

Officer Comments on the Human Rights Report on Blue Badge Exclusion in York, October 2021 by the York Human Rights City Network

03/11/2021

The Report

The report by the York Human Rights City Network does not acknowledge the full history of engagement and consultation on this issue. The council's understanding of the impact of removing Blue Badge Access to the footstreets has been built through a series of consultation and engagement exercises over the last four years – ever since the council was asked to consider installing counter-terrorism measures designed to protect the city from attack by vehicles.

We have followed our 'My' approach to engagement which includes some key principles:

- Open, honest conversations which clearly articulate why and what we are consulting over
- Exploration of the impacts of proposals, using the insight to inform plans
- Surfacing alternative perspectives and trying to bring people together to understand each other and explore opportunities for change.
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- This has included a series of accessible workshops, surveys and ongoing conversations with disabled residents and Disabled People's Organisations.

This has allowed officers to develop a deep understanding of the impacts of removing blue badge exemptions for the footstreets. These impacts have been set out to Elected Members in the decisions to date and in the public open brief which was agreed by York Disability Rights Forum as an accurate reflection of the impacts of the initial COVID-related restrictions on disabled people, and in particular Blue Badge Holders. This has previously been published at Executive, and is being updated following the latest engagement exercises ahead of the next set of decisions about ongoing arrangements. Therefore we would refute that the data has not been analysed properly and that the impacts have not been understood.

Officers do understand the impacts This was borne out at scrutiny on the 25th of October 2021 where officers set out the impacts and then members heard personal testimony that illustrated the lived experience

of the issues set out in the open briefs published last year and as part of the city centre access consultations this summer.

Officers in preparing the final recommendations have considered both the Equalities Act which sets out the the Public Sector Equalities Duty as well as the relevant human rights principles. The council has done so both in terms of the reason for the change (that is, the positive duty placed on the Council by the European Convention of Human Rights and the relevance of Article 2, The Right to Life, which places a positive duty on the state (i.e. public bodies) to protect life) and the impacts of the change on some people with legally protected characteristics (for example disability, age, pregnancy and maternity()). Executive will also need to balance these issues in making any decisions.

On the critique of the Equalities Impact Assessment

What officers would acknowledge is that whilst the impacts were not cross referenced into the human rights section of an Equality Impact Assessment the impacts were understood. As identified above the impacts for Human Rights are mixed.

On lessons from elsewhere

Officers have been in discussion with Bath and Chester Councils in the development of the proposals. As was acknowledged at the scrutiny meetings on the 25th October 2021 some of the information relating to these case studies within the report is inaccurate

- Chester's entry via barriers is not through ANPR (automated number plate recognition) – this is done manually through a staffed barrier. ANPR is used in the city's Pay on Exit car parks.
- Bath has consulted over plans to re-introduce Blue Badge Parking within its city centre counter-terror measures once COIVD regulations are lifted, but has not yet made a final decision.

Whilst the conversation with other cities have been useful each city is unique in terms of its layout and the issues it is trying to address. The engagement with other cities will continue.

Response to the Recommendations of the York Human Rights Board

Recommendation 1

The approach advocated by the York Human Rights City Network in recommendation one is the approach that the Council has taken over the last fourteen months, and indeed before, and has resulted in the strategic review of access and the open brief.

The proposals for the blue badge exemptions could be delayed to consider alternative options, however this would add further delay to the implementation of counter terrorism measures and extend the period the Council is not acting to fulfil the positive duty to protect life. Having undertaken extensive consultation and engagement there is little benefit in further delay as the impacts are understood and alternative solutions and mitigation have been explored and refined.

Recommendation 2 Access Officer

This recommendation has also been proposed in an independent review and is welcomed and included within the Strategic Review of City Centre Access

Recommendation 3 Access Forum

The approach of working with a number of disabled advocacy groups had the effect of starting an informal access forum and should the Access Officer be appointed then this recommendation would be welcomed.

Recommendation 4 Council Training

Welcome the recommendation