

Tower Hamlets Council
Council meeting 20th January 2020

Motion Regarding “Stop the structurally discriminating consultation process on Liveable Streets’ programme” based on petition.

Proposer: Cllr Rabina Khan
Seconder: Cllr Andrew Wood

This Council notes:

1. The petition presented to the full council by residents, which has gathered over 2,100 signatures stating that they have been discriminated against by the Liveable Streets’ Contractor, PCL Consult.
2. The petition and the residents supporting the petition state that they have been directly and indirectly discriminated against on the basis of their protective characteristics of race, faith, gender, disability, age and socio-economic inequalities.
3. That the petition represents not a single isolated incident, but over 2,500 individual complaints covering all demographics and all geographic areas that make up the diverse community of Tower Hamlets. Representing institutional and systematic discrimination by PCL Consult, the Tower Hamlets Council contractor.
4. That protective characteristics are protected by law under the Equality Act of 2010 and Tower Hamlets Council has a Public Sector Equality Duty to ensure that its residents are not discriminated against on the basis of their protective characteristics.
5. The MacPherson principles of the Stephen Lawrence Inquiry, which states that all complaints about incidents of racism should be recorded and investigated as such when they are perceived by the complainant or someone else as acts of racism.
6. The Equality Act 2010 incorporates the MacPherson Principle to cover all protected characteristics in the Act
7. In 2020, the following related petitions were on the Council’s website:
 - 2,127 signatures so far on the Council website for the petition “Stop the structurally discriminating consultation process on Liveable Streets” programme, which ends on 31st January 2021
 - 1,724 signatures for a “Petition to allow residents’ vehicles and taxis access through the Wapping Bus Gate during operating times”
 - 1,668 signatures for “Stop The Burdett Road Entrapment!”
 - 514 signatures for a petition to “Re-Open Old Ford Road”
 - 2,365 signatures to “Get the local council to stop using the blunt instrument of road closures to stop rat running through Tower Hamlets”
 - That these are the largest petitions on the Council website in 2020 together with petitions regarding Whitechapel Bell Foundry, parking mini-zone change and the Community Language Service

This Council further notes:

1. To date, the Council has spent £1 million on the Liveable Streets' consultation programme. At a time of national crisis with our borough having to make cuts left, right and centre, it is inexcusable for this council to continue to spend one more penny on a flawed and divisive programme, which has only paid lip service to the required consultations.
2. The cost of such a scheme is unreasonable at a time when the Council is having to borrow money to deliver its Town Hall programme.
3. A Judicial Review was granted against Tower Hamlets Council in the High Court for indirect discrimination against Black, Asian and Ethnic Minority community projects in 2019. Judge Roger ter Haar QC stated: "I am particularly concerned about the indirect discrimination in the case."
4. There are clear flaws in the Equality Impact Assessment. The report states that people with the protected characteristics of disability and age, "limiting or reducing car provision could have a negative impact on this group. Naturally, road closures would have this effect.
5. It then states that there would be "no impact".
6. The report states that car users "may be required to take an alternative route" without considering the affect on older and disabled residents. This has not been investigated and no evidence has been provided.
7. The EQIA assessment has deliberately been omitted vital feedback to fit the PCL Consult's agenda.
8. East End Enquirer's investigation identified that only one of the seven Liveable Streets' schemes (in Bow) had an Equality Impact Assessment undertaken. which was carried out by Council officers directly involved in the scheme, or external consultants hired to deliver the scheme.
9. The report titled "Report on Structural Discrimination in the Liveable Streets' Consultations" by Cllr Puru Miah.
10. That the High Court has today 20th January handed down two judgments in R (UTAG & LTDA) v Transport for London & Mayor of London [2021] EWHC 72 (Admin) and R (UTAG & LTDA) v Transport for London & Mayor of London [2021] EWHC 73 (Admin) which quashed the Mayor of London's Streetspace Plan and TfL's Bishopsgate Traffic Management Order, The High Court Judge held that the Mayor and TfL had failed to have regard to the status and unique role of London taxis in formulating the Streetspace Plan and Guidance and on this basis alone she held both to be unlawful. Also mentioned was a lack of an Equality Impact Assessment.

This Council resolves:

1. That Equality Impact Assessments (EIA) are:
 - Always carried out on schemes that change residents' daily lives
 - Carried out by individuals not involved in the delivery of projects and who lack expertise in this specialist area, and not undertaken by those who have a personal/professional or commercial commitment to the projects' delivery.
 - That they be centralised (perhaps within Public Health) into one department that does the EQIA for all Council projects to ensure standardisation, expertise and independence.
 - That the Council makes clear that if a project fails, or partially fails its EIA, it be suspended and rethought.

2. That the Council looks again at how it consults residents and why it does so.
 - That for locally specific consultations, the Council sends – via Royal Mail – consultation documents to those blocks that are difficult to access.
 - That the Council provides consultation information in other languages
 - That where external companies are used in consultations, they do not have a commercial interest in its outcome, and that their commercial interest is to ensure a fair response.
 - That the Council provides a mechanism for returning consultation materials that are not online
 - That the Council makes clear under what circumstances and by whom consultation responses are not taken up

3. To test the use of electronic camera-controlled gates that allow the following vehicle types through:
 - Local residents (based on the postcode of the vehicle registration e.g. E1W)
 - Licensed taxis (hackney carriages) based on the rules that TfL use for their bus lanes
 - Electric vehicles (vehicle types can be confirmed via the DVLA as TfL currently do)
 - Royal Mail (this is an easy visual check)
 - All ambulances
 - All school or special needs buses
 - TfL buses
 - Last mile related delivery vehicles (to be defined)

4. That the £65 penalty charge will more than cover the costs of such a scheme, both the implementation and administration (see Blackwall bus gate).

5. To expand the provision of live air quality monitor sensors across the Borough, as the four sensors we have are not in places where people live, work or study, but either in parks or right next to main roads. The Council's own Love Your Neighbourhood app routinely shows air quality in the borough as being low (low meaning low levels of pollutants). To treat the petition and the signature as a complaint of discrimination of protected characteristics of residents and investigate it as such.
6. To treat the petition and the signature as a complaint of discrimination of protected characteristics of residents and investigate it as such.
7. That Council's safeguarding measures should be implemented, and PCL Consult should be suspended pending investigation to protect members of the public.