

PE1595/WWW

Petitioner submission of 30 October 2019

Thank you for giving me another opportunity of addressing the Petition's Committee. On 7th March earlier this year, I attended a meeting of the Petition's Committee. In response to my letter requesting a meeting with the Equality Minister, I understood that the Committee had agreed that such a meeting was desirable. It is disappointing however that no such meeting has taken place.

I enclose a letter which I request is discussed by the Committee and forwarded to the Equality Minister which outlines my concerns on Equality issues which remain outstanding.

Correspondence sent by the petitioner to The National Federation of the Blind of the UK

Dear Ministers and Officers,

Many government departments issue guidance and even legislation under the assumption that local authorities will automatically follow these recommendations. However, in some cases local authority Planning Committees appear to consider that such legislation is only advisory and they will choose to disregard it, in the belief that their decision takes priority over that of government; that their local authority will not be subject to any reprimand or penalty, and that they do not need to explain to the disabled and vulnerable people who protest at their discriminatory actions.

There are however, several Local Authorities whose Planning Committees seem to operate in this way and are prepared to disregard the safety legislation for which the Equality Act and the Public Sector Equality Duty was enacted in 2010, to remove discrimination and to allow vulnerable people to circulate safely and freely around their town streets.

The Department for Transport together with Scottish Transport have now commissioned research for the preparation of a new guidance document to update 'Designing Streets' and to replace DfT's LTN 1/11 Shared Space, but consideration must also be given to decide how to ensure that this and other relevant guidance documents are followed, and also that the above legislation must always be implemented.

During the last 3 years concern over these issues has been expressed by: The Department for Transport, The Transport Select committee, The Women and Equalities Select Committee, The Scottish Transport Authority and the European Union Committee for Disabled Persons, who are each seeking to make all streets and public areas fully inclusive and safely accessible by everyone. The pause on Shared Space Developments in 2018 by the DfT in England, was very timely, but this ruling is being ignored by some local authorities on the basis that there is no penalty for ignoring DfT advice or legislation.

We are aware that any person who is dissatisfied with such discrimination is at liberty to take and pay for personal legal action against their local authority, but this threat is seldom instituted because vulnerable people cannot afford the costs likely to be incurred against a local authority which has by comparison unlimited funds to provide legal support for their actions.

In this context The Women and Equalities Select Committee 2017 Report said: 182. Adequate guidance is important, but individuals also need an accessible means to challenge decisions when such guidance is not adhered to. We recommend that the Government bring forward Regulations under section 22(2)(a) of the Equality Act 2010 to specify that organisations which fail to comply with the new guidance recommended above will not be considered to have taken reasonable steps for purposes of the duty to make reasonable adjustments which will make it easier for disabled individuals to establish discrimination contrary to section 21 of the Equality Act 2010. End of quote.

We consider that Government Guidance and Legislation must take priority over the preferences of Councillors, Planners and Traffic Engineers, and that Government must institute procedures or penalties to makes sure that this does happen.