



**Notice of meeting of
Scrutiny Management Committee (Calling In)**

To: Councillors Healey (Chair), Funnell (Vice-Chair), Orrell,
Scott, Simpson-Laing, Taylor, R Watson and Waudby

Date: Monday, 15 June 2009

Time: 5.00 pm

Venue: Guildhall, York

AGENDA

1. Declarations of Interest

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. Public Participation

At this point in the meeting, members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Committee's remit can do so. The deadline for registering is **5:00 pm on Friday, 12 June 2009**.

3. Minutes

(Pages 3 - 6)

To approve and sign the minutes of the meeting held on 18 May 2009.

**4. Called-in Item: Petitions for 20 mph (Pages 7 - 18)
Speed Limits on Residential Roads**

To consider the decisions taken by the Executive Member for City Strategy on the above item, which have been called in by Cllrs Potter, Merrett and Simpson-Laing in accordance with the provisions of the Council's Constitution. A cover report is attached setting out the reasons for the call-in and the remit and powers of the Scrutiny Management Committee (Calling In) in relation to the call-in procedure, together with the original report to and decisions of the Executive Member.

5. Any other business which the Chair considers urgent under the Local Government Act 1972

Democracy Officer:

Name: Fiona Young

Contact details:

- Telephone – (01904) 551027
- E-mail – fiona.young@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting Fiona Young

- Registering to speak
- Business of the meeting
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The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Decision Session) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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City of York Council

Committee Minutes

MEETING	SCRUTINY MANAGEMENT COMMITTEE (CALLING IN)
DATE	18 MAY 2009
PRESENT	COUNCILLORS GALVIN (CHAIR), ASPDEN (PRESENT FOR AGENDA ITEM 4 ONLY - MINUTE 19 REFERS), PIERCE (VICE-CHAIR), SCOTT, SIMPSON-LAING, TAYLOR, R WATSON AND WAUDBY
IN ATTENDANCE	CLLR GUNNELL (CALLING-IN MEMBER)

16. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda. No interests were declared.

17. PUBLIC PARTICIPATION / OTHER SPEAKERS

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

With the consent of the Chair, Cllr King addressed the meeting in respect of agenda item 4 (Called-In Item: The Barbican Auditorium). He reminded Members that the Barbican had originally been built to address a lack of entertainments and sports venues in the City. He stated that the people of York were crying out for the building to be brought back to its former use and that the Council should take the lead in ensuring that this happened, possibly by means of a consortium or trust.

18. MINUTES

RESOLVED: That the minutes of the Scrutiny Management Committee (Calling In) held on 6 April 2009 be approved and signed by the Chair as a correct record.

19. CALLED-IN ITEM: THE BARBICAN AUDITORIUM

Members received a report which asked them to consider the decisions made by the Executive at their meeting on 28 April 2009 regarding the next steps to be taken in a strategy designed to bring the Barbican Auditorium back into use.

Details of the Executive decisions were attached as Annex 1 to the report. The original report to Executive was attached as Annex 2. The decisions had been called in by Cllrs Scott, Looker and Gunnell for the following reasons:

“The Executive has misdirected itself in opting simply to make safe the venue, and not taking a decision to progress the venue in line with the wishes of residents. The decision taken is effectively not to have taken a decision; it does not progress the building sufficiently with a view to getting it ready to open to the public and reneges on the Executive's responsibility to act decisively.

The Executive also appears confused over the venue's destiny. It says it cannot be multi-use, then says it should provide 'the major conference and/or entertainment facilities for the city'. It seems uncertain as to what it should be used for in the future and residents need to know its clear intent.”

Members were invited to decide whether to confirm the decisions of the Executive (Option A) or to refer them back to the Executive for reconsideration and / or amendment (Option B).

In response to questions from Members, Officers confirmed that a further report on the Barbican would be brought to the Executive in September and that, following discussions with the organisers, an alternative venue had been secured for this year's Festival of Remembrance and arrangements were in hand to do the same for the Carol Concert. After a full debate, which centred upon the history of the Barbican and its potential viability for the future, Cllr Scott moved, and Cllr Simpson-Laing seconded:

“That Option B be approved and the decisions be referred back to the Executive for reconsideration and that in doing so the Executive be asked to:

- a) Make a firm decision on the future of the Barbican*
- b) Agree a programme to bring the Barbican back into public use and*
- c) Consider all potential models of ownership, which must include consideration of a community trust model.”*

On being put to the vote, the motion was declared CARRIED by 5 votes to 3 and it was therefore

RESOLVED: That Option B be approved and the decisions be referred back to the Executive for reconsideration and that in doing so the Executive be asked to:

- a) Make a firm decision on the future of the Barbican
- b) Agree a programme to bring the Barbican back into public use and
- c) Consider all potential models of ownership, which must include consideration of a community trust model.

