



**Notice of a public meeting of
Corporate and Scrutiny Management Committee (Calling In)**

To: Councillors Galvin (Chair), Burton, D'Agorne, Fraser, Horton, Hyman, King, Potter, McIlveen, Runciman (Vice-Chair) and Steward

Date: Monday, 23 February 2015

Time: 5.00 pm

Venue: The Thornton Room - Ground Floor, West Offices (G039)

AGENDA

1. Declarations of Interest

At this point, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Public Participation

It is at this point in the meeting that members of the public who have registered to speak can do so. The deadline for registering is **5.00pm on Friday 20 February 2015**. Members of the public can speak on agenda items or matters within the remit of the committee.

To register to speak please contact the Democracy Officer for the meeting, on the details at the foot of the agenda.

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- 3. Minutes** (Pages 1 - 8)
To approve and sign the minutes of the last meeting of the Committee held on 19 January 2015.
- 4. Called In Item: A Congestion Commission for York**
(Pages 9 - 36)
To consider the decisions made by the Cabinet at their meeting held on 10 February 2015 in relation to the above item, which has been called in firstly by Councillors Richardson, Healey and Doughty and secondly by Councillors Aspden, King and Watson in accordance with the Council's Constitution. A cover report is attached setting out the reasons for the call-in and the remit and powers of the Corporate and Scrutiny Management Committee (Calling-In) in relation to the call-in, together with the original report and the decisions of Cabinet.
- 5. Urgent Business**
Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Name : Jill Pickering

Contact Details:

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- E-mail : jill.pickering@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

City Of York Council

Committee Minutes

Meeting	Corporate and Scrutiny Management Committee (Calling In)
Date	19 January 2015
Present	Councillors Galvin (Chair), Burton, Fraser, Horton, Hyman, King, Potter, McIlveen, Runciman (Vice-Chair), Healey (sub for Cllr Steward) and Taylor
In attendance	Councillors D'Agorne, Orrell and Waller
Apologies	Councillors Levene and Steward

21. **Declarations of Interest**

At this point in the meeting, Members were asked to declare any personal interests not included on the register of interests, any prejudicial interests or any disclosable pecuniary interests which they might have in respect of the business on the agenda.

Councillor Taylor declared a personal non prejudicial interest in relation to the called-in item: Guildhall and Riverside Creating a Digital Media and Arts Centre, as a life member of the York Civic Trust, in respect of the Trust's interest in the Guildhall.

22. **Public Participation**

It was reported that there had been two registrations to speak at the meeting under the Council's Public Participation Scheme.

Paul Hepworth spoke on behalf of the Cyclists Touring Club, in respect of the call-in of the Jockey Lane cycle improvement scheme, in particular the delineation of the route across the two access roads. He expressed support for Cllr D'Agorne's suggestion of 'elephant's footprint' markings across the access roads on to Jockey Lane, to alert people to the fact that they were likely to encounter cyclists crossing.

Keith Rozelle spoke as a local resident in respect of the call-in of the Guildhall Digital Centre scheme, confirming that although he was pleased to support the proposals he wished to highlight

a number of concerns. In particular the lack of a detailed business plan, with no evidence of costs, revenues or company interest and of the need for public consultation on the project.

23. Minutes

Resolved: That the minutes of the last meeting of the Committee, held on 31 October 2014 be approved and signed by the Chair as a correct record subject to an amendment to Minute 20 – Rewiring of Public Services: Business Case for Children’s Services

In paragraph 8 - deletion of the words ‘there had been no discussions’ and their replacement with

‘although discussions were held about asset transfers with interested parties all the time, there had been no deal’

24. Called In Item: Jockey Lane Pedestrian and Cycle Improvement Scheme

Members received a report which asked them to consider the decisions made by the Cabinet Member for Transport, at his Decision Session on 11 December 2014, in relation to the revised Jockey Lane Pedestrian and Cycle Improvement Scheme. In November 2013 approval had been given to implement the works, subject to agreement with the landowners Portakabin regarding the transfer of land for use as additional footway area.

The Cabinet Member had subsequently been updated that, following a change in management, Portakabin were now unwilling to dedicate the parcel of land required to facilitate the proposed scheme. As a result, alternative options had been put forward for consideration.

Details of the Cabinet Members decision were attached at Annex A to the report and the original report to the Decision Session, attached at Annex B.

Officers circulated detailed plans of the revised proposals for the Jockey Lane scheme.

The original decision had been called in by Councillors D'Agorne, Orrell and Runciman and although the Members continued to support improvements on Jockey Lane, they had a number of concerns and had called-in the decisions on the following grounds:

- *Proper consideration was not given to the installation of a right turn into the Range store as requested by Ward Members in 2013 and again in 2014*
- *The failure to include the updated design of the cycle route across the access roads in the published documents meaning that comments could not be made on the proposals.*
- *Proper consideration was not given to the request by Ward Members to resurface a greater section of Jockey Lane*
- *The positioning of the Toucan crossing close to Kathryn Avenue traffic lights.*

Councillor Orrell addressed the meeting as one of the Calling In members. He confirmed that one of their principle concerns related to a previous planning condition, which had subsequently been appealed, in relation to a right turn into the Range store as requested by the Ward Members. This was particularly required now following the increase in traffic from the Vangarde development. Their other concerns related to the proximity of the proposed toucan crossing to Kathryn Avenue, the poor condition of Jockey Lane and the concerns of the Council's Arboriculture Officer in respect of trees in the vicinity.

