

# HAMPSHIRE COUNTY COUNCIL

## Decision Report

<b>Decision Maker:</b>	Executive Member for Environment and Transport
<b>Date:</b>	13 November 2018
<b>Title:</b>	Household Waste Recycling Centres Accessibility Review
<b>Report From:</b>	Director of Economy, Transport and Environment

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### 1. Recommendations

- 1.1. That Hampshire County Council adopts a formal accessibility policy regarding parking and admittance to HWRCs to be consistently applied across all sites in Hampshire.
- 1.2. That the current policy exempting Blue Badge holders from requiring a permit to use the HWRC in a commercial-type vehicle or large trailer is removed unless the vehicle has been specifically adapted for their purposes.

### 2. Executive Summary

- 2.1. The purpose of this paper is to report and make recommendations regarding the accessibility of the Household Waste Recycling Centre (HWRC) network in Hampshire.
- 2.2. This paper seeks to:
  - set out the background to the review;
  - consider the legal and equality implications of existing and proposed accessibility arrangements at HWRCs;
  - summarise the outcomes of an informal consultation with local accessibility groups and similar councils; and
  - make recommendations for a formal HWRC accessibility policy to cover all HWRCs in Hampshire.

### 3. Contextual Information

- 3.1. The HWRC service in Hampshire is used by over four million service users each year. In order to make the network accessible to all, a number of initiatives have been introduced over the years. However, a formal standardised approach to accessibility has not been achieved to date, meaning that application of this approach has invariably been a local decision. Following the raising of some queries regarding accessibility and a challenge to the existing informal policy, a countywide review was undertaken.

- 3.2. Most HWRCs provide at least one parking space available to Blue Badge holders. These are usually located close to the site office so that assistance can be provided more quickly if requested. At some sites these spaces are not kept free for the sole use of Blue Badge customers as in busy periods site staff may direct any user to the space to maintain throughput. However, this has been known to cause disquiet to some Blue Badge holders. There is also inconsistency between the layout of the spaces – some are the same width as a regular space while others are wider with yellow hatching alongside to facilitate easier access – and there is no standard use of signage for these spaces.
- 3.3. The HWRC Householder Permit Scheme was introduced in 2008, and from that time Blue Badge holders have been given special dispensation to access sites in a commercial-type vehicle without the need for a permit. Following a complaint from a member of the public in 2016 that this in effect amounted to positive discrimination, the reason the decision was taken and its applicability in the present day was considered as part of the review.

#### **4. Accessibility procedures at HWRCs**

- 4.1. The majority of HWRCs in Hampshire have at least one parking bay set aside as an accessible space. The location of these bays is very much a local decision, and the layout varies from site to site.
- 4.2. As the HWRC is a private facility, there is no mandatory guidance on if or how accessible parking spaces should be provided. Public car parks, however, have to meet certain standards (ref. Traffic Advisory Leaflet 5/95 (1995)) regarding quantity and layout, so it is pertinent to review this advice to determine what could be applied to the HWRC environment:
- Accessible parking bays should be located within 150m from waste receptacles for wheelchair users/visually impaired, 100m for those ambulatory without walking aid, or 50m for walking stick/frame users;
  - Off-street car parks for recreational places should have a minimum of 3 accessible parking bays or 6% of total parking capacity if the total number of parking bays is less than 200; and
  - Accessible parking bays should be a minimum of 4,200mm wide (including hatched areas to allow for loading) and 4,800mm long. Additional space should be provided where:
    - bays are parallel to access aisles – an extra length of 1800mm should be allowed;
    - bays and access aisles are perpendicular to one another – an additional width of 1,200mm should be allowed along each side; and
    - a zone is required at the end of the parking bay to allow for extra room for boot access – an additional 1,200mm should be allowed.
- 4.3 Whilst there is no legal requirement to provide accessible parking bays in private car parks, providers should demonstrate that they are taking steps to enable people with disabilities to use the service in the same way as those without disabilities. This guidance could be met by making every parking space

large and long enough for them to be suitable for Blue Badge holders to use or by designating accessible parking bays.

