

Access Audit Tower Hill Cemetery Witney Town Council Curbridge Rd Witney OX28 5ES

25th January 2021

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Company No 4117369 VAT No 763 9300 21

Version: Original

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Version

Version	Reason for change	Issue date
Original		30/01/2021

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Executive Summary

This Disability Access Audit (the Audit) was carried out by NRAC consultant Ian Streets, during January 2021, at the request of John Hickman of Witney Town Council.

The Audit was carried out via a series of observations and physical measurements which are based on: Approved Documents of the Building Regulations; Equality Act Codes of Practice; BS8300-1 and 2: 2018 Design of an accessible and inclusive built environment. External & Buildings. Code of Practice.

Where possible and reasonable to do so, improvements have been suggested which should lead to greater accessibility without impacting on the character of the building.

No single action will guarantee that a building meets the requirements of the Equality Act. However, in the course of this Audit the following features were deemed to be of particular high risk and should be addressed as a matter of priority.

Entrances

There is only signage to the vehicle entrance and this does not advise that it leads to the car park. The other entrances provide no signage. When approaching from the Welch roundabout it is not obvious if this is the Tower Hill Cemetery. Providing signage to each of the entrances is recommended.

Access to grave side

There are discussions about access to the site and in particular to the upper area of the site where there is restricted vehicle access. One suggestion is that restrictions to vehicle access is removed and that all the service roads are opened up. The other is that this is a potential safety risk. The mixing of vehicles and pedestrians should always be done with caution. There are certain groups of people who will either not hear, see or understand the risk a moving vehicle presents. The driver of a vehicle may think that they have been seen or heard and act accordingly. The present policy is for people to ring up and request access. If the current parking provision is not sufficient for disabled people an option to consider is make it all Blue Badge holders parking only. The present provision should be monitored to see if this is the case. We have recommended that two accessible bays are provided as a minimum and that a further two enlarged bays are also provided making four bays.

Terrain guide

The site has steep paths which follow the natural contours of the land making it not possible to alter. Providing people with the information about the steep paths lets them make an informed decision about using an entrance at the Welch roundabout to go to the upper part of the cemetery or come in at the vehicle entrance. Providing a terrain guide can help with this, it can also show where seating can be found. This

Executive Summary (cont'd)

guide could be at the entrance notice boards and or available on line.

Introduction

This report has been made for and on behalf of the Witney Town Council and carried out by About Access Ltd. The report may only be copied with the consent of About Access Ltd and must not be reproduced in any other format.

The Audit:

- Was carried out following a site visit involving visual inspection and measurement. The weather was sunny and cold with the ground covered with snow and ice.
- Assessed the current state of accessibility and usability of the buildings by people with a range of impairments.
- Gives an opinion of the building at a single point in time, highlighting areas for improvement and prioritising action.

About Access Ltd has taken all reasonable steps to interpret the Acts, Regulations and Approved Codes of Practice. Courts of Law can only interpret these. No guarantees can be given that during any subsequent visit by inspectors with statutory powers other non-compliances may not be found. About Access Ltd will not accept any responsibility for any loss arising as a result.

Description

Tower Hill Cemetery was opened for burials on the 1st January 1857. There is a single vehicle entrance on to the site, this is off Curbridge Rd. There are three pedestrian access points in to the grounds, these are the vehicle entrance on Curbridge Rd, the entrances from the Welch Roundabout and the kissing gate.

The car park is small and not sign posted. There is a one way system for vehicles entering the site but all have to leave by the same entry point.

Tower Hill (A4095) and Curbridge Rd run parallel to the cemetery with a footway to one side only, this means that a lot of pedestrians use the footways within the grounds.

The site slopes from the car park area down to Tower Hill. There are no steps to the site, level differences are dealt with by slopes.

Seating can be found around the cemetery, this comes in various styles.

The cemetery is open from Monday to Friday 9 am – 4 pm and Saturdays 9:30 am – 1:30 pm, with dates for ‘special occasions’ being listed and the cemetery being open 24 hours on these dates. There is no lighting to the site.

At the entrance next to the Welch roundabout is a building that is let to the Co-op, this did not form part of the audit. There are a further two buildings both of similar appearance, the un-consecrated chapel is used

Introduction (cont'd)

as a store the other referred to as the Chapel is occasionally opened for services on request.

The Report

The report contains descriptions of how the physical features and other elements of the building are found at the time of the visit.

Recommendations are made within each section. The priorities should be read in context of the report.

The priorities are: -

1. This item causes a major barrier to access or may be a health and safety issue and should be given immediate consideration or action. For example, entry to a building may be difficult so the recommendation to overcome this should be acted on immediately.

Time scale – action recommended immediately.

M. This item centres on management of the building or policy.

Timescale - This requires immediate action even if there is no issue at present a policy/procedure should be developed ahead of issue arising.

2. This item causes a less significant barrier to access. For example, modification may be needed to an existing feature, e.g. signage.

Time scale – As soon as practicably possible for the recommendation.

3. This is a feature that presents a barrier to access, but it is felt reasonable for improvements to be carried out as part of general day-to-day maintenance.

Time scale – In relation to the recommendation this could be as routine works or when next decorating.

P. These are works that can be regarded as a project. They generally require a plan to be developed and will take longer than previous recommendations to carry out.

QW. Quick Wins are works that can be regarded as easy to do because little cost or effort is required. This will be put along side a Red recommendation.

Terms and definitions

Access: approach, entry, horizontal and vertical movement or exit., including in cases of emergency.