Councillor D'Agorne, also addressed the meeting on behalf of the Calling In members. He circulated photographs of 'elephants feet' line markings, which Officers had previously supported, to delineate the road junction however Officers had subsequently confirmed that these could not be used on safety grounds. He therefore requested Members to support an amendment to the scheme to allow consideration to be given to the use of prominent markings to ensure a safe cycle route and crossing of Jockey Lane.

The Assistant Director, Transport, Highways and Waste, confirmed that the Cabinet Member had been aware that a

Safety Audit was due to be carried out on the scheme proposals, the results of which had been reported at his Decision Session. However, as this had raised some issues which required changes to the scheme layout, the Cabinet Member had delegated authority to the Director to consider the audit and approve any necessary alterations to the scheme. With regard to the Ward Members comments on additional road surfacing it was confirmed that there were proposals, to upgrade the access road to the community stadium and that consideration could be given to resurfacing Jockey Lane, if necessary, at that time. The suggested right hand turn had also been discussed however, owing to a lack of space in which to introduce a right hand lane a significant amount of work would need to be undertaken therefore with the associated cost implications this had not been pursued. In relation to the provision of measures across the two accesses on the south side of Jockey Lane, the design had included 'elephant's feet' markings to imply cyclists had priority across the mouths of the accesses. However concerns had subsequently been raised, in the safety audit, as to the effect of the arrangements for site lines for vehicles exiting the accesses.

Cllr Hyman referred to a letter received by Ward Members on behalf of Greenwich Leisure Ltd, regarding future proposals for the community stadium which also included proposals for a number of additional transport measures in the area including Jockey Lane and Kathryn Avenue.

In answer to Members questions, Officers confirmed that usual off-road cycle routes would cross a side road via a set back raised table, however as there would be insufficient room their preferred option was to provide give way markings for cyclists with signs to advise motorists.

Members discussed in detail the various issues affecting this scheme and in view of these and the notification received in respect of the transport measure proposed in relation to the community stadium it was

Resolved: That Option B be approved and that the decision of the Cabinet Member be referred back with a recommendation that Cabinet considers the issues raised by the Calling-In Members, in relation to the Jockey Lane

scheme, as part of the wider Community Stadium project.

Reason: In accordance with the requirements of the Council's Constitution.

25. Called In Item: York Guildhall and Riverside Creating a Digital Media and Arts Centre

Members received a report which asked them to consider the decisions made by the Cabinet, at their meeting held on 16 December 2014, in relation to the establishment of a viable re-use of the Guildhall complex as a Digital Media and Arts Centre (DMAC), in accordance with the Cabinet decision on 16 July 2013. The Cabinet had given approval to proceed with the procurement of a design team and an operating partner to run the DMAC, lease the building and release monies from the Economic Infrastructure Fund for the design and the building to the planning stage.

Details of the Cabinet's decision were attached at Annex A to the report and the original report to the Cabinet meeting, attached at Annex B.

The decision had been called in by Councillors Aspden, Cuthbertson and Waller on the following grounds:

"The report lacks many crucial details needed to support the proposal. These include:

- *A thorough business case to justify council expenditure on the project.*
- *Detail on the revenue projections including estimated rental income.*
- *A proper analysis of alternative options for the Guildhall.*
- *An examination of whether this is the correct location for the use being proposed or any comparison with other similar projects.*
- *An analysis of how the risk could be more appropriately shared with the private sector, especially on elements which might be better handled by organisations more experienced in the specific fields of business."*

Councillor Waller addressed the meeting on behalf of the Calling In members. He confirmed their principle concern

related to the lack of a business case and the risks involved relating to the funding of the project. The Members also questioned whether this was the correct location as there appeared to be no clear evidence to support the proposals for a DMAC and they felt that additional work was required prior to a final decision being made.

The Assistant Director of Finance, Property and Procurement and the Guildhall Project Manager with the assistance of the Principal Accountant, made a presentation, a copy of which is now attached to the online agenda. This set out in more detail the work undertaken in relation to the project, including the detailed feasibility study, alternative options, the financial overview together with the principles of the revenue model.

Councillor Williams, as Cabinet Member for Finance and Performance, acknowledged that the details contained in the presentation, should have been included in the report to Cabinet. He confirmed however that the business case was at an advanced stage in comparison to other projects undertaken. Although finance was required to undertake urgent work to the Guildhall roof he confirmed that a final decision had yet to be made on the whole project. Following additional work he confirmed that a report would be brought back to a future Cabinet and Council meeting.

Members questioned the Cabinet Member and Officers on a number of aspects of the project including risks to the authority, the difficulty of making a decision without all the necessary information, any restaurant/cafe lease and the need to protect the Guildhall setting and service access to the Mansion House.

Members confirmed that the majority of issues had now been answered and although they wished to protect the Guildhall, a balance had to be made between preservation and the business requirements for the site.

Cllr Potter then moved and Cllr Taylor seconded that Option A be approved and the decision of Cabinet be confirmed, as there were felt to be no grounds for referring back the decisions of Cabinet.

Cllr Runciman then moved and Cllr Healey seconded an amendment, that in light of the reasons provided for call in, Option B be approved and the decision be referred back to

Cabinet to request publication of all the information in respect of the Guildhall scheme for public consideration to allow a fully informed decision to be made in respect of the future of the site.

