

Meeting	Decision Session - Executive Member for Transport and Planning (Note: Agenda item 4 (Minute No 70) (Introduction of Anti-Idling Measures (including Enforcement) was considered in consultation with the Executive Member for Environment)
Date	7 February 2019
Present	Councillor Dew and Councillor Waller (for agenda items 1-4 (Minutes 67-70 refers))

67. Declarations of Interest

The Executive Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests that he might have had in respect of business on the agenda. They confirmed they had none.

The Corporate Director, Economy and Place, Neil Ferris, declared an interest in agenda item 8 as he lived within the YO10 postcode area and he advised that he would not participate in discussion on this item in relation to consideration of requests for residents parking schemes.

68. Minutes

Resolved: That the minutes of the Decision Session of the Executive Member for Transport and Planning held on 20 December 2018 be approved and signed by the Executive Member as a correct record.

69. Public Participation

It was reported that there had been 8 registrations to speak under the Council's Public Participation Scheme.

Caroline Lewis spoke in relation to item 4 (Introduction of Anti-Idling Measures) on behalf of Clean Air York. She expressed her support for the proposals and stressed the need to do more to educate the public about the polluting effects of idling of stationary vehicles, including undertaking work in schools. She asked that anti-idling signs be clear and easily visible so they are not missed.

John McGall also spoke in relation to item 4 (Introduction of Anti-Idling Measures) on behalf of "I am Reusable, a business which aims to promote the use of reusable products to reduce waste. He advised the Executive Members that they now offered car stickers for sale. These had the caption 'Idle Free' and showed a symbol of a car with the words 'Turn Engine Off' underneath, as a reminder to people to turn their engines off when stationary. These were now available to purchase in city shops at a small cost. He asked the Executive Members to support the scheme.

Councillor Craghill, Ward Member for Guildhall, had registered to speak in relation to two items. In relation to item 4 (Introduction of Anti Idling Measures) she welcomed the plan to enforce anti idling for all vehicles in York and offered her support for the combination of awareness raising and enforcement, but questioned whether the approach was adequately resourced. She asked that St Saviourgate taxi rank, Duncombe Place taxi rank, Portland Street and Claremont Terrace off Gillygate and the area around Park Grove School be added to the list of identified idling hotspots for investigation. With regard to item 7 (Petition – St John Street), she expressed her broad support for option 3, as recommended, but asked for assurances from officers that the road narrowing work was on track to be completed within the next month or so. She also welcomed the commitment to consider a 'no entry except for cyclists' restriction at the St John Street /Newbiggen Street junction in future if necessary and felt this could be a positive solution if further action was needed to prevent large vehicles cutting through the street.

Councillor D'Agorne, Ward Member for Fishergate, had registered to speak in relation to 3 items. With regard to item 4 (Introduction of Anti Idling Measures) he stressed the need to focus on raising awareness of the effects of idling and that the work should be extended to include schools and other areas in addition to those identified in the report, while promoting the

view of sustainable travel. With regard to item 5 (consideration of results from additional consultation at Fulford Cross), he supported the proposals as set out in the report and asked that the Fulford Cross Residents Parking Scheme be moved forward at the same time as the Danesmead Estate Scheme. In relation to item 8 (consideration of requests for residents parking schemes) he expressed his support for the addition of part of Alma Terrace and Alma Grove to the Residents Parking Scheme Waiting List.

Councillor Warters addressed the Executive Member in relation to agenda item 6 (Osbalwick 20mph speed limit). He conveyed his support for option 3 to extend the 20mph zone in Osbalwick to include the bus route, which he felt would maximise the amount of street clutter which could be removed. He asked officers to look at Bad Bargain Lane and asked that all the signs come down off the side streets like Meadlands. He thanked officers for the production of an appraisal document of all the street clutter in Osbalwick. He noted the costs involved in the removal of poles and signs in Osbalwick and offered his own time to help with the removal to reduce costs.

Lucie Wake, a local resident, spoke in relation to the request for residents parking on Slingsby Grove, off Tadcaster Road (agenda item 8 – residents parking requests). She expressed concern that the map attached as annex H to the report showed the inclusion of the shops on Tadcaster Road in the area proposed for residents parking but advised that their main problem stemmed from parking associated with these businesses, and flats above them, at the Tadcaster Road end of the street stating that if these were included in the scheme, the problem would not go away.

