

**BATH AND NORTH EAST SOMERSET COUNCIL (YORK STREET,
BATH)(PROHIBITION OF DRIVING OF MOTOR VEHICLES)(SUSPENSION OF
PARKING)(SUSPENSION OF LOADING)(SUSPENSION OF ONE-WAY) ORDER
2021**

DPI/F0114/22/2

COUNCIL'S STATEMENT OF CASE

Introduction

1. This statement of case relates to the Bath and North East Somerset Council (York Street, Bath)(Prohibition of Driving of Motor Vehicles)(Suspension of Parking)(Suspension of Loading)(Suspension of One-Way) Order 2021 (“the Order”).
2. The Council will be inviting the appointed Inspector to recommend that the Order be made, subject only to minor modifications.

Legal basis

3. The Order would be made in the exercise of the Council’s powers under sections 1(1)(a) and (f) and 22C of the Road Traffic Regulation Act 1984 (“the Act”).

Qualifying purpose

4. The Council will present evidence to demonstrate that the Order would be made for qualifying purposes.

Threat, procedure and evolution

5. The Council’s evidence will explain and demonstrate the crowded space locations in Bath, which are vulnerable to terrorist attack, and why the Order is an appropriate response as part of a package of Orders. The Council will explain the other Orders forming part of the package, the fact that none has been subject to legal challenge and the weakening of the anti-terrorism strategy (giving rise to an increased risk of terrorist attack) if the Order is not made. The Council will also explain and justify the 6pm-10pm prohibitions, supplementing the justified 10am-6pm prohibitions.
6. The Council’s evidence will cover the procedural background to and evolution of the proposed Order, including but not limited to the first meeting with the Counter Terrorism Intelligence Unit on 11 April 2017, consideration of the future scheme during

2018, Directors' Group feedback on 27 February 2019, the General Project Updates in 2019, internal, stakeholder and public consultation, 21 February, 4 March and 10 November 2020 Chief Constable letters, 25 November 2020 presentation of proposals, January 2021 Atkins appointment, February-April 2021 trial hole works, 25 May 2021 Chief Constable letter, 20 July 2021 Cabinet report and minutes, officer decision reports, public feedback and independent accessibility study, disabled focus group meetings, 17 December 2021 Chief Constable letter, published notices and website.

Sole objection

7. The Council will identify the sole objection to the Order during the statutory consultation period, and the ways in which it has sought to resolve that objection.

Other representations

8. The Council will address any other representations with respect to the Order, if known.

Balancing exercise

9. The Council's evidence will address the advantages of the Order *per se*, and any disadvantages of it *per se*.
10. The Council's evidence will also address the advantages of the Order as part of the package of Orders, the disadvantages if the Order is missing from the package and any disadvantages of the package with the Order if made.
11. The Council will present evidence of the considerations it has weighed in the balance, including in the discharge of its public sector equality duty under the Equality Act 2010. The Council will demonstrate that the Order ought to be made, all relevant matters considered, and in the discharge of that duty plus other relevant duties including under

the Human Rights Act 1998 and section 122 of the Act. In short, the advantages of making the Order outweigh any disadvantages.

Witnesses

12. The Council intends to call 1-3 witnesses at the inquiry.

Minor modifications

13. The Order as published merits minor modifications, to correct typographical errors and the like. None of these modifications is a modification of substance. The Council will present the Order with these minor modifications.

Inquiry procedure

15. Given the security sensitivities associated with terrorist threats and anti-terrorism strategy, the Council may apply for part of the inquiry to be in private session and for otherwise non-public evidence to be given during that session.

Conclusion

16. The Council will be inviting the appointed Inspector to recommend that the Order be made, subject only to minor modifications.

22 March 2022

Appendices

1. The Order as published.
2. The Order with proposed minor modifications.
3. Sole statutory objection/attempts at resolution.
4. Other representations.
5. Other Orders in package.
6. Other documents to be referred to at the inquiry:
 - (i) Drawings MPRPB01-CM-001, 004 and 005;
 - (ii) Drawing 5023_P1_SK02-4;
 - (iii) Police comments/email on Drawings MPRPB01-CM-001;
 - (iv) Correspondence to and from Chief Constable;
 - (v) January 2019 Position Statement;
 - (vi) July 2019 Members' Briefing Note;
 - (vii) General Project Update and other meetings notes;
 - (viii) Internal, stakeholder and public consultation documents, responses and summaries;
 - (ix) Independent accessibility study;
 - (x) 20 July 2021 Cabinet report and minutes;
 - (xi) Officer Decision Reports;
 - (xii) Published notices.