On being put to the vote it was

Resolved: That Option A be approved and that the decision of Cabinet be confirmed.

Reason: In accordance with the requirements of the Council's Constitution.

Cllr J Galvin, Chair

[The meeting started at 5.00 pm and finished at 7.20 pm].

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**Corporate and Scrutiny Management Committee
(Calling – In)****23 February 2015**

Report of the Assistant Director, Governance and ICT

Called-in Item: A Congestion Commission for York**Summary**

1. This report sets out the reasons for the call-in of the decision made by the Cabinet on 10 February 2015 in relation to the establishment of a Congestion Commission for York. This included proposals for a city-wide conversation building on known expertise in the field to bring forward strategic recommendations for the Council to consider.

This cover report sets out the powers and role of the Corporate and Scrutiny Management Committee in relation to dealing with the call-in.

Background

2. An extract from the Decision Sheet issued after the Cabinet meeting is attached as Annex A to this report. This sets out the decision taken by the Cabinet on the called-in item. The original report to the Cabinet meeting on the called-in item is attached as Annex B to this report.
3. Cabinet's decision has been called in, firstly, by Councillors Richardson, Healey and Doughty for review by the Corporate and Scrutiny Management Committee (CSMC) (Calling-In), in accordance with the constitutional requirements for call-in. The following are the reasons given for the call-in:
 - It is difficult to see how such a large new look at congestion can be embarked upon given the refusal of the cabinet to look into lessons learned from the Lendal Bridge trial;
 - It is wrong for the council to commit to fund a major committee, select its members, including paid independent experts, and set out the committee's operating criteria and timeline three

months prior to local council elections, which may well result in a change in the priorities of the council;

- There is an issue of democratic accountability and it lessens the chance of having an outcome which will realistically be implemented, that the panel will have more non-elected than elected members;
- It is naive to suggest that such decisions could possibly be made without taking into account the political calculations of all members of the council, which this close to an election would not necessarily be conducive to creating an independent committee seeking long-term solutions;
- The costs of the proposed committee are well beyond the budget set for internal scrutiny committees and too high given the other pressures on council funds.

The decision has then subsequently also been called in by Councillors Aspden, King and Watson for review by the Corporate and Scrutiny Management Committee (CSMC) (Calling-In), in accordance with the constitutional requirements for call-in. The following are the reasons given for the call-in:

- These proposals involve spending £135,000 - mostly on expensive external consultants – but fail to demonstrate that this expenditure offers value-for-money for residents.
- The report says that “officers have reviewed a range of such bodies” but these options on the size/structure/cost of the committee have not been presented to opposition members.
- Appointments (including the Chair) and various approaches have been made without any reference to the views of opposition members.
- The report does not specify direct resident and business involvement on the committee only the creation of a vague sounding Citizen’s Jury.
- The report does not properly show how existing council staff/resources/previous studies will be properly utilised.

- The report fails to give a clear commitment to an achievable timeframe or tangible, realistic and cost-effective outcomes.

Consultation

4. In accordance with the requirements of the Constitution, the calling-in Members have been invited to attend and/or speak at the Call-In meeting, as appropriate.

Options

5. The following options are available to CSMC (Calling-In) Members in relation to dealing with this call-in, in accordance with the constitutional and legal requirements under the Local Government Act 2000:
 - a. To decide that there are no grounds to make specific recommendations to the Cabinet in respect of the report. If this option is chosen, the original decision taken on the item by the Cabinet on 10 February 2015 will be confirmed and will take effect from the date of the CSMC (Calling-In) meeting; or
 - b. To make specific recommendations to the Cabinet on the report, in light of the reasons given for the call-in. If this option is chosen, the matter will be reconsidered by Cabinet at a meeting of Cabinet (Calling-In) to be held on 3 March 2015.

Analysis

6. Members need to consider the reasons for call-in and the report to the Cabinet and form a view on whether there is a basis to make specific recommendations to the Cabinet in respect of the report.

Council Plan

7. There are no direct implications for this call-in in relation to the delivery of the Council Plan and its priorities for 2011-15.

Implications

8. There are no known Financial, HR, Legal, Property, Equalities, or Crime and Disorder implications in relation to the following in terms of dealing with the specific matter before Members; namely, to determine and handle the call-in.

Risk Management

- 9. There are no risk management implications associated with the call in of this matter.

Recommendations:

- 10. Members are asked to consider all the reasons for calling in this decision and decide whether they wish to confirm the decisions made by the Cabinet or refer the matter back for reconsideration and make specific recommendations on the report to Cabinet.

Reason: To enable the called-in matter to be dealt with efficiently and in accordance with the requirements of the Council's Constitution.

Contact details:

Author:

Dawn Steel
Head of Civic &
Democratic Services
01904 551030

Chief Officer Responsible for the report:

Andrew Docherty
Assistant Director, Governance and ICT

**Report
Approved**



Date 13 February 2015

Specialist Implications Officer(s) None

Wards Affected:

All



For further information please contact the author of the report

Annexes

Annex A – Extract from the Decision Sheet produced following the Cabinet meeting on the called-in item.

Annex B – Report of the Director of City and Environmental Services to Cabinet, 10 February 2015.

