

Cycling UK
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16 April 2021

Cllr Sean Chaytor
Chair, Humber Bridge Board
Ferriby Road
Hessle
East Yorkshire
HU13 0JG

Dear Mr Chaytor

Re: Humber Bridge – restrictions on the combined foot /cycleway

Thank you for your letter of 13 April, in response to my letter dated 8 April concerning the closure of the combined foot / cycleway (the footway) across the Humber Bridge. I have a number of points to raise and questions to ask as set out below.

Decision and authority to close the footway

You indicate in your letter that the decision and authority to close the footway was “made under the emergency powers the Humber Bridge Board has under the Humber Bridge Act 1959, and therefore does not involve any form of Traffic Regulation Order”. I assume you are referring to the general powers the Board has under section 6(1) of the Act (<https://www.legislation.gov.uk/ukla/2013/6/introduction/enacted>), which doesn't specifically mention emergency powers but does convey general powers to the Board in connection with the operation and management of the bridge.

As the Act makes clear however, the Board is also the traffic authority for the highway on the bridge, and as such is subject to the network management duty under section 16 of the Traffic Management Act (TMA) 2004

(<https://www.legislation.gov.uk/ukpga/2004/18/section/16>), which includes the duty to manage the road network to “secure the expeditious movement of traffic on the authority’s road network”. That includes, in the context of the Humber Bridge, the movement of cyclists and pedestrians along the footway, yet the Board has used general powers under the Act to bypass its network management duty and prevent both from crossing the bridge.

Pursuant to section 18 of the TMA, in performing its network management duty, the Board as the traffic authority also has to have regard to the statutory guidance issued by the appropriate national authority: in this case the Secretary of State for Transport. A key element of the current guidance

(<https://www.gov.uk/government/publications/reallocating-road-space-in-response-to-covid-19-statutory-guidance-for-local-authorities/traffic-management-act-2004-network-management-in-response-to-covid-19>) is the requirement for traffic authorities to encourage active travel (cycling and walking), the focus being upon reallocating road space to people walking and cycling rather than removing road space and preventing active travel, an outcome contrary to the aims and stated purpose of the statutory guidance.

When making the decision to close the footway the Board was obliged to consider its network management duty, take the guidance into account, and act in accordance with the guidance unless clear and cogent reasons were given for departing from the guidance. Accordingly, I should be grateful if you would clarify:

1. Whether the decision to close the footway was made by the Board or by an officer using delegated powers? This was the third question within my letter of 8 April, but was not answered in your response dated 13 April.
2. Is there a written record of the decision and the reasons for the decision and, if so, can you provide a copy?
3. When the decision was made, what if any consideration was given to either the Board’s network management duty and the statutory guidance issued under section 18 of the Traffic Management Act, and is there any written record of this?
4. Given that the network management duty is an ongoing duty, will the Board review this decision within the next seven days, having regard to both that duty and the statutory guidance?
5. If the Board is prepared to review this decision, will it permit representations to be made both by Cycling UK and other active travel organisations and representative bodies?

Pedestrian and cyclist traffic count data

The fourth question I asked in my initial letter was whether you could provide the pedestrian and cyclist traffic count data both pre and post covid to confirm the daily number of cyclists and pedestrian trips across the bridge.

You declined to address that question in your response. I have subsequently read news reports suggesting that around 50,000 cyclists and 200,000 pedestrians cross the bridge each year (<https://www.yorkshirepost.co.uk/news/humber-bridge-get-musical-road-part-aps30m-tourist-attraction-plan-225154>). However, in measuring the impact of the Board's decision, and whether that could in any way be considered a rational or reasonable decision, it is important to understand the number of people likely to be affected. I should therefore be grateful if you could now respond to my previous question on this point, namely:

6. Can you provide the pedestrian and cyclist traffic count data both pre and post covid to confirm the daily number of cyclists and pedestrian trips across the bridge?

Temporary mitigation measures and the Board's equality duty

The fifth question in my initial letter concerned any temporary mitigation measures the Board had or were putting in place to provide alternative means for pedestrians and cyclists to cross the bridge whilst the footway remains closed.

