

**Decision Session – Executive Member for  
Transport**

**21 June 2022**

Report of the Director of Environment, Transport and Planning

**City Centre Exemption Consultation**

**Summary**

1. Executive made decisions in November 2021 Executive that changed the way the streets in the city centre are managed during pedestrianised hours (footstreets).
2. One of the recommendations was for officers to reduce the number of exemptions that permitted access during the pedestrianised hours and commence a statutory consultation upon that.
3. The Report considers the representations received to the statutory consultation for the amendment to the list of exemptions for vehicle movements within the pedestrian area, with officer recommendations for a future course of action.
4. The report contains an update on the Policies and Protocols for the management of the Hostile vehicle Mitigation (HVM) measures that will be placed at the entry/exit points of the pedestrianised area in the future.

**Recommendations**

5. The Executive Member for Transport is asked to:
  - 1) Approve as advertised the amendment the Traffic Regulation Order to amend the list of exemptions to reduce the number of vehicles accessing the pedestrian area during the hours of operation from 1 October 2022.

*To reduce the number of vehicles within the pedestrian area to reduce*

*the level of conflict between vehicles and pedestrians to help improve pedestrian safety within the pedestrian area.*

- 2) Approve further communication with residents and businesses within the pedestrian area to make them aware of the policy and procedures that will be implemented in order to gain approved vehicle access with the pedestrian area.

*To provide clarity on the process to gain vehicle access to the pedestrian area if required for works or in an emergency situation.*

- 3) Approve an amendment to the National Street Gazetteer to provide information on time that vehicle access in to the streets within the pedestrian area is prohibited.

*To provide utility companies with information on restrictions on vehicle access to the pedestrian area once the Hostile Vehicle Mitigation measures have been put in place to reduce utility vehicles trying the access the pedestrian area without the correct approval.*

## **Background**

6. The Police advice is that the Council should implement Hostile Vehicle Mitigation (HVM) measures to protect everyone who uses the city centre.
7. A scheme of hostile mitigation measures is being prepared . This scheme will place permanent measures at the entry/exit points of the Pedestrian area in York that can be deployed during pedestrianised hours.
8. The Executive heard in November 2021 at their meeting that the Police advice is that the number of vehicles allowed past these measures should be reduced as much as possible to blue light services only. In addition to the decisions made at Executive was a decision to authorise the statutory consultation to review the list of exemptions that allow vehicle access into the pedestrian area.
9. At the Executive in November 2021 a new list of exemptions for vehicle access into the pedestrian area was proposed and it was approved to undertake the statutory consultation for the changes to the exemptions.
10. The advertisement of the statutory consultation for the remaining exemptions to further reduce the number of vehicles that are allowed

access into the pedestrian area during the hours of operation was advertised on 10<sup>th</sup> March and the representations received need to be considered in making this decision.

11. The removal of exemptions and waivers would remove the majority of those that currently exist. It retains the Dial a Ride access. In addition, there is no change proposed at this stage to access three times a day with a council refuse vehicle (usually the small one) to empty the market bin store and also to empty the litter bins around the city centre. Servicing this often is required due to the limited capacity in the Silver Street bin store as it reaches capacity each time it is emptied. Therefore a permit will continue be issued under clause Aii of the proposed TRO in Annex A. This exemption will be retained and the current approach of using the small 7.5 tonne vehicle when available will remain. In addition, ongoing work with Make It York and the market traders will explore alternatives to daytime vehicle access to service the bins and bin store.
12. The HVM measures will require specific policy and protocols for vehicle access to be approved, this includes how vehicles with an exemption can gain access and also how an application for access is to be made for vehicles that need access for works, planned and emergency.

## **Consultation**

13. We posted consultation documents (Annex A) to all properties within the pedestrian area on 10<sup>th</sup> March 2022 to inform all businesses (including Market traders) and residents of the proposed changes to the list of exemptions, and provide them with an opportunity to respond to the consultation.
14. The effect of the proposal on key groups is as follows:  
Residents – no change no access previously permitted  
Businesses – no change for the majority but removes access for bullion vehicles, fishmonger and market traders will be required to leave after 5 year round now.
15. The Notice of Proposal for the proposed amendment was included with the consultation letter and the times included within the Notice were 10.30am and 5.00pm. A five pm finish is the current finish time of operation for the permanent Order. The current Temporary order is currently in operation between 10.30am and 7.00pm.

16. A separate statutory consultation will be required to make any permanent change to pedestrianised hours. Should permanent hours change then a further review of exemptions may be required.
17. The issue of timing was referenced in some representations received, as some residents questioned if we had the right time or was it because the time would revert back to 5.00pm. The respondents expressed a preference for 5.00pm to improve access for residents and improve business access for loading, without requiring to pay staff to work late to receive deliveries into the evening.
18. The consultation received 9 representations, 2 of which were from properties outside the pedestrian area, who were concerned that the changes would affect their access. One of these was a pharmacy on Goodramgate who deliver medication to residents across the city and was concerned the restriction might affect their operation. The second representation was from York Minster who were worried as they experienced vehicle access issues previously when temporary restrictions were put on Goodramgate and Deangate. The Minster have asked for additional signage to be put at Monk Bar, to ensure any vehicles that require access to the Minster are aware that it is available, as the proposal does not affect this section of highway, it is not believed that the additional signage is required. The two properties are outside of the pedestrian area and therefore the amendment to the exemptions does not affect their property access.
19. A representation that was received cited the decision last year to remove the exemption for vehicles displaying a blue badge as having a negative impact on their business operation and objected to the barriers which will prevent access to the city centre. They do not believe that the Council are doing enough to support businesses in the city centre, following years of uncertainty due to Brexit and Covid restrictions. They also requested a review of the state of Council run car park and feel something desperately needs to be done in order for retail shops to survive. A review of Council Car Parks was presented to Executive last year.
20. One of the representations received from a resident was in objection to foot street restrictions and feels that it would be beneficial if residents and business could have unrestricted access to their properties.
21. Representations were received in objection to the proposal on the basis that the proposal was vague on how a permit could be applied for and