Background Papers

None

CABINET**TUESDAY, 10 FEBRUARY 2015*****Extract from DECISIONS Sheet***

Set out below is a summary of the decisions taken at the Cabinet meeting held on Tuesday, 10 February 2015. The wording used does not necessarily reflect the actual wording that will appear in the minutes.

Members are reminded that, should they wish to call in a decision, notice must be given to Democracy Support Group no later than **4.00pm on Thursday 12 February 2015.**

If you have any queries about any matters referred to in this decision sheet please contact Jill Pickering, T: 01904 552061, E: jill.pickering@york.gov.uk

12. A Congestion Commission For York

Resolved: That Cabinet agree to the establishment of a Congestion Commission for York with the purposes, scope and ways of operating set out in the report and Terms of Reference, the budget proposed in paragraph 32 and the draft work programme set out in paragraphs 30 and 31.

Reason: To enable a robust, evidence-based and participative approach to developing strategic recommendations for the management of congestion in York.

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Cabinet**10 February 2015**

Report of the Director of City & Environmental Services

A CONGESTION COMMISSION FOR YORK**Summary**

1. York, in common with many other cities, has a problem with traffic congestion. The challenges include slower journey times, inhibiting economic opportunity, and poor air quality. Over recent years a range of initiatives has sought to reduce congestion with varying degrees of success and public acceptance. This report proposes a city-wide conversation building on known expertise in the field to bring forward strategic recommendations for the Council to consider.

Recommendations

2. Members are asked to consider the establishment of a Congestion Commission for York with the purposes, scope and ways of operating set out in the report and Terms of Reference, the budget proposed in paragraph 32 and the draft work programme set out in paragraphs 30 and 31.

Reason: To enable a robust, evidence-based and participative approach to developing strategic recommendations for the management of congestion in York.

Background*Existing measures to tackle congestion and experience elsewhere*

3. York has had considerable success at initiatives aimed at reducing congestion. It has arguably the most extensive Park & Ride, for its size, of any city in the country with over 4 million passengers a year. There is a high proportion of people who walk (12%) and cycle (7.4%) to work ranking 10th and 5th in the country. The Council and its partners have a long track record of success in sustaining

bus usage and the rail industry is fundamental to the city's economy both as an employer and as a key arrival route for over 28% of tourists.

4. Despite these successes, congestion remains a challenge, with poor journey times at key nodes in the network and times of day. York has several points of poor air quality, itself a major contributor to ill health and mortality. Continuing pressure for growth will also drive more road use. The city therefore needs to find a way to make the next step of improvement in managing traffic, particularly into and around the city centre.
5. The City Council has undertaken previous exercises to consider approaches to congestion. The previous scrutiny, the draft Air Quality Action Plan and the Local Plan evidence base (all available on the Council's website) provide material which need not be duplicated. At the same time gaps can be identified in the available work: for example we do not really know enough about the complex relationship between the economy of the city centre, car dependency and parking availability. There are plenty of theories but [academic research elsewhere](#)¹ shows how challenging the issue can be. The Council has also not really studied the latest technology available (eg to reduce congestion through smart parking, as Westminster [is introducing](#)). Thirdly, as noted, York is not the only walled, heavily visited, economically vibrant city facing these challenges; it will be useful to look at the solutions offered by national and European comparators such as [Toulouse or Malmo](#). Any strategic consideration of the next steps will need to review the material available and identify the key gaps so that the technical evidence can be as complete as possible within the time and budget allowed. The operating principles suggested below put a premium on rigor, independence and outcomes in gathering this evidence.
6. In considering solutions to congestion it is fundamental to think long-term: both behaviour change and physical infrastructure take time to have an impact while traffic continues to increase both through direct growth and increased prosperity. At the same time, vehicle technology is changing rapidly² and this will present new opportunities and challenges for the ways in which the road network

¹ *Healthy travel and the socio-economic structure of car commuting in Cambridge, UK: A mixed-methods analysis* by Goodman et al.

² *Automotive Council UK, Automotive Technology Roadmaps, September 2013*
(www.automotivecouncil.co.uk/2013/09/automotive-roadmaps/)

and urban transport develops. It is also fundamental that residents and businesses (including those catering to visitors) have a real engagement with congestion management. While no intervention will win universal support, it will be increasingly important for the city as a whole and the Council in particular, to understand why certain initiatives are to be seriously considered. This is only possible if congestion-management proposals can be set within an overall strategic framework for transport in York, and can be seen to have come from an evidence and community based analysis of the options.

Moving the debate forward: the experience of Commissions

7. York needs a debate characterised by openness and deliverability, and so needs strong independent voices and a skilled chair. There will be no shortage of local, regional and national interest groups and stakeholders offering views; the challenge will be to sift for evidence of outcomes and impact of specific measures (including 'do-nothing' options) and arrive at deliverable recommendations. York also has limited resources, although of course many cities have less money than ambition. A key expectation of any strategic programme is to consider how to fund improvements; an evidenced debate nuanced by political deliverability will be central to producing recommendations which have a hope of being achieved. In the first place though, examining what is most likely to work comes before assessing how to pay for it.
8. York has some specific physical features but the challenges of a heavily visited, compact mediaeval city dealing with increasing reliance on private cars is by no means unique. Some, as has happened here, have used a range of road-management techniques such as Park & Ride, dedicated lanes or congestion-charging to reduce city-centre traffic. Others, such as Cambridge and Edinburgh, have used a Commission approach to formulate their strategy for congestion management. These have not always met their original (stated) objectives: for example Cambridgeshire explicitly began with a preference for congestion charging which has proved undeliverable, although the Commission's work has provided a clear framework for revisiting the subject in the context of fiscal rebalancing beyond London. Others, such as the London Roads Task Force, have worked well in promoting public understanding of the issues and broader support for initially unpopular policies.