REASON: In accordance with the Constitutional procedures for called-in decisions and to deal with the issues raised by the Calling-In Members and the Scrutiny Management Committee (Calling-In).

J Galvin, Chair

[The meeting started at 5.00 pm and finished at 5.45 pm].

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**Scrutiny Management Committee
(Calling – In)****15 June 2009****Report of the Head of Civic, Democratic and Legal Services****Called-in Item: Petitions for 20 mph Speed Limits on Residential Roads****Summary**

1. This report sets out the reasons for the call-in of a decision made by the Executive Member for City Strategy on 2 June 2009 in relation to the receipt of two petitions calling for 20 mph speed limits to be introduced on residential roads, one relating to a city-wide speed limit and the other relating to the South Bank area of the City. The report also explains the powers and role of the Scrutiny Management Committee in relation to dealing with the call-in.

Background

2. An extract from the decision list published after the relevant Decision Session of the Executive Member for City Strategy is attached as Annex 1 to this report. This sets out the decision taken by the Executive Member. The original report to the Decision Session is attached as Annex 2.
3. Following publication of the Executive Member's decision, Councillors Potter, Merrett and Simpson-Laing called in the decision for review by the Scrutiny Management Committee (SMC) (Calling-In), in accordance with the constitutional requirements for post-decision call-in. The reasons given for the call-in are as follows:-

“The decision is flawed because although some pilot zones have been agreed, they in no way model an authority-wide default of 20 mph. Therefore no meaningful extrapolation may be made from the local area to the city-wide level.”

Consultation

4. In accordance with the requirements of the Constitution, the calling-in Members have been invited to attend and/or speak at the Call-In meeting, as appropriate.

Options

5. The following options are available to SMC (Calling-In) in relation to dealing with this call-in, in accordance with the constitutional and legal requirements under the Local Government Act 2000:
 - (a) to confirm the decision of the Executive Member, on the grounds that the SMC (Calling-In) does not believe there is any basis for reconsideration. If this option is chosen, the decision takes effect from the date of the SMC (Calling-In) meeting;
 - (a) to refer the decision back to the Executive Member, for him to reconsider or amend in part his decision. If this option is chosen, the matter will be re-considered at a meeting of the Executive (Calling-In) to be held on 16 June 2009.

Analysis

6. Members need to consider the reasons for call-in and the basis of the decision made by the Executive Member and form a view on whether there is a basis for reconsideration of that decision.

Corporate Priorities

7. An indication of the Corporate Priorities to which the Executive Member's decision is expected to contribute is provided in paragraph 22 of Annex 2 to this report.

Implications

8. There are no known financial, HR, Legal, Property, Equalities, or Crime and Disorder implications in relation to the following in terms of dealing with the specific matter before Members; namely, to determine and handle the call-in:

Risk Management

9. There are no risk management implications associated with the call in of this matter.

Recommendations

10. Members are asked to consider the call-in and reasons for it and decide whether they wish to confirm the decision made by the Executive Member or refer the matter back to the Executive Member for re-consideration at the scheduled Executive Calling-In meeting.

Reason:

To enable the called-in matter to be dealt with efficiently and in accordance with the requirements of the Council's Constitution.

Contact details:

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Chief Officer Responsible for the report:

Quentin Baker
Head of Civic, Democratic and Legal Services

Report Approved **Date** 4/6/09

Specialist Implications Officer(s) None

Wards Affected:

All

For further information please contact the author of the report

Annexes

Annex 1 – decision of the Executive Member (extract from decision list published 2/6/09)

Annex 2 – report to Decision Session held on 2/6/09

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DECISION SESSION - EXECUTIVE MEMBER FOR CITY STRATEGY

TUESDAY, 2 JUNE 2009

DECISIONS (*extract*)

4. PETITIONS FOR 20MPH SPEED LIMITS ON RESIDENTIAL ROAD

RESOLVED: That the Executive Member agrees to:

- i) Request officers to progress a list of potential sites, including any in the South Bank area, for additional 20mph limit schemes and bring a subsequent report to Members setting out the process for allocating funding to requests for 20mph speed limits on residential roads.
- ii) Continue to address speed management issues under the current policy rather than introduce a city-wide 20mph scheme.
- ii) Inform the lead petitioners of the outcome of the report.