Accessible route: any route that is used to approach a building or to move between buildings or within a building.

Accessible: capable of being independently accessed and used.

BS8300: BS 8300-1 & 2: 2018 Design of an accessible and inclusive built environment. External & Buildings. Code of Practices. This is UK based guidance for designing to meet the needs of disabled people.

Blister pedestrian crossing surface: form of tactile paving whose surface has parallel rows of flat-topped blisters (domes) to warn people who are blind or partially sighted of the proximity of a carriageway at pedestrian crossing points and other access points to a carriageway. NOTE The paving is installed at the dropped kerbs of both controlled and uncontrolled crossings. The colour of the paving is red for controlled crossings (e.g. signal-controlled and zebra crossings) and generally buff at other crossings.

Desire line: shortest or most easily navigated pedestrian route.

Flight (Steps and ramps): a continuous series of steps or continuous ramp between two landings.

Footway: A path running alongside a vehicle route which is for the sole use of pedestrians.

Handrails (Steps and ramps): component of stairs, steps or ramps that provides guidance and support at hand level. NOTE A handrail might form the top rail of guarding (balustrading), be supported independently from guarding or be supported from a wall.

Illuminance: amount of light falling on a surface, measured in lumens per square metre (lm/m²) or lux (lx)

Impairment: This is the result of a person's condition. For example, a person with arthritis in the hand could be said to have impaired manual dexterity.

Inclusive design: approach to the design of the environment, including buildings and their surrounding spaces, and managed and natural landscapes, to ensure that they can be accessed and used by everyone.

Level (Steps and ramps): gradient not steeper than 1:60.

Light reflectance value (LRV): total quantity of visible light reflected by a surface at all wavelengths and directions when illuminated by a light source. NOTE Surfaces that differ sufficiently in LRV can be distinguished from one another by people who are blind or partially sighted.

Ramp: one or more inclined surfaces with a gradient no shallower than

Terms and definitions (cont'd)

1:20 and no steeper than 1:12.


Slope: inclined surface with a gradient steeper than 1:60 but no steeper than 1:20.


Title Case: title Case is where the first letter of each word is a capital letter followed by lower case letters. This is recommended because people read by word shape and find it easier to read signs or instructions given in Title Case rather than CAPITALS, where all letters are the same height.

Tonal contrast: perception of a difference visually between one surface or element of a building and another by reference to their light reflectance values (LRV).

Way-finding: means of ensuring that someone can find their way, avoid obstacles, and know when they have reached their destination.

The Access Audit

Ref	Current Findings	Recommendation	Priority
1	Getting to the site		
1.1	There is on road parking next to the cemetery, but bus stops are more the 100 m away.		
1.2	Public footways are firm and even. Dropped kerbs are provided at street crossing points but no tactile warning (blister paving). To the controlled crossing next to the kissing gate entrance blister paving has been provided.	Approach the Highways Department of the responsible authority requesting that tactile paving is provided to dropped kerbs at pedestrian crossing points.	2
		Crossing point at Welch roundabout with no tactile paving	
1.3	The routes are free of hazards such as bollards and the like and any lighting columns are out of the pedestrian route.		

Ref	Current Findings	Recommendation	Priority
2	Site – entrances		
2.1	Vehicle entrance		
2.1.1	Only the vehicle entrance has signage advising that this is the Tower Hill Cemetery. Providing signage at all entrances advising of the cemetery name is recommended to help visitors new and old to the site not only know they have arrived at the correct site but also to easily identify the entrances.	Provide signage to cemetery entrances advising of the cemetery name.	2
2.1.2	The vehicle entrance has signage that can be seen from the road but nothing to indicate that it leads to the car park or that it gives vehicle access to the upper area of the cemetery.	Provide information about car parking and vehicle access that can be easily viewed from the road.	2
	 <p>There is no visible signage advising that this leads to the car park.</p>		
2.1.3	The signage at the entrance just within the grounds is in a notice board. This has a plan of the cemetery and information about opening times etc. It is placed at a height that will make reading it difficult from a seated position or for people of short stature.	Provide information at an accessible height and location that has firm and even ground beneath it.	2

Ref	Current Findings	Recommendation	Priority
2.1.4	There is no information about the topography of the site. There are a number of paths that have steep gradients. A terrain guide details the paths around the site and the gradients/ lengths of any paths that are not level. It can also show where seating can be found. This could be available at the entrances and/or on the web site so that it can be downloaded.	Provide a terrain guide.	2
2.2	Welch roundabout entrance		
2.2.1	The Welch entrance has open gates and leads directly off the public footway. There is no signage at the entrance. Providing a site map and a terrain guide would be of benefit to many people.	Provide information about the site (eg opening times), a map of the site and a terrain guide.	2
2.3	Kissing gate entrance		
2.3.1	This refuge area (the space free of the gate swing) has a space of approximately 1500 x 1500 mm. This should allow a manual wheelchair user space to move, it will not be suitable for scooter users. At the time of my visit the vehicle gate next to this was open. At the other entrances during opening hours there is no obstacle to access. We recommend that the main gate be held in the open position when the cemetery is open as this is far easier for people to use rather than the kissing gate. If worried about unauthorised vehicles using this entrance it could be that the gate can be partially opened and held in place.	Have the main gate held in the open position when the cemetery is open.	M

Ref	Current Findings	Recommendation	Priority
2.3.2	There is no signage at the entrance. Providing a site map and a terrain guide would be of benefit to many people.	Provide information about the site (eg opening times), a map of the site and a terrain guide.	2
3	Site – car parking and vehicle access		
3.1	There is a car park on the site but this is not signposted. On the day of my visit snow was on the ground covering up any markings. Providing post mounted signage helps in these instances to identify parking bays and the parking area.	Provide signage advising the car park location along with ground painted and post mounted signage advising of the parking area and parking bays.	2

Ref	Current Findings	Recommendation	Priority
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3.2

The parking area is positioned between railings but also forms part of the vehicle access route around the site. Vehicle access is required not only for members of the public but also contractors and the grounds team.