Robert Purnell and Richard Bowen, both residents of Farrar Street, addressed the Executive Member in relation to the request for residents parking on Farrar Street (agenda item 8 – residents parking requests).

Mr Purnell read out statements from two of his neighbours, one who stated that the street was used for parking by shoppers and city centre workers and residents cars had been damaged, and another, an elderly resident, who expressed concerns that her family and carers would not be able to park near her home if the situation did not improve. Mr Purnell also expressed his own concerns about not being able to park on the street.

Mr Bowen read a letter from another neighbour stating that the traffic had got worse and the street was used for parking by non residents going into town as this was one of very few areas only 10 minutes from the city walls where parking remained unrestricted. Residents cars had be subjected to damage from other vehicles. He stated that changes in demographics and increased demand for on street parking had put increased pressure on Farrar Street. He advised that there was new student accommodation nearby, new flats being developed, increased contractor parking and a requirement for parking for shops nearby. He felt that residents only parking would reduce vehicle movements and improve safety and air quality in the street.

70. Introduction of Anti-Idling Measures (Including Enforcement)

The Executive Member for Transport and Planning considered a report on the Introduction of Anti Idling measures (including enforcement) in consultation with the Executive Member for Environment.

The Executive Members were asked to consider whether to approve the proposed approach and timetable for the introduction of anti idling awareness raising and enforcement measures as set out in the report or whether to request further information/consultation on the proposed approach prior to authorising delegate enforcement powers. They took into account the comments made by four speakers under public participation in relation to this report.

Officers acknowledged that there could be some misinformation/confusion over what idling actually was and explained this for the benefit of those present. In response to examples of idling mentioned by members, officers advised that the issue of idling had been raised at quality bus partnership meetings and that they would ensure that the council's refuse collection crews were properly informed in relation to idling. They stressed that the intention was to educate all areas of the public to make idling socially unacceptable. They confirmed that an offence only occurred when if someone refused to switch off their engine when asked to do so and that they did not expect a lot of offences to take place.

The Executive Members were advised that the sites listed in the report had been identified during a previous feasibility study and noted the other areas suggested by Councillor Craghill. They acknowledged that the limited resources needed to be targeted where they would be most effective. Officers agreed to update both Executive Members on how the awareness raising and enforcement measures were working after a few months of operation.

Resolved: That agreement be given by the Executive Member for Transport and Planning and Executive Member for Environment, to:

(i) approve the proposed approach and timetable for introduction of anti-idling awareness raising and enforcement measures as set out in this report;

(ii) authorise the exercise of the powers in Regulations 6(3) and 12 of the Road Traffic (Vehicle Emissions) (Fixed Penalty) England Regulations 2002 to enforce against stationary idling vehicles on the public highway within the boundary of City of York Council;

(iii) delegate authority to the Corporate Director of Economy and Place to authorise Officers of the Council as appropriate to make use of these powers and to issue fixed penalty notices and take legal proceedings for stationary vehicle idling offences;

(iv) approve the setting of the allowed period for paying a fixed penalty notice (FPN) (issued for a stationary idling offence) to 28 days beginning with the date of issue of the notice. If the charge is not paid within 28 days it will increase to £40.

Reason: To improve air quality and public health and to reduce greenhouse gas emissions and vehicle noise by reducing stationary vehicle idling.

71. Consideration of results from an additional consultation in Fulford Cross

Further to consideration of the results of an initial consultation in relation to a request for residents parking in the Danesmead Estate, Fulford Cross, Broadway West and Westfield Drive at a decision session on 25 October 2018, the Executive Member was asked to consider the results from an additional consultation in Fulford Cross.

Officers advised that Danesgate School, which was currently in the process of working with the education department towards academisation, had informed the authority within the last 48 hours that they did not wish to proceed in respect of the spaces associated with the land currently designated as education land. Officers stated that they had been accordingly advised by the education department that that land had not therefore come forward at this time.