9. Officers have reviewed these and some key lessons stand out for this examination, in particular the importance of independent expertise in this complex area and the need for participation and open debate about the impact of interventions (or non-intervention). Specific pointers emerge about scope and ways of operating, to be encapsulated in the draft Terms of Reference (Appendix One) which can be summarised as:

Purpose of the Commission

To consider ways to alleviate road congestion in York and make strategic recommendations to the Council.

Principles of operating

- Independent expertise in the debate, including an independent chair
- Cross party participation
- Promoting public engagement and understanding of the issues
- Public and published
- Time limited
- Open-minded: all options on the table
- Evidence based and rigorous in the consideration of options
- Within a budget
- Making costed recommendations which are technically feasible and financially plausible

Scope

- Mechanisms for reducing congestion on the highways of York, especially in the city centre, and in particular options focused on modal shift, parking management and network services.
- Recommendations for implementing such mechanisms, with particular regard to
 - improving the economic capacity of the city centre,
 - improving its environmental and air quality and
 - enhancing the quality of life of York residents and visitors

Size and memberships

10. Participation by communities and interest groups in the Commission process will be necessary to long-term success. A number of Commissions have included key interests and stakeholders amongst their membership – from Chambers of Commerce to bus operators to major players such as the University and Addenbrooks hospital in Cambridge. The approach has often been to try to use the Commission structure to generate consensus

(or at least shared understanding) on the basis of evidence. Of those who have sought consensus this way, the standout success has been London, which relied on both the scale of the Task Force and allowing a long time for the Commission to work.

11. Appointing experts to be the commissioners who take evidence from interested groups has tended to be more a characteristic of policy-led commissions, such as the RSA's [City Growth Commission](#) which mixed practitioners, financiers and academics but had no elected city leaders amongst its members. There is a wide range of experienced experts, from professional institutes and the academic world who bring considerable knowledge of cities, network management, sustainable transport and impact-assessment to the issue.
12. A core lesson from this consideration is that there are numerous ways for interest groups to participate and express their views without assuming a Commission can or should directly include them all as members. These are discussed in more detail below.
13. Scale is a key consideration in establishing a successful Commission: too large and nothing can be agreed. Too small and not enough viewpoints are heard and a reasonable debate becomes very difficult to deliver. The London Roads Task Force, for example is a large body with a lot of stakeholders as members. New York's Commission was 17 members and Copenhagen's (which did not succeed) was 24. Of course, London, Copenhagen and New York are all bigger than York with correspondingly larger budgets but with some similar challenges. By comparison, a Royal Commission or Commission of Inquiry is a small group of named individuals gathered around expertise. A Select Committee is of course a defined group of politicians operating within a democratic structure. Arriving at specific evidenced recommendations implies a manageable scale.
14. At the moment CYC has 3 larger political parties represented, two smaller ones and four independent members. To include all parties accompanied by significant independent-expert membership drives a large body with some consequent challenges of timing, manageability, cost and consensus. Administrative ease and cost argue for a smaller group, drawing on evidence from a wider process. Officers therefore recommend **a cap of 9 members**, including an independent chair, with a majority of independent (ie

not elected members of York Council) commissioners. It is suggested that the four elected members be as follows:

- one each nominated by the Leaders of the three largest groups, solely at the discretion of the party leader
 - One nominated by the remaining elected members of the Council, achieved by a process to be determined during the establishment of the Commission.
15. Following the election in May, the Council may wish to review this formulation depending on its then political make-up. It would remain within the gift of party leaders to nominate their representative, and for members of smaller parties and one to determine their nomination.
16. Appointing independent experts needs consideration of criteria which would deliver membership which will support the core objectives of rigour, independence, robustness and a range of expertise. Of course, not every member can embody every element. Officers also suggest the importance of a Commission which does not look, as do so many transport discussions, like the usual array of ‘men in suits’; which is both off-putting to the public and does not ensure that the voices of all road-users are part of the informed debate. It is not essential that independent Commission members start their work familiar with York. That is an important part of the role of the Councillor members, as well as the work of interest and community groups in participating in the process.
17. This suggests the following criteria are relevant in drawing up a list of Commission members and Cabinet is recommended to use these criteria in considering the final list of suggested members:

Criterion	How tested	Comments
Availability and willingness	Discussion with individuals	Will include acceptance of outline programme and fees
Knowledge of the reality of delivery in a political environment	Track record – eg previous chief officers	Useful in at least one independent member

Broad ranging technical expertise in network management	Track record – might be as civil servant or arms length agency	Useful in at least one independent member
Rigour and robustness in assessing evidence	Academic or policy experience through research and publication	Key to achieving evidence-based recommendations
Understanding of comparators and both technical and policy context	Academic or policy experience through research and publication	Key to achieving evidence-based recommendations
Independence from specific lobbies	Track record of public debate and/or research funding	Although members might have a particular position, it will be key that the competing agendas (eg motorists, business, cyclists) are seen to be balanced in the independent membership
Some representation beyond 'men-in-suits'	The specific concerns of women, older and younger people, people with disabilities and those from black and minority ethnic communities need to be part of the Commission's thinking, and will be most encouraged by a conscious move to diversity in its membership.	
Ability to reach conclusions in this specific context	Track record, particularly of chairing and moving organisations/groups forward. Individual members should not have a reputation for divisiveness.	The Chair, while s/he should understand the nature of the public policy debate around congestion, does not themselves need to be a transport professional. It will be more important that they can corral and steer the work of the Commission to produce strategic recommendations for the Council.
Toughness	Track record and personal conversations	Public debate in York can be hard on individuals and Commissioners will need to be ready for that approach.
Overall balance of the Commission	In making final appointments, Councillors and the Chair will wish to look at the overall make up.	