The parking area could be defined as the space between the diamond railings which is approximately 7 m wide x 17 m long. This area has to allow vehicles pass by those that are parked in it. If you take the width of the service road which is approximately 2.6 m as the minimum width required for vehicles that leaves a 4.4 m for vehicles to park in.

An accessible parking bay is 4.8 m long with 1.2 m wide hatching to the rear, overall length 6 m. Cars will need to be parked on the diagonal to the diamond fencing or parallel to it if the 2.6 m access route is to be maintained.

The width of an accessible parking bay is 2.4 m with 1.2 m wide hatching to one side, it is preferable if it is to both sides, the overall width is 3.6 m. The length of this area is approximately 17 m which means that four accessible bays could be provided in this area. BS8300- 1: 2018 states that religious buildings and crematoria should provide a minimum of 2 spaces or 6% whichever is the greater.

Provide at least two accessible parking bays.

2



The parking area which measure approximately 7 m wide x 17 m long.

Ref	Current Findings	Recommendation	Priority
3.3	<p>BS8300-1: 2018 also states that enlarged bays should be provided to any car parking area. An enlarged bay is the same overall size, including hatchings, of an accessible bay. It is intended that these bays are available for anyone to use but allow the extra space that someone who is temporarily disabled for example a broken leg or parents wanting to get children in and out of cars to fully open the car doors. They also allow for increasing the accessible bay provision without having to remark a whole section of car park.</p>	<p>Provide the same number of enlarged bays as accessible bays.</p>	2
3.4	<p>The width of the service roads vary but do not provide sufficient space to allow two vehicles to pass and stay on the service road. There are no designated footways alongside the service roads and both pedestrians and vehicles share the same route.</p>		
3.5	<p>At the present time anyone wanting to take a vehicle closer to a grave in the upper area of the cemetery which is closed off to vehicles have to ask for access and get the bollards preventing vehicle access removed. Access can only be given when a funeral or work alongside the service road is not taking place.</p>		

Ref	Current Findings	Recommendation	Priority
3.6	<p>I understand that there are discussions taking place within the Council about parking provision and vehicle access to and around the site. As I understand it the following is a summary of the arguments:</p> <ol style="list-style-type: none"> 1.Restrict access to the parking area with vehicle access allowed to other areas on request except at weekends and other recognised days. Access is denied when work is being carried out alongside the service roads. This is the current policy. 2. Access is granted at all times the cemetery is open, with access being denied when work is being carried out alongside the service roads. 		
3.7	<p>The volume and speed of traffic around the cemetery is going to be low. However people with hearing or sight loss may not hear or see vehicles approaching. People with sight loss may look at a car and the driver think they have been seen and assume it is safe to proceed. People with cognitive impairments or neurodiverse people don't always make eye contact with drivers or understand the risks of moving vehicles. Making eye contact and body language between driver and pedestrian allows people to get a 'feeling' of what the other may do. For these reasons I recommend that the present policy of only opening vehicle access when requested is maintained.</p>	Maintain current policy around site access.	M

Ref	Current Findings	Recommendation	Priority
4	Site - pedestrian routes		
4.1	The pedestrian only paths around the site have a firm surface with a typical width of approximately 1350 mm. They are either tarmac or concrete. The routes which are shared by pedestrians and vehicles have a typical width of 3.2 m. Paths ideally should provide a minimum width of 1800 mm. Because of the graves either side of the paths increasing the width is not seen as feasible.		
4.2	Generally the paths have an even surface, particularly to the top of the cemetery. It is where the paths are concrete that the joints between slabs have moved, these have the potential to cause tripping. We recommend that maintenance is carried out to make the joints between slabs flush.	Provide flush joints between concrete slabs.	3
4.3	There are a number of paths that have steep inclines as an example the path from the Chapel heading up to the vehicle entrance and the path from the kissing gate have a gradient of around 1:7. These follow the natural contours of the land. Paths should have gradients no steeper than 1:12, it is not seen as feasible to alter these. Some people will find steps easier to use than inclines, a long-term aim should be to add these if feasible.	Consider adding steps alongside steep paths.	P

Ref	Current Findings	Recommendation	Priority
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4.4 Where paths have gradients that are steeper than 1:20 they should be treated as a ramp. That means handrails should be provided. The path leading from the kissing gate has a handrail to one side. The top of the handrail is between the recommended height range of 900-1000 mm. The handrail is rectangular in shape, it can still be used but the preferred shape is round or oval. The supports do not allow the user continual grip as the hand has to be removed when a support is reached. It should be possible to run a hand along the full length of the handrail and not have to move it because of a support.



It is preferable if handrails are round or oval and that supports do not get in the way of a hand running along the rail.

Consider providing handrails alongside paths with gradients steeper than 1:20.

3

4.5 There had been heavy snow fall the day before my site visit, although there was a thaw paths remained icy. There should be a policy of ensuring paths remain free from potential slips and trips, this could be snow/ice or fallen vegetation.

Ensure paths remain free from slips and trips.