what the process will be for vehicle access during the pedestrian hours. Once the HVM measures are in place the barriers will be open outside of the pedestrian hours to allow vehicle access into the area, but during the hours of operation vehicle access will only be approved in line with the TRO exemptions or if permitted access is approved. An access request will need to be submitted in advance, before access is required, these requests are currently being processed via an emailed request or telephone request, an online application system will be explored as an additional option.

22. An access request will only be approved if the request is completed in full and the following details are to be provided:
  - Name and contact details of individual & the organisation requesting access
  - Reason access is required
  - Vehicle Registration Number (VRN) of vehicle
  - Driver's name and organisation name
  - Driver's contact details and photo ID
  - Requested entry time/date and arrival point
  - Estimated exit time.
23. Once the request has been completed in full, officers provided with delegated approval from the Director of Environment, Transport and Planning will review the request. The request will be approved based on the need for vehicular access for safety reasons. This will include requests for property/highway maintenance and utility works where large machinery is required to undertake the works and whether the property or public will be put at risk if the works are not carried out during the pedestrian hours eg an emergency plumber.
24. York Civic Trust also submitted a representation in objection (Annex C), but the representation was in relation to the proposal to remove the exemption on vehicles displaying a Blue Badge from accessing the pedestrian area which is outside of the scope of this report. A decision on this matter was made at the Executive in November 2021.

## **Options**

25. Not approve the advertised Traffic Regulation Order and consider a lesser list of exemptions. This is not officers recommended advice.

*This would not fulfil the police advice of allowing access to blue light vehicles only*

26. Approve as advertised the amendment the Traffic Regulation Order to amend the list of exemptions to reduce the number of vehicles accessing the pedestrian area during the hours of operation.

*To reduce the number of vehicles within the pedestrian area to reduce the level of conflict between vehicles and pedestrians to help improve pedestrian safety within the pedestrian area.*

27. Approve an engagement with residents and businesses within the pedestrian area to make them aware of the policy and procedures that will be implemented in order to gain approved vehicle access during the pedestrian hours.

*To provide clarity on the process to gain vehicle access to the pedestrian area if required for works or in an emergency situation.*

28. Approve an amendment to the National Street Gazetteer to provide information on time that vehicle access in to the streets within the pedestrian area is prohibited.

*To provide utility companies with information on restrictions on vehicle access to the pedestrian area once the Hostile Vehicle Mitigation measures have been put in place to reduce utility vehicles trying to access the pedestrian area without the correct approval.*

## **Council Plan**

29. This report is supportive of the following priorities in the Council Plan in addition to the One Planet York Principles, that the Council Champions:

- good health and wellbeing
- getting around sustainably
- a greener and cleaner city
- safe communities and culture for all
- an open and effective council

## **Implications**

30. The report has the following implications:

**Financial** – No financial implications identified

**Human Resources (HR)** – No Human Resources implications related to the amendment of the Traffic Regulation Order but the introduction of the Procedures and Protocols for the management of the access request for the Hostile Vehicle Measures will have an implication for the Traffic Management team and the camera operatives who will review the access requests and will be responsible for management of the Hostile Vehicle Measures.

## **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). A detailed EIA for the wider decision on Footstreets was completed in November 2021. The impact of this decision is as follows

- Age – neutral;
- Disability – this report will have neutral impact, **HOWEVER** a previous report dated November 2021 has removed vehicle access for Blue Badge holders;
- Gender – Neutral;
- Gender reassignment – Neutral;
- Marriage and civil partnership– Neutral;
- Pregnancy and maternity – Neutral;
- Race – Neutral;
- Religion and belief – Neutral;
- Sexual orientation – Neutral;
- Other socio-economic groups, including:
  - Carer - Neutral (see Disability);
  - Low income groups – Neutral;
  - Veterans, Armed Forces Community– Neutral.

**Legal** – The proposals require amendments to the York Traffic Management Order 2014:

Road Traffic Regulation Act 1984 & the Local Authorities Traffic Orders (procedure) (England & Wales) Regulations 1996 apply

**Crime and Disorder** – No crime and disorder implications identified

**Information Technology (IT)** – No Information Technology implications related to the amendment of the Traffic Regulation Order but it is proposed that an online application system will be implemented to apply for a vehicle access request.

**Property** – No Property implications identified

**Other** – No other implications identified

**Risk Management** – There is an acceptable level of risk associated with the recommended option

### Contact Details

**Author:**

Darren Hobson  
Traffic Management Team  
Leader  
Transport  
Tel: (01904) 551367

**Chief Officer Responsible for the report:**

James Gilchrist  
Assistant Director for Transport, Highways  
and Environment

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

**Specialist Implications Officer(s)** List information for all

Financial:  
Patrick Looker  
Finance Manager

Legal:  
Cathryn Moore  
Legal Manager

**Wards Affected:** Guildhall

**All**



**For further information please contact the author of the report**

**Background Papers:**

November Executive

**Annexes**

Annex A - City centre access arrangements letter

Annex B - Representations to the City Centre Access

Annex C - York Civic Trust representation