
MEETING	CORPORATE AND SCRUTINY MANAGEMENT COMMITTEE (CALLING IN)
DATE	17 DECEMBER 2012
PRESENT	COUNCILLORS BARNES, HORTON, KING, MCILVEEN, POTTER, RUNCIMAN (VICE- CHAIR, IN THE CHAIR), STEWARD, WARTERS AND BARTON (SUBSTITUTE)
IN ATTENDANCE	COUNCILLORS AYRE, CRISP, BROOKS, JEFFRIES, MERRETT AND WILLIAMS
APOLOGIES	COUNCILLOR WISEMAN

15. DECLARATIONS OF INTEREST

Members were invited 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 they may have in respect of business on the agenda.

Councillor Potter declared a personal non prejudicial interest in relation to Agenda item 4 (City Footsteets Review – Part Two) as an employee of York Wheels and involvement with blue badges and parking dispensations.

That Officers examine the current practice of marking Members as absent from meetings when they have to appoint a substitute through their having a prejudicial interest in matters on the agenda.¹

[As amended at the Committee's meeting held on 15 April 2013]

Action Required

1.Examine current practice.

DS

16. PUBLIC PARTICIPATION

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

Chris Edmondson spoke as a Director of the York Independent Living Network putting forward members concerns at the decision taken in relation to Agenda item 4 (City Centre Footstreets Review – Part Two). Particularly in relation to the proposed partial closure of the route to allow access via Church Street to St Sampson’s Square by green permit holders only. Their main concern related to the lack of an Equality Impact Assessment and the reference in the report that there were no equality implications in relation to these proposals when there obviously were. Reference was made to a lack of consultation with Groups as the footstreet proposals would have a great impact on the daily lives of those with mobility issues. He requested delaying the scheme pending effective consultation with affected groups.

Katie Smith, Chair of York Carers Forum also spoke on the Footstreets Call In. It was explained that the Forum was an umbrella organisation providing a voice for carers in York and whose members required equal access in to the city to meet their needs. Their concerns related to the lack of consultation and the distance from banks and shops if parking was relocated further out of the city centre.

Irene Mace, Secretary of the York Carers’ Forum also spoke on this issue, pointing out that the Forum had no objections to the footstreet proposals in general, their worries related to the lack of information on the detail and how the changes could affect their members.

Peter Broadley made representations on behalf of Holtby Parish Council in relation to Agenda item 5 (Tethered Horses – Proposed Policy Framework). He confirmed that verges around the village were occupied by traveller’s tethered horses, with one dead horse being left for 18 hours on the roadside. There had been a number of road accidents, horses killed, people injured and damage to vehicles and property. Although a number of people had recently been prevented from keeping horses, the practice continued and the Parish Council asked members to use existing legal powers and take action to prevent and further accidents.

17. MINUTES

RESOLVED: That the minutes of the last meeting of the Committee held on 19 November 2012 be approved and signed by the Chair as a correct record.

18. CALLED IN ITEM: CITY FOOTSTREETS REVIEW - PART TWO

Members received a report which asked them to consider the decisions made by the Cabinet Member for Transport, Planning and Sustainability on 19 November 2012 in relation to the City Centre Footstreets Review. In particular the decision to partially close off the route to all vehicles and allow access to St Sampson's Square via Church Street by green permit holders.

Details of the Cabinet Members decision were attached as Annex A to the report, with the original report to the Decision Session attached at Annex B. The decision had been called in by Cllrs Ayre, Aspden and Jeffries on the following grounds:

"This proposal will see parking for disabled drivers cut by around a 1/3 and will effectively rule certain parts of the city out of reach for some residents. Given this, we would like to call-in the decision for the following reasons:

- The lack of evidence of consultation with affected groups (badge/permit holders). The report admits that "The responses to the questionnaire (Annex A) on this issue demonstrate strong support for reviewing access and parking (Q1). However, it does also need to be said that of those responding to the questionnaire very few are holders of either Blue badges or Green permits (Q4), hence the views expressed are predominately from those with no or little difficulty with their own mobility.*
- The lack of an EIA (Equality Impact Assessment) or CIA (Community Impact Assessment).*
- The misleading claim that there are no equalities implications to this decision.*

- *The policy did not go through the EAG (Equality Advisory Group) or face similar levels of scrutiny.”*

Members were asked to decide whether to confirm the decision (Option a) or to refer it back to the Cabinet Member for re-consideration (Option b) as set out in the report.

Councillor Ayre addressed the meeting on behalf of the Calling-In members confirming the main reason for call in were concerns that the requirements of the Single Equality Act had not been incorporated in to this report. Although in agreement with much of the footstreets proposals, it was the lack of an Equality Impact Assessment and consultation. Particularly in relation to the proposal to cut parking for disabled drivers cutting off certain parts of the city to many vulnerable residents with mobility problems. A crucial part of the consultation did not appear to have been undertaken, including scrutiny by the Equality Advisory Group, when the authority had a legal duty to consult these groups in order to assess the impact and in an effort to mitigate any issues arising.