M

4.6 There is no lighting to the cemetery.

Ref	Current Findings	Recommendation	Priority
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5 Seating

5.1 There are seats placed around the grounds, these are of different designs.

5.2 The seats have backs with some having arm rests at the ends. It is good practice to provide a range of seating styles with and without arm rests.

5.3 None of the seats provide an inclusive space alongside for a wheelchair user to sit. Best practice is also to provide some seating with the arm rest set in one seat width allowing a wheelchair user to side transfer. This space should have a firm and even base with level access to it that also is firm and even. It is probably unreasonable to add retrospectively but any new seating should incorporate this.

Provide seating with an inclusive space alongside for wheelchair users.

3



Some examples of the different seat styles but no space with firm and even ground alongside for a wheelchair user.

Ref	Current Findings	Recommendation	Priority
6	Site - new path and entrance		
6.1	A new entrance and path is proposed from the north-west corner. It is recommended that new paths should have a width of at least 1800 mm with 2000 mm being the preferred width. Pinch points of 1200 mm are acceptable.		
7	Chapel		
7.1	The Chapel is available on request.		
7.2	There is level access in to the building. The entrance gate and door provide a clear effective width of more than the minimum recommended of 1000 mm.		
7.3	The entrance door is fitted with a ring style handle, this appears to be an original feature. It should be possible to operate door handles with the use of a clenched fist. People will not be using this building on their own, staff can open and close the door if a person cannot use the handle or the door is too heavy.	Ensure staff provide assistance if required.	M

Ref	Current Findings	Recommendation	Priority
7.4	There are fixed pews within the building. There is no inclusive space for a wheelchair user to sit. At the present time a wheelchair user would have to either sit in the aisle or at the front of the pews. The pews are raised up approximately 80 mm with a gap of 400 mm to reach the pew seat. A space for a wheelchair user should be 900 mm wide x 1400 mm deep plus unobstructed access route of 900 mm (preferably 1200 mm).	Provide an inclusive space for wheelchair users to sit.	P
7.5	There are two steps up to the altar and lectern. The lectern should be brought to the lower level if people are expected to speak and cannot use the steps.	Move the lectern to the lower level if people cannot use the steps.	M
7.6	At the time of my visit it was not possible to assess the illuminance levels as there was too much daylight entering the building.	Check the illuminance levels when daylight is poor and increase if necessary.	M
8	Signage		
8.1	There is no wayfinding signage in the grounds. A visitor most probably wont know which is the consecrated or un-consecrated chapel or which are the different parts of the cemetery when comparing to the layout plan that can be found at the entrance and car park notice boards. Providing basic wayfinding signage is recommended, for example this could point to the different chapels, car park and memorial wall.	Provide way finding signage.	2

Ref	Current Findings	Recommendation	Priority
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8.2 There are engraved marker stones to different burial areas, these can only be read from close up. The engraved text to these stones is not always easy to identify as the highlighting to the lettering has worn in some instances. The word 'SECTION' is in upper case, it is easier to read if the first letter is in upper case with the rest in lower case as in 'Section'.

Ensure text is highlighted.

3




Two examples of the section stones.

Declaration

We can confirm this access audit has been undertaken by Ian Streets NRAC
Consultant of About Access Ltd.

Signed

A handwritten signature in black ink that reads "Ian Streets". The signature is written in a cursive style with a horizontal line underneath.

Ian Streets NRAC Consultant

Date 30th January 2021

Appendix 1. Disability & Legislation

Who is a disabled person?

A disabled person is defined as someone who has a mental or physical impairment that has a substantial effect on the ability to carry out normal day-to-day activities.

Impairments are listed as:

- Mobility
- Doing something with your hands
- Physical coordination
- Continence (controlling your bladder and bowels)
- Ability to lift, carry or move everyday objects
- Speech, hearing or eyesight
- Memory or ability to concentrate, learn or understand or
- Perception of the risk of physical danger.

Substantial means that it is more than minor or trivial.

Impairment covers, for example, long-term conditions like asthma or diabetes and conditions that come and go. Mental impairments include mental health conditions (e.g. bipolar disorder, depression), learning difficulties (e.g. dyslexia) and learning disabilities (autism or Down's

syndrome).

Making Adjustments

We at About Access take the view that it is physical features and policy that make people disabled. For example, a building with a flight of steps at the entrance will not be accessible to a person who uses a wheelchair. But by providing a ramp of suitable design, a wheelchair would then be able to enter the building. It is the steps that are disabling not the fact that the person uses a wheelchair.

There are three options to consider when making adjustments.

- Change the way things are done, formal or informal policies, and rules.
- Physical features:
 - Remove,
 - alter,
 - avoid a physical feature
- Provide auxiliary aids or services.

Requirement 1: change the way things are done. An organisation has rules about the way it carries out its business, which could have been written or adopted on the basis of 'that's the way we've always done it'. These rules may be a barrier to a disabled person.

Appendix 1. Disability & Legislation (cont'd)

These rules may have to change or be dropped so that they no longer make it unreasonably difficult for a disabled person to use the service or amenity.

Requirement 2: consider physical features that are disabling. Where features are disabling then making adjustments should be considered in the following order:

- Remove the feature
- Alter it so that it no longer has the disabling effect
- Avoid the feature

Provide a reasonable alternative method of making the service available to disabled people.

Requirement 3: provide auxiliary aids and services if this would let disabled people use the organisation's services.

The type of auxiliary aid or service will depend on what the organisation does or offers. Where equipment is offered, it must be in working order, maintained and staff must be trained in its use. Also, the need for back-up service should be considered. The type of auxiliary aid would typically be a hearing enhancement system - induction loop.

