



**Notice of a public meeting of
Decision Session - Executive Member for Transport**

To: Councillors Ravilious
Date: Friday, 19 July 2024
Time: 10.00 am
Venue: West Offices - Station Rise, York YO1 6GA

AGENDA

Notice to Members – Post Decision Calling In:

Members are reminded that, should they wish to call in any item* on this agenda, notice must be given to Democratic Services by **4:00 pm on Friday 26 July 2024.**

*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent, which are not subject to the call-in provisions. Any called in items will be considered by the Corporate Services, Climate Change and Scrutiny Management Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by **5.00 pm on Wednesday 17 July.**

- 1. Declarations of Interest** (Pages 1 - 2)
At this point in the meeting, the Executive Member is asked to declare any disclosable pecuniary interest, or other registerable

interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

[Please see attached sheet for further guidance for Members].

- 2. Minutes** (Pages 3 - 16)
To approve and sign the minutes of the Decision Session held on **Tuesday 28 May 2024.**

- 3. Public Participation**
At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines have changed to 2 working days before the meeting. The deadline for registering at this meeting is at **5.00pm on Wednesday 17 July 2024.**

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill out an online registration form. If you have any questions about the registration form or the meeting please contact the Democracy Officer for the meeting whose details can be found at the foot of the agenda.

Webcasting of Public Meetings

Please note that, subject to available resources, this public meeting will be webcast including any registered public speakers who have given their permission. The public meeting can be viewed on demand at www.york.gov.uk/webcasts.

- 4. Tranby Avenue Parking Problems** (Pages 17 - 28)
This report responds to a petition received via the Ward Councillor on behalf of the residents of Osbaldwick. The petition requested that the Council deal with the dangerous and inconsiderate University related parking issues that are occurring

on Tranby Avenue and Cavendish Grove in Osbaldwick, it also states that the current level of parking is compromising highway safety and residential amenity in the area.

The report reviews the residents request for an amendment to the Traffic Regulation Order to introduce 'No Waiting Monday to Friday 10am to 3pm' parking restrictions on Tranby Avenue.

5. Tadcaster Road Parking Bays (Pages 29 - 42)

This report reviews the initial consultation responses received from the residents/businesses on the potential changes to parking bays on Tadcaster Road between its junctions Royal Chase and Slingsby Grove.

6. Response to the Petitions to Resurface Foxwood Lane and Corlett Court (Pages 43 - 50)

This report considers two petitions entitled – 'Resurface Foxwood Lane' and 'Resurface Corlett Court', the petitions were both presented by Cllr Waller at Full Council on the 21 March 2024 and were signed by 267 and 34 residents respectively.

7. Review of CYC Pavement café licensing process and guidance (Pages 51 - 96)

This report presents options to review the Council's pavement café licensing process and guidance following the commencement of the pavement licensing provisions laid out in the Levelling Up and Regeneration Act 2023.

8. Response to the Petition entitled "Reopen The Groves Roads" (Pages 97 - 106)

This report acknowledges and responds to an e-petition entitled "Reopen The Groves Roads", which was presented to the Council in April 2024.

9. Consideration of results received from the consultation to extend R23 Residents Parking Zone to include Government House Road and a decision to be made on implementing restrictions on Water End slip road. (Pages 107 - 122)

This report covers the results of the informal consultation feedback received from residents in response to a proposal to

extend Resident Parking (ResPark) zone R23 (Westminster Road) to include properties on Government House Road, and determine what action is appropriate following the results.

10. To acknowledge receipt of a petition to review road safety around Fishergate Primary School (Pages 123 - 134)

This report considers an e-petition titled “Fishergate Primary School Road Safety” which was open to signatures in December 2023 and January 2024. The petition received 184 signatures.

11. Petition Improving Cycling Facilities on Wentworth Road (Pages 135 - 146)

This report acknowledges receipt of a petition titled “Improving Cycling facilities on Wentworth Road”, submitted to City of York Council on 11 March 2024 and puts forward potential options to address the issue.

12. Urgent Business

Any other business which the Executive Member considers urgent under the Local Government Act 1972.

