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MEETING	EXECUTIVE MEMBERS FOR CITY STRATEGY AND ADVISORY PANEL
DATE	26 MARCH 2007
PRESENT	COUNCILLORS STEVE GALLOWAY (EXECUTIVE MEMBER), REID (EXECUTIVE MEMBER), VASSIE (CHAIR), D'AGORNE, HOLVEY, HYMAN AND MERRETT
APOLOGIES	COUNCILLOR SIMPSON-LAING

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## 92. Declarations of Interest

The Chair invited Members to declare at this point in the meeting any personal or prejudicial interests they may have in the business on this agenda.

Cllr Merrett declared a personal non-prejudicial interest if any issues were raised regarding cycling, as an honorary member of the Cyclist Touring Club (CTC), and as a Member of Cycling England.

Cllr D'Agorne raised a personal non-prejudicial interest for the above reason as a member of the CTC.

## 93. Minutes

RESOLVED : That the minutes of the meeting of 15 January 2007 be approved and signed by the Chair and Executive Members as a correct record.

## 94. Public Participation

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

Peter Black registered to speak regarding Agenda Item 12, Pavement Café Licences, as the owner of the Blue Fly Café. He referred to his letter of 23 March which had been distributed to Members for information. He raised issues as to why he felt that the reasons put forward for the revised policy were flawed, that independent businesses should be supported and that businesses should be consulted on the proposals.

Andrew Knight, the owner of Dusk, registered to speak on the same agenda item. He stated that there were no health & safety issues regarding the request, that planning permission had been given and that there were no objections from Environmental Health. He stated that it would be unfair to revoke existing licences when all the conditions of the licence had been met.

David Nunns from the Ramblers Association spoke regarding Agenda Item 13, PROW – Review of Alleygating Policy, Procedure and Practice

Document, amended to incorporate new legislation. He commented on gating order legislation, and commented on the reduction in crime detailed in the report and stated that this was also due to police input, and increased police presence and advice given to residents.

Andy Bucklee, a resident of Westwood Terrace, Southbank, spoke regarding the same agenda item. He stated that he was objecting to the proposals as he felt that it was not the way forward. He stated that the concept of alleygating would not reduce crime, that the policy does nothing to address causes of crime, and that alleygating will only displace crime to different areas.

David Nunns from the Ramblers Association spoke regarding Agenda Item 14, PROW – Proposal to restrict public pedestrian rights along Wrays Avenue Huntington Road. He stated that the order should be changed with regard to the gate at the end of Unit 4, and that he would have no objections to the revised wording of the policy.

Robert Collinson, a resident of Wrays Avenue, spoke on the same agenda item. He distributed photographs to the meeting highlighting the problems in the area. He stated that residents were in fear of reporting crime in the area. He also stated that the views of Mr Nunns were his personal views and not those of the Ramblers Association.

## **95. Chief Executive's 2007/08 Service Plans**

Members considered a report which presented the 2007/08 Service Plans for the Chief Executives directorate. The Service Plans covered Policy & Improvement, Human Resources, Marketing & Communications and Civic, Democratic and Legal Services.

Members were briefed that one of the most significant “drivers” for the directorate and the authority as a whole is to respond to the successful delivery of the corporate strategy, in particular to support the delivery of the Organisational Effectiveness Programme.

Members discussed the HR initiatives in relation to sickness absence and were briefed that HR initiatives were being further developed to address issues in this area.

### Advice of the Advisory Panel

That the Executive Leader be advised to approve the 2007/08 service plans for the Chief Executives directorate as detailed in annexes 1-4 attached to the report.

### Decision of the Executive Leader

RESOLVED: That the advice of the Advisory Panel be accepted and endorsed.

REASON: To support the directorates service improvement and performance management arrangements.

## **96. Directorate of City Strategy Service Plans 2007/08 Stage 2**

Members considered a report which sought approval for 2007/08 Service Plans Stage 2 for Economic Development (Annex 1) and Strategic Partnership Team (Annex 1) that fall within the Leaders portfolio. The report detailed the City Strategy Service Plan Structure for 2007/08.