Adjustments

In most environments, reasonable adjustments have to be made to remove physical or any other types of barrier – created by policies or attitudes for example – that could make it difficult or impossible for disabled person to use or access the building.

The aim of making the adjustment is to ensure that a disabled person (e.g. someone who may be deaf or visually impaired or have difficulty in walking) can use the building or service to a standard as close as reasonably possible to the standard usually offered to a non-disabled person.

What is seen as reasonable will depend on the type of service being offered.

Things to consider are:

- Would the suggested steps be effective in improving accessibility?
- Is it practical to take the recommended steps?
- How much disruption will be caused while making the adjustments?

Appendix 1. Disability & Legislation (cont'd)

Types of Discrimination

Direct

This occurs when someone receives worse treatment than someone who does not have a disability. For example, a person is asked to leave a restaurant because they have Tourette's Syndrome.

Discrimination Arising from Disability

This occurs when someone is discriminated against because of something connected with their disability and the unfair treatment cannot be justified. This differs from direct discrimination, where the discrimination results because of the disability. In 'arising from disability' the discrimination is because of something associated with the disability.

Discrimination will not be unlawful if it was not known or it could not have reasonably been expected to know that the person was disabled.

This means that reasonable steps should be taken to find out if someone is disabled or not, but care needs to be taken not to infringe on the disabled person's dignity or privacy.

Indirect Discrimination

This occurs because of rules, policy or practice that applies to all but puts people with particular impairments at a disadvantage when compared to a non-disabled person and cannot be shown to be justified and meet a legitimate aim in a balanced, reasonable and fair way.

Reasonable Adjustments

In most environments, reasonable adjustments have to be made to remove physical or any other types of barrier – created by policies or attitudes for example – that could make it difficult or impossible for disabled customers to use or access the services or information being provided.

The aim of making the adjustment is to ensure that a disabled person (e.g. someone who may be deaf or visually impaired or have difficulty in walking) can use an organisation's service to a standard as close as reasonably possible to the standard usually offered to a non-disabled person.

The duty to make changes is anticipatory. The organisation must think in advance about how people who have impairments may be affected in accessing their services and what could be done to remove any barriers.

If an organisation finds there are barriers to access for disabled people, then it has a duty to consider making changes to remove or adjust any barriers to access. It will be up to the organisation to consider if the adjustments are reasonable to make.

If barriers to access are identified and the organisation concerned believes they are not reasonable to remove, alter, avoid or provide the service by an alternative means, then the organisation should make a

Appendix 1. Disability & Legislation (cont'd)

dated record of the reasoning along with any evidence to support this belief. The evidence could be:

- A letter from the local conservation officer stating that proposed changes to a listed building are not allowed
- A quote from a lift supplier giving details of installation costs.
- This information should also include a review date.
- An organisation has to do what is reasonable, which will depend on a wide range of factors. These include but are not limited to:
 - Cost
 - Disruption caused in making the adjustment
 - Resources, other than cost, available
 - The types of service being offered
 - Time needed to make adjustment.

Adjustments do not have to be made to make the building or service more accessible if it will lead to a breach of any other legal duties.

However, this is likely to be in exceptional circumstances and only where the other legal duties are very specific, and the service provider has no other choice.

The duty to make reasonable adjustment falls into three main areas.

Service providers can:

- Change the way things are done — the provision, criterion or practice
- Provide auxiliary aids and services
- Overcome a physical feature by
 - removing the feature, or
 - altering it, or
 - avoiding it, or
 - providing services by alternative methods.

What is seen as reasonable will depend on the type of service being offered, along with the size of the provider, taking into account the nature of the service and resources available to it.

Appendix 1. Disability & Legislation (cont'd)

Things to consider are:

- Would the suggested steps be effective in improving accessibility?
- Is it practical for the service provider to take the recommended steps?
- What is the financial cost of the recommendations?
- How much disruption will be caused while making the adjustments?
- What financial resources are available?
- How much has already been spent making improvements to access?
- What other resources (financial or otherwise) are available?

Evidence should be gathered for not making adjustments. For example, this could show the financial implications, disruption caused and the number of visitors affected. This evidence should be recorded and reviewed. It could then be part of a defence against a claim of discrimination.

Harassment

This is unwanted behaviour related to disability that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. This is unlawful treatment.

Victimisation

It is unlawful for a person to be treated badly if they:

- Make a complaint about discrimination or harassment relating to the Act, or
- Help another person make a complaint, or
- Are believed to have helped or complained.

This applies whether or not the person being treated badly is disabled.

Positive Action

Positive action toward disabled people is allowed; this can be used to target a particular group, in this case disabled people. Guidance states that under-representation of a group of people should not be assumed and that research is needed to confirm that they are.

Appendix 1. Disability & Legislation (cont'd)

Public sector Equality Duty

The public sector Equality Duty is Section 149 of the Equality Act 2010.¹ It applies to public bodies listed in Schedule 19 of the Act.

Schedule 19 includes sections such as armed forces, broadcasting and local government. Examples of public bodies listed under health, social care and social security include: an NHS trust; a primary care trust; a special health authority; the Care Quality Commission, schools.

The Equality Duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all.

General Duties

Under the Equality Duty a public body when exercising its functions must have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
- advance equality of opportunity between people who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

It must consider its duties under the Act across its duties, as a service provider and an employer. For example, a hospital trust cannot ignore its duties to staff while meeting those to patients.

