

Vote 10 - Office of Public Works

17. Disabled Access Programme

Under existing legislation adequate provision must be made for access and facilities for disabled persons in new public buildings and in existing ones where substantial alterations or change of use are being made.

The Office of Public Works (OPW) has responsibility for managing about 4,000 properties throughout the country. Its duties include ensuring that buildings comply with statutory requirements regarding the provision of access and facilities for people with disabilities. These requirements cover two categories - in-house facilities for employees and external access for members of the public visiting the properties.

Out of the 4,000 properties controlled by OPW about 2,000 are owned by the State while the balance are rented for use by the State. The properties are used mainly for the provision of services by Government Departments and Offices.

For buildings, which are not new or are not being substantially altered OPW has a specific disabled access programme with an annual provision of approximately £1m to cover disabled access adaptation works for all Government Departments.

In the course of an audit of the programme being operated by OPW the following matters were noted:

- In 1992 OPW commenced carrying out a disabled access survey of all Government occupied buildings in the Dublin area to identify where facilities for the disabled were lacking or were inadequate and to establish what rectification works were required. The survey culminated in a report in January 1996, which identified 122 buildings needing disabled access. Of the buildings surveyed 15 could not be upgraded to provide for full public access and use, and 27 would fail to provide adequate provision for disabled staff on completion of the necessary adaptation work. The estimated cost of the necessary works excluding VAT and professional fees was put at £5.2m or £42,800 per building. Work commenced under the programme in 1996.
- Up to December 2000 adaptation work had been completed on 23 buildings, at a cost of £2.4m, (including VAT) which averaged £104,000 per building. The amount provided in OPW's estimates for expenditure under the programme in the years 1996 to 2000 was £5m, which indicates that only half of the budgeted figure was spent.

The Estimate provision and actual amounts spent for the five years up to 2000 are shown in Table 18.

Table 18 Estimated and actual Expenditure 1996-2000

Year	Estimate (£'000s)	Outturn (£'000s)	Percentage Spent
1996	500	110	22%
1997	1000	447	45%
1998	1000	522	52%
1999	1500	855	57%
2000	1000	511	51%
Total	5,000	2,445	49%

I asked the Accounting Officer why the expenditure had been consistently below the estimate provisions since the inception of the programme and what action, if any, was being taken to address the underspend. I also asked why the average cost of adaptation works was almost double the original 1996 estimates, and sought information on the quality of the information available for the prioritising and scheduling of adaptation works.

The Accounting Officer informed me that:

- The Estimate provision referred only to works, often minor, such as the provision of access ramps undertaken specifically and separately to provide disabled access. Design changes, adaptation works and new fit-outs incorporating disabled access requirements were of much more significance both in monetary terms and for improving facilities for the disabled, and for operational reasons were accounted for separately. This expenditure when combined with expenditure under the specific disabled access programme far exceeded the commitments given.
- The 2001 allocation (£0.75m) would be spent in full and total expenditure on the provision of facilities would be many times this amount.
- Regarding the significant increase in the cost of the works completed over the original estimates, he stated that the estimate given in 1996 had to be viewed in the context of tender inflation, which when compounded over the intervening years showed an average increase of 40%.
- The Commissioners, in the light of the implications for disabled access in recent equality legislation and the proposed Disabilities Bill, had initiated a nationwide property survey which should be available in early 2002 and would form the basis of future policy and action for the coming years.

18. Acquisition of the Battle of the Boyne Site

In August 2000 OPW acquired about 520 acres, which is thought to include a significant portion of the lands on which the Battle of the Boyne was fought. The purchase of the lands was effected through the purchase for £7.4m of the share capital of a company which owned 450 acres, and the direct purchase of 70 acres from another company for £0.45m.

The price paid for the property - £7.85m closely resembled the value which was put on the property by the vendor's agent - £8.5m. - when account is taken of 65 acres included in the vendor's valuation but which by mutual agreement was subsequently not included in the sale.

The mechanism of acquiring the lands through the purchase of the company was chosen at the behest of the company shareholders as it resulted in a tax saving of an estimated £920,000 to them relative to the tax which would have accrued to them if the lands had been purchased directly from the company by OPW.

In response to my inquiries the Accounting Officer informed me that:

- The option of purchasing the lands directly from the company as a separate transaction was never available to OPW and negotiations were carried out on the basis that the acquisition would be by way of purchase of the share capital of the company.
- OPW had the site valued by their in-house valuers who put a value on the property of between £4m to £7m. No reliance was placed on the vendors valuation and it was of no significance as far as OPW was concerned, who acted on its own in-house professional advice.
- Subsequent to the acquisition, as part of an internal audit review, outside consultants were asked to

provide an independent report and review of the valuation used at the time of purchase of the property. The consultant's draft report of July 2001 stated that the appropriate valuation would have been £6.5m with the specific assumption of a known special purchaser i.e. the State. This opinion of value reflected the maximum price which could reasonably have been expected from a special purchaser but does not reflect any additional value which the State may attribute to the acquisition of such a property in the particular circumstances.

- The amount paid reflected fairly the value to the State of acquiring the property in the particular circumstances of the North/South peace process, and no questions arose therefore as to the appropriateness of the amount paid.

I also sought the views of the Accounting Officer on the usefulness of OPW having legal powers to acquire property of historical or heritage significance by Compulsory Purchase Order, similar to the powers which exist in relation to National Monuments. The Accounting Officer stated that this was a matter for Government Policy and that it was by no means certain that even if such powers had been available in this case, that it would have yielded a different price to that paid.