### Advice of the Advisory Panel

That the Executive Leader be advised to approve the 2007/08 Stage 2 Service Plans for Economic Development and Strategic Partnership Team.

### Decision of the Executive Leader

RESOLVED: That the advice of the Advisory Panel be accepted and endorsed.

REASON: To monitor and review service planning issues and challenges facing City Strategy in the near future.

## **97. Target Hardening Budget Allocation**

Members considered a report which set out a recommended framework for the prioritisation and allocation of the Target Hardening budget. Members were asked to approve this framework as the delivery mechanism.

### Advice of the Advisory Panel

That the Executive Leader be advised to approve:

- (i) the proposed framework for prioritisation and allocation of funding as detailed in paragraphs 9 to 12 of the report, as detailed below:

The Target Hardening budget will be accessed by ward committees which require assistance in developing and implementing target hardening initiatives in their area. Responsibility for managing the budget would remain with the Neighbourhood Pride Unit administered by the Head of Neighbourhood Pride and / or Assistant Director (Neighbourhood & Community Safety).

In principle, the Target Hardening budget will be used to support physical improvements to reduce crime therefore this will not be used to support revenue based activities. Schemes that attract revenue funding will stand an improved chance of being successful.

If the task groups wish for funding for a particular project that is local or ward based, then that should first be discussed at the ward committee meeting or joint action group. A funding application should then be submitted to the Head of Neighbourhood Pride Unit/Assistant Director (Neighbourhood & Community Safety). A funding application template is enclosed at Annex 1.

The authorisation of the allocation of funds will then be determined after consultation with the Leader of the Council (who has portfolio responsibility for Safer York activities), or in his absence, the Executive Member for Neighbourhood Services. The Neighbourhood Services Finance Manager will provide quarterly updates on expenditure and project delivery to the SYP Executive and the CYC in the quarterly and annual revenue monitoring reports.

- (ii) That the Director of Neighbourhood Services would exercise his delegated authority to commit expenditure following consultation with the leader of the Council or Executive Member for Neighbourhood Services and monitoring of the budget will continue to be reported by the Neighbourhood Pride Unit to the City Strategy EMAP as part of quarterly and annual revenue budget monitoring.
- (iii) That the Opposition Spokesperson be consulted on proposals at the same time as the relevant Ward Committee(s).

Decision of the Executive Leader

RESOLVED: That the advice of the Advisory Panel be accepted and endorsed.

REASON: To ensure that the budget is effectively utilised to fund community safety projects in the wards, with a view to reducing or minimising the risk of crime or tackling the fear of crime.

**98. Woodsmill Quay Petition**

Members considered a report which advised them of the receipt of a petition that requested the inclusion of Woodsmill Quay, off Skeldergate, in a residents parking scheme.

Officers updated that the Lead Petitioner had requested that this item be deferred, as he was unable to attend the meeting, and he wished to address Members under the Public Participation Scheme on this issue.

Advice of the Advisory Panel

That the Executive Member for City Strategy be advised to defer consideration of this item.

Decision of the Executive Member for City Strategy

RESOLVED: That the advice of the Advisory Panel be accepted and endorsed.

REASON: To respond to the request of the Lead Petitioner to defer the item to enable him to attend the meeting and address the meeting under the Council's Public Participation Scheme.

**99. Second Petition from Residents of Heslington, Badger Hill and Fulford on Studentification**

Members considered a report which informed them of a second petition submitted to the council regarding the concern of residents to the conversion of domestic dwellings to student accommodation. The petition was attached as Appendix 1 to the report. The petition stated : "We, the undersigned call upon City of York Council to include a study of the impact

of student housing on communities as part of the Local Development Framework process. This study should examine areas with high levels of student housing and explore opportunities to ensure that communities do not become unbalanced as a result.”

Members discussed the issues surrounding studentification and the limitations with regard to the definition of Houses of Multiple Occupation.