Democracy Officer: Ben Jewitt
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For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

Alternative formats

If you require this document in an alternative language or format (e.g. large print, braille, Audio, BSL or Easy Read) you can:



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我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی میا کی جا سکتی ہیں۔ (Urdu)

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Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) OR Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) OR Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

City of York Council

Committee Minutes

Meeting	Decision Session - Executive Member for Transport
Date	28 May 2024
Present	Councillor Ravilious (Executive Member)
Officers in Attendance	James Gilchrist – Director of Environment, Transport and Planning Helene Vergereau – Head of Highway Access and Development

52. Declarations of Interest (11:05am)

The Executive Member was asked 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 might have in respect of the business on the agenda. None were declared.

53. Minutes (11:05am)

Resolved: That the minutes of the Decision Session held on 16 April 2024 be approved and signed by the Executive Member as a correct record.

54. Public Participation (11:06am)

It was reported that there had been 9 registrations to speak at the session and 3 written representations under the Council's Public Participation Scheme.

Cllr Waller spoke regarding Item 4, Annex Q. He welcomed the officer recommendations for Annexes Q1 and Q2. Regarding Q3 residents had requested he make representation that the initial issue had now been resolved. He also requested a review of the TRO process to ensure swifter resolution going forwards.

Cllr Nelson spoke regarding Item 4, Annex Q3. She stated that ward councillors had worked with residents to resolve the initial signage issue and that the outstanding issue concerned one particular resident's pavement parking, which had also been dealt with informally by residents,

therefore a TRO was not necessary here. She suggested that small issues could be resolved by working with people not using the council's resources.

Christopher Tregellis spoke regarding Item 4, Annex C3. He advised that the officer recommendation was universally supported among residents. He suggested residents may be minded to ask for further review but conceded that the TRO application had already taken a long time.

Susan Ayres spoke regarding Item 4, Annex J2. She provided the Executive Member and officers with photographs to illustrate her point that there were not two road spaces outside each house in the area being considered. She advised that both she and her husband were in their 60s and relied on their daughter for support. She asked the member to reconsider this proposal.

Judith Pinder spoke regarding Item 4, Annex K4. She asserted that the proposed double yellow lines would have a detrimental effect on her as a cancer patient with mobility issues. She explained that she required her support team to be able to park outside her house, and noted that the TRO had been instigated by one prior resident who felt inconvenienced, and this person had since passed away.

Wayne Glaister spoke regarding Item 4, Annex J3. He expressed concern that further enforcement action would mean residents and their relatives would be unable to park outside their own houses.

Christina Chelin spoke regarding Item 4, Annex M2. She expressed frustration that her past complaint and petition had not been actioned due to a conflict with the council's blue badge policy, but she felt this proposal addressed her earlier concerns and supported the recommendation. She encouraged the member and officers to consider further review of this TRO in the future.

Rachel Gilbert-Cornish spoke regarding Item 5, in support of Option 2. She represented a group of residents who opposed the R23 zone on Govt House Road/Water End slipway. She said that council parking spaces on Government House Road had not been determined and that this nullified the point of the report. She felt that the recommended option sought to revert the cul de sac into a private road which seemed wrong to her. She also pointed out concerns over parking on the slip road and dangers to pedestrians and cyclists.

Andrew Beattie spoke regarding Item 5, in support of Option 1. He stated that the vast majority of residents of Government House Road were in favour of the report's recommendations and felt the council's analysis of the

problem was very sensible. He cited further examples of access issues on the road which would be mitigated by approving the recommended option.

The Executive Member read the following written representation from Cllr Stephen Fenton on Item 4, Annex E;

I'm not able to attend the Transport Executive Member Decision Session on 28th May, but would like to put in writing my support for the officer recommendations in relation to the proposals relating to Dringhouses & Woodthorpe ward.

The Executive Member read the following written representation from Cllr Mark Warters on Item 4, Annex N1;

I wish to submit under public participation the following to be read out by the chair and included in the papers for the meeting on the 28th May;

The officer proposals to introduce double yellow line parking restrictions as detailed are a direct response to parking problems expressly created by previous failures of Highway Development Control to listen to local representations and apply common sense when commenting on recent planning applications in the area.

