

	<b>HARBOURS AND LAND PORTFOLIO</b>  <b>15 DECEMBER 2009</b>								
	<table> <tr> <td><b>Key Decision</b></td> <td><b>No</b></td> </tr> <tr> <td><b>Cabinet Portfolio Holder</b></td> <td><b>Cllr P Popple</b></td> </tr> </table>	<b>Key Decision</b>	<b>No</b>	<b>Cabinet Portfolio Holder</b>	<b>Cllr P Popple</b>				
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<p><b>Corporate Priority</b></p> <p>Developing safer and stronger communities.          Creating quality environments.          Improving the Council.</p>	<table> <tr> <td><b>Date of Decision/ Referral to O&amp;S</b></td> <td><b>15 December 2009</b></td> </tr> <tr> <td><b>Deadline for call-in</b></td> <td><b>18 December 2009</b></td> </tr> <tr> <td><b>5.00pm</b></td> <td></td> </tr> <tr> <td><b>Implementation Date (if no call-in)</b></td> <td><b>21 December 2009</b></td> </tr> </table>	<b>Date of Decision/ Referral to O&amp;S</b>	<b>15 December 2009</b>	<b>Deadline for call-in</b>	<b>18 December 2009</b>	<b>5.00pm</b>		<b>Implementation Date (if no call-in)</b>	<b>21 December 2009</b>
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**REPORT OF: HEAD OF TECHNICAL SERVICES – 09/711**

**WARDS AFFECTED: CASTLE AND WHITBY**

**SUBJECT: DRAFT HARBOURS DISABLED/ENHANCED ACCESS POLICY**

**RECOMMENDATION(S):**

That approval is given to the draft Harbours disabled/enhanced access guidance and procedures to be incorporated into the Harbour Authority policy.

**REASON FOR RECOMMENDATION (S):**

- i. To have a clear and transparent policy available to all regarding disabled access at Scarborough and Whitby Harbours.
- ii. To provide evidence if challenged regarding the Council's obligations under the Disability Discrimination Act (DDA) 1995/2005.

**HIGHLIGHTED RISKS:**

See Appendix B.

**1. INTRODUCTION**

- 1.1 Scarborough Borough Council, as the competent Harbour Authority for the ports of Scarborough and Whitby, provide a range of berths, moorings and

associated facilities which by their characteristics and nature have varying degrees of accessibility for harbour users.

- 1.2 Scarborough Borough Council aims to make such arrangements and adjustments as is reasonably practicable to prevent persons requiring improved/enhanced access to its facilities from being placed at a substantial disadvantage when compared to others.
- 1.3 At present no policy exists to provide clear guidance and information on the Council's obligation under the DDA in regard to its harbour operations. In recent times this has led to difficulties and as a result it is felt that a clear policy is now required to provide information and guidance to users and stakeholders and also to assist the Council in defending its position if and when challenged.
- 1.4 Approval of the draft policy (attached as Appendix A) will provide clear and transparent guidance to those who may be physically or mentally impaired when assessing the potential use of the Council's harbour assets.

## **2. CORPORATE OBJECTIVES AND THE COMMUNITY PLAN**

- 2.1 The draft policy will promote:

Aim 1: Developing safer and stronger communities

Aim 4: Creating quality environments

Aim 5: Improving the Council

## **3. BACKGROUND AND ISSUES**

- 3.1 As the leisure sector continues to grow within the Council's ports, the Harbour Authority has received a number of challenges regarding its compliance with the DDA from persons using or wishing to use its facilities. Whilst every effort has always been made to accommodate physically and/or mentally impaired persons using the harbours, no clear written policy has been available.
- 3.2 To meet its obligations under the DDA and to promote reasonable and practicable access at its facilities the Harbour Authority has undertaken a detailed examination of the DDA requirements, in consultation with other port authorities and in partnership with the local Disabled Action Groups to draft a full and transparent disabled access policy for its harbours.

## **4. CONSULTATION**

- 4.1 Full consultation with the Disabled Action Groups at Scarborough and Whitby helped identify areas of concern and gave advice on current application and best practice of the DDA requirements.

- 4.2 Benchmarking with other Harbour Authorities and marina facilities' policies and procedures in regard to disabled access was undertaken to ascertain levels of compliance and best practice in meeting the DDA's requirements.
- 4.3 The draft disabled access policy was initially tabled at the Scarborough and Whitby Harbours User Groups meetings to enable informed comments to be made prior to the draft policy document being submitted for approval. A feedback period was made available for the Groups to consider any additions or amendments to the draft policy.

## **5. ASSESSMENT**

- 5.1 This policy has been drafted with the best intentions both to serve those who wish to use the Council's harbour facilities and to better enable the Council to respond to any legal challenges which may arise from time to time regarding its compliance with the DDA.

## **6. IMPLICATIONS**

### **(a) Policy**

- 6.1 If approved, this document will be incorporated into the Harbour Authority's policy.

### **(b) Legal**

- 6.2 The draft policy has been considered by the Head of Legal and Support Services who is content that, if approved, the policy would comply with the legislative framework contained in the DDA.

### **(c) Financial**

- 6.3 There are no financial implications.

### **(d) Equality and Diversity**

- 6.4 The policy, if approved, supports Equality and Diversity.

### **(e) Health and Safety**

- 6.5 The implementation of the disabled access policy will assist persons requiring improved and/or enhanced access to harbour facilities.

