

Meeting	Customer and Corporate Services Scrutiny Management Committee (Calling In)
Date	27 June 2022
Present	Councillors Crawshaw (Chair), Fenton (Vice-Chair), Fisher, Hollyer, Musson, Norman and Pearson
Apologies	Councillors Baker and Rowley ( <i>attended as a Calling-In Member</i> )
Officers in Attendance	Janie Berry – Director of Governance & Monitoring Officer James Gilchrist – Director of Transport, Highways & Environment Darren Hobson - Traffic Management Team Leader

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#### 1. **Declarations of Interest (5:31 pm)**

Members were asked to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests. No interests were declared.

#### 2. **Public Participation (5:32 pm)**

It was reported that there had been two registrations to speak at the meeting under the Council's Public Participation Scheme, both on Agenda Item 4 (the Called-in Item).

Stephen Macey, a resident of Osbaldwick, stated that the source of the problem needed to be addressed; namely, the displacement of parking from the University, which was operating a pay to park arrangement contrary to its planning approvals.

Amy Reynolds, on behalf of residents of Cavendish Grove, expressed concerns about the lack of consultation on the parking restrictions, stating that they would just move the

problem, have no impact on safety, and were the precursor to introducing Respark.

Written representations signed by 12 residents of Cavendish Grove objecting to the restrictions were received; these had been circulated to Members before the meeting.

### 3. **Minutes (5:38 pm)**

Resolved: (i) That the minutes of the meetings held on 9 May 2022 be approved, and signed by the Chair as a correct record, subject to an addition to the minutes of the second meeting to record that Cllr Baker left the meeting before the vote, and that 4 Members voted in favour of the approved proposal and 3 voted against it.

### 4. **Called-in Item: Consideration of Results from the Consultation about Parking restrictions in relation to Cavendish Grove, Tranby Avenue and Moore Avenue/Osbalwick Lane Junction (5:40 pm)**

Members considered a report which set out the reasons for the call-in of the decisions made by Executive Member for Transport on 17 May 2022 in respect of the above matter, along with the Committee's remit and powers in relation to the call-in.

The decisions were contained in the extract from the relevant Decision Sheet at Annex A to the report. The original report to the Executive Member Decision Session was attached as Annex B, The decisions had been called in by Cllrs Doughty, Rowley and Warters for the following reasons:

- *“The decision fails to respect the views of the majority of respondents to the ‘consultation’ and therefore once again brings the term ‘consultation’ into disrepute by CYC.*
- *The decision seeks to impose double yellow lines onto sections of carriageway that are already covered by Highway Code obstructive parking that is adequately covered and can already be enforced by NYP who work closely with the Parish Council and Ward Councillors already.*
- *As residents have already pointed out after the webcast of the decision session the double yellow lines as passed by*

*the Executive Member will make the parking situation worse for them.*

- *The reason advanced for introducing such restrictions is supposedly 'safety' and yet the restrictions as passed by the Executive Member clearly fail to address the problem of University related parking, which if parked where it should be would remove the need for any restrictions, fail to address genuine safety concerns further down Tranby Av which will likely be made worse by this imposition as parking is just moved.*
- *Passing of the double yellow line restrictions by the Executive Member so soon after Scrutiny was assured that CYC would be engaging with York University to seek solutions to the problem of University related parking is an admission that the Executive Member and Highway regulation staff have no faith in that initiative and have previously misled Scrutiny as to the likely effectiveness and/or sincerity of those involved in promoting such an approach.*
- *There was absolutely no consideration throughout this process of the use of single yellow lines for example with parking restrictions imposed [from 9.00 am to 5.00pm](#) which would effectively stop the long term dumping of University and school related parking whilst inconveniencing residents the minimum.*
- *The whole process has degenerated into a face saving exercise for highways officers to daub useless double yellow lines to carry on the long term aim of not solving the University related parking chaos the very same staff and Executive Member have deliberately transferred into Osbaldwick and Murton and to create as much disruption as possible in furtherance of pursuing Respark expansion - this is not how a responsible Local Authority Highways function should operate.*
- *As call in Members who have followed this process closely and the many other traffic related matters under the Executive Member's portfolio these last three years we have no confidence in the ability of the Executive Member to reach impartial decisions on matters like this and see this deliberately created situation and lack of will and action to solve the issue of displaced University related parking as an abuse of office."*

The Calling-In Members present at the meeting, Cllrs Warters and Rowley, each addressed the committee in turn, expanding on their reasons for the call-in and then responding to questions from Members. The Executive Member for Transport, Cllr D'Agorne, then addressed the committee regarding his decisions, and responded to questions. Next, the officers responsible for the report to the Decision Session spoke to clarify aspects of their report and recommendations and to answer questions. Finally, Cllr Warters summed up on behalf of the Calling-In Members and the Executive Member summed up his position.

During the above process, it was confirmed that:

- The wording of the decision at Annex 1 should have reflected the recommendation in the report at Annex 2 that a lesser restriction than that advertised be implemented.
- 'Lesser' meant for a shorter distance (10m) along Cavendish Grove.
- The decision had been made after taking into account residents' responses to the advertised proposals.
- Cllrs Warters and Rowley, and residents, had made representations at the Decision Session on 17 May.
- The Executive Member would be willing to write to those residents to explain the location of the restrictions.
- A scrutiny meeting to examine issues with the University would be held within 6 months as agreed by the committee on 9 May (Minute 13 of the 2pm meeting refers), although a date had not yet been set.

Under the provisions of the council's constitution at the time the call-in was made, the following options were available:

- A – not to refer the matter to Executive, in which case the original decision would be confirmed, or
- B - refer the matter to Executive with specific recommendations.

Members were invited to state which option they supported, and the reasons why. A vote was then taken on the options. Cllrs Crawshaw, Fenton, Fisher, Hollyer, Musson and Pearson voted for Option A, with certain qualifications as to the basis of that decision, while Cllr Norman voted for Option B. It was therefore

Resolved: (i) That Option A be approved and the decisions not be referred to the Executive for consideration.

(ii) That in approving Option A it is understood that that the Executive Member for Transport will write to residents in respect of the reduced restrictions agreed at the Decision Session, and the committee is mindful of its decision on 9 May to accept the Executive Member's concessions offer in relation to parking issues in the area.

Reason: Taking into account Resolution (ii) above, there are no grounds to refer the matter to Executive.

Cllr J Crawshaw, Chair

[The meeting started at 5.30 pm and finished at 7.26 pm].