This failure to listen and apply common sense will, if these restrictions are passed simply be repeated again resulting in a parking problem created by the activities of one business being moved further along Murton Way to the detriment of residents and just moving the unnecessary road hazard further along for motorists to contend with.

Highways officers have been offered a solution to all the parking issues in the immediate area which was double yellow line parking restrictions on Outgang Lane and Urban Clearway restrictions extended both ways on Murton Way and along Osbaldwick Link Rd.

Restrictions that would deal with the problems CYC Highways and Planning have created in the area, which had the support of residents living on Murton Way and could be carried out in a more aesthetically appropriate manner.

So why have Highways Officers pressed ahead with their proposals and ignored local representations?

I can only conclude, coupled with the complete absence in this agenda of any 'fast tracked' proposals to deal with the other CYC

created parking fiasco on Tranby Avenue that CYC are working with the aim of creating as much parking chaos as possible in Osbaldwick and Murton in furtherance of the imposition of revenue raising Respark schemes.

I would of course be pleased to be proved wrong if the Executive Member was to instruct Highways Officers to pursue the local solution to the issues in N1.

The Executive Member read the following written representation from Cllr Lucy Steels-Walshaw on Item 4, Annex K1;

I would like to raise the following objections to the proposed TRO on Brunel Court on Holgate on behalf of residents who live in the proposed area.

The residents are aware that the person who originally raised the concerns has now moved from the area and residents believe that the full proposal as advertised was probably not as they originally requested.

There are 4 residents who have raised objections, and these are the 4 residents out of 5 who would be directly impacted by the proposed changes. Residents have cited reasons for the TRO not to go ahead including restricting their ability to have guests visit, deliveries being unable to attend the address, tradespeople not being able to attend in order to carry out maintenance and probably mainly their objection is that there have not been any previous issues with parking in the small cul-de-sac that they are aware of.

The residents have advised that if there has ever been any discussion about parking disagreements which have been extremely rare, then this has been amicably sorted out amongst residents and indeed if there were any new issues to arise, I would work with the community of this street to resolve this at a local level.

I have discussed the lesser restriction as shown in the documents that are recommended and supported by some of the residents, but the question still remains whether these are necessary for a street of residents none of whom supported the initial application and have previously not reported any issues.

55. Consideration of representations received for Annual Review of Traffic Regulation Order Requests (11:37am)

Officers introduced the item, explaining that the Traffic Regulation Orders (TROs) detailed in the agenda have now been advertised and it was the Executive Member's responsibility to consider each one, including officer recommendations and public representations, before making a decision on each proposal. Her decisions were as follows:

Annex A1 – Princess Drive:

Resolved: To implement as advertised.

Reason: The restrictions will provide clear sight lines for pedestrians and particularly children who may use the tactile crossing to access the children's play area. Properties affected by these restrictions have private off-street parking amenity for one vehicle. Loading or unloading deliveries and collecting passengers is permitted from double yellow lines and access to Applefields school would not be restricted as long as drivers have a blue badge.

Annex B1 – Acaster Lane:

Resolved: To implement as advertised.

Reason: The proposed restrictions will reduce but not remove parking amenity on Acaster Lane. This prioritises bus travel and pedestrian/cyclist safety with provision for further review after implementation.

Annex C1 – Cromer Street, Lady Road, Wilberforce Avenue and Surtees Street:

Resolved: To implement as advertised.

Reason: Vehicles parking very close to the junctions lead to drivers being unable to see vehicles proceeding along Cromer Street or access Surtees Street. The proposed restrictions will provide increased sightlines when exiting the junctions. They will also provide better access to Surtees Street. The dropping off and collecting of passengers is also permitted from double yellow lines. Blue badge holders can still park, and there is a need to prioritise refuse lorries and cyclists.

Annex C2 – Little Avenue:

Resolved: To implement as advertised.

Reason: This will provide full access to residents off-street parking and use of the turning head. Parked vehicles in this location prevent access to residents off-street parking and cause vehicles to have to reverse the 55m back to Sutton Way if they are unable to use the turning head.

Annex C3 – Rawcliffe Lane:

Resolved: To implement as advertised.

