

<b>Meeting:</b>	Decision Session for Executive Member for Transport
<b>Meeting date:</b>	11/03/2025
<b>Report of:</b>	Director of Environment, Transport and Planning
<b>Portfolio of:</b>	Executive Member for Transport

## **Decision Report: Review of the Experimental Traffic Regulation Order for the introduction of Blue Badge Parking and Loading bays in the Pedestrian Area**

### **Subject of Report**

1. The report reviews the Statutory Consultation information and survey data from the Experimental Traffic Regulation Order (ETRO) for the introduction of loading and Blue Badge Bays:
  - a) In Blake Street and Lendal, which are signed as loading bays between 6am and 10.30am and Blue Badge parking bays between 10.30am and 6am the next day.
  - b) In Davygate, which are signed as loading bay between 6am and 10.30am, No Waiting between 10.30am and 5pm, and Blue Badge parking bay between 5pm and 6am the next day.
2. The bays do not have a limit of the duration of stay, which helped to provide a longer duration of parking for Blue Badge Holders and provided a greater opportunity to access the city centre.
3. The ETRO allowed for the consultation to be undertaken whilst the bays are in place. This meant that the feedback which was provided was based on the lived experience of the bays and allowed for survey information to be undertaken to review the level of use of the bays.
4. The report provides a recommendation on the future of the bays.

## Benefits and Challenges

5. The main benefit of the ETRO is that it allowed for vehicles displaying a Blue Badge to park for longer than 3 hours. This provided Blue Badge holders with an availability for a greater duration of parking in the city centre to access services such as post office, banks, public meetings at the Guildhall, shops, hospitality and leisure venues.
6. The ETRO only provided parking spaces for 3 vehicles (2 on Blake Street and 1 Lendal) during the footstreet hours, with an additional 2 parking spaces on Davygate outside of the footstreet hours. The limited number of bays means there is no guarantee of an availability when required.
7. The bays allow for loading activities to be undertaken in the morning only, between 6am and 10.30am, to help ensure that the businesses in the vicinity are provided with a suitable loading area. This put an additional restriction on the businesses, as their loading activities were restricted to the morning, therefore it may of had a negative impact on any business that relies on evening deliveries.
8. Although the location of the bays offers the shortest route possible to many city centre shops, services and venues, some Blue Badge holders may find them difficult to use as they are near areas where the street surface includes cobbles. Dropped kerbs and/or raised tables are generally available close to the parking bays to enable wheelchair and/or mobility aid access to the footways but, in some areas, this requires users to walk or wheel over cobbled areas.

## Policy Basis for Decision

9. The introduction of Blue Badge parking within the footstreet area is in line with the number 1 policy focus area of the local Transport Strategy to improve accessibility. The Blue Badge parking bays help to shape a city centre that is accessible to everyone and provide access to the city centre facilities for all resident and visitors.

## Financial Strategy Implications

10. The recommended option within the report will have very limited cost as the signs and lines for the bays were put in place at the beginning of the ETRO and therefore the only cost for the recommended option will be the making of the legal Order.
11. There will be an ongoing maintenance cost for the signing and lining of the bays, which will be met through the Councils highway maintenance budget.

## Recommendation and Reasons

12. Option 1 – Make the existing ETRO permanent (recommended).

Reason: This would be in line with the Council priority of improving the accessibility of the city centre, so making the bay permanent would align with the core priorities of the administration. The surveys showed that the use of the area had increased during the ETRO, which helps to show they have been positively received.

## Background

13. In October 2023 the Council Executive agreed to restore vehicle access to the city centre for Blue Badge holders. It was agreed that vehicle access for Blue Badge holders would be restored from Thursday 4<sup>th</sup> January via Goodramgate and Blake Street following the completion of the works to install the bollards.
14. The vehicular access to the footstreet area during the times of operation (10.30am-5pm) is managed by staff at the barriers on Blake Street and Goodramgate. Blue Badge holders are allowed to enter the area with a vehicle when presenting their Blue Badge.
15. Staff at the Blake Street barriers enable access to Blake Street, St Helen's Square, and Lendal. Staff at Goodramgate enable access to Goodramgate, Church Street, King's Square and Colliergate.
16. All of the named streets were covered by double yellow lines. Blue Badge holders are eligible to park on double yellow lines, as long as the vehicle is not deemed to be causing an obstruction, for up to 3 hours. The Blue Badge access consultation undertaken by the Council indicated that some Blue Badge holders would like to

have access to parking bays which allowed parking for longer than 3 hours.

17. In April 2024 approval was provided by the Executive Member for Economy and Transport to introduce an ETRO to provide loading and Blue Badge bays:
  - a) In Blake Street and Lendal, which are signed as loading bays between 6am and 10.30am and Blue Badge parking bays between 10.30am and 6am the next day.
  - b) In Davygate, which are signed as loading bay between 6am and 10.30am, No Waiting between 10.30am and 5pm, and Blue Badge parking bay between 5pm and 6am the next day.

## **Consultation Analysis**

18. On 14<sup>th</sup> May 2024 a letter (Annex B) was sent to relevant stakeholders to advise that the ETRO for the introduction of the bays would come into effect on the 21<sup>st</sup> May 2024 for an experimental period of 18 months. The Notice of Making attached to the letter provided information of a 6-month consultation period which ended on the 20<sup>th</sup> November 2024.
19. The letter was hand delivered to all properties on Blake Street, Davygate and Lendal. The letter was also circulated by York Bid with their members and also with members of the York Access Forum.
20. Information about the experimental Order for the introduction of the bays was also added to the Council Website, so members of the public can review the experimental order and understand how to provide representations if required.
21. Vehicle accessing the pedestrian during the times of operation were also provided with a leaflet (Annex C) from Gough and Kelly staff at the entrance points. The leaflets advise where the bays are and the times of operation.
22. The consultation received 4 representations in response to the ETRO, 2 representations in favour (Annex D) and 2 in objection (Annex E) to the proposal.
23. The 2 representations in favour of the ETRO commented that the introduction of the parking spaces is helpful and extremely beneficial for Blue Badge holders.

