



**POLICY AND RESOURCES SCRUTINY COMMITTEE –
19TH JANUARY 2010**

SUBJECT: PROVISION OF KEYS FOR ACCESS TO PUBLIC TOILETS AND PUBLIC RIGHTS OF WAY

REPORT BY: DIRECTOR OF THE ENVIRONMENT

1. PURPOSE OF REPORT

1.1 To advise members of an operational decision taken by the Director of the Environment regarding the provision of keys for access to public toilets and public rights of way.

2. SUMMARY

2.1 Access to disabled facilities in public toilets and to some public rights of way via disabled access kissing gates is controlled by a special lock, which can be opened by a key sold by the Royal Association for Disability and Rehabilitation (RADAR). The council holds a stock of these RADAR keys and has in the past sold the key at cost to those who could prove that they had disabilities.

2.2 The Equality and Human Rights Commission have advised the council that whilst it may be legal to sell keys for access to facilities solely for the use of the less able such as disabled facilities at unsupervised public toilets, it may be illegal to sell keys to provide access to public rights of way over which the public have a legal right of access

3. LINKS TO STRATEGY

3.1 The proposal links to the Caerphilly Community Strategy, the council's Equalities Policy, Performance Plan, Rights of Way Improvement Plan and Countryside Strategy. It accords with the Disability Discrimination Act 1995 and 2005 and the Equalities Act 2006.

4. THE REPORT

4.1 Access to disabled facilities in unsupervised public toilets and to some public rights of way via disabled access kissing gates is controlled by a special lock, which can be opened by a key sold by the Royal Association for Disability and Regeneration (RADAR). The council holds a stock of these RADAR keys and has in the past sold the key at cost to those who could prove that they had disabilities.

4.2 Disabled facilities in unsupervised public toilets are locked to prevent vandalism and to ensure that those who need clean facilities for impairment related reasons can access them. The RADAR key used to access public toilets is sold as part of a national key scheme and can be used to gain access to over 7000 public toilets.

- 4.3 Disabled access kissing gates are widely used in Britain and have been erected on some public rights of way, on paths within country parks and at some other facilities provided by the council to prevent the illegal use of the right of way, path or facility by motorbikes. This makes the right of way, path or facility safer for legitimate users and prevents damage to it. The gates have been specially designed so that they can be used without a key by people using wheelchairs and pushchairs and with a key by people using mobility scooters. The gates accord with BS 5709:2006 for Gaps, gates and Stiles. Other means of controlling motorbikes are available which do not require a key but they are not as effective as disabled access kissing gates and can, unfortunately, also restrict access for pushchairs, wheelchairs and mobility scooters. A new method of preventing illegal access by motorbikes is being investigated but disabled access kissing gates will probably continue to be the preferred method used to prevent illegal access for the foreseeable future.
- 4.4 Keys for disabled facilities in public toilets were issued at all council cash offices at a cost of £3.50. This is the cost of the key to the council. The applicant had to provide evidence of being registered as disabled by showing their registration certificate or blue disabled drivers badge. If they were not registered as disabled a letter from their GP stating that the applicant suffered from health problems, which had a direct affect on their mobility and necessitated their using a wheel chair or mobility scooter would also suffice. Keys for disabled access kissing gates on public rights of way were issued via the Countryside and Landscape Section using the same criteria. In the period 1st April 2007 to 31st March 2009 403 RADAR keys were sold by the council.
- 4.5 A member of the public queried the fact that a charge was being made for these keys. The advice of the Equality and Human Rights Commission was sought and they advised that it may be legal to charge for keys, which provide access to facilities solely for the use of the less able, such as disabled facilities at unsupervised public toilets. However they also advised that it was a contravention of the Disability Discrimination Acts 1995 and 2005 to charge for keys to provide access to public rights of way over which the public have a legal right of access.
- 4.6 If this advice were strictly followed it would have lead to the council having a two tier policy whereby a charge would be made for keys required to access toilet facilities and no charge made for keys required to access public rights of way.
- 4.7 It was felt that this would be confusing for both the public and staff and would not be equitable. As this was an operational issue affecting the Directorate of the Environment the Director agreed that RADAR keys should be provided free of charge to applicants so long as they were residents of the county borough and met the criteria described in 4.3 above.
- 4.8 Appropriate publicity is to be given to this decision.

5. FINANCIAL IMPLICATIONS

- 5.1 The cost to the council of issuing free keys based on the number issued in the last two years is likely to be in the order of £700 per annum.

6. PERSONNEL IMPLICATIONS

- 6.1 There are no personnel implications as a system is already in place for processing applications for RADAR keys.

7. CONSULTATIONS

- 7.1 No comments have been received.

8. RECOMMENDATIONS

8.1 That the committee notes the contents of this report.

9. REASONS FOR THE RECOMMENDATIONS

9.1 As set out in the report.

10. STATUTORY POWER

10.1 Local Government Act 2000

Author: Norman Liversuch, Principal Planner Countryside and Landscape Section.
Consultees: Cllr Ron Davies, Cabinet Member for Regeneration and Countryside
Cllr Mrs Judith Pritchard, Cabinet Member for Social Services
Nigel Barnett, Director of Corporate Services
Albert Heaney, Director of Social Services
Anthony O' Sullivan, Director of the Environment
Simon Dixon, DDA Officer Corporate Services
Peter Gomer, Assistant Director for Communities and Leisure
Phil Jayne, Manager Countryside and Landscape Section
Andrew Powell, Countryside Access Officer
David Titley, Customer Services Manager
Gail Williams, Principal Solicitor (Corporate/Deputy Monitoring Officer)
Mark S Williams, Head of Public Services

Background Papers: None