They advised the Executive Member that one option was to proceed and advertise as proposed without those spaces in the Traffic Regulation Order (TRO). However their recommended course of action would be to proceed and give delegation to officers to implement the TRO as proposed to be advertised but that the advertising be conditional on the Council's Executive agreeing for the education land to be designated as highway land. By doing this they could deal with that matter in the academisation of Danesgate and permanently secure the maintenance of the land associated with this Traffic Regulation Order.

They stated that, although it may cause a slight delay in terms of implementing the TRO, it would provide a permanent solution which could be maintained on an ongoing basis as part of the highway infrastructure rather than the current arrangements which had the land split between the council's education, housing and highways departments. Officers confirmed that if the Executive Member gave delegation to proceed with the TRO, as soon as land issue was sorted, it could proceed without the need to come back to a decision session.

Officers noted Councillor D'Agorne's request that the Fulford Cross scheme be taken forwarded at the same time as the

Danesgate Estate scheme and advised that this would have some impact on this but that they would aim to expedite land arrangements as the school was aiming to academise in September.

Resolved: That delegation be given to the Corporate Director of Economy and Place to approve the advertisement of an amendment to the York Parking, Stopping and Waiting Traffic Regulation Order to introduce Residents' Priority Parking Area for Fulford Cross as outlined in Option 2 as detailed below, on the condition that the Executive agree that the area of Education land at the front of the school, that has highway rights over it, be transferred to the Highway Authority.

1. Advertise an amendment to the Traffic Regulation Order to introduce a Residents' Priority Parking Area (R63) to operate Monday to Friday, 9am to 5pm in Fulford Cross. To include the Education Land adjacent to Danesgate School.
2. Revocation of 1.6m of no waiting at any time of No Waiting at any Time (double yellow lines) adjacent to 2 Fulford Cross and to enable (3) below.
3. Advertise a 6.6m Disabled Parking Bay on Fulford Cross adjacent to No 3 Fulford Cross
4. Advertise No Waiting at any Time Restrictions (double yellow lines) as detailed in the plan attached in annex B to the report.

Reason: To progress an amended scheme which meets residents requests for permit parking amenity on Education land and which reflects the views of several of the residents who responded to the consultation and the Ward Councillors.

72. Osbaldwick Area 20mph Speed Limit

The Executive Member considered a report which set out options to expand the existing 20mph speed limit in the Osbaldwick area to include several through routes that were

originally omitted from the 20mph scheme with the aim of reducing the overall number of signs in the area.

He considered four options, the costs of which were included in the report at paragraph 11, as follows:

Option 1 – To take no further action.

Option 2 – Advertise a 20mph speed limit Traffic Regulation Order to Tranby Avenue, Osbaldwick Village area, the new estate to the north of the village, Murton Lane and a short section of Osbaldwick Lane (as shown in annex C)

Option 3 – Advertise a 20mph speed limit Traffic Regulation Order to cover the Osbaldwick area (as shown in annex D)

Option 4 – Remove the 20mph Speed Limit from the Osbaldwick area.

He acknowledged the comments made by Councillor Warters and his offer of assistance. He noted the political commitment made by the current joint administration in 2015 not to impose any additional street clutter nor to impose any further 20mph speed limits. He advised those present that he could not agree to spending any more public money on this at the current time and made the decision to take no further action at present.

Resolved: That Option 1 be agreed – to take no further action at the present time.

Reason: In order to avoid incurring expenditure associated with the costs involved in advertising the change to the Traffic Regulation Order and signing changes as detailed in the report.

73. Petition - St. John Street

The Executive Member considered a report which provided information on a petition which had been submitted by residents of St John Street requesting that the council make their street one way and supporting bollards to made the road narrowing, narrower.

The Executive Member considered 3 options:

- Option 1 – to note the petition but take no action
- Option 2 – to carry out feasibility work on the potential for a one way street.
- Option 3 – to monitor the outcome of the works on the road narrowing and if it appeared that large vehicles were continuing to use the street as a through route, consider the feasibility of implementing No Entry except for cyclists at the St John Street/High Newbiggen Street junction and bring back to a future decision session for consideration.

He acknowledged the comments made by Councillor Craghill under public participation. Officers advised that they would talk to colleagues and get some clarity on when the narrowing works would be undertaken and update Councillor Craghill with this information.

