



<b>Meeting:</b>	The Executive Member for Transport Decision Session
<b>Meeting date:</b>	08/10/2024
<b>Report of:</b>	James Gilchrist
<b>Portfolio of:</b>	Cllr. Ravilious, Executive Member for Transport

## **Decision Report: Mansfield Street TRO Consultation**

### **Subject of Report**

1. Consideration of representations received, in support or objection, to the advertised proposal to amend the Traffic Regulation Order(TRO) detailed in Annex C
2. A decision on the proposal is important as it will provide the Council with the approval for an outcome and ensure the appropriate changes are made to the TRO to address the concerns raised.

### **Benefits and Challenges**

3. The benefits are we have met our statutory obligation to consult with relevant stakeholders providing them with the opportunity to voice their opinions and take those into consideration when reaching a final decision.

The challenges of the process are that any decision made may not be the desired results of all residents and may create other issues for residents or local business owners.

Had we not consulted we would have breached our statutory obligations, as a result of which we may have been considered to have acted unlawfully in respect of due process.

## **Policy Basis for Decision**

4. The recommended option within the report will comply with the Local Transport Plan (LTP) objective of *“the transfer of inward commuting and visitor trips to the Park & Ride service, combined with restricting the availability of city centre parking, will remain a key strategy for reducing trips in the urban area”*. Including reducing vehicle miles and creating high quality public realm for residents.
5. The recommended option is also in line with the policy focus area of the Local Transport Strategy through improving walking, wheeling and cycling. Removing the daytime parking from the street and providing more space to walk, wheel & cycle to the car free student accommodation on the street, which will help to shape healthy places.
6. The policy focus of the Local Transport Strategy to improve public transport, so all areas of the city have good and reliable public transport access will help to increase bus patronage by 2030, which will help to meet the aims of the Local Transport Plan.
7. It will remove the parking and reduce the vehicle movements from the street during the day, whilst leaving an availability of evening parking to enjoy the nearby facilities provided at the Hotel Restaurant and Gym. This will help to provide a better living environment for residents of the nearby student accommodation.

## **Financial Strategy Implications**

8. There are no financial strategy implications to the Council for the proposal, due to the cost of the amendment of the TRO been met through funds secured through the Section 106 agreement under the Town & Country Planning Act 1990 for the student development.

## **Recommendation and Reasons**

9. It is recommended that the Executive Member consider the original proposal with representations received and make a decision from the options given.
  - a) Implement as Advertised- Not recommended.

- b) Uphold the objections and take no further action-Not recommended.
- c) Implement a lesser restriction than advertised; leave in place a section of single yellow lines on the north side of the road - Recommended.

Reason: The representations of the local business owners have been taken into account and the lesser restriction will provide some parking amenity for customers, whilst ensuring that the access to, and egress from, the Urbanite Site is not obstructed. The recommended plan is detailed in Annex D

## **Background**

- 10. The property manager for the new student accommodation with associated service access on Mansfield Street contacted the Council to advise of an access issue. They were experiencing issues with obstruction of the service access, which resulted in their commercial waste contractor being unable to access and causing issues for the waste collection from the site. The property manager requested that the parking restrictions on the street were reviewed to help with the access.
- 11. The current restrictions on the street were reviewed and it was proposed to amend the current restrictions and introduce 'No Waiting at any time' restrictions for the whole street. The Statutory Consultation process was undertaken on 26<sup>th</sup> July 2024, in which the Council wrote to the stakeholders on the street (ANNEX B), as well as posting Notices of the proposed restrictions on the street and in the local newspaper.

## **Consultation Analysis**

- 12. We received two representations from local businesses during the consultation.

### **Business 1**

A local business asked us to consider the effects on their business, particularly in the evening, if we were to introduce 'No Waiting at any time' restrictions. The business owner requested that the current Waiting restrictions (Mon-Sat 8am to 6pm) on the

north side of the road remain in place and the remainder of the unrestricted areas of carriageway become 'No Waiting at any time' restrictions (double yellow lines).

#### Business 2

submitted a representation stating they support the proposed no waiting restrictions at any time on the south side of the carriageway but object to the north side. They have highlighted the potential impact on smaller businesses of Mansfield Street if the current timed restriction on the north side were to be replaced with no waiting at any time restrictions.

## Options Analysis and Evidential Basis

13. The report provides 3 options, they are:
  - A) Implement as Advertised- Not recommended
  - B) Uphold the objections and take no further action-Not recommended
  - C) Implement a lesser restriction than advertised to respond to the objections received; leave in place a section of single yellow lines on the north side of the road and to keep the area under review to monitor if there is any misuse of hotel parking - Recommended
14. It is not proposed to implement as advertised, as this would potentially have a negative impact on a nearby business operation, which would also be outside of the scope of the original issue on the street. The recommended option would remove the obstructive parking from the south side of the road, which was occurring and creating the original issue on the street, whilst still providing an availability of evening parking to access nearby facilities in the area.
15. It is also not recommended to take no further action, as this would leave the residents and local businesses to continue to experience obstructive parking and have a negative impact on the street environment.

