

I would like to speak about agenda item 5, and the serious impact the TRO is having on those with a disability. I want to focus on two inter-related issues.

Firstly, there is an extraordinary lack of evidence or indeed coherent stated purpose for this scheme. The statement of reasons document for the removal of blue badge access indicates the importance of countering terrorism. However, this reasoning is barely mentioned in the document, perhaps because it suggests officers believe - in a startling inversion of the Public

Sector Equality Duty - vehicles displaying blue badges are the likely source of a terror incident.

I am one of the 60% of responding blue badge holders who was positive about the extended foot streets. A number critical to the officer's argument. Yet why am I now speaking against this? Because, like many others, I assumed that *all* motor vehicles would be excluded – not unreasonable since a climate emergency has been declared by the council and it has committed to having a largely car-free city centre. Instead, we now understand that only Blue Badge holders are to be excluded. Worryingly the responses to this misleading question appear to be the only evidence used to justify the equalities impact assessment. I bitterly regret the way my responses have been twisted and will respond to no further consultations by the council.

Secondly, why is this important? I note with interest that in the combined documents on page 31 it says

“Case law has held that achieving such a balance is not a breach of the PSED and that there is no prescriptive way to evidence due regard.”

This vague statement presumably alludes to the judgement in the case “United Trade Action Group Ltd v TfL” which was published on 30th July this year. I would like to note a few key passages of this judgement.

Paragraph 64 notes the acceptance of a difficult balancing exercise between “what weight to give to the mobility of the disabled and frail elderly against...”, in this case a bus service. My question is, what is balanced here? Cycling will still be banned in the footstreets, but not vehicles. Pavement café's will still be on pavements. For disabled persons, there is no balance, this is simply discrimination.

Paragraph 78 contains a brief synopsis of evidence gathered to justify the objectives of the scheme. The City of York council provides no such comparable evidence. One obvious piece of evidence is clearly lacking: the fraction of vehicle traffic in the footstreets area who are blue badge holders.

Paragraph 116 concludes a long discussion on the details of the TfL impact assessment. I contend that the impact assessment presented in Annex 2 would not meet the “adequate” condition: it is poorly evidenced and relies heavily on a flawed consultation. The TfL EIA focusses on the serious impact of requiring a person with a disability to walk 80-90m, yet, as is clear on the map in Annex B, many areas of the York footstreets now require a walk of in excess of 250m, including to toilets and the main post office. It is utterly contemptuous in this context to describe the impact on persons with a disability as “mixed”.

I question whether the document and plans put before you by the officers would stand up to scrutiny, should it be challenged under the equalities act.