18. The role of Chair is particularly important. He or she needs to be someone
- with experience in enabling groups to achieve shared understanding,
 - who knows something of the transport agenda in a city such as York,
 - who can command the respect of other Commissioners and the public, and
 - who is both available and willing to support the City in this way.
19. In exploring the options, officers have been delighted to find that Mr Terry Hill is interested in the role. Mr Hill (biography at Appendix Two) has a distinguished career in infrastructure development, including membership of both HS1 and Crossrail, current presidency of the International Organisation for Standardisation ([ISO](#)) and a non-executive director of the [Transport Systems Catapult](#). Mr Hill is also a previous Chair and current Trustee of the Arup Group Trusts and previous Chair of the Arup Group. (The Monitoring Officer has considered whether this represents any conflict of interest and his comments are at para 44 ii. below. These will be implemented before the Commission begins its work) Members are recommended to appoint Mr Hill as Chair of the Congestion Commission.
20. A list of further potential independent-expert members of the Commission has been discussed by officers with partners, Institute members and Mr Hill and a potential pool of experts constructed. Officers have begun approaching these individuals to see who would be available and willing to undertake this role. It is recommended that a maximum of five such experts are appointed. It is further recommended that final appointments are made by the Director of City and Environmental Services in consultation with the Portfolio Holder for Transport and the Chair of the Congestion Commission and in accordance with the criteria at para 10 above.
21. Inevitably the external Commissioners will require some recognition for their expertise and time. This is discussed further in the resourcing and financial paragraphs below.

An evidence based and inclusive approach: participation, engagement and modelling

22. To fulfil the Commission's objectives, it will need to seek evidence about the impact of network management strategies and it will need to know the views and insights of the residents and businesses of York. An inclusive approach will also be key to underpin the delivery of any recommendations; if all organisations and individuals have had a chance to make an input to an independently led Commission, there will be a much greater chance of introducing more challenging options.
23. As an example, increasing the Congestion Charge in London was only possible, according to TfL, because all stakeholders had taken part in the Roads Task Force and understood the benefits and opportunities offered by increasing the price despite the challenges it created for some businesses and residents. However, as noted the Roads Task Force took a long time and was expensive to run.
24. Officers therefore propose three main strands of participation and engagement for the Commission:
25. *Written submissions on the challenges for York:* inviting communities and interest groups to set out their views of the problems that need to be solved, rather than simply assuming that the Council knows what they are. This stage would not seek solutions and suggestions, which would be assessed in the next elements.
26. *Select Committee style hearings:* The Commission, sitting in public, would invite members of the public and interest groups to submit evidence about the issues of congestion. This could be in the form of free text against set questions on a limited number of pages (as with many government consultations). Specific respondents would then be invited to give oral evidence, with the Chair reserving the right to hear others seeking to give evidence if s/he determined it to be useful. Responses and hearings would be available along with summaries analysing the material.
27. *Deliberative workshop' or similar participative exercise:* Several techniques have been developed which encourage a demographically representative group of 'ordinary citizens' to learn a lot about a complex subject and give it their considered opinion.

The model of Citizen's Jury, deliberative workshop, planning-for-real or Appreciative Inquiry has been used in a wide range of ways from waste disposal to arts planning. PWC ran a successful Jury to support the early budget thinking of the Coalition government, a report on which can be seen at <http://www.pwc.co.uk/government-public-sector/issues/spending-review-summary-video.jhtml>. In such a model, the Council (directly or through a contractor) would identify a small group (12 to 30) people who would represent a breadth of road users to review the evidence, consider the practicalities and contribute views to the Commission. This would run over several days, with intensive facilitation, providing a user-insight into the issues.

28. In parallel, a technical, modelling and comparative evidence base would be compiled. The Council already has significant information about traffic and transport in the city as para 5 above sets out. The Commission would review that evidence and identify both gaps and affordable mechanisms to fill those gaps.
29. In assessing the technical evidence base there are some key parameters that should be adopted in order to ensure the Commission's work is achievable. These would include:
 - a timeline to 2041 (consistent with the 15+10 year approach envisaged in the current draft Local Plan)
 - assumptions of housing growth not exceeding the annualised average 926 as agreed by the Local Plan Working Group in December 2014 and as far as possible consistent with the emerging Local Plan
 - continuing the long-term commitment of York to sustainable travel using all alternative means of transport
 - continuing the core importance of the city centre as York's economic motor
 - and consistency with the priority economic sectors as set out in relevant strategies and the Strategic Economic Plans of both LEPs
 - acceptance of the foreseeable financial constraints on local authorities and central government, and hence available resources

Work programme

30. The following work programme assumes that the Cabinet decides to proceed with the Commission at its meeting in February, subject to call-in processes. It also assumes that Mr Terry Hill is confirmed as Chair and that the membership of the Commission is agreed rapidly.
31. The timings are currently indicative as they will need detailed agreement with the Chair and Commissioners and will be partly dependent on availability and capacity to attend meetings. Clearly, all public engagement must be curtailed during the pre-election period from 30 March 2015. The proposed programme therefore allows the first stage of public engagement and the start of the research before the election and then further engagement work soon afterwards. This may not be possible however, in which case the research work would begin as soon as the decision to proceed was confirmed but public engagement would not start until mid-May.