REASON: To ensure that speed issues are addressed through a data led process that targets resources at casualty reduction but enables officers and Members the opportunity to gather data on the effect of 20mph speed limits and whether it would be appropriate to promote a city-wide scheme in the future.



**Decision Session – Executive Member for
City Strategy****2nd June 2009**

Report of the Director of City Strategy

Petitions for 20mph Speed Limits on Residential Roads**Summary**

1. To advise the Executive Member of the receipt of two petitions for 20mph speed limits on residential roads one on a city wide basis, the other in the South Bank area of the City. The background to city-wide 20mph speed limits was covered in the City Strategy EMAP report of 14th July 2008 and reiterated in the EMAP report of 8th December 2008 this report does not repeat those arguments again, however the report does consider the development of a data led process for addressing requests for 20mph speed limits across the city.

Recommendations

2. The Executive Member is recommended to:
 - 1) Request officers to progress a list of potential sites for additional 20mph limit schemes and bring a subsequent report to Members setting out the process for allocating funding to requests for 20mph speed limits on residential roads
 - 2) Continue to address speed management issues under the current policy rather than introduce a city-wide 20mph scheme.
 - 3) Inform the lead petitioners of the outcome of the report.

Reason: To ensure that speed issues are addressed through a data led process that targets resources at casualty reduction but enables officers and Members the opportunity to gather data on the effect of 20mph speed limits and whether it would be appropriate to promote a city-wide scheme in the future.

Background

3. A petition containing 126 signatures in support of a 20mph speed limit (without traffic calming) on the residential streets in the South Bank area and a petition containing 73 signatures in support of a city-wide 20 mph speed limit on residential streets were referred from Council on 22nd January 2009. The City Strategy EMAP considered the background and arguments for and against such

a proposal at its meeting on 14th July 2008 and 8th December 2008 and it is not proposed to reiterate all those arguments again.

4. The main points from those reports are summarised here. Portsmouth City Council has implemented city-wide 20 mph speed limits on almost all its residential streets. The scheme was prepared as a result of a road safety initiative to reduce accidents. The scheme is designed to reduce speeds and create a culture where driving too fast in residential areas is seen as anti-social. It took two years to develop and was completed in two phases. The scheme covers 410 km of residential roads, approximately 1200 roads.
5. It would be possible to implement a scheme in York similar to that introduced in Portsmouth. It would have a wider impact than purely casualty reduction and support other policy areas such as cycling. However, such a scheme is not designed to reduce speeds on roads where the average speed is above 24 mph and, as result would not tackle a high percentage of the roads that are currently the subject of complaint and request. A significant proportion of accidents that occur on York's roads would not be resolved such as those occurring at junctions with classified roads. The introduction of a city-wide 20mph speed limit is likely to result in a less significant reduction than is at first apparent. From the recent sample of roads where speed surveys have been carried out, any scheme that was introduced in York would be on a smaller scale, as the number of roads meeting the average speed criteria appears to be lower. Traffic calming would be required on other roads where the average speed limit is currently over 24 mph, which would increase the cost of implementation.
6. The introduction of a city wide scheme would provide a consistent means of responding to requests and complaints about speed on residential roads. It would require criteria to be established that would identify 'residential' roads and would not apply to radial routes into the city centre or distributor roads.
7. It would possibly be in the same cost region as Portsmouth for a city-wide scheme, approximately £500,000 (although cost estimates have not been carried out) to address what are currently medium and low priority issues. It would not address speed issues on non-residential roads, where a significant proportion of casualties in York occur, in particular at junctions where clusters of accidents often occur. In addition it would not conform to the current policy in terms of capital expenditure targeted at specific high casualty sites.
8. The result of the Portsmouth scheme against casualty reduction has yet to be reported and it is not yet clear whether the city wide 20 mph speed limits have been effective at reducing casualties. The EMAP report recommended that a trial site should be identified for a 20mph speed limit area to identify whether such a scheme is appropriate and beneficial within York and that the current speed management plan continues to be implemented to target casualty reduction until such time as the outcome of the trial and the Portsmouth scheme are known.
9. Other towns and cities such as Oxford, Norwich and Newcastle are either actively pursuing the implementation of 20 mph speed limits on residential

roads or are considering implementation. It should be noted that successful legal issues have been raised at Portsmouth with regards to the legality of signage with the possibility of refunds of fines imposed and civil action against the Highways authority who are legally responsible for the imposition of the limit.

