

**Decision Session – Cabinet Member for
Transport, Planning and Sustainability**

10 April 2014

Report of the Director of City and Environmental Services

**Objections to the Experimental Traffic Regulation Order for the
Increased Hours of Operation of the Footstreets Area**

Summary

1. The purpose of this report is to consider the objections made during the first 12 months of the experimental Traffic Regulation Order governing the operating hours of the footstreets in the city centre and if thought appropriate make the experimental Traffic Regulation Order permanent. See plan of the area at Annex A.

Background

2. The introduction of the experimental Traffic Regulation Order was taken forward to achieve the following main objectives:
 - Unifying the times of the restrictions 7 days a week.
 - Extending the hours of operation of the footstreets.
 - Remove the route through the central area (Davygate, St. Sampson's Square and Church Street) which had been subject to extensive and increasing abuse.
3. The decision to use an experimental Traffic Regulation Order instead of the more usual permanent Traffic Regulation Order route was taken following some initial consultation carried out in the central area on a number of options and themes. Because of the degree of uncertainty and mixed views of those in the area an experiment was considered the most appropriate route as this would allow a rapid change in the restrictions if necessary.

Consultation

4. Information regarding the experimental Traffic Regulation Order was circulated to all properties within the central area covered by the proposals (see Annex A). In addition, this information was sent out to a number of organisations representing groups of people who would be affected by, or have an interest in, the changes.
5. Experimental Traffic Regulation Orders can be put in place for a maximum of 18 months and must remain unchanged for a minimum of 6 months before it can be made permanent after considering any

objections made. This period of time when the experimental measures are in place replaces the normal 3 week period for objections to be made to Traffic Regulation Orders. In this case the experimental Traffic Regulation Order has been in place unchanged for 12 months (ending 17th March 2014) of the 18 month experiment which is twice the minimum length of time required.

6. A total of 38 representations have been received relating to this experiment (a précis and officers comments for each representation is at Annex B). The representations fall into 3 separate categories, plus a few general comments, and the main areas of concern are outlined below.

Reduction in Delivery Opportunity (2 Representations)

7. Main Issue raised - Businesses making multiple deliveries (up to 40/day) within the city centre may have to increase the number of vehicles due to the reduced time period at the start and end of the day. Also, there is a need for loading bays in the city centre.

Officer comment

8. The increase in the footstreet hours was always acknowledged to compress the delivery period; however this was in order to benefit pedestrians in the main shopping area which would then have a knock on benefit to businesses. Hence it is not suggested that either the start or finish time of the footstreets be amended.
9. The provision of loading bays would clearly be beneficial to delivery drivers and businesses, but the scope for providing such facilities is limited. A small informal loading bay in Whip-Ma-Whop-Ma-Gate has just been made subject to a traffic regulation order and enforcement on non-loading use can now take place.
10. Whilst there is no evidence to suggest that deliveries are taking place earlier and later in the day, options for changes to how the central area operated, discussed earlier in the project, included simplifying the traffic regulation orders by making the loading period from 7am and finishing at 7pm (with the footstreets in the middle). A change to extending the loading hours would give a greater priority to deliveries over those wanting access or simply passing through the area, hence there are potential benefits to business now and/or in the future as circumstances change. In addition a potentially greater benefit would be a reduction in traffic generally outside the footstreet hours. A potential obstacle to this change would be for those who live within the city centre who can at present use a vehicle for access from 7 to 8am and 6 to 7pm. Quantifying

this is difficult but the numbers are thought likely to be small and there is scope to issue an annual waiver to residents, with a vehicle, living within the central area that would exempt them from the extended loading restriction. This exemption would not need to be publicised but would be used to overcome individual problems. A potential additional change to the hours of operation though not directly relating to deliveries would be to make the whole of the central area subject to an overnight (7pm to 7am) access only restriction.

