

## **Scoping Report on proposal for scrutiny review of Lendal Bridge closure**

### **Summary**

1. This report presents Members with information regarding proposed scrutiny review on the closure of Lendal Bridge.

### **Background**

2. In mid-May 2014 several possible topics for review were considered at the annual Scrutiny Work Planning Event. Among those within the ECDOSC area of responsibility was the closure of Lendal Bridge.
3. The submission was:

*“To investigate the trial closure of Lendal Bridge in light of the Government’s Traffic Adjudicator ruling of Tuesday 1<sup>st</sup> April. Specifically, how and why City of York Council enforced a closure of Lendal Bridge and Coppergate which was essentially unlawful, and to address the other concerns (including poor signage) included in the ruling – in order to understand how the Council got itself into a position where it was enforcing closures it had ‘no power’ to enforce and to ensure that lessons are learnt and mistakes are not repeated.”*

4. The topic was discussed at a meeting of this Committee in June 2014 when Members considered feedback on all relevant topics from the Council Leader, the Cabinet Member for Environmental Services, Planning & Sustainability (the previous Cabinet Member for Planning, Transport and Sustainability) and the former Director of City and Environmental Services.

5. The current Cabinet Member for Transport was in attendance at the June meeting of this Committee and he confirmed that the Leader, under delegated powers and with the agreement of the Chair of the Corporate & Scrutiny Management Committee, had lifted the traffic restrictions on Lendal Bridge.
6. Some Committee Members supported conducting a review into the Lendal Bridge trial as it would allow them to look at the implementation of the decisions to see if lessons could be learnt. Others felt that the topic had been suggested purely for political reasons and that scrutiny of the Lendal Bridge trial by a Task Group would not add value and could be used as a forum for attributing blame and a decision was taken not to proceed with the review.
7. Following the recent changes to the Committee membership the new Chair has proposed that the decision to carry out this review be reconsidered and officers have provided the following update on the ongoing work to address the concerns arising from the trial closure of Lendal Bridge.

### **Update on Ongoing Work**

8. As of the date of this report, seven months after the end of the trial, no response has been received from the Adjudicator. Therefore the lawfulness of either the Coppergate or Lendal Bridge restrictions remains undetermined.
9. Following the decision of the Leader in April to bring the Lendal Bridge Trial to a conclusion, the Authority continued with its application for a review of the decision to the Traffic Penalty Tribunal Adjudicator (the Adjudicator) in respect of appeals against fines for breach of the Lendal Bridge Traffic Regulation Order.
10. The Chief Executive asked the then Interim Assistant Director for Highways Transport and Waste to undertake a review of the Lendal Bridge trial. In May 2014 a new interim Director of City and Environmental Services and a new Assistant Director for Highways Transport and Waste took up post.
11. Following the passage of three months from the end of the trial, the new management team sought advice from Queen's Counsel as to a way forward on behalf of the Council and those motorists who had ongoing concerns with the Lendal Bridge trial, some of whom had made formal appeals to the Traffic Penalty Tribunal.

12. In August 2014 Cabinet considered a report in respect of withdrawing the Council's application for review of the adjudicator's decision regarding Lendal Bridge, making settlement payments to motorists disputing Penalty Charge Notices regarding the Bridge. The report also recommended continuing the application for Review of the Coppergate scheme as this was a longstanding Traffic Order that was not intended to be withdrawn. This decision was subject to Scrutiny call in by CSMC.
13. The following management disciplines have been put in place:
  - i. Establishing a named officer responsible for projects.
  - ii. Regular Directorate Management Team Meetings and Group Management team meeting that are not subject to cancellation are fully minuted with actions.
  - iii. Establishment of a regular Transport Board chaired by the Assistant Director to coordinate the officer management of the Highways and Transport Capital programmes and major initiatives.
  - iv. Collaborative cross departmental working for new projects such
14. The Coppergate traffic restrictions are not currently being enforced using cameras following a decision issued by the Traffic Penalty Tribunal adjudicator earlier in the year which is still the subject of the review. In the meantime the restriction remains in place although owing to the changes to the enforcement regime in the area, there are more incidents affecting journey times for public transport, particularly during peak times.
15. Following a request by the Council the Department for Transport has recently reviewed their original advice on the signage in place for the restriction. They have indicated that the current signage at the boundary of the restriction is appropriate and does not need special authorisation. Officers are currently reconsidering the legal position following receipt of this advice. It is still uncertain when a response to the request for a review of the original decision will be received from the Traffic Penalty Tribunal.
16. The implementation of the Cabinet decision to make settlement payments is being undertaken and the following number of applications for payment have been made:
  - September 2014: 5,584

- October 2014: 2,199 (7,783 in total)

17. In respect of the financial overview of the Lendal Bridge Trial the current position is as follows:
  - a. Income from the Lendal Bridge Trial in 2014/15 totalled £1,378k. There was administrative expenditure totalling £527k which primarily covered the cost of processing penalty charge notices.
  - b. As part of the year end accounts a provision of £708k was created to reflect the decision to refund penalty charge notices. This was undertaken with the agreement of the external auditor. The remaining income has been set aside in an earmarked reserve.
  - c. To date a total of £162k has been refunded as part of the refund process.
18. Officers continue to work with Members from all parties to establish a Congestion Commission and currently it is intended that a report will be presented to the Audit and Governance committee for their consideration of the scope of the commission. This Commission is intended to examine on a cross party basis the strategic challenges that the city faces in respect of managing congestion and transport, and the options that the Council may wish to take forward.

### **Possible Review Remit**

19. It is for this Committee to decide if it wishes to undertake a Scrutiny review of the Lendal Bridge Trial and the scope of the review. It is recommended that in light of the proposed establishment of the Congestion Commission that the actual merits of the scheme as a way to reduce congestion in the city centre not be included in the scope of the Scrutiny review to avoid pre-empting or overlapping with the work of the Congestion Commission.

### **Consultation**

20. Information contained in this report has been provided by the Assistant Director for Transport, Highways and Waste who will be at the meeting to answer any questions Members may have.

## Options

21. Having considered the information provided in this scoping report Members may choose:
- i) to proceed with the review and identify a suitable review remit
  - ii) not to proceed with the review

## Council Plan

22. This review would support the Get York Moving and Protecting the Environment priorities of the Council Plan 2011-2015.

## Implications & Risk Management

23. This scoping report is presented for information only so there are no implications or risks associated with the recommendations in this report. Implications and risks associated with this topic would be addressed as part of any scrutiny should a decision be taken to proceed.

## Recommendations

Members are recommended to:

- a) consider the information contained in this report;
- b) agree whether or not to proceed with the review, taking into account the information provided in paragraph 19.

Reason: To ensure compliance with scrutiny procedures and protocols.

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Report  
Approved

Date 4/11/2014

Wards Affected:

All

**For further information please contact the author of the report**