Resolved: That Option 3 be approved – to monitor the outcome of the works at the road narrowing and, if it appeared that large vehicles were continuing to use the street as a through route, consider the feasibility of implementing ‘No entry except for cyclists’ at the St. John Street / High Newbiggin St. junction and bring this back to a subsequent Decision Session meeting if necessary.

Reason: To evaluate the works proposed to take place and the practicality of any further works.

74. Farrar Street, Windmill Gates Alma Terr/Grove and Slingsby Grove Residents Parking Petitions

The Executive Member considered a report which asked him to acknowledge receipt of four petitions relating to Farrar Street (off Lawrence Street), Windmill Gates (off Windmill Lane), Alma Terrace (part)/Alma Grove (off Fulford Road) and Slingsby Grove (off Tadcaster Road) and determine what action was appropriate for each.

For each of the four areas, the Executive Member considered whether to:

- note the petition but take no further action.
- approve the initial consultation
- add the street to the residents parking waiting list and carry out 2 stage consultation process with residents when it reaches the top of the waiting list, the results of which are reported back to the Executive Member for a decision on how to proceed.

He took into account two written representations received from Cllr Fenton and two residents of Slingsby Grove as well as the comments made under public participation by a local resident in relation to Slingsby Grove and by Councillor D'Agorne, Ward Member for Fishergate with regard to Alma Terrace and Alma Grove.

In response to a query which had been raised in relation to the Slingsby Road area, officers advised that the street plans, included as annexes to the report, were intended to show the general area of the petitions submitted and did not show designated streets however it was normal to include those businesses in the proposal which were accessed from the street in question. They confirmed that they had not investigated the area yet but would look at zone boundaries as part of the process to determine which properties should be included in the consultation.

Resolved:

- (i) That 3 petitions received from Farrar Street, Windmill Gates and Alma Terrace (part)/Alma Grove residents requesting that their streets become residents parking zones be noted and that:
 - (a) Farrar Street be added to the residents parking waiting list and the possibility of widening the existing R46 to incorporate Farrar Street be investigated when the area reaches the top of the waiting list.
 - (b) Windmill Gates be added to the residents parking waiting list.
 - (c) part of Alma Terrace (as detailed in the report) and Alma Grove be added to the residents parking waiting list, and the extent of the potential

consultation area be considered when it reaches the top of the list.

- (ii) That the evidence received from Slingsby Grove residents requesting that their street becomes a residents parking zone be noted and that Slingsby Grove be added to the residents parking waiting list.

Reason: This will respond to residents concerns in the order they are raised and can be progressed depending on funding available each year.

75. PROW: Definitive Map Modification Order application to record a public footpath in woodland adjacent to Windmill Lane, Heslington

The Executive Member considered a report which asked him to authorise the making of a Definitive Map Modification Order (DMMO) to record the route through Mill Plantation, adjacent to Mill Lane, as a public footpath, based on evidence available to the council which meets the statutory test of reasonably alleging that a public right of way subsists over the land.

Officers provided an update, advising the Executive Member that since the report had been written, 17 more evidence of use forms recording use of the application route had been received, most of which related to the relevant period set out in the report. While this did not change the officer recommendation, they advised that in total, 32 user evidence forms now supported the application alleging use between 1947 and 2019. Of the 32 forms, 23 fell within the relevant period of 1969 to 1989 and of those 23 forms alleging use within the relevant period, 11 evidenced use for 20 or more years. The majority of users (27 out of 32) said they had used the path on foot on a daily or weekly basis; and two users also said they had used the path on a bicycle but only for a period of six years each which was not sufficient to bring a right of way on a bike into being.

The Executive Member took into consideration a written representation received from the Land and Buildings Manager of University of York which officers felt presented the use of the land as not as contentious as user evidence had lead them to understand. With regard to the University's reference in their written representation to cables under the path, he noted that

there was no intention to resurface the path so this was not an issue.

Resolved: That approval be given to authorise the making of a Definitive Map Modification Order (DMMO) to record the route through Mill Plantation adjacent to Windmill Lane, Heslington as a public footpath as shown on the map at Annex 2 to the report.

Reason: The available evidence meets the statutory test of reasonably alleging that a public right of way subsists over the land.

Cllr P Dew, Executive Member for Transport and Planning
[The meeting started at 2.00 pm and finished at 3.00 pm].