	Feb 15	March 15	April 15	May 15	June 15	July 15	Aug 15	Sept 15	Oct 15
Set up (and potential call-in)	■	■							
ENGAGEMENT									
Call for written subs		■	■						
Select Committee Hearings					■				
Deliberative workshop						■			
TECHNICAL EVIDENCE BASE									
Review of available material and gap analysis	■	■							
Further research as deemed necessary			■	■					
Assessment of technical evidence				■	■				
CONCLUSIONS AND RECOMMENDATIONS									
Commission considers draft recommendations						■	■		
Writing and evaluation							■	■	
Commission considers report								■	■
Submission of final report to CYC									■

Resources and costs

32. The table below sets out the proposed budget for the Commission. Costs are based on indicative information available online and recent market experience (in York and elsewhere):

Item	£
Expert Commissioners (assumed 2 days per month @£400 per day each for period + 10 days for Select Committee hearings)	60000
Provision for specialist expertise including on financing	50000
Citizens Jury	15000
Publication (online) including design etc	7500
Contingency and miscellaneous expenses	2500
Totals	135000

33. It is clear from discussion with possible external Commissioners and experience elsewhere that there will need to be some recompense for their time and expertise and that £400 per day is a reasonable rate. It is also clear that all external Commissioners should be paid at the same rate. This calculation is based on likely meetings and some preparation time and an element for the specific hearings in public.
34. Officer support will include technical expertise, support to the engagement and administration. Where possible this will be contained within existing work programmes, although some element of backfilling, to be contained within existing budgets, may be necessary to make the most of existing transport planning and policy knowledge.
35. This will be funded as set out in para 41 below. This investment should be seen in the context of the ongoing management of the highways; in 15/16, York's transport network will see some ~~£945m~~ £6.5m of investment from a range of sources, plus the bids for some £73m currently progressing with the West Yorkshire Combined Authority for delivery over the next 5 years. The commitment to basic maintenance of carriageways and footways is a further £2.5m.

[Drafting error in original report, highlighted following publication of agenda]

Consultation

36. The proposed Congestion Commission is itself a large-scale public engagement exercise enabling extensive consultation on a strategic approach to managing congestion in the city. York is characterised by lively debate on all matters relating to traffic and highways; this proposal aims to draw on that energy and involvement and enable a public discussion which is informed by evidence and comparison.

Options and analysis

37. Members could choose not to set up a Congestion Commission. In such a case, the Council would continue as it has in the past, which has its strengths. Initiatives to address congestion, slow journey times and poor air quality will be more likely to be driven by available funding, short-term interests and limited evidence alongside longer term strategy as captured in the Local Transport Plan. This historic approach has seen considerable success as set out in paragraph 3 above. The drawbacks will remain lack of public support for more difficult interventions and increasing difficulty in addressing the traffic impact of the city's growth.
38. Alternatively a Commission intended to identify strategic recommendations could be established but in a different way, for example more along the lines of the London Roads Task Force. As set out in paragraphs 10 to 13 above, officers have reviewed a range of such bodies for their success in delivering strategic outcomes, achieving public understanding of the challenges and working within an acceptable timeframe and budget. Alternatives such as a wholly community-based Commission (only taking evidence from experts), or a body excluding elected politicians have been considered. All of these, as analysed in those paragraphs, seem less likely to achieve the purpose and ways of operating set out in paragraph 9.

Council Plan

39. A strategic, evidence-based and publicly understood approach to managing congestion would support the objectives of
- Getting York moving;
 - Creating jobs and growing the economy

- Building stronger communities; and
 - Protecting the environment
40. In particular, the Plan creates the following objectives directly supported by the Commission:
- Improving city centre circulation
 - Campaigning to encourage less reliance on the car.
 - Improving transport links to the rest of the UK (supported by better access to the wider road network and the station)
 - Talking with and listening to people – including the city’s younger residents
 - Cutting our carbon emissions and improving air quality

Implications

Financial

41. The Congestion Commission would be funded from the Economic Infrastructure Fund, leaving a balance of £407,000.

Human Resources (HR)

42. There are no direct HR implications although supporting the Congestion Commission will be a valuable piece of project work for relevant officers.

Equalities

43. The report identifies the importance of seeking to avoid an all-male Commission. It also recognises that the Commission should be explicitly asked to consider the impact of congestion and appropriate interventions on all sections of the community.

Legal

44. i. No specific legal implications arise from the proposal to create a Congestion Commission, which itself will help the Council fulfil its relevant duties under highways legislation and air quality requirements.
- ii. The proposed Chair of the Commission has a long term association with Arup Ltd, an employee-owned engineering consultancy which works in many countries and does provide services to the Council. This relationship has been fully

declared and the individual has declared that he has no role in the commercial activities of the company; he will be asked to confirm this in writing before work begins. The Commission will not have direct responsibility for any procurement; if it needs to procure advice (eg on modelling options or financial appraisal) procurement will be conducted by Council officers under Council procurement rules. Commissioners (whether external or elected members) will have no input to the procurement decision making. In this context it is considered there is no conflict of interest arising in appointing Mr Terry Hill as Chair of the Commission.