### **(f) Others**

- 6.6 After due consideration there are no identified adverse implications that will arise from this recommendation regarding:

Planning, Staffing, Crime and Disorder and Environmental

## 7. ACTION PLAN

- 7.1 Subject to approval the policy be immediately incorporated into the Harbour Authority's policies.



**John Riby**  
**Head of Technical Services**

**Capt. Martin Willis, Borough Harbour Master**

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**Background Papers:**

Disability Discrimination Act 1995/2005

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT CAPT M WILLIS ON 01947 602354 e-mail: port.services@scarborough.gov.uk

**Scarborough Borough Council Harbour Authority**  
**Disabled/Enhanced Access Policy.**

Scarborough Borough Council, acting in its role as the Competent Harbour Authority for the Ports of Scarborough and Whitby, provides a range of berths and moorings and associated facilities, which by their characteristics and nature have varying degrees of accessibility for harbour users.

Consideration has been given to providing enhanced access facilities and moorings to physically impaired harbour users and persons requiring ease of access whilst within the harbour limits where ever this is reasonably practicable, in accordance with the Disability Discrimination Act (DDA) 1995/2005.

Scarborough Borough Council aims to make such arrangements and adjustments as is reasonably practicable to prevent persons requiring improved access facilities from being placed at a substantial disadvantage when compared to others.

In consultation and partnership with local the Disabled Action Group (DAG) representatives the Harbour Authority identified (as at August 2009) 78 single pontoon berths at Scarborough harbour and 38 single pontoon berths at Whitby harbour which could be considered appropriate in providing suitable access to those with Physical impairments and persons requiring enhanced ease of access to vessels berthed within harbour limits.

All berthing information provided either in hard copy or online (web based) by the Harbour Authority requests that any individual with a disability or enhanced access requirement should inform the Harbour Master of their additional needs and consideration when applying for either a contracted annual berth or on a visiting vessel basis.

All applications for a contracted berth will be placed on the central berth application waiting list relevant to either harbour. Any applicant with either a disability or enhanced access requirement will have their name recorded in those terms on the waiting list.

Berths are allocated based upon the date of application (chronological order) and vessel / mooring compatibility criteria. When any berth is offered to an applicant recorded as requiring enhanced access they will not be removed from or returned to the bottom of the waiting list if the berth is considered unsuitable for their needs as is the case for other applicants. They will be able to retain their position at the top of the waiting list until a more suitable berth is available to accommodate their personal requirement.

Current contracted berth holders who develop the requirement to be considered as physically impaired or require enhanced access shall notify the Harbour Master and be recorded as such/be placed on the relevant berth transfer list with the same

entitlement to remain at the top of the list when reached until a suitable berth is available.

The entitlement of 'Blue Badge' parking permit holder status will not, in itself, be sufficient to determine if the holder warrants being recorded as significantly impaired as to require enhanced access to the harbours moorings and facilities. The Harbour Authority will retain the right to seek referral to an appropriate professional specialist and independent advisor as required regarding compatibility for an applicant and particular berth. That advice will be relied upon by way of in any arbitration.

The Harbour Authority, in partnership with DAG, has identified the most suitable visiting vessel pontoon berth at either harbour which can be made accessible to visiting craft with enhanced access requirements, these berths are signed 'Disabled Access Priority Berth' and will be made available on request at the Harbour Master's discretion. Any existing vessel not registered as meeting the enhanced access requirement and occupying one of these berths will be relocated to an alternative berth designated by the Harbour Master.

New berthing/marina facilities at both harbours may from time to time be provided. All new harbour facilities and infrastructure at Scarborough and Whitby harbours are subject to full stakeholder consultation, including DAG recommendation and feedback regarding ease of use and access for the physically impaired.

All new buildings and facilities will meet the legal requirements and guidelines as laid down in the DDA 1995/2005 or subsequent revisions.

The Harbour Authority shall endeavour to make every reasonably and practicable measure to enable any physically impaired persons are able to enjoy its facilities at no increased risk or disadvantage when compared to other harbour users.

**Capt Martin Willis**  
**Borough Harbour Master**  
**August 2009**

## Risk Matrix

<b>Risk Ref</b>	<b>Date</b>	<b>Risk</b>	<b>Consequences</b>	<b>Mitigation</b>	<b>Current Risk Score</b>	<b>Target Score</b>	<b>Service Unit Manager/ Responsible Officer</b>	<b>Action Plan</b>
1		The Harbour Authority does not have a DDA policy	The Harbour Authority is not able to demonstrate that it has considered the needs of the disabled in terms of accessibility of its facilities	To approve the draft policy	E3	A2	Capt M Willis	

## Glossary of Terms

Risk	An event which may prevent the Council achieving its objectives
Consequences	The outcome if the risk materialised
Mitigation	The processes and procedures that are in place to reduce the risk
Current Risk Score	The likelihood and impact score with the current mitigation measures in place
Corporate Objectives	An assessment of the Corporate Objectives that are affected by the risk identified.
Target Risk Score	The likelihood and impact score that the Council is aiming to achieve
Service Unit Manager	The Service Unit or Officer responsible for managing the risk
Action Plan	The proposed actions to be implemented in order to reduce the risk to the target score

## Risk Scoring

Impact	5					
	4					
	3					
	2					
	1					
		A	B	C	D	E
	Likelihood					

### Likelihood:

A = Very Low  
 B = Not Likely  
 C = Likely  
 D = Very Likely  
 E = Almost Certain

### Impact

1 = Low  
 2 = Minor  
 3 = Medium  
 4 = Major  
 5 = Disaster