Blue badge / Green permit holders (6 Representations)

11. A few comments have been received regarding the inability of blue badge holders to enter the streets as they used to. Insufficient space for green permit holders has not been raised as an issue though the ability to access St. Sampson's Sq. from only the Goodramgate direction was raised as a concern early on.

Officer comments

12. The change in the manner of enforcing the regulations (from Police enforcement to physical restriction in the street) was carried out to prevent the very regular throughout the day breach of the previous permanent regulations by drivers merely wishing to travel through the footstreets or Blue badge holders illegally seeking a parking space in the central core area - to the dis-benefit of the Green permit holders. Whilst it is acknowledged that there will have been some dis-benefit to some Green permit holders due to the additional travel time to access the area via Goodramgate, the aim of this change to the regulations has been fully realised. In addition, from ad-hoc observations, spaces are always available to Green permit holders in St. Sampson's Square and Church Street during the pedestrian period. The removal of the Davygate bollard and reintroduction of parking along Davygate is not thought desirable because the previous abuse of the restrictions would be quick to return.
13. The Blake Street to Lendal and Goodramgate to Colliergate Blue badge holder access loops (plus Castlegate) remain unchanged for use by Blue badge holders during the pedestrianisation hours. Whilst the ability to provide additional blue badge holder parking (either formal or informal) on street is very limited, 23 dedicated wide blue badge holder free parking spaces have been provided in: Castle, Piccadilly (where the Shopmobility scheme operates from), Monk Bar and Bootham Row car parks.

Market traders (24 Representations)

14. The main concerns raised by market traders is that their businesses often start very early in the morning (as early as 2.30am) and trade late in the afternoon is minimal, hence their working day is extended and the financial gain doesn't cover extra staffing costs at the end of the day. This has also been raised as a concern for the temporary events / markets in the city centre.

Officer comment

15. These concerns are very understandable. However giving a general dispensation for market traders to enter the footstreets at the old hours of operation throughout the year would compromise the footstreets ethos and create uncertainty with others as to what the hours of operation are and possibly raise the question of "if they're allowed in why can't we make deliveries"? Whilst the evenings are light, with weather at its best there is potential for growing custom later in the day. During the winter with darkness in the late afternoon and poorer weather, circumstances are different hence there may be times when continuing to operate a stall to 5pm is not desirable.

An existing power within the traffic regulation order is:

"On any day after an officer has closed Newgate Market early a vehicle being used by a stallholder in connection with the conveyance of stallholder stock and equipment along a route through Goodramgate, Church St, King's Sq, and Colliergate provided such vehicle is not constructed or adapted to carry more than 16 seated passengers excluding the driver".

16. Additional guidelines could be drawn up to allow the City Centre Manager or similar council officer to close the market during the winter months (say, October half term to February half term) at 4 or 4.30pm excluding those periods during major events such as the various Christmas fairs.
17. There are, however, opposing views amongst the market traders over the market closing time, hence to take account of this it is suggested that additional guidelines be drawn up for potential introduction providing this is in line with consultation carried out by colleagues elsewhere in the Council on the longer term aims of the market operation.

Additional Issue - Stonegate Loading Restriction

18. Although no changes have been put forward for the loading regulations to Stonegate (vehicles are only allowed to enter the street to load / unload between 5.30am and 10.30am) concerns have been raised from time to time regarding abuse of these regulations. This type of restriction can only be enforced by the Police at the time of an offence and are not only quite difficult to enforce but are also often considered a low priority for policing action due to other more pressing workload issues. The success of the physical enforcement of the traffic regulations in Davygate by using bollards has prompted this to be considered again as an option for Stonegate. Whilst this solution would require a member of staff to remove the bollard at 5.30am daily, the City Council does already have street cleaning staff working during the early hours of the morning in the city centre who would be able to remove the bollards at or before 5.30am. Hence, it is suggested that this solution be trialled. Street cleansing confirm they are able to take on this role. Please note, there is no requirement to make any alteration to the current traffic regulation order.

