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**Cabinet****10 February 2015**

Report of the Director of City &amp; 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 10<sup>th</sup> and 5<sup>th</sup> 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](#)<sup>1</sup> 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 rapidly<sup>2</sup> and this will present new opportunities and challenges for the ways in which the road network

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

<sup>2</sup> *Automotive Council UK, Automotive Technology Roadmaps, September 2013*  
([www.automotivecouncil.co.uk/2013/09/automotive-roadmaps/](http://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:

<b>Criterion</b>	<b>How tested</b>	<b>Comments</b>
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.



*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):

<b>Item</b>	<b>£</b>
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
<b>Totals</b>	<b>135000</b>

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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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