Reason: The proposed restrictions would contribute to free flow of traffic through the junction, vehicles being able to approach the junction in their lane and less queuing further along Rawcliffe Lane when approaching the junction.

Annex D1- Horseman Lane:

Resolved: To take no further action; to be reviewed when further development is considered and tactile crossing is introduced.

Reason: This TRO was initially proposed by the Parish Council, who have since reconsidered their request. The proposed restrictions to the junction would help to protect the crossing points when they are installed, although there is currently no date for these works to begin.

Annex E1 – Gower Road:

Resolved: To implement as advertised.

Reason: Vehicles parking close to the junction leads to vehicles having to approach the junction in the centre of the carriageway.

Annex E2 – Highmoor Road/ Highmoor Close:

Resolved: To implement a lesser restriction than advertised;

Reason: To continue with junction protection on the junction of Highmoor Road and Highmoor Close but not to implement double yellow lines on the opposing roadside. To monitor area and consider

review at a later date. Vehicles parking close to the junction of Highmoor Close are leading to restricted visibility and manoeuvrability when entering or exiting the junction. Removing the proposed restriction on the north side of Highmoor Road will provide parking amenity for residents.

Annex E3 – Chalfonts:

Resolved: To implement a lesser restriction than advertised.

Reason: Shortening the proposed double yellow lines to leave approximately six metres near the garages will allow residents to park in front of their own garage. Reducing the restrictions on the south side by 6m will provide space for the garage owner to park their vehicle in front of their garage when required and would still provide enough space for the refuse wagon to manoeuvre and reverse into the cul-de-sac end of Chalfonts.

Annex F1 – Farndale Street:

Resolved: To implement a lesser restriction than advertised.

Reason: To not impose double yellow lines but to continue with the other restrictions. This allows for waste vehicle and emergency vehicle access. The extension of the no waiting 8am to 4pm on the south side will provide the required carriageway clearance for the refuse truck to safely enter and exit the street.

Annex G1 – Connaught Square:

Resolved: To implement a lesser restriction than advertised;

Reason: To retain double yellow lines from original plan, but allow one side of Connaught Court for parking and leave some space on Connaught Gardens. This avoids danger to persons or other traffic using the road or any road and prevent the likelihood of any such danger arising, it also improves visibility for pedestrians using the pedestrian tactile crossing point and vehicles proceeding in opposite directions when travelling through the bends of the carriageway and deters footpath parking.

Annex H1 – Marygate:

Resolved: To implement as advertised.

Reason: This will provide additional parking to all permit holders in the R12 zone, and the small number of Guest House permits purchased in the zone should not have any negative impact on Household Permit holders. St Mary's Car Park is also nearby as a pay and display alternative and Blue Badge owners can still park in the area.

Annex H2 – St John's Street:

Resolved: To implement as advertised.

Reason: This will reduce collisions on St John Street; parked vehicles have been leading to vehicles travelling in the centre of the carriageway and are unsighted to vehicles exiting the car park junction.

Annex I1 – Kirkcroft and Minster Close:

Resolved: To implement as advertised.

Reason: Placing restrictions in this area will also remove vehicles parking close to junctions which are currently restricting visibility for exiting drivers. These restrictions should also help facilitate bus movement through the junctions.

Annex I2 – The Village, Haxby:

Resolved: To implement a lesser restriction than advertised.

Reason: To not put double yellow lines in front of the dropped curbs/driveways but to implement other proposals; the location of the dropped kerbs will effectively provide the same restriction of parking without the need for double yellow lines in front of them.

Annex J1 – Darnbrook Walk:

Resolved: To implement as advertised; but to consider representations made regarding after school clubs, cycling access and other factors, and review at a later date if required.

Reason: These restrictions address the parking issues at school peak times. The requests to extend timed restrictions were considered and the authority will continue to monitor the situation outside of the peak hours.

Annex J2 – Stockton Lane and Seymour Grove:

Resolved: To take no further action; deferring a decision at this time, in order to reach out to the speaker who objected to this proposal.

Reason: If the resident speaking against this TRO wishes to apply for a blue badge space this will be considered by officers and a blue badge bay can be installed, which would require the proposed plan to be altered.

