

Meeting	Customer and Corporate Services Scrutiny Management Committee
Date	8 November 2021
Present	Councillors Crawshaw (Chair), Baker, Fenton (Vice-Chair), Hollyer, Orrell, Musson, Norman, Rowley, Vassie (Substitute) and Lomas (Substitute)
Apologies	Councillors Doughty, Pearson

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### **36. DECLARATIONS OF INTEREST**

At this point in the meeting, the Chair invited Members to declare any personal, pecuniary or prejudicial interests, which they had not already included in their standing register of interests.

Cllr Lomas declared, in the interests of transparency, that she was a Blue Badge holder and Cllr Fenton declared that his Mother holds a Blue Badge. The Chair noted a personal, non-prejudicial interest in that his Mother was a member of the Human Rights Equalities Board and was on the steering groups for both the York Disability Rights Forum and the York Human Rights City Network.

### **37. PUBLIC PARTICIPATION**

It was reported that there had been eight registrations to speak under the Council's Public Participation Scheme, on item 3, City Centre, Vision, Accessibility and Traffic Regulation. A written statement had also been received for the same item and had been circulated to Members and Officers.

Professor Tony May, on behalf of York Civic Trust, spoke firstly to note that he found it unreasonable to produce such a large report with numerous annexes and where there was a lot of duplication and repetition. He went on to question the lack of consultation in relation to a number of background reports including the Martin Higgate Associates report and the Strategic Review of City Centre Parking. He stated that assertions made

in reports were unfounded and requested that engagement happened more quickly.

Helen Jones from York Disability Rights forum, requested that the current arrangements were not made permanent as they discriminated against disabled people. She highlighted the fact that York was a Human Rights City and that 78% of Blue Badge holders do not agree with the changes.

Jamie Wood questioned why the 50 documents had been published late. He also questioned the findings in Annexes F and Y. He commended the report by Martin Higgate Associates (MHA) as outstanding and questioned why officers were ignoring the recommendations. He urged the implementation of those recommendations.

Peter Sheaf for the York Cycle Campaign was impressed by the report from MHA and questioned why consultations had been repeated and the evidence on which officer recommendations had been based. He enquired about the training of officers.

David Harbourne spoke independently to thank the council for re-opening Castlegate. He stated that if the risk of terrorism could be managed in Chester, it could be managed in York. He saw no reason to close access to the city centre for Blue Badge holders.

Christian Santabarbara noted that he was a late registration due to documents relating to this item having been published after the deadline for speaker publication had closed. He explained that cycle couriers carry out essential services and requested that the council not dismiss the report from MHA.

Mick Pythian spoke to the York Human Rights City Network report and requested that officers consider interim access for Blue Badge holders and provide mitigations to give back independence.

### **38. CITY CENTRE, VISION, ACCESSIBILITY AND TRAFFIC REGULATION**

The Chair provided an overview of the joint scrutiny meetings with Health and Adult Services (HASC) and Economy and Place (EP) that took place on 25<sup>th</sup> October 2021. Both meetings had requested further information from Officers and the information

requested had been summarised in paragraph 94 of the first report.

The Corporate Director of Place, the Director of Environment, Transport and Planning and the Head of Regeneration Programmes gave a brief presentation to the Committee and explained where the information requested could be found. Several Members highlighted concerns regarding the quantity of material and the lateness of the information published as an agenda supplement.

The Chair outlined the parameters for the meeting. He reminded the Committee that the purpose was to make recommendations to Executive and that they could offer comments or amendments. Alternatively, new recommendations could be made. He also highlighted that disability is a protected characteristic under the Equality Act and that as a sense check Members might like to test the wording of recommendations by considering other protected characteristics.

Officers gave the following information in response to questions from Members regarding access to Footstreets:

- Officers had tried to balance the varying needs of different groups with protected characteristics and the human rights of all residents, including the right to life.
- The recommendations in the first two reports would improve access to the city centre. These included the creation of an Access Officer position and increased designated parking on the edge of the Footstreets area. The Shop Mobility and Dial a Ride service offer had been improved and a variety of mitigation measures, such as dropped kerbs and rest stops had been included in their recommendations.
- The Corporate Director of Place noted that this was a complex decision making process, the report had acknowledged the harm caused and that different groups had been impacted differently.
- They confirmed that Officers had sought specialist legal advice to ensure that their recommendations adhered to the relevant equalities legislation. The Director of Governance confirmed that the external legal advisor had been given wide parameters to ensure that they were not restricted in giving their legal opinion.

