

Αφιέρωμα



ΠΡΟΣΩΠΙΚΑ ΟΙΚΟΝΟΜΙΚΑ - ΑΚΙΝΗΤΑ



Αφιέρωμα

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START ADJUSTING OCTOBER 1999, COMPLY BY 2004 OR RISK A £10,000 FINE!

It probably hasn't dawned on many businessmen and women quite how far reaching the implications of the Disability Discrimination Act 1995 Actually are. Not only does the Act affect businesses and public places, but anywhere where it is reasonable to expect a disabled person to visit i.e. blocks of flats can't escape the Act encompasses many disabilities we often do not think of and it goes far beyond the scope of pure mobility.

As a businessperson we need to think of people with impaired vision, no vision and hearing difficulties as well as mobility problems. Furthermore it is now our duty not to make any such person feel disadvantaged in their wish to partake in our products or services. A disabled person should not be put in a position where they are more out of reach than their able bodied friend.

The duty is on the "person in charge" of the property this means the owner or the lessee/tenant in charge. The duty is to make reasonable adjustments to facilitate all people. Non compliance will attract a £10,000 fine.

So as managing agents and property advisers we share the responsibility of ensuring suitable means of access and facilities are provided in the areas under our control i.e. the common parts of both commercial and residential buildings. Under the Act tenants are entitled to make specific requests for modifications for disabled employees and visitors.

The Act is all about what is reasonable.

menu available in large script?

Designed in colours that are visible to vision impaired people?

How wide a gangway should be provided?

At what height should the controls be on a passenger lift?

Everybody should be able to read the menu in our Tavern. To read it to them would be to discriminate against them. This means brail transcripts, large text and sensitive use of the colour pallet.

Our customer must be able to get into our shop, office, or restaurant without undue difficulty i.e. we have now to consider gangway width, turning circles, seating arrangements and toilet facilities. The heights of a bar may be a problem too as maybe the height of controls in a lift. Signage is also now a key requirement as are the colouring, size of lettering ect. It may still be reasonable not to provide a fire escape for the disabled, but can it be reasonable not to provide an exterior fire platform reachable by the fire brigade. Why should the lift in your office building not have fire retardant doors. and

an independent power supply to return to the ground floor in the case of power failure and have buttons reachable by all.

The only defence against not having complied with the Act is it was not reasonable to do so. Whilst as always in due time the courts will guide us on what is reasonable it would be prudent to consider some issues now.

Reasonable or not?

1) The Cost How could it possibly be reasonable not to provide compliant signage if each sign costs £8.00?

2) Rationing How could it possibly be reasonable not to provide a disabled WC if we are already providing a normal WC!

3) Access How can any service operator or retailer that receives the public at their premises deny a disabled person access.

The Scientific Approach

It has long been established in valuation terms that to reduce a gross rent and arrive at a net rent we deduct 10% for repairs, 5% for management and, 3% for insurance. Taking a typical rental/shop example where the rent is £18,000 per annum, how then could it be reasonable to spend the whole of two or three years repairs allowance say £3,00 to £5,400 in compliance?

As a landlord since 1992 for new build premises it has been a requirement to provide disabled WC facilities at ground level but to date we have seen little, if any impact on rental value.

However, after 2004 would you pay the same rent for a non-compliant premises if you, the

occupier, had to take on the responsibility of adaptation? The only way to avoid a fine is to contemplate compliance NOW.

As a landlord to avoid future voids and keep the headline next level up we have got to upgrade our premises as current tenants vacate. Furthermore if a tenant requests a Licence to Alter for the purpose of Compliance with the Disability Discrimination Act 1995, only a brave man would refuse.

The government means business and is closing in harder on tenants and managing agents. Part M of the Building Regulations is under revision and due for re-issue in March 2002. It seems that this will be the 1st time ever that the Building Regulations will be retrospective.

We are currently working closely with steering groups such as English Heritage and "SPAB" the Society for Protection of Ancient Buildings to consider compliance issues with historic and listed buildings. We believe that when considering listed buildings there will be times when it is not reasonable to make physical adjustments.

Avoiding the fine will then be dependant on proving you have devised a method of working that staff and customers alike are aware of, and demonstrates that you have taken steps to try and resolve conflicts of interest. As always the burden of proof will be on the "responsible person."

It is my personal opinion that some of the medium sized family hotels will be affected most together with our mainstream restaurant community. These buildings in particular may be difficult to modify due to the fact that building age, size and layout may not easily be modified to comply with the Act.

The Countryside Commission are in the process of evaluating their country walks, providing wheelchair friendly surfaces, easy operable gates and approving certain walks. How can your hotel brochure be compliant if you have not considered similar issues?

Since the 1970's the responsibility for the welfare of disabled persons in employment has fallen upon the employer. Modification of the workplace is not new but what is new is the obligation to modify our premises for visitors, customers & guests.

Ignorance is certainly not a defence especially as an access audit can cost as little as £95. We have also developed a 25-page audit checklist available to DIY enthusiasts for £45.

For a free telephone consultation phone Philip Charalambous on 020 7267 2900.

**SURVEYS - VALUATIONS -
PLANNING -
DEVELOPMENT - AGENCY**

