
**Decision Session (Public) –
Cabinet Member for Transport, Planning and
Sustainability**

2 August 2012

Report of the Director of City and Environmental Services

**Petition concerning the bench previously located at the Stockton
Lane/ Hempland Lane junction**

Summary

1. In response to a petition from residents requesting that a bench be returned to its original location at the junction of Stockton Lane and Hempland Lane, this report examines the background issues leading up to the removal of the bench and the views of the local community. The report concludes that the bench could be installed at an alternative position at the junction to alleviate any road safety issues. However, as this would not address other concerns expressed by nearby residents, it may be preferable to consider an alternative location for the bench away from residential properties.

Recommendations

2. That the Cabinet Member note the contents of the petition, and give in principle approval to relocate the bench to an alternative site, subject to further feasibility work and consultation.

Reason: For the benefit of the local community.

Background

3. Last year, it was proposed to slightly reposition a bench to accommodate a widened footway adjacent to a new zebra crossing as shown on the location plan **Annex A**. However, in response to reports from a local resident, that the bench was acting as a catalyst for noise, litter and vandalism by those congregating in the area, it was removed pending further investigation.

4. No records could be found of how long the bench had been there or who originally installed it, but it is visible in the 2002 aerial photographs. There had been no observations or reports of the bench being particularly well used, nor is the area scenic, so it was believed that it would not be missed. Attempts were made to find a better location for it, but there is no suitable alternative close by and away from residential properties. It has therefore remained in storage.
5. A petition from residents was presented to a meeting of the Full Council on 29 March 2012 by Councillor Boyce. The petition was signed by 40 people and the front page is provided as **Annex B**. The petition asks the Council to replace the bench that was removed during the road works for the new zebra crossing.
6. Following the receipt of the petition the local police were contacted but have no records of any complaints made about anti-social behaviour in the vicinity of the bench.

Consultation

Member Views

7. The bench was located in Heworth Without Ward but close to the boundary with Heworth Ward which is shown in **Annex A**. Therefore, officers consulted with Ward Councillors Ayre, Boyce, Funnell and Potter, plus Councillors Merrett, Healey, Reid and D'Agorne, on the proposals. Their responses are summarised below.

Ward Member Views

8. Cllr. Ayre – asked for his comments to be included in full as follows:

“At the time of the bench being removed, I had received numerous comments from residents of properties in the surrounding area about anti-social behaviour, litter etc. I asked that any decision to resite the bench not be done without prior consultation with local residents. Agreement was reached with officers that 20 homes that would be directly affected by anti-social behaviour in the area would

be consulted. It is disappointing that at the behest of the Cabinet Member this was reduced to only 6. I see no benefit to this reduction unless the Cabinet Member merely wanted to reduce the level of discussion because his mind was already made up.

Of the petitioners 13 come from Field Court, and others from considerable distances (4 x Oakland Ave, 3 x Forest Way, 2 x Whernside Ave, 1 x Tang Hall Lane, 1 x Ennerdale Avenue, 1 x Cornborough Avenue). This is reflective of a petition that was collected primarily at two sites, Field Court and Christ Church. While this does not mean such information should be discarded it should equally be treated with caution and is not necessarily representative of a widespread desire for the bench's retention.

The bench is of undoubted benefit to elderly residents in the vicinity and also for parents who pick up and drop off children at the local primary school. This does need to be weighed against the views of local residents and the likelihood of any anti-social behaviour. I would hope an agreement can be reached that prioritises the needs of all residents. Certainly if there is support in the immediate vicinity from some properties and concern from others it would seem prudent, if the Cabinet Member is minded to resite the bench, that it is located as far away from concerned residents and closer to those that are not.”

Officer comments

Annex C has been provided to show the approximate location of those who have signed the petition.

Adjacent Ward Member Views

9. Cllr. Boyce – strongly supports the reinstatement of the bench. The petition was presented by local residents, many of them elderly who very much miss the bench. The Councillor is not aware of any anti-social behaviour at this location and understands that the Police have no records either, suspecting that the fear of this behaviour occurring is a greater issue than the reality. Cllr. Boyce has also been contacted by a nearby resident who would like the bench reinstated, and overall concludes that the benefit to the local community outweighs any evidence of anti-social behaviour.
10. Cllr. Funnell – strongly supports the bench being returned to its original position, as it is much missed by local residents and the

Councillor has not received any complaints about noise, litter or vandalism at this location.