It must not directly or indirectly discriminate, harass or victimise anyone in relation to one or more protected characteristics.

Specific Duties

Specific Duties place further duties on public bodies to enhance performance of the General Duties. They must demonstrate their compliance with the Equality Duty and set themselves specific, measurable equality objectives.

A public body is required to:

- publish equality information to demonstrate its compliance with the general duties
- prepare and publish one or more equality objectives it aims to achieve under the general duties

Listed Buildings

The Equality Act does not override existing legislations such as Planning Permission or Listed Building Approval. However, this does not mean that listed buildings cannot be altered: many have already been altered

Appendix 1. Disability & Legislation (cont'd)

numerous times through their history. We suggest you work with conservation officers and English Heritage to make any alterations that you feel would be a benefit.

Saying 'the building has listed status, so we can't do anything' is not enough. Evidence that a particular change is not allowed should be obtained from the local conservation officer or English Heritage. Alternatives should then be sought to overcome the particular access issue.

Building Regulations

Building Regulations Approved Document M - Buildings other than dwellings 2000:2015 Edition (AD M) provides guidance on access and facilities for disabled people in non-domestic buildings and dwellings.

AD M also gives reference to Part K of the Building Regulations (Protection from falling, collision and impact) (Part K). Where there appears to be conflict between the guidance in AD M and Part K, AD M takes precedence.

Under the Equality Act it is seen as not reasonable for service providers, a public authority carrying out its functions or an association, to remove or alter a physical feature that has been provided in accordance with the design standards/objectives of AD M. This lasts for 10 years from when construction was completed, or the feature installed.

However, this does not mean there is a total exemption from the

Equality Act. Features that are outside the scope of AD M may still require reasonable adjustment and reasonable adjustment in other ways, such as policies should be considered when features do fall within the scope of AD M and are disabling.

Equality Act, Building Regulations, BS 8300 & Accessibility Compliance

The Equality Act is not about buildings or physical features. It is about not putting disabled people at a substantial disadvantage, and if physical features have a disabling effect, then reasonable adjustments need to be made to remove that effect.

The Equality Act covers buildings (irrespective of age) and sites. For example, this includes parks, whether used free or in return for payment or as a place of employment. Importantly, they are part of the public realm, which is usually the responsibility of a local authority.

However, the Equality Act does not give guidance about design or where to get design guidance when looking to make environments accessible. It cannot therefore indicate whether a building or site complies with the legislation.

Building Regulations apply to new builds and extensions. Building Regulations are lawful and compulsory, whereas deviation from the AD M is allowed, subject to approval, as this is only guidance. A physical feature designed to meet building regulations or the AD M is not

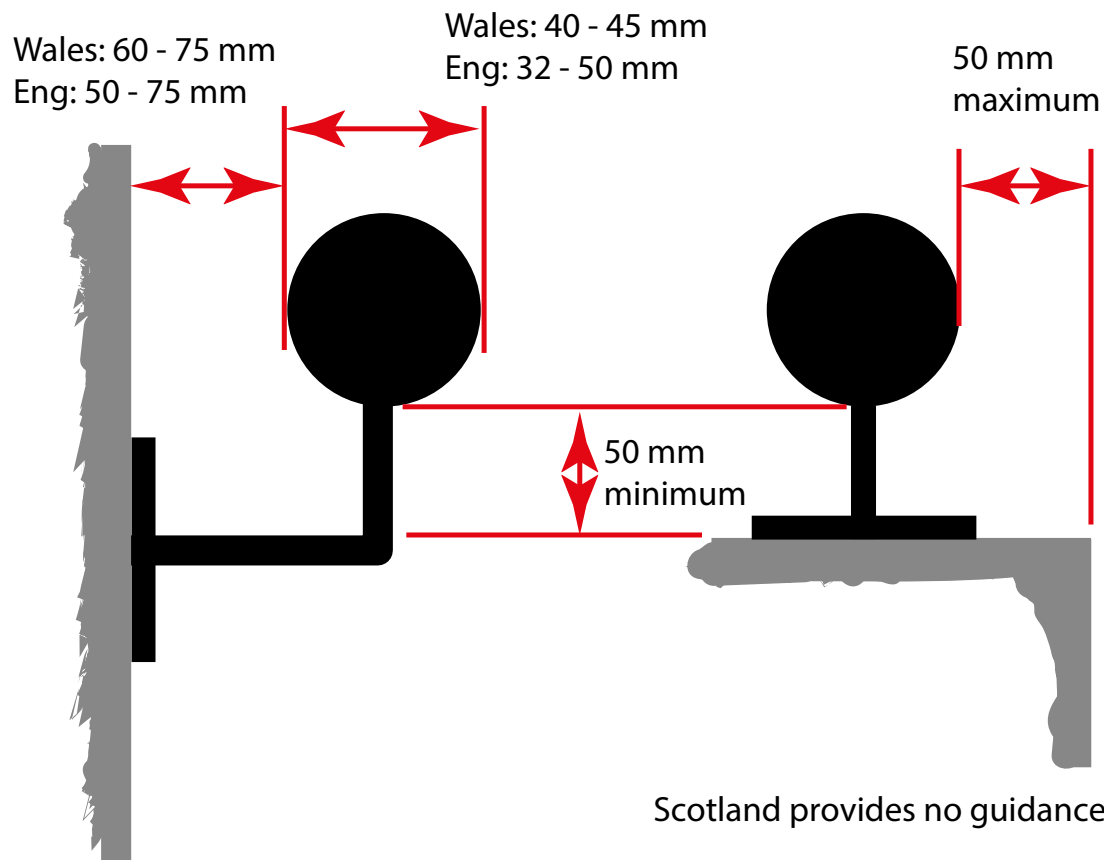
Appendix 1. Disability & Legislation (cont'd)

necessarily Equality Act compliant.

