



HOUSE OF LORDS

Revised transcript of evidence taken before

The Select Committee on the Equality Act 2010 and Disability

Inquiry on

EQUALITY ACT 2010 AND DISABILITY

Evidence Session No. 16

Heard in Public

Questions 141 - 146

TUESDAY 24 NOVEMBER 2015

Witness: Martin Phelps

Members present

Baroness Deech (Chairman)
 Baroness Brinton
 Baroness Browning
 Baroness Campbell of Surbiton
 Lord Foster of Bishop Auckland
 Lord Harrison
 Baroness Jenkin of Kennington
 Lord McColl of Dulwich
 Lord Northbrook
 Baroness Pitkeathley

Examination of Witness

Martin Phelps, Management Committee Treasurer, Lewisham Shopmobility Scheme

Q141 The Chairman: Mr Phelps, thank you very much for coming. I think you were here at the beginning and you heard what I had to say about transcripts.

Martin Phelps: Yes, indeed.

The Chairman: You did—good—so I will not repeat it again. Thank you very much for coming. I know that you are the trustee and treasurer of Lewisham Shopmobility, but it would help all of us if you were able to talk about national problems in Shopmobility as well as the regional problem that you know about so well. I am sure you can do that.

Martin Phelps: I can do some of it.

The Chairman: Good.

Martin Phelps: I do not have hard data on the national picture and I do not think anybody does. It is from impressions that I have gained in talking to members of the National Federation of Shopmobility UK and some surveys that I have conducted around maybe 20 or 30 different Shopmobilities in the south of England. I do not know whether you want me to make a statement or if you are just going to plunge straight into the questions.

The Chairman: If you have a brief statement to make, please do.

Martin Phelps: There are three things to which I would particularly like to draw people's attention that come directly from our own experience. First, it seems possible to ignore the needs of, and impact on, disabled people when major developments are going on. I rather expected that there would be some provision that said you are not allowed to do that and that you really need to take these things into consideration, yet it seems that, in practice, these can be ignored. I can go through in some detail the example that we have encountered in Lewisham of the redevelopment scheme.

Secondly, I would like to emphasise what the real meaning of accessibility might be, which gets confused with wider doors and ramps, when, actually, accessibility means being able to get there. Being able to get there depends on more than just some ramps and things. It is all very well having a system in place with Dial-a-Ride and such things that deliver you to a pavement and doors some 100 yards away that are wide enough to get through, but if you have no means of getting from one to the other, that unit—that whole thing—is inaccessible. For something as fundamental as a town centre, which is a core civic amenity, it seems to me to be absolutely critical that there needs to be some form of assisted mechanism for getting round that. Shopmobilities could have a big role to play there, but

there might be other means. It might not be terribly economical to send everybody with a carer. It might be a lot more efficient to do it by hiring out some scooters economically.

The third thing is that in all these problems that arise you pit David against Goliath. It is always a vulnerable individual or small-scale operation. Lewisham Shopmobility is half a dozen of us trying to do some good. If we come across a problem, we are pitted against a major redevelopment company with a series of planners or against a local council with all of their back-room staff and difficulties. We have no mechanism for going back and saying, "You are not playing fair". We would love to see some form of simple, easy-to-access mechanism that enables us to get them to play fair—a mechanism that gives us the authority to turn round and say, "You really ought to be doing this, Lewisham Council", or developers, or whoever it is.

My three points are: do not let us be ignored; give us some teeth to be able to do something about it—teeth that bite hard enough to hurt—and worry about what real accessibility is; and give us a means of appeal to somebody who knows what it means and knows what the implications are. I am sorry that, as an introductory statement, that was quite long.

The Chairman: No. That is very valuable indeed and a great help to us in writing our report—most interesting. Thank you. The first question is from Lord Foster.

Q142 Lord Foster of Bishop Auckland: I have no relevant interests to declare. In your written submission you highlight problems created by regeneration works. You have already touched on some of these problems. Can you give us more detail about the main problems and how they could have been avoided? Do you know if other areas have had similar problems and how they could have been avoided?