Annex J3 – Turner Close:

Resolved: To take no further action; parking in the area will remain as it is presently.

Reason: Two site visits after 4pm have witnessed vehicles being able to exit their driveways with vehicles parked on the single yellow line.

Annex K1 – Brunel Court:

Resolved: To take no further action; deferring a decision for review in in six months time.

Reason: Given the objections raised and proposed resolution by ward councillor without the need for restrictions.

Annex K2 – Livingstone Street:

Resolved: To implement a lesser restriction than advertised.

Reason: Reducing the proposed restriction to the southern boundary line of number 7 Livingstone Street will increase the sightlines when exiting the junction and provide more parking amenity than originally proposed.

Annex K3 – Northcote Avenue:

Resolved: To implement as advertised.

Reason: Delivery vehicles are able to park on double yellow lines in order to load and unload goods providing the activity is continuous. An objector commented that vehicles could be moved if requested but if this is not possible at the time of request it leads to vehicles having to reverse the full length of a narrow street in order to exit.

Annex K4 – Parkside Close:

Resolved: To take no further action.

Reason: The Executive Member would like to review the wider area with officers, with regard to parking and access to Acomb Primary School, rather than just focusing specifically on Parkside Close.

Annex K5 – Rosebery Street:

Resolved: To implement as advertised.

Reason: The carriageway width at the end of Rosebery Street and Carnot Street is 6m. The proposed restriction will provide space for vehicles to turn at the end of each street and prevent vehicles having to reverse the full length of the street to exit. We have contacted the resident to advise on the process of applying for a disabled parking bay

Annex L1 – Geldof Road:

Resolved: To implement as advertised.

Reason: The issue of vehicles having to round the bend in the centre of the carriageway and into the path of vehicles travelling in the opposite direction due to vehicles parking on the bend still remains. This restriction will facilitate the free flow of traffic in their lanes when rounding the bend. The resident who objected would still be able to park outside their own house (albeit for three hours) with a blue badge.

Annex M1 – Count De Burgh Terrace/ Sutherland Street:

Resolved: To implement as advertised.

Reason: Vehicles parked close to the junction are leading to vehicles being unable to access or exit the junction. Vehicles are also approaching the junction in the centre of the carriageway and unable to move when faced with a vehicle attempting to enter the junction. The proposed restrictions will provide a small space for vehicles to pull into before exiting the junction or when faced with a vehicle entering the street.

Annex M2 – Nunthorpe Road:

Resolved: Implement a lesser restriction than advertised.

Reason: A revised respark plan has been proposed; in the short term there will be a revocation of part of the bay on the northern side that will facilitate the access for refuse truck access. Officers have also requested permission to advertise a 17m extension to the 5m of bay outside 50 Nunthorpe Road, which will increase the available parking when installed.

Annex N1 – Outgang Lane/ Murton Way and Osbaldwick Link Road:

Resolved: To implement as advertised.

Reason: The alternative proposal by the Parish Council would create more negative impact on residents and business in the area, we will continue to monitor the area through the next annual review. The ward councillor's proposal was also considered unsuitable by officers as this is an industrial estate. Double yellow lines still allow residents with a blue badge to load and unload. Need to look at area as a whole, and the member confirmed that the neighbouring Tranby Avenue proposals would be coming to the next decision session.

Annex O1 – Mitchell Way:

Resolved: To implement as advertised.

Reason: The issue of the footpaths being inaccessible still remains due to footpath parking on both sides of the carriageway.

Annex O2 – Shipton Road:

Resolved: To implement as advertised.

Reason: The requested extension of the restrictions and further restrictions on the south side of the carriageway will be considered as part of the next annual review of traffic restrictions project.

Annex P1 – Ebor Way:

Resolved: To implement a lesser restriction than advertised.

Reason: To retain more parking on the street while protecting 35m from junction. Two site visits have been completed since the statutory consultation and have witnessed vehicles still parking close to the junction. It was also observed that the volume of vehicles was significantly less than had been previously.

Annex P2 – Brackenhill:

Resolved: To take no further action.

Reason: Implementing restrictions for what has been reported to be a very rare occurrence in a rural location is not supported by residents or the Parish Council. Ward councillor is also working with residents to resolve this matter without taking action.