## Organisational Impact and Implications

16.

- **Financial**, No financial implication for the Councils budgets, as the founding of the proposal and implementation of any approved restriction will be covered by the money secured through the Section 106 agreement.
- **Human Resources (HR)**, None, any enforcement of approved restrictions will fall to the Civil Enforcement Officers necessitating an extra area onto their work load, although they are already receiving reports of vehicles parked in the area and not currently able to enforce, which is creating work.
- **Legal**, The Council regulates traffic by means of traffic regulation orders (TROs) made under the Road Traffic Regulation Act 1984 which can prohibit, restrict, or regulate the use of a road, or any part of the width of a road, by vehicular traffic. In making decisions on TROs, the Council must consider the criteria within Section 122 of the Road Traffic Regulation Act 1984 and, in particular, the duty to make decisions to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians).
- The proposal would require an amendment to the York Parking, Stopping & Waiting Order 2014

The statutory consultation process for TROs requires public advertisement through the placing of public notices within the local press and on-street. Formal notification of the public advertisement is given to key stakeholders including local Ward Members, Police and other affected parties.

The Council, as Highway Authority, is required to consider any objections received within the statutory advertisement period of 21 days, and a subsequent report will include any such objections or comments, for consideration. Where the Council does not “wholly accede” to any objection, it is required to provide reasons for this in its notification of the making of an order to any person that has objected.

The Council has discretion to amend its original proposal if considered desirable, whether or not, in the light of any objections or comments received, as a result of such statutory consultation. If any objections received are

accepted, in part or whole, and/or a decision is made to modify the original proposals, if such a modification is considered to be substantial, then steps must be taken for those affected by the proposed modifications to be further consulted

The recommendation in this report is for the decision maker to consider the objections received during the statutory consultation period and make the TRO with modifications to the advertised TRO to reduce the restrictions. This will enable the Council to comply with the requirements of both the Road Traffic Act 1984 and the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996 (LATOPR), and reduce the risk of a public inquiry that can arise where, subject to the conditions set out in Reg 9(3) of LATOPR, objections (which are not considered frivolous, irrelevant or withdrawn) remain in place when the TRO is made.

- **Procurement**, Any public works contracts required at each of the sites as a result of a change to the TRO (e.g. signage, road markings, etc.) must be commissioned in accordance with a robust procurement strategy that complies with the Council's Contract Procedure Rules and (where applicable) the Public Contract Regulations 2015. Advice should be sought from both the Procurement and Legal Services Teams where appropriate.).
- **Health and Wellbeing**, There are no Health and Wellbeing implications.
- **Environment and Climate action**, There are no Environment and Climate Action implications.
- **Affordability**, There are no affordability implications.
- **Equalities and Human Rights**, 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). The impact of the recommendation on protected characteristics has been considered as follows:

- Age – Positive, the introduction of parking restrictions will remove obstructive parking and conflict of movement, which will make a safer environment for all road users;
- Disability – Positive, the introduction of parking restrictions will remove obstructive parking and increase the available area for use by all user, whilst the introduction of ‘No Waiting at any time’ restrictions would allow for vehicles displaying a Blue Badge to park to park for 3 hours;
- Gender – Neutral;
- Gender reassignment – Neutral;
- Marriage and civil partnership– Neutral;
- Pregnancy and maternity - Neutral;
- Race – Neutral;
- Religion and belief – Neutral;
- Sexual orientation – Neutral;
- Other socio-economic groups including :
  - Carer - Neutral;
  - Low income groups – Neutral;
  - Veterans, Armed Forces Community– Neutral

It is recognised that individual traffic regulation order requests may impact protected characteristics in different ways according to the specific nature of the traffic regulation order being considered. The process of consulting on the recommendations in this report will identify any equalities implications on a case-by-case basis which may lead to an individual Equalities Impact Assessment being carried out in due course

- **Data Protection and Privacy**, The response to the proposal have been received by residents, Ward Cllrs and Parish Council but the report does not contain any personable information.
- **Communications**, There are no communications implications
- **Economy**, There are no economy implications

## Risks and Mitigations

17. No detrimental risks have been identified

## Wards Impacted

18. Guildhall.

## Contact details

For further information please contact the authors of this Decision Report.

### Author

<b>Name:</b>	James Gilchrist
<b>Job Title:</b>	Director of Environment, Transport and Planning
<b>Service Area:</b>	Place
<b>Telephone:</b>	01904 552547
<b>Report approved:</b>	Yes
<b>Date:</b>	30/09/2024

### Co-author

<b>Name:</b>	Geoff Holmes
<b>Job Title:</b>	Traffic Projects Officer
<b>Service Area:</b>	Place
<b>Telephone:</b>	01904 551475
<b>Report approved:</b>	Yes
<b>Date:</b>	30/09/2024

## Background papers

### Annexes

Annex A, Plan of existing restrictions on Mansfield Street.

Annex B, Letter, notice and plan sent to all stakeholders during the consultation

Annex C, Representations received during the consultation

Annex D, Recommended plan of restrictions on Mansfield Street