Response to the Petition

10. No significant alterations to policy have occurred to implement a city-wide 20 mph speed limit on residential roads since Members considered the issue on 14th July 2008. At that meeting Members decided to implement a trial within York and await the outcome of the local trial and the Portsmouth city-wide scheme before deciding whether wider implementation is appropriate within York. The speed surveys have been undertaken on the streets within Fishergate and consultation undertaken. The Traffic Regulation Order (TRO) is due to be advertised in the week commencing 18th May 2009 and assuming that there are no objections to the TRO the appropriate signing will be implemented.
11. The current speed management policy concentrates resources on roads that have a proven accident record in order to focus on casualty reduction, a key government target. In the past City Strategy EMAP considered the speed management policy and determined what measures are appropriate on those roads where surveys indicate that the average speed of vehicles exceeds the speed limit.
12. In addition the Council is currently working with the 95 Alive partnership on a project to determine whether the introduction of speed cameras (including mobile cameras) would further reduce casualties on York's roads. It is acknowledged that 20mph speed limits have wider implications than purely speed and casualty reduction (paragraph 5 above).
13. As part of a growth bid for 2009/10 Members agreed to allocate £30,000 to implement 20mph speed limits on residential roads in York. It was agreed at the City Strategy EMAP meeting on 8th December 2008 that officers would, in conjunction with North Yorkshire Police, compile a list of suitable sites where 20mph limits could be introduced. The sites will be based on a set of criteria, (currently being defined) to enable Members to determine where additional sites could be introduced in the future. This process will add to the data being collected to enable decisions about 20mph speed limits on residential roads to be made at a point in the future.
14. A working group including officers and North Yorkshire Police met on 24th April to discuss criteria for establishing a suitable location. It was agreed that in the first instance roads and areas with a casualty record should be targeted first and mapping of casualties against residential areas without any traffic calming is currently being undertaken. Once the extent of areas that fall into this category are known the group will consider whether additional criteria are required and what those criteria might be. It is proposed to bring another report setting out the criteria and process for allocating funding to the Executive Member Decision Session later in the summer.

15. The police are working closely and supportively with the Council in implementing suitable 20mph limits, however due to restricted resources, they are concerned that any schemes would need to be robust and self enforcing.

Consultation

16. In relation to 20mph speed limits, North Yorkshire Police have indicated that they would like to work with officers to develop a list of areas where a 20mph limits would be appropriate and have the potential to have a positive effect on reducing casualties and vehicle speed.
17. No comments have been received so far from Ward Councillors. Any comments from Ward Councillors or lead Members will be presented at the meeting.

Options

18. Option 1 – Complete a list of potential future 20mph sites and the criteria against which they will be determined and assessed.
19. Option 2 – Do not compile a list of potential future sites and allocate the funding available on the basis of petition requests.

Analysis

20. Option 1 – Enables forward planning to take place and provides a structure within which to assess any requests received by the Council for implementation prior to the outcome of the trial in Fishergate
21. Option 2 – Allocates the funding to areas where residents request action to be taken but funding is not allocated on a data-led basis.

Corporate Priorities

22. A data led approach of assessing road safety issues and prioritising schemes meets the Council's corporate priorities to create a Safer City. It also supports the aims and objectives of the Road Safety Strategy as part of the Second Local Transport Plan.

Implications

23. There are no Financial, Legal, Human Resources, Equalities, IT, Property or other implications envisaged.

Crime and Disorder

24. Speeding is a criminal offence and the Council has a responsibility to deliver an effective Speed Management Strategy.

Risk Management

25. In compliance with the Council's risk management strategy, no significant risks have been identified arising from the recommendations.

Contact Details**Author:**

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 Directorate of City Strategy
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Chief Officer Responsible for the report:

Damon Copperthwaite
 Assistant Director of City Strategy

Report Approved



Date

19.05.09

Specialist Implications Officer(s) *List information for all
 Implication ie Financial* *Implication ie Legal*

Wards Affected: All

All



For further information please contact the author of the report

Background Papers:

EMAP report Petition for 20mph speed limits on residential roads in Fishergate Ward
 14th July 2008 and 8th December 2008.

Annexes: None

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