In your letter, you state that you are "working on plans to reopen the footways so the general public can enjoy the bridge again", and that you have "now allowed commuters to cross the bridge in a safe and controlled manner and we are monitoring the situation".

I have read media reports including a Hull Live report from 9 April (<https://www.hulldailymail.co.uk/news/hull-east-yorkshire-news/humber-bridge-footpaths-reopen-commuters-5281666>) suggesting that officials were looking at having an online form created but, in the meantime, people needing to cross the bridge for work by foot or cycle will be asked to phone the bridge board offices to provide their details in advance. Can you please confirm:

7. Whether that system is now in place, and what process people need to undertake to be permitted to cross the bridge, including:
 - a. What information they need to provide, how, and in what form?
 - b. Whether they need to provide any proof of identity or the reason for their journey?

- c. If people are having to phone in advance for permission to cross the bridge, whether there is a dedicated permanently staffed phone line?
- d. Whether someone wanting to cross as part of their commute needs to phone in advance before each crossing, or whether they obtain some form of pass or permit to expedite the process?
- e. How many people have been refused permission to cross since this system was introduced?
- f. With reference to question six above on pedestrian and traffic count data, how many people are now crossing the bridge each day on foot or by bike compared to the position before the footway was closed?

I am also assuming that, as you failed to mention anything about any other temporary mitigation measures to enable pedestrians and cyclists to cross the bridge, that any form of shuttle service has either not been considered or has been considered and rejected. I ask this because I have read the Board's response to a Freedom of Information (Fol) request submitted on 6 April

(https://www.whatdotheyknow.com/request/equality_act_obligations_and_the#incoming-1763114) seeking clarification regarding the consideration, if any, the Board gave to its public sector equality duty under section 149 of the Equality Act 2010 (<https://www.legislation.gov.uk/ukpga/2010/15/section/149/enacted>), specifically referencing the needs of disabled pedestrians and cyclists who need to cross the bridge, and asking what reasonable accommodations have been provided, such as a free shuttle bus.

I was extremely surprised to note that the response to that Fol request, dated 7 April, completely fails to answer the question raised, making no reference to the equality duty, the legislation, what if any equality impact assessment was undertaken, or what if any reasonable adjustments or accommodations had or were being considered. Respectfully, I have to say that the Fol response is a boilerplate response seeking to explain the Board's actions without answering the question that was asked. With that in mind, can I please ask you to confirm:

8. Whether any equality impact assessment was undertaken before the decision to close the footway was made, and if so, can you provide a copy of any documentation outlining that assessment?
9. Whether any equality impact assessment has been undertaken since the decision was made to close the footway and, if so, can you provide a copy of any documentation outlining that assessment?
10. If no equality impact assessment has been undertaken, why not, and how has the Board complied with its equality duty in the absence of such an assessment?

11. What if any adjustments has the Board introduced since closing the footway to accommodate the needs of disabled cyclists and pedestrians needing to cross the bridge? If none, why not?

Other measures taken by the Board to minimise suicide risk

As outlined in my initial letter, Cycling UK fully appreciates the concerns raised about the tragic loss of life from suicides in the vicinity of the Humber Bridge. It has to be said, however, that this is not a problem unique to this particular bridge.

Each and every suicide is a horrific and appalling tragedy for the individual and their family and friends. Yet I am not aware of any other authority or body responsible for the management of highways across major bridges that has decided to close the bridge to pedestrians and cyclists in response.

Following increased suicides from the Erskine Bridge, for example, steps were taken to install new safety barriers (<https://www.glasgowtimes.co.uk/news/13228149.erskine-bridge-gets-new-safety-barriers/>) ; yet, for the Humber Bridge, the Board's response to a serious and chronic problem that has been raised repeatedly over many years, seems to be to restrict access rather than invest in structural and other intervention measures to try and manage and mitigate the risk.

