

Test of Reasonableness Board (TORB)

As per the Equal Opportunities (Persons with Disability) Act I of 2000 Cap. 413 of the Laws of Malta

28th November 2019

Our Ref: NovTORB_04

Perit David Ellul Mercer
34,
St. Lucy Street
Naxxar

PA/08030/19 – San Ġiljan – Opening of doorway in common party wall to interconnect Class 4C with Class 4D catering establishments, sanctioning of internal alterations pertaining to food counters and lightweight staircases and proposed access for all ramp at entrance and other minor internal alterations.

On Friday 22nd November 2019, the Test of Reasonableness Board (TORB) discussed a request for exemption received on the above indicated permit. Perit David Ellul Mercer and Ms. Vivianna Salamone were present on behalf of the applicant.

Exemption was requested on the below for the following reasons:

- Reception counters as modifying them would constitute an enormous cost since all counters have built in under counter fridges;
- No space for refuge areas;
- Accessible sanitary facilities due to space limitations and since should they join the 2 sanitary facilities there is still no space to make a ramp as according to AADG as it would need to be 12m long in view of the existing change in level;
- Upper floors due to financial hardship and due to space restrictions.

CRPD objected on the following non-conforming elements:

- Reception Counter / Bar counter/s and Display counter/s (if any) should all conform to AADG2011.
- No refuge area/s provided.
- No accessible for all sanitary facilities have been provided.
- Accessible sanitary facilities should be indicated using the international symbol of access.
- Accessible route should also conform to AADG2011 (Refer to AADG2011 point number 1.1.03)
- Architect is advised that a lift that incorporates a chair rather than a platform is not considered as a means of access in a public building.
- Upper floor levels should also conform to the AADG2011.

Taking all arguments in consideration, the TORB concluded that it is **REASONABLE** to exempt* the receptions counters, upper floors and raised seating area at Ground Floor Level in the right side of the catering establishment on condition that the accessible seating area at the left hand side is made as priority seating for persons with disability. In regards to accessible sanitary facilities, applicant should consider modifying current 'cold store' as advised during board.

**Exempted elements marked in 'X' above.*



Rita Vella
Chairperson
Test of Reasonableness Board