Advice of the Advisory Panel

That the Executive Member for City Strategy be advised to request that the issues of student accommodation be addressed at a Local Development Framework (LDF) Working Group meeting at a convenient date after 26 March 2007.

Decision of the Executive Member for City Strategy

RESOLVED: That the advice of the Advisory Panel be accepted and endorsed.

REASON: To ensure that the issues raised by this petition and the one reported to the Executive Member for City Strategy on 15 January 2007 be considered through the LDF Working Group.

**100. Petition From Parents, Governors and Staff at Tang Hall Primary School Requesting the Resurfacing of the Pavement Outside the School on Sixth Avenue**

Members considered a report which advised them of a petition presented by Councillor Potter at Full Council on 25 January 2007. Councillor Potter presented this petition on behalf of the parents, governors and staff at Tang Hall Primary School, requesting the resurfacing of the pavement outside the school on Sixth Avenue.

The report presented two options:

Option 1 : Note and agree with officers recommendations to include a scheme in the 2007/2008 Resurfacing & Reconstruction programme;

Option 2 : That limited basic maintenance works only are carried out to make the footway safe.

Advice of the Advisory Panel

That the Executive Member for City Strategy be advised to:

- (i) Note the receipt of the petition;
- (ii) Approve Option 1 as detailed in paragraph 13 of the report:
  - Note and agree with officers recommendation to include a scheme in the 2007/08 Resurfacing and Reconstruction Programme;
- (iii) Advise the Lead Petitioner of the decision taken;

Decision of the Executive Member for City Strategy

RESOLVED: That the advice of the Advisory Panel be accepted and endorsed.

REASON: To comply with the current council policy and ensure that the highway maintenance budgets are expended in the most cost effective way based on the council's assessed priorities.

**101. Leaflet Petition From Residents Who Live in the Plantation Drive Area and Use the Shops and Post Box in the Area of the Shops in Plantation Drive/Boroughbridge Road**

Members considered a report which advised them of the receipt of a leaflet petition presented by Councillor Simpson-Laing at Full Council on 25 January 2007. The petition was presented on behalf of 36 residents that use the shops and post box adjacent to the shops in the Plantation Drive/Boroughbridge Road area. The residents requested that the area be tidied up including repairs to the footway surfaces and the issues relating to litter.

Advice of the Advisory Panel

That the Executive Member for City Strategy be advised to:

- (i) Note the receipt of the leaflet petition;
- (ii) Approve the proposals outlined in paragraphs 13, 14, 15 and 16 of the report:
  - To write to all the owners of the private forecourts requesting that they carry out any necessary repairs to their areas in the interests of the safety of the general public within a definite timescale.
  - Should works not be completed by the due date to serve formal notice on the property owners under Section 230 (1) of The Highways Act 1980 listing what works are necessary to maintain this area in a safe condition and defining a timescale in which these works should be completed. Powers are also available under Section 230 (4) for the highway authority to execute these works by default and recover all reasonable costs incurred.
  - Streetscene will continue to attend to the sweeping and litter picking of these areas under the new pilot zone and will attend with the mobile crews as and when requested.
  - The adopted areas will continue to be monitored and repairs will be actioned as and when required;
- (iii) That Officers work with the Street Environment Officers to address the issues in the area.

Decision of the Executive Member for City Strategy

RESOLVED: That the advice of the Advisory Panel be accepted and endorsed.

REASON: To ensure the area is maintained in a satisfactory condition for all users of the private forecourted areas.

## **102. Policy for Dealing with Access and Parking Issues in Narrow Streets**

Members considered a report which followed on from a report previously considered by Members at the meeting of 15 January 2007, where residents from Langholme Drive, Acomb were calling for highway improvement works in the street to make access and egress of the street easier for vehicular traffic. At this meeting, Members resolved to review access and parking issues in narrow streets across the city and formulate a coherent policy to deal with them.

