

**Customer and Corporate Services
Scrutiny Management Committee**

6 March 2023

City Centre Access

Summary

1. In November 2022 this committee received an update on the City Centre Access actions. A further update has been requested. As per previously, the action plan has been updated to reflect progress. The latest action plan can be found in Annex A.

Recommendations

2. The Customer and Corporate Services Scrutiny Management Committee is asked to:
 - Note the ongoing work to improve access to the city centre.
 - Note that since the last review of City Centre Access by the Committee, the rules relating to the placement of pavement cafes within York has been considered and changed by Executive to retain 1.5 metres of clear footway. This policy and decision is being considered by Economy and Place Scrutiny Committee on 8 March 2023.
3. Reason:
 - Paper requested by Corporate Services Scrutiny Management Committee.

Background

4. Executive in November 2021 considered a range of reports which changed both the short term and set a longer-term vision for the City Centre. Through the process it was recognised some decisions would adversely impact Blue Badge holders. In response a report was considered on how to improve access. This report was titled “Strategic

Review of City Centre Access” and included an action plan to improve access.

5. This committee have requested previous update reports on the delivery of the action plan. A further update has been requested. The update summary can be found in Annex A.
6. At the last update in November 2022 the committee made the following recommendations / actions:
 - i. To request that Pavement Café Licencing is added to the City Centre Access Action Plan.
 - ii. To receive a further update to the Action Plan in three months' time.
 - iii. To recommend to Executive that the Action Plan is amended to include those with sensory, physical and hidden disabilities.
 - iv. For the Chair and Vice-Chair to discuss at the next scrutiny work planning meeting if a Counter Terrorism item should be examined at a future Customer and Corporate Services Scrutiny Management Committee or alternative Scrutiny Committee.
 - v. For the Chair of the Housing and Community Safety Policy and Scrutiny Committee to consider any outcomes from the Manchester bombing enquiry and to consider the timings of Executive Member security briefings.
 - vi. To request that the Monitoring Officer considers the legal advice received last year regarding city centre access for blue badge holders and satisfies himself that, from a legal perspective, CYC is in a safe, robust position considering the recent Westminster Council High Court judgement.
 - vii. That the advice from the Monitoring Officer be circulated to Members of the Committee in due course.
 - viii. To request that a detailed report which addresses the issues raised within the Reverse the Ban petition and considers them against the City Centre Access Action Plan be taken to a future Executive
7. In response officers can confirm that pavement café licencing has not been added to the action plan as it is being considered by Economy and Place Scrutiny Committee in two days' time. However, since the last update to this committee Executive have made the decision to keep 1.5 metres of pavements clear, removing pavement cafes.

8. Officers in the Place Directorate are working with the Access Officer to consider how those with sensory, physical and hidden disabilities can be better included within the action plan.
9. The Monitoring Officer has written to the chair of this committee having considered the legal context to York's decision making and how it pertains to the Westminster Council High Court judgement. A copy of this advice is contained with Annex B.

Council Plan

10. The proposals are well aligned with the aims of the Council's Plan 2019-2023.
 - Well-paid jobs and an inclusive economy
 - Getting around sustainably
 - Safe communities and culture for all
 - Creating homes and world-class infrastructure

Implications

Financial

11. There are no financial implications of this report any additional decisions would require a business case and financial considerations.

Equalities

12. The Council recognises its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions). These duties were considered in detail when undertaking the Executive decision in November 2021 and subsequent decisions.
13. By working with people with a protected characteristic will identify any equalities implications when implementing mitigations and these will be addressed in future reports.
14. The Action Plan captured the mitigations for the decision to remove the exemption for blue badge holders from the City Centre Footstreets that was considered under a detailed equality impact assessment. However,

as detailed proposals come forward, such as the results of the consultation on pavement cafes and the City Centre Shuttle Bus Study Feasibility, they would each need a specific equality impact assessment of its own when that business case is considered.

Legal

15. The legal powers and duties have been set out in the body of the report.

Contact Details

Author:

Dave Atkinson
Head of Highways and
Transport
dave.atkinson@york.gov.uk

Laura Williams
Assistant Director Customer
and Communities
laura.williams@york.gov.uk

Chief Officer Responsible for the report:

James Gilchrist
Director of Transport Environment and
Planning

Pauline Stuchfield
Director Customer and Communities

Report **Date** 21/02/2023
Approved

Wards Affected: Guildhall, Micklegate and Fishergate **All**

For further information please contact the author of the report.

Background Papers:

Executive 22 November 2022

- Changes to Pavement Café Licenses

Customer and Corporate Services Scrutiny Management Committee

- City Centre Access - Action Plan Update

Executive Member for Transport March 2022

- Update on action agreed by Executive for City Centre Accessibility

Executive - 18 November 2021

- My City Centre Strategic Vision - Adoption of Vision and Next Steps
- Strategic Reviews of City Centre Access and Council Car Parking
- Consideration of Changes to the City Centre Traffic Regulation Order

Executive - 18 July 2022

- Update on City Centre Access and Pavement café licensing.

Officer Decision 19 September 2021

- Pavement cafes: enforcement and accessibility (under Business and Planning Act 2020)

Officer Decision 19 September 2021

- Pavement cafes: enforcement and accessibility (under Business and Planning Act 2020)

Annexes

Annex A - Strategic Review of City Centre Access – Action Plan update

Annex B - Consideration of the legal advice by the Monitoring Officer