BS8300-1 & 2: 2018 Design of an accessible and inclusive built environment. External & Buildings. Code of Practices, is guidance only. It is frequently used as a benchmark to assess accessibility of the built environment and is seen as complementing AD M. It exceeds the scope of design features when compared to AD M. Following this guidance will not mean a building is Equality Act compliant.

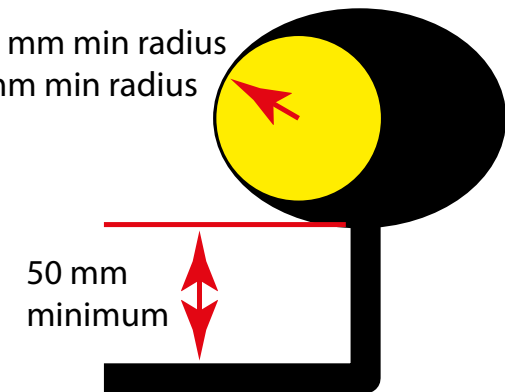
Appendix 2. Handrail design

Handrail design



Wales: Non-circular handrail preferably 50 mm wide with rounded edges.
Eng: Non circular handrail 50 mm wide 39 mm deep having rounded edges

Wales: 15 mm min radius
Eng: 50 mm min radius



Scotland provides no guidance on handrail design

Recommendations by Priority

Reference	Current Finding	Recommendation	Priority
2.3 Kissing gate entrance	2.3.1 This refuge area (the space free of the gate swing) has a space of approximately 1500 x 1500 mm. This should allow a manual wheelchair user space to move, it will not be suitable for scooter users. At the time of my visit the vehicle gate next to this was open. At the other entrances during opening hours there is no obstacle to access. We recommend that the main gate be held in the open position when the cemetery is open as this is far easier for people to use rather than the kissing gate. If worried about unauthorised vehicles using this entrance it could be that the gate can be partially opened and held in place.	Have the main gate held in the open position when the cemetery is open.	M
3 Site – car parking and vehicle access	3.7 The volume and speed of traffic around the cemetery is going to be low. However people with hearing or sight loss may not hear or see vehicles approaching. People with sight loss may look at a car and the driver think they have been seen and assume it is safe to proceed. People with cognitive impairments or neurodiverse people don't always make eye contact with drivers or understand the risks of moving vehicles. Making eye contact and body language between driver and pedestrian allows people to get a 'feeling' of what the other may do. For these reasons I recommend that the present policy of only opening vehicle access when requested is maintained.	Maintain current policy around site access.	M

Reference	Current Finding	Recommendation	Priority
4 Site - pedestrian routes	4.5 There had been heavy snow fall the day before my site visit, although there was a thaw paths remained icy. There should be a policy of ensuring paths remain free from potential slips and trips, this could be snow/ice or fallen vegetation.	Ensure paths remain free from slips and trips.	M
7 Chapel	7.3 The entrance door is fitted with a ring style handle, this appears to be an original feature. It should be possible to operate door handles with the use of a clenched fist. People will not be using this building on their own, staff can open and close the door if a person cannot use the handle or the door is too heavy.	Ensure staff provide assistance if required.	M
7 Chapel	7.5 There are two steps up to the altar and lectern. The lectern should be brought to the lower level if people are expected to speak and cannot use the steps.	Move the lectern to the lower level if people cannot use the steps.	M
7 Chapel	7.6 At the time of my visit it was not possible to assess the illuminance levels as there was too much daylight entering the building.	Check the illuminance levels when daylight is poor and increase if necessary.	M
1 Getting to the site	1.2 Public footways are firm and even. Dropped kerbs are provided at street crossing points but no tactile warning (blister paving). To the controlled crossing next to the kissing gate entrance blister paving has been provided.	Approach the Highways Department of the responsible authority requesting that tactile paving is provided to dropped kerbs at pedestrian crossing points.	2

Reference	Current Finding	Recommendation	Priority
2.1 Vehicle entrance	2.1.1 Only the vehicle entrance has signage advising that this is the Tower Hill Cemetery. Providing signage at all entrances advising of the cemetery name is recommended to help visitors new and old to the site not only know they have arrived at the correct site but also to easily identify the entrances.	Provide signage to cemetery entrances advising of the cemetery name.	2
2.1 Vehicle entrance	2.1.2 The vehicle entrance has signage that can be seen from the road but nothing to indicate that it leads to the car park or that it gives vehicle access to the upper area of the cemetery.	Provide information about car parking and vehicle access that can be easily viewed from the road.	2
2.1 Vehicle entrance	2.1.3 The signage at the entrance just within the grounds is in a notice board. This has a plan of the cemetery and information about opening times etc. It is placed at a height that will make reading it difficult from a seated position or for people of short stature.	Provide information at an accessible height and location that has firm and even ground beneath it.	2
2.1 Vehicle entrance	2.1.4 There is no information about the topography of the site. There are a number of paths that have steep gradients. A terrain guide details the paths around the site and the gradients/lengths of any paths that are not level. It can also show where seating can be found. This could be available at the entrances and/or on the web site so that it can be downloaded.	Provide a terrain guide.	2