The report presented four options:

Option 1: Seek residents support to park in a more resident friendly, controlled manner to improve access and egress and reduce damage to grass verges and footways;

Option 2: Introduce a traffic regulation order to limit waiting to sections or the whole of the street and thereby improve access and egress for all;

Option 3: Where there is a grass verge convert it to a hard landscaped area using block paving, eco-blocks, bituminous macadam or similar, to widen the street to at least 5.5 m;

Option 4: Widen the road, on one or both sides depending on the severity and nature of the problem to 5.5 m in residential areas and 7.2 m where there is regular use by HGV's or buses.

Members discussed the importance of consulting with local residents on any proposals.

### Advice of the Advisory Panel

That the Executive Member for City Strategy be advised to:

- (i) Note the content of the report;
- (ii) Approve the decision making process as outlined in Annex 3 of the report.

### Decision of the Executive Member for City Strategy

**RESOLVED:** That the advice of the Advisory Panel be accepted and endorsed.

**REASON:** To comply with current Council policy and ensure that the Highway Maintenance Budgets are expended in the most cost effective way whilst at the same time freeing access for vehicular traffic to the road network where streets are equal to or less than 5 metres wide.

## **103. Pavement Cafe Licences**

Members considered a report which advised them of permissions which were being sought by two organisations to operate pavement cafés for extended periods of time and proposed in response a revised policy against which these and all future applications for licences should be judged.

The report presented two options:

Option A : Allow the current practise to carry on as it does now with an automatic Highway licence being granted following the grant of Planning consent;

Option B : Adopt a standard set of conditions which would redress the balance between the legitimate operation of a facility for the public to enjoy taking refreshments in the open air and the right of the public to use the public highway occupied by any facility. Applications for licences which would operate within these conditions could be delegated to Officers to determine. Those which did not would be referred to Members for determination.

Cllr Merrett proposed a motion to defer the item to enable further consultation to take place and to carry out a review in line with Licensing Policies. This was seconded by Cllr D'Agorne. This motion was voted upon and was lost.

Members discussed the issues surrounding the granting of licences and the issues for businesses who had already been granted a licence and were fulfilling the conditions of that licence.

#### Advice of the Advisory Panel

That the Executive Member for City Strategy be advised to:

- (i) Adopt Option B in paragraph 9 of the report :
  - Adopt a standard set of conditions which would redress the balance between the legitimate operation of a facility for the public to enjoy taking refreshments in the open air and the right of the public to use the public highway occupied by any facility. Applications for licences which would operate within these conditions could be delegated to Officers to determine. Those which did not would be referred to Members for determination.
  - This arrangement would allow the Highway Authority to make an assessment of a proposal on purely traffic management grounds and keep a distinction between the need to gain Planning consent and the need to obtain a licence;
- (ii) Adopt the Standard Conditions described in Annex A of the report and delegate to Officers the granting of a pavement licence that complies with these conditions;
- (iii) Approve that decisions on applications for pavement café licences that do not meet these conditions be referred to this committee for a decision;
- (iv) Approve that current licences can be renewed for one further year from their renewal date under their existing terms;
- (v) Approve that a review of the policy be carried out after it has been in operation for six months.

#### Decision of the Executive Member for City Strategy

RESOLVED: That the advice of the Advisory Panel be accepted and endorsed.

REASON: So as to protect the Highways Authorities position in relation to the discharge of its Statutory Duties.



**104. Public Rights of Way - Review of Alleygating Policy, Procedure and Practice Document, Amended to Incorporate New Legislation**

Members considered a report which informed them of the need to review the content of the existing Alleygating Policy, Procedure and Practice document, which was last revised in March 2004.

Section 2 of the Clean Neighbourhoods and Environment Act 2005 (CNE) became operative on 1 April 2006, by inserting a new Section 129 into the Highways Act 1980 and introducing 'Gating Orders'. This brings in new Alleygating powers for local authorities to use, as an alternative to legislation presently employed under the Countryside and Rights of Way Act 2000 (CROW), but has very similar criteria.

The report presented two options:

Option A - Endorse the new policy document covering all alley restrictions, using one piece of legislation.

