what it means for people in all walks of life, including employers and employees in offices and factories, staff and students in schools and colleges, shop owners, vehicle drivers and the public in general.

For further information about Disability Equality Awareness Training contact their Secretary, David Dick, The Hayloft, 16 Hay Street, Elgin, IV30 1NQ. Tel/Fax: 01343 543333. Email: [david@dard.demon.co.uk](mailto:david@dard.demon.co.uk)