This question was indeed raised by the Coroner for East Riding and Kingston upon Hull Paul Marks back in 2018, following the inquest into the death of Kellie Taylor (<https://www.judiciary.uk/publications/kellie-taylor/>). His prevention of future deaths report (<https://www.judiciary.uk/wp-content/uploads/2018/06/Kellie-Taylor-2018-0083-Redacted.pdf>) , sent to the Board's Head of Operations, outlined his concerns that evidence was provided during the inquest that the CCTV system on the Humber Bridge was of poor quality, and this had been known for some time. He raised concerns that if other individuals went to the bridge with the intention of jumping off, the quality of the CCTV was such that their behaviour or other activities could not be accurately seen by those monitoring the system and, as a consequence, intervention might not be provided in a timely fashion. The question he put to the Board was what action it intended to take to improve the resolution and quality of the CCTV images, expressing the view that the Board was in a position to prevent future deaths.

The Chief Executive's response dated 10 May 2018 (<https://www.judiciary.uk/wp-content/uploads/2018/06/2018-0083-Response-by-Humber-Bridge-Board.pdf>) noted the Coroner's concerns, but didn't set out any actions the Board were taking or intended to take to address the point raised about the CCTV system.

Given that the Board are now reacting to recent suicides by restricting access rather than improving infrastructure and intervention measures, can you please confirm:

12. What if any steps the Board has taken since receiving the Coroner's prevention of future deaths report dated 19 March 2018, to improve the CCTV coverage or quality on the bridge?
13. How many CCTV monitoring screens is each member of staff monitoring the footage expected to view, and how many staff are employed each shift to monitor that footage?
14. What additional measures has the Board introduced since the report of 19 March 2018, prior to the decision to remove the footway, to minimise suicide risk, and what additional resources have been invested in suicide prevention?
15. Has the Board received any other prevention of future death reports from the Coroner's Office and, if so, can you provide a copy?
16. Following the Coroner's report of 19 March 2018, what if any concerns have been raised in subsequent inquests involving suicides on the bridge concerning the CCTV system?

Of course, the concerns raised by the Coroner in 2018 were not new, and as far back as 2009 the Board installed a much higher barrier along part of the bridge as a trial, following renewed safety concerns (<https://www.hulldailymail.co.uk/news/hull-east-yorkshire-news/humber-bridge-barriers-discussed-board-5268516>). Press reports indicate that there is no record of what action the Board took following that trial, although they also indicate that the idea of installing new safety barriers was tentatively backed by the Board two years ago, with no record of what if any action has been taken to progress this since.

Again, having regard to the Board's apparent preference for restricting access rather than potential infrastructure changes or intervention measures, can you please confirm:

17. Whether any report was prepared following the 2009 trial of higher footway barriers, and if so can you provide a copy?
18. Whether there are any minutes or records of meetings during or post the 2009 trial which confirm what if any safety and prevention measures were discussed, rejected or agreed, and if so provide a copy?
19. Whether there are any minutes or records of meetings reflecting the Board's tentative approval of new safety barriers two years ago, and if so provide a copy?
20. What if any action has been taken over the last two years to progress plans for higher barriers and, if none, why has no action been taken?

Timescale for responding

The Board's decision to close the footway was made on 3 April, and any legal action to challenge that decision would therefore need to be made expeditiously and in any event prior to 3 July.

Cycling UK's priority is of course to ensure that this decision is revisited as soon as possible, so that cyclists and pedestrians can cross the bridge without any permit or vetting system which discourages active travel. We do, however, have to have regard to the timescales needed to secure further legal advice if it proves impossible to resolve this issue.

With that in mind, I must ask for your response to the questions raised within this letter by close of business on Thursday 22 April.

I do intend to re-submit some of the questions asked within this letter as Freedom of Information / Environmental Information Regulation requests, in case the Board declines to respond to any of these questions within the next seven days. I confirm however that any such Fol / EIR requests will be withdrawn if the information requested is provided within that timescale.

Yours sincerely



Duncan Dollimore

Head of campaigns, Cycling UK