- 4.4 When considering the HWRC environment, there is no stipulated minimum distance from which the parking bays are placed from the waste receptacles, but the County Council has a duty to ensure that site users do not find it impossible or unreasonably difficult to use the HWRC. It is advised that accessible spaces should be ideally located close to the most commonly used bins. However, this is likely to be a subjective judgement as sites accept a wide range of materials, and bin location may vary depending on local conditions.
- 4.5 No specific guidance was found regarding whether designated accessible parking spaces should be kept free at all times. However, it could be suggested that by not keeping it free at all times and obliging a Blue Badge holder to have to wait for it to become available, that this could make it unreasonably difficult to use the HWRC. Clearly this would depend on how busy the HWRC is at a given time, and whether a wait for the designated space would cause unreasonable difficulty compared to the potential wait for other site users. This issue is lessened at sites where a 'meeter and greeter' is employed at the site entrance as that staff member can quickly arrange for assistance to be provided regardless of the space that a Blue Badge holder parks in, while maintaining an efficient throughput during busy periods.

## **5. HWRC Permit Scheme**

- 5.1. At present, individuals with blue-badges are exempt from the Household Waste Recycling Centre (HWRC) permit scheme in Hampshire. Accordingly, they do not need to apply for a permit to dispose of their household waste at a HWRC, even if they have a commercial-type vehicle which meets the usual requirements for a permit.
- 5.2. Following a complaint by a member of the public in 2016 that this, in effect, could amount to positive discrimination, an internal review was undertaken. Observations at HWRCs suggests that the number of Blue Badge holders using commercial-type vehicles, and therefore currently subject to the existing exemption, is very low. Given that the permits may be issued to all Hampshire households, the County Council could arguably be at risk of indirect positive discrimination as it could be seen to be taking action on something that is already minimal.
- 5.3. To maintain the exemption, Hampshire County Council would need to be satisfied that the exemption is positive action as opposed to positive discrimination, in line with the Equality Act, 2010. The Public Sector Equality Duty (2011) states that local authorities must have due regard when making policies to eliminate unlawful discrimination, advance equality of opportunity between those with a protected characteristic and those without, and likewise foster good relations between those with a protected characteristic and those without. Accordingly, the exemption would need to prove that the policy takes a positive action to ensure advanced equality of opportunity between blue badge holders and those who are not.
- 5.4. It is additionally considered that the basis of the current exemption is no longer justifiable, given changes to HWRC access rules, which now allow small traders to use sites, albeit on a charged for basis. The County Council policy change is

not intended to apply to vehicles adapted for domestic use by people with disabilities.

- 5.5. Anecdotal evidence from HWRC site staff suggests that occasional abuse of the Blue Badge scheme occurs whereby unscrupulous traders use the exemption to get around the requirement for them to pay for delivering non-household waste. A review of the scheme would close this loophole.

## **6. Consultation and Equalities**

- 6.1. The Council must be mindful of its Public Sector Equality Duty as established under the Equality Act 2010. This duty requires it to have due regard to eliminate unlawful discrimination, advance equal opportunity, and foster good relations between persons with protected characteristics and those without. The proposal to implement a consistent policy across all Hampshire residents would assist the County Council in meeting this obligation.
- 6.2. In order to better understand usage of the sites by less able-bodied users, a short online survey was sent to known accessibility action groups across Hampshire. Six responses were received and the following key findings were identified.
- HWRCs can be regarded as generally accessible for users with disabilities. An inability to physically travel to the HWRC accounted for why two respondents were not able to use a HWRC;
  - All HWRC users found it easy to park, but there were reports of non-Blue Badge holders using what they considered to be designated spaces;
  - Site staff were considered helpful if asked for assistance, but they did not always offer assistance proactively; and
  - Overall user experience was rated as positive.
- 6.3. Importantly, no major issues were found with accessibility at HWRCs. Therefore this suggests that a formalisation of on-site accessibility procedures is required, rather than a major overhaul of the informal policies.
- 6.4. The formalisation of accessibility procedures at HWRCs will have a positive impact on users with disabilities by facilitating greater consistency between sites across Hampshire, including standardising the layout of accessible parking spaces and reaffirming the level of service disabled users can expect.
- 6.5. The small number of Blue Badge holders using a commercial type vehicle will be eligible for a Permit, and there is no restriction on the number of times they can use the site. They will henceforth be subject to the same guidelines as all other service users using commercial-type vehicles, thereby ensuring consistency of approach. While it is true that this very small number of service users were not obliged to seek a permit before, this new requirement arises from the removal of a blanket exemption benefiting these service users, which will in turn ensure they are treated equitably with other Hampshire residents. The vast majority of Blue Badge holders visit the HWRCs in a domestic vehicle and would not be subject to the Permit Scheme. Adapted commercial vehicles will not require a permit, and where it can be shown that a commercial vehicle is necessitated by the nature of the disability, an exemption can be made in consultation with the County Council.