Option B - Retain the present policy for use with alley closures using the CROW Act and create a separate policy document to cover alley restrictions using the Clean Neighbourhoods and Environment Act 2005.

Officers distributed to Members at the meeting an e-mail from a resident of Westwood Terrace stating his opposition to alleygating in his area.

Members discussed the issues relating to the need for a policy, funding issues, the importance of consulting with residents, and the problems relating to closure at only certain times, e.g. at night.

Advice of the Advisory Panel

That the Executive Member for City Strategy be advised to:

- (i) Endorse a single policy known as the 'Gating Order Policy, Procedure and Practice Document' covering all aspects of alley closure, using the Clean Neighbourhoods and Environment Act 2005;
- (ii) Allow costs for maintenance and repairs to the alleys, to remain within the highway maintenance budgets, as highway rights would still exist.

Decision of the Executive Member for City Strategy

RESOLVED: That the advice of the Advisory Panel be accepted and endorsed.

REASON: To reflect new legislation.

**105. Public Rights of Way - Proposal to Restrict Public Pedestrian Rights Along Wray's Avenue, Huntington Road**

Members considered a report which presented a proposal to restrict public pedestrian rights along Wray's Avenue, Huntington Road, using new legislation under Section 129A of the Highways Act 1980, as amended by the Clean Neighbourhoods and Environment Act 2005.

The report presented two options:

Option A : Restrict public pedestrian rights along the route between Huntington Road and Birch Park Industrial Estate;  
Option B : Leave the route open to public use.

Members supported Option A to address the issues in the area.

Advice of the Advisory Panel

That the Executive Member for City Strategy be advised to:

- (i) Approve Option A, and restrict public pedestrian rights along the route between Huntington Road and Birch Park Industrial Estate;
- (ii) Note the outstanding objections from the local Ramblers and Unit 4;
- (iii) Authorise the Director of City Strategy to instruct the Head of Civic, Democratic and Legal Services to make a Gating Order in accordance with S129A of the Highways Act 1980, as amended and approve the installation of a section of fencing to restrict access along the route in question.

Decision of the Executive Member for City Strategy

RESOLVED: That the advice of the Advisory Panel be accepted and endorsed.

REASON: To meet the criteria of the legislation, where restriction of public rights over the route would be to the benefit of the local community and that there is a reasonably convenient alternative route available.

**106. Public Right of Way - Proposed Diversion of Public Footpath, Haxby No.3 (pt)**

Members considered a report which sought authorisation to make an order to divert a section of Public Footpath, Haxby No.3 as shown on Plan 1 which was attached to this report. Option 2 was recommended to use Section 119 of the Highways Act 1980 to divert the footpath onto the alignment as shown on Plan 1.

Advice of the Advisory Panel

That the Executive Member for City Strategy be advised to approve Option 2, and:

- (i) Authorise the Director of City Strategy to instruct the Head of Civic, Democratic and Legal Services to make the necessary Public Path Order to implement Option 2 and divert Public Footpath, Haxby No.3;
- (ii) Approve that if no objections are received to the making of the Order, or that if any objections that are received are subsequently withdrawn, the Head of Civic Democratic and Legal Services be authorised to confirm the Order recommended in (i) above;

- (iii) If objections are received to the Order and are not withdrawn, a further report be placed before the Executive Member's Advisory Panel, to enable the Executive Member to consider whether or not pass the Order to the Secretary of State for determination.

Decision of the Executive Member for City Strategy

RESOLVED: That the advice of the Advisory Panel be accepted and endorsed.

REASON: The decision meets the criteria of the legislation.

**107. Proposed 2007/08 City Strategy Capital Programme**

Members considered a report which set out the details of the proposed City Strategy Capital Programme for 2007/08, and requested approval for this proposed programme.

The report detailed the schemes within the Local Transport Plan.

Members discussed the Fulford Road Multi-Modal scheme, Park & Ride City Centre Bus Stop upgrades, BLISS (Bus Location and Information Sub-System), and the provision of bus timetables.

