

IN THE MATTER OF YORK STREET PUBLIC INQUIRY

SUMMARY OF PROOF OF EVIDENCE OF LYNDA JUNE DEANE

I, Lynda June Deane, Head of Service – City & Town Centre Management employed by the Claimant will say:

1. My substantive Proof of evidence provides a wider context and is supported by evidenced exhibited thereto.
2. York Street, Bath (“the Road”), was and is part of a larger security project in the Centre of Bath following a Report written by the National Counter-Terrorism Security Office on Bath City Centre in September 2016. This identified locations in Bath as a ‘Crowded Place’.
3. The Traffic Regulation Order proposes to close the Road from 10am-6pm for anti-terrorism purposes and from 6pm – 10pm for other stated purposes.
4. The proposed Order would make the road no waiting, no loading, it would suspend the one way and it would prohibit driving between 10am-10pm.
5. The Road’s Order is part of a package of Traffic Regulation Orders which strengthen security in the city centre by closing a number of roads with the aim of protecting areas of high footfall from a potential vehicle borne threat, either as a vehicle borne improvised explosive device, vehicle as a weapon or as part of a layered attack – vehicle transporting attackers and/or weapons. It sits alongside the Council’s existing and ongoing holistic approach to preventing a terrorist attack.
6. The Council’s aim is to put in place measures to ensure that there is an appropriate and consistent approach to protective security and preparedness of crowded places whilst balancing its public sector duties.
7. The Council commenced discussion with the Counter-Terrorism Security Advisors (“CTSA”) from Counter-Terrorism Policing South West (“CTPSW”) and Avon and Somerset Constabulary (ASC) in April 2017.

8. At the outset of the project, the CTAs requested that the Council consider closure of the Road and all other roads within the scheme 24 hours a day 7 days a week to create a sterile area.
9. In January 2020, Council officers, together with CTAs, presented the scheme to trusted partners, informal Cabinet and the Independent Equalities Advisory group.
10. The project was temporarily placed on hold due to Covid-19 from March to October 2020.
11. Initial public consultation on-line and with directly affected residents and businesses via webinars was undertaken in November 2020 with 522 responses received.
12. The Council undertook an access study carried out by an independent consultant which was finalised on the 18th May 2021.
13. After initial consultation and further discussion with CTAs, Cabinet took the view (having regard to feedback from the consultation and the access study) that a more proportionate closure should be considered. This was supported by footfall data as shown in the access study.
14. The Council wrote to the Chief Constable of Avon and Somerset Constabulary, on 6th May 2021, proposing options for closure of the Road and all other scheme roads. By letter dated 25th May 2021, the Chief Constable confirmed that he was in agreement with option 4, namely closure of the Road and all other scheme roads from 10am-6pm for the purposes of anti-terrorism with access for Blue Badge holders to certain roads within the wider scheme.
15. The closure of the Road and all other scheme roads between 10am – 6pm was considered reasonable by those undertaking the access study (see paragraph 12).
16. The Council also sought feedback from Cabinet on the consultation report and access study from 19th May to 1st June 2021, to review ahead of their final decision.
17. On 20th July 2021, officers recommended to Cabinet that the Road should be closed from 10am – 6pm for anti-terrorism purposes together with an additional traffic regulation order to close the Road between 6pm and 10pm for other purposes. Cabinet took the decision to approve this proposal.

18. The statutory consultation was adhered to, a notice was placed on site and in the relevant paper allowing 21 days for objection, and in addition the Council undertook three face-to-face consultation meetings with the public on 27 September, 4 October and 12 October 2021.
19. Responses could also be provided to the consultation on-line between 23rd September 2021 and the 14th October 2021.
20. The Council also involved disabled people and other stakeholders via focus groups (held on 15th and 17th November 2021) to create an easy to use system to enable Blue Badge Holders to gain access into the security zone in a vehicle. It also provided an opportunity to obtain feedback on further accessibility improvements within the security zone
21. During the consultation objections were raised by businesses and interested parties. Through joint working, the Council resolved these objections save for one objection to the closure of the road relating to loading and unloading.
22. The Council met with the objector on 11th and 26th November 2021. The Director of Place Management corresponded with the objector by email and the objector confirmed by email that the objection would not be withdrawn.
23. The feedback from the consultation and the remaining objections was considered by Cabinet together with the TRO report 2.
24. The Council and Cabinet members considered and discharged the public sector equality duty, the duty in section 122 Road Traffic Regulation Act 1984, they considered the Human Rights Act 1998, commercial implications, and impact on residents together with the need to make the city centre secure and protect public safety and prevent danger to the public.
25. The Council and Cabinet members considered the equalities impact assessment when reaching their decision
26. Cabinet took the decision to implement the scheme, with the exception of the scheme for the Road given the outstanding objection and the need for this inquiry.
27. The Traffic Regulations Orders for the wider scheme came into effect on 1st January 2022 and no challenge has been raised.
28. The Council is aware that there is one further objection, on the grounds of disabled access. The Council, as stated above, considered and discharged its public sector equality duty, as well as considering the Human Rights Act 1998

(and the attendant Convention duties), and weighed this against the security risks as identified by CTSA and CTPSW.

29. The Council considers the modifications made to the original proposals provides a balanced outcome and offers reasonable access whilst maintaining the principal purpose of the orders which is security and protection of vulnerable persons.
30. The closure of the Road between 10am-10pm allows the city centre to be secured and provides additional safety for those accessing the Clore Learning Centre (CLC). The scheme in its entirety meets the minimum-security requirements and is a proportionate measure to mitigate against the risks of potential threats from terrorism.
31. School groups visiting the Roman Baths walk there from the coach drop-off point at Terrace Walk, along York Street. When the CLC is open, school groups will continue along York Street for a further fifty metres to access the entrance on Swallow Street.
32. The Roman Baths are open until 10pm from June-August with significant visitor numbers in the evening. The CLC will operate similar hours with education groups during the day and community groups in the evening. The accessibility of both sites will actively be promoted to visitors, it is anticipated that a significant proportion of users will require reasonable adjustment under the Equality Act 2010 to gain safe access.
33. The Roman Baths runs evening events specifically to cater for visitors with autism and other events for the those with additional needs. It is expected that the facilities created through the CLC will offer the opportunity to develop these events.
34. The road runs along the southern perimeter of the site the closure of the road will preclude vehicles from parking within meters of the attraction and protects the site from a vehicle borne explosive attack which cannot be mitigated by on site measures.
35. The road has no viable exit unless vehicles reverse therefore to allow traffic of any nature in the road after 6pm potentially exposes vulnerable people to additional unnecessary risk.

36. The Council considered it necessary to close the Road for the extended period between 6pm-10pm to protect vulnerable young persons who would be accessing the CLC.
37. If the road remains open it will result in a breach of the security of the city centre and allow an access route to all other closed roads for traffic and undermine the purpose of the scheme.
38. On balance of risk and safety weighed against loss of freedom it is considered that the orders are reasonable and justified to reduce the risk of terrorist attack and prevent danger whilst preserving amenities.
39. The Council has taken a risk-based approach to introducing these new measures, which reduces risk of terrorism to disrupt normal life and inhibit our freedoms to enjoy the places and spaces which are a critical and much-loved part of our city.

Signed:

Name: Lynda June Deane

Dated: 4 April 2022