Martin Phelps: I will answer the last question first because I do not know about any other areas. The case that we face is this, and, because it seems to imply general rules, I would be surprised if it did not apply to other areas. I am sorry if the things sound as if they are a bit trivial, but they add up to quite a lot of problems.

When they did the redevelopment, there were some things they did that they should have known were going to have an impact on disabled people. They removed disabled parking bays, they took away the shelter that people use when they are waiting for the Dial-a-Ride, and they took away the stop so that they could no longer get there. Anybody knows that that is going to be a problem. Had they done their homework on the way that people use the whole town centre, they would have also known that they were going to close down anywhere where disabled people could be dropped off within reasonable walking distance to the town centre. Instead, now they have to be dropped off a couple of hundred yards away and cross a very busy road, a road that London Transport tells us is so busy that it cannot put a crossing on it because it would be too disruptive. I would have thought that might have been a reason to put a crossing there, but it did not seem to think so.

They have moved the taxi rank. With their clever town planning, they have moved it to a place where the pavement is so narrow and low that the taxi ramps that are built into the taxis do not work properly.

These things all add up to making that whole area quite inaccessible. We saw a big drop-off in the number of people who were able to use our service and constant complaints from the people that come in. We pestered them about this. As soon as we knew it was happening, we wrote piece after piece; we went to our local MP and she tried to do her bit of pestering. For nine months, we nagged them without getting any serious response until we went to the local press and did a big thing of "Access Denied" on the front page, and immediately the developers were on to us, trying to be more reconciliatory. We had a long meeting with the

developers, the designers, the local councillor and the local authority. One small remedial step was taken—this is since March—where they have now taken over another bus stop for Dial-a-Ride to have somewhere to go. But all the other problems persist and there is nothing in their planning that is due to change them. That is shameful. It shows that they did not bother to do their homework about whether disabled people could use the system, that they did not consider what their needs were and they have no plans. They have done all that without there being any consequences. If it is easy to ignore, then I cannot help but think that other people doing the same sort of thing will ignore it too.

The Chairman: There is something in what you say in common with the earlier evidence, which you heard, which is lack of forethought.

Martin Phelps: Yes.

The Chairman: Is it something to do with there being no access officers, no single person or body of people in the local authority responsible for thinking about disability access before major works are carried out?

Martin Phelps: My experience of local government is that they tend to worry about compliance—that is, forms to fill in—so it might be helpful if there were a form to fill in that said you have to do your research about how people are going to use it and consult people who are likely to know about it. Lewisham Shopmobility is closer to the redevelopment than I am to you physically. It should have occurred to them that we might have a point of view about what was going to happen to disabled people locally. That they did not talk to us smacks of either incompetence or malice.

Q143 Baroness Campbell of Surbiton: That leads into my question very well because you may or may not remember the public sector equality duty where there was a duty to liaise with disabled people in your locality to improve access, et cetera, for disabled people. You suggested in your submission that the Equality Act and the public sector equality duty are not working for disabled people. I am quite interested to know what needs to be done to change that, and do you think there has been any change since the Disability Rights Commission and the Disability Discrimination Act were brought together under a generic equality banner? I am interested in your thoughts on all that.

Martin Phelps: I do not know whether anything has changed. I have been involved in this field for only the last four or five years, so I cannot comment on what it was before then. I have given the example of somebody ignoring it. Within that, there was quite a strong element of passing the buck. In the meeting that we had with them, the one body that was not there was Transport for London, and it came in for lots of criticism from all the other parties involved because it was the one who was not in the room. The habit of passing the buck seemed to be a generic issue, which brings me back to a core theme. There is a duty, but who does the duty lie with? When we were applying for a grant, for instance, at Shopmobility, I had to appear in front of the mayor and Cabinet on two different occasions. I put the case for the impact that this was going to have on disabled people and then there was an extended question and answer session. There were no questions about the impact on disabled people—none at all. That was never part of the discussion. There were lots of questions about why it was somebody else's fault, why it was somebody else's responsibility: "Surely it is the shops or some new body of 100 different businesses that are going to get together and come to save us. It must be their responsibility to produce some sort of scheme and cough up the money". In all the debates with them it has always been about why it is somebody else.