Reference	Current Finding	Recommendation	Priority
2.2 Welch roundabout entrance	2.2.1 The Welch entrance has open gates and leads directly off the public footway. There is no signage at the entrance. Providing a site map and a terrain guide would be of benefit to many people.	Provide information about the site (eg opening times), a map of the site and a terrain guide.	2
2.3 Kissing gate entrance	2.3.2 There is no signage at the entrance. Providing a site map and a terrain guide would be of benefit to many people.	Provide information about the site (eg opening times), a map of the site and a terrain guide.	2
3 Site – car parking and vehicle access	3.1 There is a car park on the site but this is not signposted. On the day of my visit snow was on the ground covering up any markings. Providing post mounted signage helps in these instances to identify parking bays and the parking area.	Provide signage advising the car park location along with ground painted and post mounted signage advising of the parking area and parking bays.	2

Reference	Current Finding	Recommendation	Priority
3 Site – car parking and vehicle access	<p data-bbox="380 263 1232 438">3.2 The parking area is positioned between railings but also forms part of the vehicle access route around the site. Vehicle access is required not only for members of the public but also contractors and the grounds team.</p> <p data-bbox="380 494 1232 718">The parking area could be defined as the space between the diamond railings which is approximately 7 m wide x 17 m long. This area has to allow vehicles pass by those that are parked in it. If you take the width of the service road which is approximately 2.6 m as the minimum width required for vehicles that leaves a 4.4 m for vehicles to park in.</p> <p data-bbox="380 774 1232 949">An accessible parking bay is 4.8 m long with 1.2 m wide hatching to the rear, overall length 6 m. Cars will need to be parked on the diagonal to the diamond fencing or parallel to it if the 2.6 m access route is to be maintained.</p> <p data-bbox="380 1005 1232 1276">The width of an accessible parking bay is 2.4 m with 1.2 m wide hatching to one side, it is preferable if it is to both sides, the overall width is 3.6 m. The length of this area is approximately 17 m which means that four accessible bays could be provided in this area. BS8300- 1: 2018 states that religious buildings and crematoria should provide a minimum of 2 spaces or 6% whichever is the greater.</p>	Provide at least two accessible parking bays.	2

Reference	Current Finding	Recommendation	Priority
3 Site – car parking and vehicle access	3.3 BS8300-1: 2018 also states that enlarged bays should be provided to any car parking area. An enlarged bay is the same overall size, including hatchings, of an accessible bay. It is intended that these bays are available for anyone to use but allow the extra space that someone who is temporarily disabled for example a broken leg or parents wanting to get children in and out of cars to fully open the car doors. They also allow for increasing the accessible bay provision without having to remark a whole section of car park.	Provide the same number of enlarged bays as accessible bays.	2
8 Signage	8.1 There is no wayfinding signage in the grounds. A visitor most probably wont know which is the consecrated or un-consecrated chapel or which are the different parts of the cemetery when comparing to the layout plan that can be found at the entrance and car park notice boards. Providing basic wayfinding signage is recommended, for example this could point to the different chapels, car park and memorial wall.	Provide way finding signage.	2
4 Site - pedestrian routes	4.2 Generally the paths have an even surface, particularly to the top of the cemetery. It is where the paths are concrete that the joints between slabs have moved, these have the potential to cause tripping. We recommend that maintenance is carried out to make the joints between slabs flush.	Provide flush joints between concrete slabs.	3

Reference	Current Finding	Recommendation	Priority
4 Site - pedestrian routes	4.4 Where paths have gradients that are steeper than 1:20 they should be treated as a ramp. That means handrails should be provided. The path leading from the kissing gate has a handrail to one side. The top of the handrail is between the recommended height range of 900-1000 mm. The handrail is rectangular in shape, it can still be used but the preferred shape is round or oval. The supports do not allow the user continual grip as the hand has to be removed when a support is reached. It should be possible to run a hand along the full length of the handrail and not have to move it because of a support.	Consider providing handrails alongside paths with gradients steeper than 1:20.	3
5 Seating	5.3 None of the seats provide an inclusive space alongside for a wheelchair user to sit. Best practice is also to provide some seating with the arm rest set in one seat width allowing a wheelchair user to side transfer. This space should have a firm and even base with level access to it that also is firm and even. It is probably unreasonable to add retrospectively but any new seating should incorporate this.	Provide seating with an inclusive space alongside for wheelchair users.	3
8 Signage	8.2 There are engraved marker stones to different burial areas, these can only be read from close up. The engraved text to these stones is not always easy to identify as the highlighting to the lettering has worn in some instances. The word 'SECTION' is in upper case, it is easier to read if the first letter is in upper case with the rest in lower case as in 'Section'.	Ensure text is highlighted.	3

Reference	Current Finding	Recommendation	Priority
4 Site - pedestrian routes	4.3 There are a number of paths that have steep inclines as an example the path from the Chapel heading up to the vehicle entrance and the path from the kissing gate have a gradient of around 1:7. These follow the natural contours of the land. Paths should have gradients no steeper than 1:12, it is not seen as feasible to alter these. Some people will find steps easier to use than inclines, a long-term aim should be to add these if feasible.	Consider adding steps alongside steep paths.	P
7 Chapel	7.4 There are fixed pews within the building. There is no inclusive space for a wheelchair user to sit. At the present time a wheelchair user would have to either sit in the aisle or at the front of the pews. The pews are raised up approximately 80 mm with a gap of 400 mm to reach the pew seat. A space for a wheelchair user should be 900 mm wide x 1400 mm deep plus unobstructed access route of 900 mm (preferably 1200 mm).	Provide an inclusive space for wheelchair users to sit.	P

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