[19:00 Cllr Rowley left the meeting]

- Officers had worked to the MY criteria and had operated in the public domain.
- Annex O contained the information regarding protecting the city centre.
- The Director of Environment, Transport and Planning confirmed his awareness and understanding of the Blue Badge Criteria.

[The meeting was adjourned between 19:18 to 19:28]

Following the adjournment, the Director of Environment, Transport and Planning responded to an earlier question and referred Members to the guidance within a Department of Transport document which gave walking distances between rest stops. This document had been used to inform the recommendations.

There was a general consensus among members that the Martin Higate Associates report contained a number of good recommendations to move the city forward. There was a discussion regarding a city centre shuttlebus, where it had been suggested that Officers should consider bringing forward the feasibility study and that it should include a practical trial of the service.

Officers noted that the My City Centre report was the long term plan which would inform the transport plan. They also confirmed that a shuttlebus service was part of the plan.

The Director of Place confirmed the council's support for co-production and emphasised that measures had initially been put in place as an emergency response to the pandemic to assist with social distancing.

In response to further questions, Officers responded as follows:

- Café licences had been implemented by the government in response to Covid and that the legislation had been extended to September 2022. Highways team had considered all the applications and it had been stipulated that cafes should not block access and that dropped kerbs and clear walking routes were also needed. The Blue Badge exclusion was originally put in place to allow social

distancing and was then continued to enable the café licences.

- Annex B contained the independent security consultant's assessment of which streets should be protected. Annex C was the Executive approved plan of the Hostile Vehicle Mitigation Measures (HVMM) in 2019, the security advice had remained in place.
- HVMM were put in place either by the Council working with the city or implemented by the Police via a counter terrorism vehicle traffic regulation order. The decision lay with Council. Police preference had been for decisions to be made by democratically elected members.
- Officers confirmed that should the advice change, the action plan could change too.
- It was not unusual to get a strong response to Traffic Regulation Orders, and a balanced approach should be taken. It was the duty of elected officials to protect those who are impacted by the decisions made.

[20:36 Cllr Baker left the meeting]

- Officers confirmed that the engagement with residents that had taken place to date would need to continue in order to assess the impact of the decisions made.
- Chester had a staffed barrier and closed access to the city centre at busy times. They also had an Access Officer. Bath had been considering their options regarding HVMM.

Following the officer response to the substantive questions raised by Members, the Chair led a discussion on cycle access in the city centre. He noted that the Economy & Place Committee had been asked to look specifically at cycle access for couriers. He asked Officers to comment on the recommendations from the MHA report, particularly regarding the recommended cycle route through the city centre.

The Head of Regeneration Programmes explained that the majority of the recommendations had been taken through to the different strategy documents. MHA had acted as an access consultant and concluded that a route through Parliament St, Davygate & Blake Street could work. It required a redesign of the streets, with contraflow systems, and the route would have to close for events. Technical officers had looked at this option and concluded that it would require a significant redesign due to the complicated criss-crossing of the streets which resulted in

conflict points. Funding of between £10-20m would be required for this. A redesign could be revisited should further funding become available.

The Director of Place reminded Members that there was a Local Transport Plan and that it prioritised pedestrians over cyclists. Cycling was not permitted currently in the Footstreets, during Footstreets hours.

The Head of Regeneration Programmes noted that there were two Active Travel funding bids in place to improve facilities for cyclists in the city centre.

The Chair noted the importance of a long term strategic plan for the city centre.

There followed a lengthy debate amongst Members regarding the item and the recommendations that they wished to put forward to Executive.

The Chair proposed that the Committee made a recommendation to the Executive that they defer their decision on the permanent closure of the Footstreets, pending the appointment of an Access Officer and following work on the co-production of mitigation measures and their implementation.

Members voted 3 for and 4 against and the proposal was therefore rejected.

