

PE1595/UUU

Petitioner submission of 19 February 2019

I am deeply concerned that my Petition PE1595 is being considered for closure. As you stated, this Petition was lodged on 3rd December 2015, which was appropriate as it was the International Day for Disabled People. My Petition called for a Moratorium on all Shared Space Schemes until Safety and Equality issues had been addressed, however these objectives have still to be achieved. While the UK Government have called for a moratorium on all new Shared Space Schemes in England and have withdrawn Guidance Notes 1/11, the Scottish Government have failed to take similar action.

The Seminar which was held on 25th April 2017, echoed the findings of the UK Government cross party Women and Equality Committee report and I fully supported their findings, however no action has been taken to halt the introduction of Shared Space Schemes throughout Scotland. I have repeatedly tried through both my local MSP Rona Mackay and the Convener of The Human Rights Committee Ruth McGuire to get a meeting with Equalities Minister Christina McKelvie, however I have been unsuccessful as she and other Ministers appear to be blaming 'Lobbying Rules' for being unable to meet with me, however these should not apply to me as an unpaid volunteer.

The meeting would be to request the Scottish government to act on its UNCPRD obligations regarding shared space issues. Specifically this would be to cease its funding of inaccessible regeneration schemes, and to halt unending delays in Transport Scotland responding to a Petitions Committee direction to update and clarify streets design guidance in relation to access for blind and disabled people, which we believe is due to Transport Scotland failure to understand Equality Act obligations.

I have previously written to The Scottish Transport Minister and The Minister for Older People and Equalities, however my letters seldom reach their intended recipients, as they are invariably intercepted and are forwarded to Transport Scotland personnel. I am aware that local transport issues are devolved to Local Authorities, however I wish to discuss National issues of Equality and Human Rights, which are currently being denied to thousands of elderly and disabled people throughout Scotland who face discrimination. Several new schemes are currently under construction with others on the drawing board, I refer to Shared Space Schemes in Inverness, Aberdeen, Perth, Glasgow etc. Local Authorities are being encouraged to adopt these non-inclusive schemes by the availability of funding which is provided by the Scottish Government through Sustrans and other Government funding schemes, however Shared Space schemes are in breach of both our Equality and Human Rights and our rights under the United Nations Charter for the Rights of People with Disabilities.

While I am aware of the letter which was sent to C.E.O.'s of Local Authorities by the Transport Cabinet Secretary and the Minister for Local Government, Housing & Planning, advising Local Authorities of their obligations under the Equality Act 2010 and the UNCPRD, however this is being contradicted by the Scottish Government who continue to fund schemes which are in contravention of this legislation. I

therefore respectfully ask Members of the Petition Committee to call Ministers to account in order that the people of Scotland retain their rights under these Acts.

I enclose a letter sent by The President of The National Federation for the Blind of the UK (NFBUK), to The C.E.O.'s of all Local Authorities in England which I hope will clarify our position.

A letter sent by The President of The National Federation for the Blind of the UK (NFBUK) on 5 February 2019

Dear Sir / Madam

I am writing to ask if your Council is amongst those that have recently decided that using shared space is not the right way to improve the street environment for pedestrians. As recent letters issued to local authorities by Government Ministers have been conflicting and potentially confusing, I am writing as President of NFBUK to all local authorities to help clarify the situation and to seek assurances from you.

NFBUK is a non-political self-help third sector disabled persons' organisation with members across the country who are blind, deaf-blind or partially sighted. For many years we have been campaigning against the principle of shared space, as the installation of such schemes affects our members on a day-to-day basis. In some cases such arrangements prevent them from leaving their homes and travelling independently along streets in their locality.

The first point I would like to draw to your council's attention is that it is not only blind, deaf-blind and partially-sighted people who are excluded from such street layouts. Whenever pedestrians are expected to share streets and roads with motorists or cyclists, including where sections of roads are raised to the same level as pavements, where low kerbs have been used or where bus boarder (shared use) bus stops are in use this creates problems for pedestrians. Similarly, where tactile surfaces have been used in place of detectable height kerbs, and push button crossings have been removed, all pedestrians are affected. However, it is vision impaired, disabled and other vulnerable pedestrians who are affected the most. This was clearly illustrated in a petition to the Prime Minister from the NFBUK calling for a halt to shared spaces on the 10th January 2019 and which was signed by 112 pan disability organisations including organisations such as Alzheimer's UK, Mencap, Disability Rights UK, Blind Veterans, UK Deaf Sport and many more.)

