

York Human Rights City Network Statement on Access to York City Centre July 2021

In 2017, all political parties represented on the City of York Council (CYC) supported York declaring itself the UK's first Human Rights City. Since then, the York Human Rights City Network has worked alongside CYC to embrace the vision of our City as 'a vibrant, diverse, fair and safe community built on the foundations of universal human rights.'

We have looked carefully at the Council's current plans for access to the city centre and Blue Badge parking, in the context of the UN Convention on the Rights of Persons with Disabilities, the Human Rights Act (1998) and the Equality Act (2010). We have concluded that a human rights approach has not been adopted in developing the current plans. The disproportionate impact of the plans on some of York's disabled citizens has been highlighted by Disabled People's Organisations (DPOs) such as [York Disability Rights Forum](#) and [York Accessibility Action](#). The proposed Footstreets Scheme will permanently have a detrimental effect on those disabled citizens whose only transport option is their car.

Examples which have been brought to our attention include:

- A 90-year old disabled woman with very limited mobility who must now travel to Malton (a 36 mile round trip) to access a branch of her bank as the restrictions have made the York branch completely inaccessible to her.
- A disabled woman who suffers from severe anxiety following years of hate incidents needs her car close by as it is her safe space.
- The autistic son of a disabled woman refuses to enter any vehicle other than hers.

We are aware that numerous other examples have been shared with CYC and many disabled people have written to their councillors, MP and local media with regard to these issues.

CYC have stated that the needs of the local economy, anti-terrorist precautions and environmental considerations have informed their decision-making. As a matter of legal obligation, the dignity and respect of disabled people, and the impact of the access policies on disabled people's rights must be considered in any 'balancing' of needs; such an assessment needs to occur with the full involvement of disabled people.

Recommendations

To start rebuilding trust between CYC and our disabled community, and ensure that CYC acts in full compliance with its international and domestic legal obligations, we make the following recommendations:

1. CYC should immediately freeze plans to make the current situation permanent through the Footstreet Scheme, pending an inclusive assessment - see (4).
2. CYC should explicitly acknowledge that some city-centre Blue Badge parking will need to be reinstated to meet the needs of their disabled residents who cannot use alternatives.
3. CYC should explicitly acknowledge the free labour DPOs have invested in gathering rich data around this topic, completing the relevant surveys, and attending multiple hours of consultation zoom meetings where they have already shared their data and recommendations.
4. CYC should set up a working group, including DPOs as equal partners, to collectively assess the Footstreet Scheme and consider how to balance the rights of York's disabled citizens with other considerations. YHRCN extends an offer to facilitate this working group to mitigate the tensions now surrounding this issue.
5. We recommend that CYC take a human rights approach and use PANEL principles (Participation, Accountability, Non-Discrimination and Equality) to guide decision making now and in the future. This ensures that human rights are put at the centre of policy and practice.

Appendix

York Human Rights City Network (YHRCN) is a civil society partnership hosted jointly by York CVS (Centre for Voluntary Service) and the Centre for Applied Human Rights (CAHR) at the University of York. The network was formed in 2011, and has grown organically over the intervening years. Our aim is to be a catalyst for York people, business and organisations to champion a vibrant, diverse, fair and safe city. We work closely with representatives of the public sector in York, most notably CYC, York NHS Teaching Hospital Foundation, Tees Esk and Wear Valley NHS Foundation Trust, North Yorkshire Police and Explore York.

Human Rights

The UN Convention on the Rights of Persons with Disabilities (UNCRPD) is an international human rights treaty adopted in 2006. The UK agreed to follow it in 2009. As a result, the treaty binds national and local authorities, including city councils.

Its 8 [key principles](#) are:

- **Respect.** Every person is of equal worth and should be treated with dignity and respect. Disabled people have the right to choose how to live their own lives and the freedom to make their own choices. These rights must be respected.
- **Non-discrimination.** Disabled people must never be treated less favourably than others, excluded from or denied access to services, education, work or social life on the basis of their disability.
- **Participation and inclusion.** Disabled people's full and effective participation and inclusion in society must be supported.
- Respect for difference and acceptance of disabled people as part of human diversity.
- **Equality of opportunity.** Taking positive action to ensure barriers are removed.
- **Accessibility.** Ensuring disabled people can access buildings, housing, services, information, leisure (and other areas listed in the Convention) on an equal basis to non-disabled people.
- **Equality** between genders.
- **Respect for disabled children** as they grow up.

Equality Act 2010 - Public Sector Equality Duty

Public bodies subject to the equality duty must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act.
- Advance equality of opportunity between people who share a protected characteristic (disability being one) and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

These are sometimes referred to as the three aims or arms of the general equality duty. The Act explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The Act places a duty on public authorities to make reasonable adjustments. Specifically, wherever 'a provision, criterion or practice ... puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled', authorities must 'take such steps as it is reasonable to have to take to avoid the disadvantage.' It states that compliance with the duty may involve treating some people more favourably than others.