Annex Q1 – Croftway:

Resolved: To implement as advertised.

Reason: Supported by ward councillor. The proposed restrictions are largely supported by the residents of Croftway and will restrict vehicles from parking close to the junction. Should residents agree to installing a 'Private Road' street name plate they are able to do so if the name plate is placed on the private land and is funded by the residents.

Annex Q2 – St Stephens Mews:

Resolved: To take no further action.

Reason: The action is not supported by any of the residents; all the properties that would be affected by the proposed restrictions have objected to this proposal.

Annex Q3 – Stirrup Close/Houndsway:

Resolved: To take no further action.

Reason: Ward councillors have offered to work with this case to resolve locally without implementing restrictions, so Executive Member would prefer to defer for review in six months.

Annex Q4 – St Stephen’s Road/ Thoresby Road:

Resolved: To implement a lesser restriction than advertised.

Reason: To remove the proposed restrictions in front of the flats. The proposed restrictions on the junction will provide for vehicles approaching the junction in their lane and improve visibility. Vehicles parking too close to the junction on Thoresby Road currently cause vehicles approaching the junction to proceed in the centre of the carriageway and have restricted visibility at the junction.

56. Consideration of results received from the consultation to extend R23 Residents Parking Zone to include Government House Road and a decision to be made on placing limited waiting restrictions on Water End slip road (12:21pm)

Officers introduced the item, a joint consideration of resident parking and parking on the slip road. They explained that the proposal addressed both issues together since addressing parking on just the slip road would displace parking onto Government House Road. This decision was simply whether or not to advertise these changes.

The Executive Member expressed concern regarding pavement parking on the slip road restricting access from Water Lane to the Riverside path/Orbital route, citing Google maps data and information submitted via public participation.

She stated that any parking being provided must guarantee access for pedestrians and cyclists, and expressed her desire to defer the decision in order to revisit parking/traffic on the Water Lane slip road to ensure pedestrian safety and consistency with other equivalent roads throughout the city, before bringing the item back to a future decision session to determine the residents parking issue within the full wider context.

Resolved: That this decision be deferred.

Reason: In order for the proposal to be revised and brought back to a future decision session.

Cllr K Ravilious, Chair

[The meeting started at 11.05 am and finished at 12.26 pm].



Meeting:	Executive Member for Transport
Meeting date:	11/05/2024
Report of:	Director of Environment, Transport & Planning
Portfolio of:	Cllr Ravilious Executive Member for Transport

Decision Report: Tranby Avenue Parking Problems

Subject of Report

1. The report responds to a petition received via the Ward Cllr on behalf of the residents of Osbaldwick. The petition requests that the Council deal with the dangerous and inconsiderate University related parking issues that are occurring on Tranby Avenue and Cavendish Grove in Osbaldwick. The petition states that the current level of parking is compromising highway safety and residential amenity in the area.
2. The report reviews the residents request for an amendment to the Traffic Regulation Order (TRO) to introduce 'No Waiting Monday to Friday 10am to 3pm' parking restrictions on Tranby Avenue.

Benefits and Challenges

3. The proposal will remove long term parking from the area, which is creating an issue for the residents, as it is reducing the available road width, which has on occasions created problems for buses to pass the parked vehicles. There has been reports of vehicles having to drive on the verge to be able to safely pass vehicles in the area. The introduction of the proposed restrictions would remove the requirement for vehicles to drive on the grass verge to pass the parked vehicles which would improve the local environment through the reduction in damage to the grass verges.
4. The proposal will benefit the local environment through the removal of the long-term parking which is associated with the

students staying at the nearby University of York. The University do not provide parking for students and do advise that the campus is car free and discourage students to bring cars.

5. If the proposal were to be made and the restrictions introduced it will remove the long-term parking from the area, but the vehicles will likely be displaced to other streets in the area, which may result in further complaints from those residents. The introduction of the proposed restrictions will also have an impact on the residents, as it will remove all parking in the street, so will remove availability of parking for visitors during the week.