All of the design listed above are aspects of the theory, which is called "shared space". We recognise that not all councils utilise this term; we are using it here to denote schemes that include the lowering or removing of kerbs and taking away of push button crossings; and where there is no delineation separating pedestrians from other traffic, including bicycles. A Parliamentary Inquiry published in April 2017 (HC 631, Chapter 6, reported that shared space has become a major issue for a very large number of disabled people. This includes not just blind and partially sighted people, but anyone with a mobility impairment, and people who cannot hear traffic or cyclists coming up behind them. Many people, including older people and young children, have difficulty judging where it is safe to walk or cross without kerbs and controlled crossings. For vision impaired people there are particular difficulties where these safety and navigational features have been removed: where kerbs are too low to be detected using a white cane or for guide dogs to recognise them as a kerb and hence to stop. With the ageing of local populations, the numbers affected are increasing significantly.

This was made clear in a meeting with Sarah Newton MP, the UK Minister for Disabled People, when we discussed the problems created by 'shared space'

designs with her on the 24th April 2018. Subsequently letters were sent by Sarah Newton MP to the Under-Secretary of State for Transport and the Secretary of State for Housing, Communities and Local Government following that meeting which clearly said that shared space was against the Equality Act 2010. These letters were also copied to us and are available on request.

Please note that the UK Department for Transport (DfT) Disabled Persons Transport Advisory Committee also drew the same conclusion in a position statement it published on 13th June 2018 when it stated that shared space discriminates unlawfully and is contrary to Section 21 of the Equality Act 2010.

Also please note that one of the key problems identified by the DfT's own consultation on the 'Draft Accessible Action Plan' was shared space, identified both in written evidence and in face to face consultations undertaken across England. This resulted in the letter sent by Nusrat Ghani MP on the 25th July 2018 calling for a pause to level surfaces and the withdrawing of the Local Transport Guidance Note 1/11 Shared Space.

We would also like to remind you that on the 4th September 2018, Kit Malthouse MP, Minister of State for Housing, wrote to Maria Miller MP in her role as Chair of the Women and Equalities Select Committee to say that the updated version of the National Planning Policy Framework published on the 24th July 2018 re-emphasizes that local plans should ensure that development is safe, inclusive and accessible. This letter also suggested that while 'the shared space "pause" directive applies to new schemes, authorities may wish to consider how schemes under construction or where a contract has been let for construction can be adapted to enhance accessibility'.

In line with this we therefore request that any "shared space" scheme (or scheme that includes shared space features) that is currently either under construction or in planning should be re-assessed to ensure that it is fully accessible by all vulnerable groups. Where this is not found to be the case, those schemes should be revised to ensure they are accessible by all.

The second point that NFBUK wishes to make clear to local authorities is that street or road designs lacking these navigational and safety features break equality law. The Equality Act 2010 and the Public Sector Equality Duty legislation require all local authorities to ensure that everyone - including blind people - can safely walk their town streets and public places. However, we are aware that some traffic engineers have nonetheless ignored this legislation. I would like to remind you that this legislation can be applied retrospectively so that legal action can be instituted to make councils rectify their errors at a later date where they are found to have made their streets no-go areas for blind people.

The third point we would like to make is that following a meeting between NFBUK and Kit Malthouse MP on the 10th January 2019 it is now clear that the relaxation on the pause of shared space announced on the 28th September 2018 was not based on any evidence but on concerns raised by industry on the potential impact on schemes near completion or going through the planning process and the effect that may have had on house building. In contrast, it is clear that the pause to shared

space introduced by the DfT was based on evidence from parliamentary inquiries, position statements, government consultations and Ministerial letters as mentioned above.

Fourth, in keeping with the above, we ask that you ensure that your Council fully remembers its obligations under the Equality Act 2010 when any and all proposals are sent to you for endorsement or planning approval. Should a case be brought under the Equality Act 2010 it is unlikely that a judge would consider 'industry interests' to be of more importance than local authorities' obligations under the law. We therefore ask you to confirm that in future:

"Shared space" schemes or other similar schemes going forward under an alternative name but including design components associated with this approach will no longer gain approval.

You will no longer support shared space designs (or designs incorporating the shared space features listed above) when high streets, town centres, residential or commercial centres in your area are being planned or re-designed.

We therefore ask you to respond to this letter to confirm that your local authority:

Has paused all such schemes.

Has re-assessed and modified any "shared space" scheme (or scheme that includes shared space features) currently under construction or let for construction to ensure that it is fully accessible by all disabled and vulnerable groups.

Is either already undertaking such reviews, and/or will do so with any schemes that are about to enter or are at any stage of the planning process; and That access by disabled people is properly considered and designed in from the outset in all future schemes.

Finally, recognising current resource constraints and the legal obligations highlighted above, we would ask you to urgently update local design guides as necessary. If you have not already commenced a review of all shared spaces in your area (including those in which pedestrians share space with cyclists) we also recommend your council immediately does so and establishes a programme of works for the (re-)installation of standard height kerbs and push button crossings in order to deliver a safe and inclusive environment for everyone.

I would like to thank you in advance if you have already called a halt to such schemes and I look forward to receiving your assurances on these final points too.