11. Cllr. Potter – supports the reinstatement of the bench as it was very popular with elderly residents in Heworth ward who benefited from a convenient place to rest on their way to visit friends and other journeys. The Older People’s Assembly has requested an increase in the number of benches so its reinstatement would be in line with this. Cllr. Potter is unaware of any negative reports relating to the bench or any anti-social behaviour in that area.

Other Member Views

12. Cllr. D Merrett – no comments received.
13. Cllr. P Healey – no comments received.
14. Cllr. A Reid – no comments received.
15. Cllr. A D’Agorne – suggested an alternative location for the bench in Fishergate Ward.

Police Views

16. North Yorkshire Police’s Architectural Liaison Officer recognises that removing public seating removes the opportunity for social interaction. However, there is a responsibility to protect the amenity of residents and consider crime and disorder. As the lives of some people are seriously blighted as a result of anti-social behaviour. However, if there is no real evidence to show that anti-social behaviour was a problem in the past then the bench should be reinstated.

Resident Views

17. The six residents who lived closest to the site of the bench received correspondence asking for their views on its possible reinstatement, and seven responses were received from five households. A further five responses were received from households outside the distribution area. One resident had no recollection of any disturbance, damage or negative impact from the bench being there. From their observations, the main users of

the bench were parents waiting for children on their way back from school. They would be happy to see the bench returned. However, the other residents did not support the reinstatement of the bench and raised a number of concerns, which are summarised below.

18. Five residents commented on road safety issues as follows. A group of people around the bench could reduce visibility for drivers turning in and out of Hempland Lane. A similar concern was also raised where residents enter or exit their properties on Hempland Lane, and any street furniture is in their line of sight. If there are pedestrians in the general vicinity of the zebra crossing this could provide a visual distraction, mask pedestrians waiting to cross or give a misleading message to drivers over pedestrians intentions. This is of particular concern as it is on a well used route to Hempland Primary School, and children do not have the road sense to anticipate driver's reactions. In addition, two residents believed that the junction would be a dangerous place to sit, recalling a recent incident where a vehicle mounted the footway in the vicinity of the bench, and another at the crossroads which resulted in an ambulance being called.

Officer comments

It is possible that large groups around the bench could reduce visibility for drivers at this location. In addition, it is considered that drivers either not seeing pedestrians waiting to cross, or being unsure of pedestrians intentions, is a significant cause for concern. Positioning the bench at location 'C' shown on **Annex A** would help alleviate these issues. In response to concerns about general road safety at the junction, accident records show two injury accidents recorded at the crossroads in the three years prior to the introduction of the zebra crossing, and none since. However, there is no data currently available for 2012 so recent incidents (resulting in injury and reported to the Police) would not show. This is not considered to be a particularly poor road safety record, but will continue to be monitored.

19. Seven residents from six properties quoted negative experiences about the bench. The main problems expressed involved either large groups of teenagers (upwards of a dozen cited) on summer nights and weekends, and pedestrians in the early hours believed to be drunk on their way home from a night out. Incidents included:

- Litter on the verge and thrown into gardens.
 - Noise, swearing and verbal abuse aimed at residents.
 - Playing chicken with the traffic, misuse of bikes, skateboards, footballs and motor scooters in the vicinity.
 - Vandalism of street furniture.
 - A roof tile broken by a projectile, two car windows smashed by bricks and hubcaps stolen.
 - Suspected under age drinking.
20. Subsequent to hearing about the experiences of those living close to the bench, a resident's meeting was held at Field Court, and the tenants have expressed a wish to retract the 13 signatures collected from these properties.
21. Most of the residents living close by considered that the bench was rarely used during the day, and felt that there was little reason to sit there as there is no view. It was also commented that being at a crossroads, vehicle emissions would be higher. Respondents considered that there are alternative locations with higher demand where the bench would be more useful. These included Monk Stray (suggested by the signatories at Field Court), Burnholme allotments, near local shops / amenities (such as at the Heworth Road / East Parade junction), or near one of the bus stops on Stockton Lane or Hempland Lane.