Advice of the Advisory Panel

That the Executive Member for City Strategy be advised to:

- (iv) Accept the increased cost of the Moor Lane roundabout scheme identified in paragraph 12 of the report : a total scheme cost of £3.5 m;
- (v) Approve the proposed 2007/08 City Strategy Capital Programme as set out in the report;
- (vi) That a report be brought to Members at the June meeting of this committee on BLISS.

Decision of the Executive Member for City Strategy

RESOLVED: That the advice of the Advisory Panel be accepted and endorsed.

REASON: (i) To enable the delivery of the scheme and achieve the benefits to road safety and accessibility in the area;

(ii) To implement the council's transport strategy as set out in York's second Local Transport Plan.

## **108. Road Safety Grant Delivery 2007/08**

Members considered a report which updated them that from 2007/08 national safety camera funding had been integrated into the Second Local Transport Plan (LTP2) funding system. The report set out a proposal for spending the additional road safety funding in the 2007/08 financial year.

Members gave their support for education for young drivers, and the importance of finding ways of targeting and continuing to work with young drivers.

### Advice of the Advisory Panel

That the Executive Member for City Strategy be advised to approve the proposal for spending the road safety grant as outlined in Annex A of the report.

### Decision of the Executive Member for City Strategy

**RESOLVED:** That the advice of the Advisory Panel be accepted and endorsed.

**REASON:** The council has a target to achieve a 45% reduction in killed and serious injury casualties by 2010. The proposal should contribute towards this casualty reduction target and will help to ensure that the council is successful in securing the road safety grant funding source until 2010/11. The proposal ensures that the grant allocation is spent on road safety behaviour change projects linked to the evidence base.

## **109. Annual Highway Maintenance Report**

Members considered a report which provided a brief review of the service performance in highway maintenance over the last year. It examined issues arising and proposed programmes of work to be undertaken in the financial year 2007/08.

The review was split into two areas : 'Performance and Successes' and 'Issues Arising'.

Members discussed street lighting, winter maintenance, and the capital programme for Manor School.

### Advice of the Advisory Panel

That the Executive Member for City Strategy be advised to :

- (i) Note the performance and success in 2006/07 as shown in paragraphs 3 to 35;
- (ii) Note the issues arising in 2006/07 as shown in paragraphs 36 to 54;
- (iii) Approve the extension of existing arrangements with Neighbourhood Services for the delivery of routine and cyclic highway maintenance and the construction of small footway

- resurfacing schemes as shown in paragraph 39;
- (iv) Approve the proposals for staff related savings in 2007/08 as set out in paragraph 59;
  - (v) Approve the allocation of budgets as shown in Annex's A and B for 2007/08;
  - (vi) Approve the implementation of the proposed programme as described in Annex's C to E

Decision of the Executive Member for City Strategy

RESOLVED: That the advice of the Advisory Panel be accepted and endorsed.

REASON: To enable highway maintenance services to be delivered in accordance with Member approval.

**110. Directorate of City Strategy Service Plans 2007/08 Stage 2**

Members considered a report which sought approval for 2007/08 Service Plans Stage 2 for City Development and Transport , attached as Annex 1 to the report, Planning and Sustainability, attached as Annex 2 to the report, and Resource and Business Management, attached as Annex 3 to the report, that fall within the city Strategy portfolio.

Officers distributed a revised page 363 of the agenda as the following text had been omitted:

"There has been a 1% decrease in our gross budget since last year. This is due to £-90k savings offset by £42k pay and prices".

Advice of the Advisory Panel

That the Executive Member for City Strategy be advised to approve the 2007/08 Stage 2 Service Plans for City Development and Transport, Planning and Sustainability and Resource and Business Management.

Decision of the Executive Member for City Strategy

RESOLVED: That the advice of the Advisory Panel be accepted and endorsed.

REASON: To monitor and review service planning issues and challenges facing City Strategy in the near future.

Cllr SF Galloway  
Executive Leader

Cllr Reid  
Executive Member for City Strategy

Chair of Advisory Panel  
The meeting started at 6.00 pm and finished at 8.35 pm.