Baroness Campbell of Surbiton: Do you think the local authority are abrogating their responsibilities?

Martin Phelps: They did not see it as their responsibility. I do not know whether it is their responsibility because it comes back to the issue, as I say, about the definition of genuine access. It may be they see it as their responsibility that there are dropped pavements, but they do not see it as their responsibility that people should actually be able to go to the shops, the library, the chemist and the opticians. They have ducked it.

Baroness Campbell of Surbiton: Do you have an access officer in Lewisham?

Martin Phelps: I do not know whether there is a Lewisham access officer. We have a monitoring officer who deals with our grant and to whom we have to report to comply with—

Baroness Campbell of Surbiton: But you would know if there was an access officer, presumably, because their job is to ensure that the local environment is user-friendly and inclusive.

Martin Phelps: If there is an access officer, they have not been very visible.

Baroness Campbell of Surbiton: Okay, that is good. Is there anything else that needs to be done, as this Act and public sector equality duty are not working? Is there anything big that you would like to see?

Martin Phelps: There is also an attitude that I would like to see change within the local authority. I said before that they like compliance, but they like compliance to the detriment of impact. In our dealings with them, I said we had a monitoring officer. Let me give you an example. The monitoring officer is fairly thin on the ground. We are monitored quite carefully. We have to submit quarterly information about the number of people that we deal with, and we send that in, in great detail. We have never had a question about any of it. That just seems to be filed in a bin and moved on. But once a year we have a very extensive survey done on us, which has about 100 sections, which we go through with the monitoring officer; we have a series of face-to-face meetings, lots of correspondence and many hours' work to compile this 100-section form. Not one section in that form is about whether or not we help anybody. That, for me, tells the story about the way that they approach things. If their approach is not about whether or not you impact on any disabled people, if their primary concern is not about their welfare but ends up about ticking some boxes to go through some internal audience, then you will not get the right sort of outcome. I would like to see an attitudinal change among local authorities. I would like to see them have a duty to make sure that there is genuine access. I would like to see there being some form of ombudsman that whom could go to, to see whether this falls short. I would like to see it impossible to ignore the needs of disabled people if you are coming up with a major planning activity.

Baroness Campbell of Surbiton: Have you ever used the Equality and Human Rights Commission?

Martin Phelps: We sent it some data about the situation that we were in. It took quite a long time to get a response.

Baroness Campbell of Surbiton: Was it a helpful response?

Martin Phelps: The response was that we may have a case but it was not very clear. We are not lawyers; we are just people trying to help people, and we probably did some things wrong in the way that we presented that case.

Baroness Campbell of Surbiton: Was it not able to help you re-present it in a way that would be helpful? There was not an offer.

Martin Phelps: We have not reached that stage yet, it is fair to say.

Q144 Baroness Jenkin of Kennington: You have covered a certain amount of this anyway, but in your experience how well do local authorities engage with disabled people and their organisations when deciding on planning and housing policy and in the design of major infrastructure projects in their areas?

Martin Phelps: I think I have mentioned that.

Baroness Jenkin of Kennington: They do not.

Martin Phelps: I do not get the impression that they do not. In housing policy, we do not know; we have no dealings with that side. But we are absolutely next door to a major redevelopment and nobody at any point has talked to us except to answer when we have nagged them. They have sent back a note that has said, “This is what is happening”, rather than—

Baroness Jenkin of Kennington: Being proactive.

Martin Phelps: Yes, or in responding to the issues that we raised by saying, “We can find a solution to this by taking some other step”. There were not even issues that were that difficult to solve. I am no planning officer, but just a bit of common sense in the way that Lewisham is laid out would have said, “There is a very good spot there where you could resolve those issues if you had started by thinking of them rather than trying to bodge a fix at the end of it”.

Baroness Jenkin of Kennington: You mentioned that you have been working with a local councillor on that. Did that have no effect either?