Resolved: That the following recommendations and comments be made to Executive:

1. To proceed with the permanent extension to the Footstreets area, with the accompanying action plan. (Members of the Committee wished it to be recorded that the vote was split 4:3 along party lines on this recommendation)

With the exception of 5.1, to which one Member objected, the following recommendations and comments were passed unanimously:

2. The Executive should satisfy themselves that the public sector equality duty in the Equality Act has been met, particularly in consideration of the following four points:
  - Does the plan or recommendations advance the equality of opportunity between persons who share the protected characteristic of disability and those who do not share it?
  - Does the plan or recommendations foster good relations between persons that share the protected characteristic of disability and those that do not share it?
  - Does the plan or recommendations comply with the requirement in the Equality Act to avoid discrimination on the basis of disability?
  - Do they feel that the equality impact assessment sufficiently covers the issues and provides sufficient mitigations given the existing feedback from contributors, describing their feelings of traumatisation and discrimination?
  
3. The Action Plan should include a practical trial of the shuttle bus with a range of service users, as part of the feasibility study recommended by the Martin Higgitt Associates report.
  
4. That the Executive accept the following specified recommendations from the York Disability Rights Forum and York Human Rights City Network, noting that there are some elements of crossover, and ensure that they are appropriately met:
  - i. Recommendations 3, 4 and 5 in the joint statement from the disability action groups in annex S of the report 'Consideration of changes to the City Centre Traffic regulation order', namely:
    - CYC should explicitly acknowledge the free labour Disabled People's Organisations (DPOs) have invested in gathering rich data around this topic, completing the relevant surveys, and attending multiple hours of consultation zoom meetings where

they have already shared their data and recommendations.

- CYC should set up a working group, including DPOs as equal partners, to collectively assess the Footstreet Scheme and consider how to balance the rights of York's disabled citizens with other considerations. YHRCN extends an offer to facilitate this working group to mitigate the tensions now surrounding this issue.
  - CYC take a human rights approach and use PANEL principles (Participation, Accountability, Non-Discrimination and Equality) to guide decision making now and in the future. This ensures that human rights are put at the centre of policy and practice.
- ii. Recommendations 2, 3 and 4 from the York Human Rights City Network Report to the Human Rights and Equalities Board on Blue Badge Concerns, namely:
- The CYC should appoint an Access Officer to advise it on access issues and ensuring inclusivity in decision-making. The Access Officer should also be a liaison person for local disabled citizens and groups. This position would be ideal for a qualified Access Auditor with lived experience of disability.
  - The CYC should consider establishing a Disability Access Forum, comprising disability organisations. Its role would be to provide strategic advice on access issues, and assess the access implications of plans for the city. Both the Access Officer and the Disability Access Forum would embed a co-production approach to accessibility for the future.
  - The failure to properly understand and analyse the data in the Equality Impact Assessments illustrates the need for training within the CYC on equalities and human rights. Training for the CYC, members of the Disability Access Forum and others could provide an opportunity to “foster good relations between persons who share a relevant protected characteristic and persons who do not share it”. The development of a new Human Rights and Equalities Impact Assessment tool within the CYC provides a good opportunity to



provide such training, and integrate analysis of equalities and human rights.

5. Regarding cycling within the Footstreets area:

- i. The Committee recommends that the word 'confirm' be replaced by 'note' in the first recommendation under 'Cycling, e-scooters and e-bikes' of the Strategic Reviews of City centre Access and Council Car Parking, such that it reads 'Note the existing position that cycling is not permitted in the Footstreets during Footstreets hours'.
- ii. The Committee welcomes the Martin Higgitt Associates Report and findings and would encourage the Executive to consider whether any of the recommendations not currently considered actionable could be taken forward in due course.

6. The Committee acknowledged that it had been difficult to carry out a proper, fully informed pre-decision scrutiny on what amounted to over 1,000 pages of information published on Friday evening, prior to the scrutiny meeting on the following Monday evening.

Reason: To ensure that the Executive take into account the findings of the Customer and Corporate Services Scrutiny Committee that followed public and stakeholder engagement.

Councillor J Crawshaw, Chair

[The meeting started at 5.30 pm and finished at 10.07 pm].