
Decision Session –

21 June, 2022

Executive Member for Transport

Report of the Director of Environment, Transport and Planning

Proposed Residents Parking for Kexby Avenue, Arnside Place and 13 to 57 (odds) Thief Lane; consideration of objections to the introduction of Residents Parking in these streets.

Summary

1. Following consultation carried out in February 2021, an Order was made to introduce Resident's Priority Parking in streets near to Kexby Avenue.
2. We then received a petition, organised by a resident, which requested a review of the decision not to include Kexby Avenue and Arnside Place.
3. A further report, in October 2021 considered that petition and responses to a follow-up consultation and ballot. It was agreed that an Order be drafted to include these streets in ResPark (see Plan A).
4. This report considers objections to the drafted Traffic Regulation Order (TRO) to introduce the agreed restrictions and permit parking needed to introduce residents' priority parking (ResPark) in these streets. A decisions will be needed to make the draft Order.

Recommendation

5. The Executive Member is asked to:

- a. Approve the making of the Order, as drafted, to introduce parking controls (ResPark Area) on Kexby Avenue for those in the R39B Residents Priority Parking Zone.

Reason: This recommendation is supported by the majority of people from Kexby Avenue who signed the petition in favour and is supported by the outcome of the further consultation in September 2021.

- b. Approve the making of the Order, as drafted, to extend the R39B Residents' Priority Parking Zone and include properties in Kexby Avenue, Arnside Place and 13 to 57 (odds) Thief Lane in the qualification zone for this ResPark scheme.

Reason: Residents in these properties can, currently, park in these streets. As the introduction of ResPark is intended to address non-resident parking it is reasonable to continue to accommodate them in the qualifying zone.

Background

4. A report on the outcome of consultation on ResPark was taken to the Executive Member for Transport in June. Given the level and nature of responses at that time the proposals for Kexby Avenue and 13-57 Thief Lane (odd) were not taken forward. Arnside Place is a Private Street off Kexby Avenue and was not included in that original consultation. The rest of the scheme has now been implemented.

5. We received a petition, on 8th July 2021, organised by a resident: the header of which is copied at ANNEX A. There are 47 properties in Kexby Avenue of which 35 had signed the petition. The canvassing also covered Arnside Place. There are 10 properties here of which 5 have signed the petition.

6. The scheme that has now been implemented includes Green Dykes Lane and Devon Place. We have given it reference R39B and it operates from Monday to Friday; 9am to 5pm. This scheme has been funded by a contribution as its primary goal is to address the day-long commuter parking in the streets that is associated with the University.

7. If Kexby Avenue was to be included in the ResPark scheme, that zone (R39B) would be extended. If Kexby Avenue is included it raises a question about Arnside Place (see below).

8. It should be understood that a highway authority is not in a position to introduce parking controls requiring a permit within a Private Street. If Arnside Place is included in the ResPark scheme then permits would be valid in Kexby Avenue although there would not be any ResPark controls within Arnside Place itself.

5. If 13-57 Thief Lane (odd) is included in the ResPark scheme then all permits would be valid in Kexby Avenue and any marked bays along Thief Lane. The proposed extension to R39B would include Kexby Avenue, Arnside Place and (for completeness) 13–57 (odds) Thief Lane. To further inform discussions we carried out a letter drop with ballot paper.

Consultation, Responses and Proposals,

6. The proposed extension to R39B would include Kexby Avenue and (for completeness) Arnside Place and 13 – 57 (odds) Thief Lane.

7. We have received 4 objections to the making of the Order as drafted.

8. One of these residents said that they never have a problem getting parked and friends, family also have no issues. Their family members have cars and the resident does not think they should have to bear the cost of parking (as well as paying road tax etc.) outside their own house, as they assume the permits will cost per resident. They considered that the majority of parking by people who do not live down the street are those people who are dropping of children at St Lawrence's School therefore are only parked for a small amount of time.

9. The writer is more concerned that the Avenue is being used as a cut through and sometimes cars are driving too fast when doing this.

10. Three of the objections were to the scheme only operating between 8am and 6pm weekdays. They point out that the original consultation asked if the scheme should be weekdays or seven days a week.

11. They recall discussions at the time of the petition, with most residents wanting a 24/7 scheme.

Officer Comments and Proposals

12. The scheme is funded through an agreement with The University of York. The key aim of the scheme is to address day long parking of cars associated with the operation of the University. The imposition of

restrictions into the evening and at weekends would not accord with this aim and would further inconvenience local residents.

13. It is accepted that an aspect of the introduction of parking controls is the additional 'administration' required by local residents. The permits will be initially subsidised by the funding secured and residents will be asked again about the future nearer to September 2024.

Council Plan

This report is supportive of the following priorities in the Council Plan which focuses on key outcomes that include:

- Good health and wellbeing;
- Getting around sustainably;
- A greener and cleaner city and
- Safe communities and culture for all.

Implications

The following are the identified implications.

- **Financial** – The consultation process and implementation of any agreed set of schemes will be funded from funds deposited by the University of York under a Section 106 agreement. The initial subsidy to permits will be funded in the same way.
- **Human Resources** – The extended parking zone will require staff resources (shortly utilising an online self-service system and virtual permits) by the back office and CEO staff. The management and monitoring will be a Traffic Management function.

- **Equalities** – 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). There are no equalities implications identified in respect of the matters discussed in this report. The process of consulting on the recommendations in this report will identify any equalities implications on a case by case basis, and these will be addressed in future reports.

- **Legal** – The Traffic Management Act 2004 places a duty on local traffic authorities to manage the road network with a view to securing, as far as reasonably practicable, the expeditious, convenient and safe movement of all types of traffic. 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.

After the public notice of proposals for a TRO has been advertised any person can object to the making of the TRO. The recommendation in this report requires decision maker to consider all objections received during the statutory consultation period before deciding to make the TRO unchanged, to make it with modifications that reduce the restrictions or not to proceed with it. This will enable the Council to comply with the requirements of the Road Traffic Act 1984, as well as the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996.

- **Crime and Disorder** - None
- **Information Technology (IT)** – There is an existing ICT system in place. A new ICT system for parking covering penalty charge notices and permits has been rolled out. Some initial teething issues are being resolved with the aim of improving the customer experience.
- **Property** - None
- **Risk Management** – The proposed extension to the existing Residents’ parking provision will be something that most residents/customers will welcome but may disadvantage some people who may have objected to the draft proposal. These objections have been reviewed and reported herein.

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Report Approved **Date** 13/06/2022

Ward Affected: Fishergate

All

For further information please contact the author of the report.

Decision Session

21 June, 2022

Report of the Corporate Director of Place

Portfolio of the Executive Member for Transport