Martin Phelps: I think she felt every bit as frustrated as we did.

Q145 Lord Harrison: Mr Phelps, you report that you have recently lost grant funding from the local authority. What do you think should be the role of local authorities in funding programmes that enable accessibility of public spaces for disabled people? Would the money be better spent on making the infrastructure more accessible?

Martin Phelps: The barrier to access by and large is not architectural. Most town centres, if you think about them more generally now, are becoming pedestrianised areas, and quite large pedestrianised areas, so that, if you are a disabled person who struggles to walk 50 yards, being dropped off 200 yards away from the town centre and then negotiating a massive pedestrianised area is a real challenge. They have to be conscious of that when they are designing things that way. The only mechanism that I can see that makes real sense is to have some sort of Shopmobility-type scheme. There might be other ways of doing it, but I admit I shall be rather narrowly focused in saying that that seems to me to be a pretty efficient way of using volunteers and sharing assets, which are all these scooters and wheelchairs; it is going to be much more efficient than trying to give a scooter to every individual or send a carer in with them to push them around. I would say that there ought to be an obligation on local authorities—and I can see that it is only local authorities that can do it—that genuinely makes these places accessible.

Lord Harrison: I was much taken by your complaint about forms to fill in or indeed—you put it another way—that compliance rather than impact was important for you. Unless I have misunderstood things, there used to be a necessity to spend at least 2% of the cost of any new building on an arts project. Has there been anything done like that which recognises the plight or the opportunities of the disabled? Further, would there be any sense whatsoever in identifying a certain amount of any new build that was made or money that was spent where it was spent specifically on bringing out some of the issues that you have already brought before us today for the disabled?

Martin Phelps: When you say it in terms of a new build, that sends a signal that says, “Here is a one-off cost; you have solved the problem—it has gone away”. That is not true. It is an ongoing cost because people need to go this week, next week, the week after and every other week. You need an ongoing funding mechanism rather than a one-off funding mechanism. That can only, it seems to me, be achieved with something like business rates—there should be something that is part and parcel of that. We have a shopping centre and Land Securities has a compact area with about 40 of the shops: 40 of the 150 or 200 shops that are in Lewisham are in one lot. You cannot get 200 different organisations to agree to cough up money voluntarily. If you need revenue from them, it is going to have to be something like part of the business rate for being in the town centre.

Lord Harrison: I am a great promoter of markets in towns—fruit and vegetables and everything.

Martin Phelps: Yes. We have a splendid one in Lewisham.

Lord Harrison: They have many frustrations as a result of trying to establish themselves and making themselves accessible. Do you have anything to say to us about that? All through your commentary, I am afraid I have been running through in my mind my own home town of Chester, and I have been pushing wheelchairs and walking round and thinking where I would drop off some of my more elderly relatives. I fear I may be embarrassed by that little journey I do in my mind. I wondered whether you had come across the world of markets, which are so vital.

Martin Phelps: Yes. Lewisham has a splendid, vibrant market; it is terrific, a wonderful multicultural place; it is a joy and a bargain, too, to be highly recommended. The market is not particularly difficult for people to negotiate, and those who are on our scooters or in wheelchairs are well served by it—if they can get there.

Lord Harrison: If they can get there.

Martin Phelps: That is the challenge.

Q146 The Chairman: I have had the same reaction in relation to Oxford, which has become very pedestrianised. There have been fewer wheelchair users than there used to be, for sure. They cannot get there; you are right. If you could give us one recommendation that you think would really transform the rather dire situation you have described to us, what would it be?

Martin Phelps: Being parochial, I would go back to, “Define the accessibility issue to mean that you need to have assisted visiting of town centres. Define the town centre as a core civic amenity to which people have a right to be able to get proper access”.

The Chairman: Thank you very much. The people of Lewisham are lucky to have you working for them. Thank you for all you do, thank you for sharing it with us and we will do what we can.

Martin Phelps: I am sorry if I sound a little impassioned at times, but it does matter.

The Chairman: We absolutely appreciate it. We will do what we can in our report. Thank you very much indeed.