- iii. Other potential independent members may also have similar relationships with existing or potential suppliers to the Council. They will be asked to confirm in writing that they are not engaged in any commercial work or decision making on behalf of such a company. As at para 44 (ii) Commissioners will not be involved in commercial decision making.

Crime and Disorder

45. There are no Crime & Disorder implications

Information Technology (IT)

46. There are no Information Technology implications

Property

47. There are no property implications

Risk Management

48. The only identified risk is that the Congestion Commission fails to establish a set of strategic recommendations for consideration by the Council. This would mean the effort and resources involved had been wasted. This is best mitigated by:
 - Creating a Commission of high-calibre and experienced individuals to work with elected members and communities
 - Providing sufficient support and resources to enable a robust evidence base and enable effective community participation

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Approved****Date**2nd February
2015**Specialist Implications Officer(s)** *List information for all**Implication ie Financial**Implication ie Legal**Name**Name**Title**Title**Tel No.**Tel No.***Wards Affected:** *List wards or tick box to indicate all***All****For further information please contact the author of the report****Background Papers:*****All relevant background papers must be listed here.*****Annexes**

Annexe One: Draft Terms of Reference for the Congestion Commission

Annexe Two: Short biography Mr Terry Hill

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ANNEXE ONE: TERMS OF REFERENCE OF THE CONGESTION COMMISSION FOR YORK

Purpose

To consider ways to alleviate road congestion in York and make strategic recommendations to the Council.

Scope

- Mechanisms for reducing congestion on the highways of York, especially in the city centre, and in particular options focused on modal shift, parking management and network services; and
- Recommendations for implementing such mechanisms, with particular regard to
 - improving the economic capacity of the city centre,
 - improving its environmental and air quality and
 - enhancing the quality of life of York residents and visitors

Parameters

The Commission will work towards preparing strategic recommendations within certain parameters:

- a timeline to 2041 (consistent with the 15+10 year approach envisaged in the current Publication Draft Local Plan
- assumptions of housing growth not exceeding the annualised average 926 as agreed by the Local Plan Working Group in December 2014 and as far as possible consistent with the emerging Local Plan
- continuing the long-term commitment of York to sustainable travel using all alternative means of transport
- continuing the core importance of the city centre as York's economic motor
- and consistency with the priority economic sectors as set out in relevant strategies and the Strategic Economic Plans of both LEAs
- acceptance of the foreseeable financial constraints on local authorities and central government

Principles of operating

- Independent expertise in the debate and an independent chair
- Cross party participation from elected politicians
- Promoting public engagement and understanding of the issues
- Public and published
- Time limited
- Open-minded: all options on the table
- Evidence based and rigorous in the consideration of options

- Within a budget
- Making recommendations which are technically feasible and financially plausible

Membership

The Commission will have not more than 9 members, of whom not more than 4 will be elected members of City of York Council.

The three largest political parties represented on the Council will each have one nominee, made by the Leader of that party on the Council. The fourth member will be nominated by the remaining members of the Council.

The Chair of the Congestion Commission will be an external and independent expert, who will be appointed by the Cabinet of City of York Council.

The remaining independent members of the Commission will be appointed from a pool approved by the Cabinet by the Director of City and Environmental Services in consultation with the Portfolio Holder for Transport and the Chair of the Commission. They will be asked to contribute their expertise and professionalism to enable York to make a step-change, beyond the already existing interventions, in its management of congestion over the next 25 years.

Timescale and work programme

The Commission is expected to start work after agreement by Cabinet and relevant call-in processes (anticipated in February 2015) and report by the end of October 2015. Its work programme, in particular the work of community participation, will be as approved in outline by the Cabinet.

Resources

The Commission will be expected to oversee the work programme within the budget approved by Cabinet and drawing upon allocated officer expertise.

Remuneration of external Commissioners

External commissioners will all receive the same remuneration of £400 per day plus reasonable travel expenses. Part days will be remunerated pro rata as percentages of an 8 hour day.

ANNEXE TWO: SHORT BIOGRAPHY OF PROPOSED CHAIR OF CONGESTION COMMISSION

Terry Hill has global experience leading, creating and implementing infrastructure and transport strategies and projects that bring benefit to communities. He is a Trustee of the Arup Group owning Trusts, immediate past-President of the International Organisation for Standardisation (ISO), a non-executive Director of Crossrail Ltd and the Transport Systems Catapult innovation centre. He was a founder member of the UK Treasuries Infrastructure UK Advisory Council and has chaired several Government/public sector commissions of enquiry.

A civil engineer and economist, Mr Hill has led many infrastructure investments and has a proven record of achievement in innovative transport. He was previously Chair of the £1.3bn turnover, 12,000 staff Arup Group Ltd and its owning Trusts from 2004 – 2013 and before that led its global Transport Market and Infrastructure Division, where his role centered on consulting, infrastructure and managing major projects.

Originally from Manchester, Terry Hill lives in the UK near London, is married and has three sons. He was awarded the CBE in 2010.

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