The Cabinet Member for Planning, Transport and Sustainability confirmed that the City Centre Footstreets Review had arisen from the Reinvigorate York programme and the report to his Decision Session on 1 December 2011, which had set out the proposals in full. At that time, approval had been given to undertake consultation on the hours of operation of the foot streets and investigate issues surrounding the use of foot streets by blue badge and green permit holders. An EIA had also been undertaken in relation to this report and a study commissioned to examine how people with mobility issues could best obtain access to the city centre. He confirmed that the proposals had been reported to the Equality Advisory Group (EAG) earlier in the year and copies of the questionnaire sent to all groups represented on that body. A recent visit to Chester had provided useful additional information which was being examined for possible implementation in York. The work of the Scrutiny Committee, following their examination of city centre issues, were reported together with the detailed proposals set out in the report to his Decision Session on 19 November, paragraphs 16 to 33 in relation to the operation of the blue badge and green permit schemes in respect of the Davygate, St Sampson's Square and Church Street route.

Members then went on to question the Cabinet Member about the proposals, he confirmed that the maximum travel distance for green permit holders would not change, that an EIA had been carried out in relation to the 2011 proposals with no further assessment undertaken in respect of the current details.

Further information was requested in relation to the Shopmobility scheme which hired out electric scooters and wheelchairs to enable members of the public to visit the city centre.

All Members agreed that it was unfortunate that details of the original EIA had not been flagged up in the current report.

Officers presented an overview of the background and proposals for the footstreet review, confirming that consultation had been undertaken with the EAG and that consultation would continue. In response to comments Officers confirmed that the proposals were only experimental with the results being reported back to the Cabinet Member in 12 months.

Following further lengthy discussion it was

RESOLVED: That Option (a) identified in the report be approved and that the decision of the Cabinet Member be confirmed. ¹.

REASON: In accordance with the requirements of the Council's constitution.

Action Required

1. Undertake necessary consultation and implement experimental TRO's.

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19. CALLED IN ITEM - TETHERED HORSES - PROPOSED POLICY FRAMEWORK

Members considered a report which asked them to look at the decisions made by Cabinet on 4 December 2012 in relation to proposals for a proposed policy framework relating to tethered horses. The report to the meeting outlined proposals for the development of a joint protocol setting out how these issues could be managed by the Council and partner organisations within the legal framework and resources available.

Details of the Cabinets decision were attached as Annex A to the report, with the original report to Cabinet attached as Annex B. The decision had been called in by Cllrs Brooks, Watt and Warters on the following grounds:

- 1. The option approved by cabinet fails to initiate an EFFECTIVE course of action with the URGENCY needed to deal with the current real danger to motorists, cyclists and pedestrians posed by horses illegally tethered on verges i.e. the public highway.*
- 2. The key risks associated with the cabinet report are stated as financial and reputation. There needs to be a greater consideration of the risk of public safety.*
- 3. The report fails to inform whether or not the consideration of CYC purchasing land specifically for grazing horses will be a facility that can be accessed by all York residents who have or may wish to own horses. Given the equalities implications this analysis needs to be addressed.*
- 4. The report fails to consider the potential animal health issues associated with tethered horses of uncertain vaccination history tethered adjacent to landowners stock.*

Members were asked to decide whether to confirm the decision (Option a) or to refer it back to Cabinet for re-consideration (Option b) as set out in the report.

Councillor Brooks addressed the meeting on behalf of the Calling-In members referring to the urgent need for an effective course of action to deal with the dangers arising from horses being tethered adjacent to public highways for motorists, vehicles, pedestrians and the animals. She referred to four recent accidents which had involved vehicles being written off and horses killed. It was pointed out that no risk assessment of the issues had been undertaken and the authority was they felt failing in its duty to keep the highway safe. Reference was made to existing local authority owned land which could be used for grazing which would remove the danger of tethered animals from the roadside.

Members confirmed that the worst affected areas appeared to be on the A166 in the vicinity of Holtby, Sutton on Forest and adjacent to the A1079.

The Cabinet Member confirmed his sympathies with the points raised. However, although the proposals had financial implications for the authority, he confirmed the need to respond to the concerns raised, whilst ensuring a balanced approach to enforcement. He went on to explain the three phased approach proposed to deal with the problem; the identification of available land, working with the travelling community to ensure the welfare of and the reduction in horse numbers with the final option being enforcement. He confirmed his commitment to taking enforcement action but only as part of a package of measures.

Members went on to discuss the points raised in more detail, including that of public safety, the legal powers, the micro chipping of horses, the availability of Council owned land for grazing and the recovery of costs.

In response, Officers went on to address a number of the issues raised giving an overview of work carried out to date and the likely costs to the authority. Reference was made to issues encountered by other authorities in the area and of the need for a balanced view, working in partnership and with the community. It was confirmed that the authority was not ignoring its duties but time was required to ensure that any system put in place was workable and had the confidence of the public.

Following further lengthy discussion it was

RESOLVED: That Option (a) identified in the report be approved and that the decision of Cabinet be confirmed. ¹.

REASON: In accordance with the requirements of the Council's constitution.

[Councillor Warters requested that his vote against this motion be recorded]

Action Required

1. Establish joint protocol and add report back on to Forward Plan.

SW

Cllr C Runciman, Chair

[The meeting started at 5.00 pm and finished at 7.20 pm].