Officer comments

There are already benches at some of the suggested locations such as outside the Church on East Parade. There are few wide sections of footway or verges on Stockton Lane itself with the exception of the Ashley Park Road junction which is some distance away and already has a bench. The nearest location with a wide verge is on Hempland Lane near the junction of Hempland Drive (also a bus stop), which may be beneficial to some of those who signed the petition, but would still be outside residential properties, with the potential for similar problems to arise. There is a lot more scope to site a bench in open spaces such as Monk Stray or Burnholme allotments, however further feasibility work and consultation would be needed to identify a preferred location.

22. One resident was concerned about the visual impact of having the zebra crossing, refuge island, associated road signs, salt bin, electrical junction box and the bench all in one location.

23. Two residents queried the numbers consulted on the possible reinstatement of the bench as not being representative of the number of residents who could potentially be affected. An additional two residents expressed concern over not being included in the consultation.

Officer comments

There are only a limited number of residents who would be directly affected by the re-introduction of the bench and these have been consulted. However, comments from residents outside this immediate area have also been included for consideration in this report.

Options

24. The Cabinet Member has two basic options to consider:

Option One – request that Officers reinstate the bench at the junction, which should be positioned at location ‘C’ as shown on **Annex A** to overcome safety concerns;

Option Two - request that Officers relocate the bench to one of the other suggested locations, subject to further feasibility work and local consultation;

Option Three – note the contents of the report, but take no further action on reinstating or relocating the bench.

Analysis of Options

25. The bench was removed with a view to investigating the extent of anti-social behaviour and establishing the level of legitimate use of the bench. The petition suggests that the bench is missed but the consultation has demonstrated strong opposition to the reinstatement of the bench. Option one to relocate the bench to a slightly different position would satisfy petitioners and alleviate road safety issues, but is unlikely to address residents concerns of the nuisance factor. On balance, option two is considered to offer the best way forward for finding a long term solution acceptable to both the petitioners and nearby residents. Option three to take no further

action is not considered to meet the needs of the local community and is not recommended.

Council Plan Priorities

The only potential implication for the priorities in the Council Plan is:

26. Build strong communities – There could be benefits for the community of having a central point to meet or rest, but likewise there could also be a negative impact on residents if the bench is reinstated and anti-social behaviour is experienced as a result.

Implications

27. This report has the following implications:
 - **Financial** – Reinstalling the bench would carry a minimal cost which could be met from the Transport Capital Programme. In addition, further feasibility work would incur staff fees.
 - **Human Resources** – None.
 - **Equalities** – As it is likely that those who would most benefit from a place to rest in a public area have reduced mobility, the reinstatement of the bench could be viewed positively.
 - **Legal** – None.
 - **Crime and Disorder** – There is the possibility of complaints of anti-social behaviour being made if the bench is reinstated.
 - **Information Technology** - None.
 - **Land** – None.
 - **Other** – None.

Risk Management

28. In compliance with the Council's risk management strategy, the only risk associated with the recommendations in this report is considered to be to organisation / reputation as there is a risk of criticism from nearby residents if the suggestion in the petition is taken forward, counterbalanced by the risk of criticism if the request in the petition is rejected.
29. Measured in terms of impact and likelihood, the risk score has been assessed at less than 6 (see table below). This means that at this point the risks need only to be monitored as they do not provide a significant threat to the achievement of the objectives of this report.

Risk Category	Impact	Likelihood	Score
Organisation/Reputation	Insignificant	Unlikely	3

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Report
Approved

Date 2/ 8 /12

Wards Affected: Heworth Without and Heworth

All

For further information please contact the author of this report.

Background Papers:

Minutes of Full Council meeting 29 March 2012

Annexes:

Annex A Zebra crossing scheme

Annex B Front page of petition

Annex C Location plan of petition signatories