24. One representation that was received in objection to the ETRO was in relation to the available parking not being sufficient and they would like more bays, with greater access to the pedestrian area during the times of operation. The extension of the bays and access to the city is outside of the scope of the ETRO, although the representation does show that the blue badge community does feel that further work is required to help provide a more accessible city centre.
25. The second representation received in objection was about the misuse of the bays, as on an evening the bays on Blake Street had been taken up by vehicles not displaying a blue badge and was utilised by delivery drivers. This left the resident with second thought about trying to use the bays again on an evening to try and avoid disappointment. This representation was helpful and the bays did receive an increase in enforcement action following the representation.
26. In addition to the consultation that was undertaken, surveys were undertaken prior and during the Experimental Order to understand how the area is used during different periods of the day. The survey dates were:
- 29<sup>th</sup> April – 5<sup>th</sup> May 2024
  - 28<sup>th</sup> October – 10<sup>th</sup> November 2024

The survey data showed the number of vehicles using of each bay each day in 15-minute intervals. The usage of the bays did increase during the period with a daily average of 105 vehicles registered as parked over the three areas every 15 minutes before the ETRO, which increased to 128 vehicles per day during the ETRO.

27. The surveys only registered if a vehicle was parked in the bay every 15 minutes, it did not show if it was the same vehicle. Therefore it is unclear if the bays encouraged blue badge holders to utilise the bays for longer than 3 hours.

## **Options Analysis and Evidential Basis**

28. Option 1 – Make the existing ETRO permanent (recommended)

This would be in line with the Council priority of improving the accessibility of the city centre, so making the bay permanent would align with the core priorities of the administration. The surveys showed that the use of the area had increased during the ETRO, which helps to show they have been positively received.

29. Option 2 – Rescind the ETRO and remove the on-street loading and Blue Badge Bay (not recommended)

This would go against the core priorities of the Council and reduce the parking availability within the pedestrian area with a blue badge to parking on the double yellow lines for a maximum of 3 hours.

## Organisational Impact and Implications

30. The following implications have been identified for the recommended option:

- **Financial**, the recommended option within the report will have very limited costs as the signs and line for the bays were put in place at the beginning of the ETRO and therefore the only initial cost will be the making of the legal Order. There will be an ongoing maintenance cost for the signing and lining of the bays, which will be met through the Councils highway maintenance budget.

- **Human Resources (HR)**, If the proposed recommendation is approved and the ETRO is made permanent then enforcement of the proposed traffic restrictions would fall to the Councils Civil Enforcement Officers, this would not constitute an extra demand on their workload, as they are already enforcing the restriction.

**Legal**, The Council regulates traffic by means of Traffic Regulation Orders (TROs) made under the Road Traffic Regulation Act 1984 (the Act) 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 balance between these considerations must come to the appropriate decision.

When considering any parking restrictions proposed, the Traffic Authority has to consider its duty (as stated above)

against the factors mentioned in Section 1 of the Road Traffic Regulation Act 1984.

An ETRO can be made permanent in accordance with the procedure and subject to the stipulations set out in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

The validity of an order can be challenged at the High Court within 6 weeks of the date of the making of the order on the grounds that the Council has acted outside the powers conferred on them by the Act (*ultra vires*) or that they have not followed the prescribed procedure for the making of the order.

- ***Procurement***, no implications identified.
- ***Health and Wellbeing***, the provision of these Blue Badge bays leads to improved health and wellbeing by giving disabled people greater access to the city centre and the social opportunities that this brings?
- ***Environment and Climate action***, no implications identified.
- ***Affordability***, no implications identified. Blue Badge parking is free on street and in City of York Council car parks. Parking in the proposed bays will also be free of charge.
- ***Equalities and Human Rights***, The Council recognises, and needs to take into account, 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). An Equalities Impact Assessment has been carried out and is provided with this report at Annex B. In summary, the assessment found that the proposal is anticipated to have positive impacts for some groups with protected characteristics and this will be monitored over the ETRO period. The Equalities Impact Assessment will be updated accordingly.
- ***Data Protection and Privacy***, no implications identified.
- ***Communications***, If the recommended option is approved communication of the making of the Order will ensure Blue Badge holders are notified.

- **Economy**, Economic impacts will be mixed with reduced loading capacity for businesses on the streets concerned (although still available in the morning and/or at other locations) but improved access for Blue Badge holders who may access these businesses as staff and/or customers.

## Risks and Mitigations

31. The recommended option does have some risk associated to it as provides parking within the pedestrian area beyond the Hostile Vehicle Measures, which will encourage vehicles to access the area during the hours of operation. The risk is mitigated by only allowing vehicles displaying a Blue Badge to access the area, with the access point staffed and proof of Blue Badge required before the barriers are opened.

## Wards Impacted

32. The proposal has an impact on the Guildhall Ward as that is where bays will be located but the proposal will have an impact on Blue Badge holders across all wards as well as for visitors to York.

## Contact details

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

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## Background papers

<https://democracy.york.gov.uk/documents/g14345/Decisions%20Tuesday%2016-Apr-2024%2010.00%20Decision%20Session%20-%20Executive%20Member%20for%20Transport.pdf?T=2>

## Annexes

- Annex A: Equalities Impact Assessment (EIA)
- Annex B: Residents Business Letter Blue Badge Loading bay Experimental Order
- Annex C: Blue Badge Loading bay leaflet
- Annex D: Representations in Favour
- Annex E: Representations in Objection