## **7. Best Practice Elsewhere**

7.1. A number of similar county councils/waste disposal authorities were approached for information on accessibility policies in place at their HWRCs. Eleven responses were received leading to the following headline results:

- Four authorities provide parking bays for blue badge holders, of which two specify that these spaces must be kept free at all times for the use of blue badge holders;
- Three of those councils have adapted their blue badge holder parking areas to make them more accessible; and
- Three councils have the blue badge holder parking spaces located in the main operational/customer area, while another located theirs next to the resale shop area.

7.2. Three of the authorities surveyed apply an exemption to their permit scheme for customers possessing a Blue Badge. However, only one of those councils employs a flat 'all-in' exemption similar to Hampshire's current position, whereas the other two only apply an exemption to Blue Badge holders that can demonstrate the vehicle has been adapted for their personal use.

## **8. Future Direction**

8.1. In order to promote consistency across the HWRC network, it is proposed that a formal accessibility policy is developed and implemented at Hampshire's HWRCs. This should cover the following areas:

- a standard width for all accessible parking spaces at every HWRC, in line with recommended best practice for public car parks (approx. 2,400mm wide by 4,800mm long, with a 1,200mm hatched area either side). All regular parking spaces to be widened slightly by 0.4m to enable all customers additional room to extract themselves and/or their waste from their vehicle;
- all accessible parking spaces to be designated as 'priority' for Blue Badge holders and/or customers with a need for assistance, with a recognition that during busy periods these spaces should not be left empty in order to facilitate swifter throughput of customers;
- consistent signage at all HWRCs to reflect the above designation;
- a minimum of one accessible parking space with the above dimensions to be provided at every site, or equivalent to 6% of the total parking capacity, whichever is the higher;
- the precise positioning of accessible parking spaces to be reviewed on a site-by-site basis to ascertain the optimum location(s). In most cases this is anticipated to be adjacent or near to the site office, but it is recognised that this may not be appropriate at every HWRC;
- removal of the procedure exempting Blue Badge holders from requiring a Householder Permit to enter the site in a commercial-type vehicle or large trailer, unless the user can demonstrate that the vehicle has been

specifically adapted for their purposes. As all Hampshire households are entitled to apply for a permit which allows the holder at least 12 visits in a 12 month period, this is not anticipated to cause any undue inconvenience and applies a consistent policy to all HWRC customers; and

- site staff to be reminded to proactively provide assistance to all Blue Badge holders whenever appropriate to do so.

8.2. It is recommended that the actions above are implemented incrementally from 1 April 2019 onwards, in line with planned maintenance programmes, with a view to full completion during 2020.

**CORPORATE OR LEGAL INFORMATION:****Links to the Strategic Plan**

<b>Hampshire maintains strong and sustainable economic growth and prosperity:</b>	no
<b>People in Hampshire live safe, healthy and independent lives:</b>	yes
<b>People in Hampshire enjoy a rich and diverse environment:</b>	yes
<b>People in Hampshire enjoy being part of strong, inclusive communities:</b>	yes

**Section 100 D - Local Government Act 1972 - background documents**

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

None

## **IMPACT ASSESSMENTS:**

### **1. Equality Duty**

1.1. The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**Due regard in this context involves having due regard in particular to:**

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

### **1.2. Equalities Impact Assessment:**

The formalisation of accessibility procedures at HWRCs will have a positive impact on users with disabilities by facilitating greater consistency between sites across Hampshire, including standardising the layout of accessible parking spaces and reaffirming the level of service disabled users can expect.

The small number of Blue Badge holders using a commercial type vehicle will be eligible for a Permit, and there is no restriction on the number of times they can use the site. They will henceforth be subject to the same guidelines as all other service users using commercial-type vehicles, thereby ensuring consistency of approach. While it is true that this very small number of service users were not obliged to seek a permit before, this new requirement arises from the removal of a blanket exemption benefiting these service users, which will in turn ensure they are treated equitably with other Hampshire residents. The vast majority of Blue Badge holders visit the HWRCs in a domestic vehicle and would not be subject to the Permit Scheme. Adapted commercial vehicles will not require a permit, and where it can be shown that a commercial vehicle is necessitated by the nature of the disability, an exemption can be made in consultation with the County Council.

### **2. Impact on Crime and Disorder:**

2.1. Not applicable.



**3. Climate Change:**

- a) How does what is being proposed impact on our carbon footprint / energy consumption?

No impact.

- b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

No impact.