Options

19. **Option 1** – confirm the making of the experimental Traffic Regulation Order permanent.

This is a recommended option because the experiment has achieved its aims and these restrictions give a good firm foundation for considering further modifications as circumstances change.

20. **Option 2** – continue the experimental Traffic Regulation Order for up to the remainder of the 18 month period and decide at a later date whether to confirm or drop the experiment.

This is not a recommended option because the experimental restrictions have been in place for a full year and experienced the impact of all the usual activities that take place in the central area. In addition, there is no scope to amend the experimental restrictions to try a variation because any alternative would have to be in place for a minimum of 6 months which would take us beyond the maximum 18 month period for an experimental Traffic Regulation Order.

21. **Option 3** – end the experimental Traffic Regulation Order and revert to the previous restrictions.

This is not a recommended option.

22. **Option 4** – commit to consulting city centre retailers and businesses on the following and bring a report to a subsequent Decision Session meeting to consider the outcome:

- Extending the loading only option for motor vehicles in the footstreets 7 to 10.30am and 5 to 7pm.
- Standardising the motor vehicles access only restriction overnight (7pm to 7am) across the whole of the footstreets area.

This is a recommended option because it gives greater priority to deliveries and should reduce general traffic in the central area outside the footstreet hours.

23. **Option 5** – delegate authority to redefine the exemption for market trader’s early finish in line with the Authority’s longer term aims for the market operation.

This is a recommended option.

24. **Option 6** – approve the installation of a pair of bollards at the end of Stonegate to enforce the existing Traffic Regulation Order.

This is a recommended option. It should also be noted that if there are any unforeseen issues created by this approval the issue can be reconsidered at a later date.

The Council Plan

25. Considering this matter contributes to the Council Plan building strong communities by engaging with all members of the local community likely to be directly affected by traffic management proposals.

Implications

26.

Legal	There are no legal implications.
Financial	Under £1000 to complete the legal work to make the Traffic Regulation Order permanent. Under £1000 to install 2 removable bollards at the end of Stonegate
Human Resources	There are no Human Resource implications.
Crime & Disorder	There are no crime and disorder implications
Sustainability	There are no sustainability implications
Equalities	There are no equalities implications
Property	There are no property implications

Risk Management

27. In compliance with the Council’s risk management strategy there are no risks associated with the recommendations in this report.

Recommendations

28. It is recommended that the Cabinet Member approves the following:

- That the experimental Traffic Regulation Order be made permanent.

Reason: because the changes introduced during the experiment have achieved the desired affect with minimal reported problems.

- Delegate authority to officers to redefine the exemption for market traders early finish in line with the Authorities longer term aims for the market operation and its aims for the footstreets area.

Reason: to recognise the very different trading environment in the Market compared with the more usual business activities that take place in buildings.

- That a further report be prepared considering the extension of the loading only period to 7 to 10.30am and 5 to 7pm and creating a standardised access only restriction overnight of 7pm to 7am.

Reason: to further reduce general traffic in the central area and extend the loading only period, given the reduction caused by the extended footstreet hours; reduce confusion over varying hours and restrictions; acknowledge the spread of peak hour traffic and encourage the early evening city centre economy.

- Approve the installation of removable bollards at the St. Helen's Square end of Stonegate to physically enforce the loading only period.

Reason: to achieve greater compliance with the Traffic Regulation Order.

Contact Details

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Report Approved **Date 27/3/2014**

Wards Affected:

Guildhall

For further information please contact the author of the report

Annexes:

- Annex A Plan of the area
- Annex B Experimental Traffic Regulation Order Information Circulated
- Annex C Objections / Comments Relating Loading
- Annex D Objections / Comments Relating to Blue Badge Holders
- Annex E Objections / Comments Relating to the Market Area
- Annex F General Objections / Comments

Background Information:

None