Policy Basis for Decision

6. The Council Plan has seven priorities and the amendment of the parking bays on Tadcaster Road aims to comply with the following priorities:
 - i. Health & Wellbeing; the proposed restrictions will hopefully create an improvement in air quality in the area, through the removal of congestion due to the reduction in road space created by the parked cars, which will provide an improvement in the health and wellbeing of residents.
 - ii. Transport; through proposing a No Waiting Restriction on Tranby Avenue, the Council is looking to remove the long term parking from the road, which will help to provide a more efficient bus service and encourage greater use of a more sustainable form of traffic.
 - iii. Sustainability, the removal of the parked cars and reduction in congestion will help encourage more sustainable forms of transport and create a safer area for pedestrian and cyclists.
7. If the recommendation within the report is progressed to implementation then there will be a positive impact on the local environment, through the reduction in vehicle driving on verge to pass the parked vehicles creating an improvement within the local area for residents.

Financial Strategy Implications

8. The recommendation within the report requests approval for the statutory consultation. The costs associated with the advertisement will be covered by the associated budget.

Recommendation and Reasons

9. Advertise a proposal to amend the Traffic Regulation Order to introduce No Waiting parking restrictions on Tranby Avenue between Hull Road and Baysdale Avenue as shown in Annex A. This is the recommended option, as it allows for the views of the residents and local community to be taken into consideration whilst also removing obstructive parking.

Background

10. The Council were originally contacted about this matter in October 2021 following the introduction of the residents' Parking Scheme on Badger Hill. Following the introduction of the scheme there was an increase in parking levels on Tranby Avenue, which resulted with complaints of vehicles parking too close to the junctions of Hull Road and Cavendish Grove, as well as on Cavendish Grove near its junction with Tranby Avenue.
11. The Council created a proposal for the introduction of 'No Waiting at any time' restrictions on Tranby Avenue from its junction with Hull Road to a point 15 metre north of its junction with Cavendish Grove and on Cavendish Grove from its junction with Tranby Avenue to a point 15 metre west of its junction with Hull Road. The proposed amendment of the TRO was advertised on 14th January 2022 (Annex B), with the residents of adjacent properties, Ward Cllrs and the Parish Council made aware of the proposal and invited to comment on the proposal.
12. The consultation received 15 representations in objection and 4 in support and a report was taken to the Executive Member for Transport and Planning on 17th May 2022. The Executive Member made the decision to implement a lesser extent of restrictions than advertised, the reduced area offered protection of the junctions of Tranby Avenue/Hull Road and Cavendish Grove/Tranby Avenue.
13. The Executive Members decision was called in by Cllrs Doughty, Rowley and Warters, the matter was reviewed on Monday 27th June 2022 at the Corporate Services, Climate Change and Scrutiny Management Committee (CCSMC), where the decision was made to not refer the matter to the full executive for further review.

14. The residents of Cavendish Grove wrote a letter to the members of the CCSMC to oppose to the introduction of double yellow lines within their street, the committee only had the power to either uphold the decision or refer to the Executive for further review. Therefore, an amendment to the approved decision was not within their remit, although following the meeting, discussions between Council Officers and Ward Cllrs were undertaken and a decision was made to hold off on the initial installation of lines on Cavendish Grove, with installation to be undertaken if the situation got worse for residents.
15. The petition submitted by residents requested the introduction of No waiting 10am-3pm Monday to Friday restrictions for Tranby Avenue, from its junction with Hull Road to point 10 metres north of its junction with Baysdale Avenue. It has been advised to the petition lead that any proposed restriction would need to include an area of No Waiting at any time restriction around the junctions of Cavendish Grove and Baysdale Avenue.

Consultation Analysis

16. As stated above previous statutory consultation for the introduction of parking restriction was undertaken in January 2022, with 15 representation received in objection and 4 representation in support.
17. The majority of representations in objection to the proposal were in relation to three main factors, which are:
 - That restrictions are not required at the junctions as this is covered by the requirements of the Highway Code, restricting vehicles from parking within 32 feet of a junction, which can be enforced by North Yorkshire Police for obstructive parking.
 - The issue of vehicles parking in this location has come about due to the introduction of a nearby residents parking scheme that has been introduced.
 - The University of York should offer free parking in their car parks for staff and students and not rely on nearby streets at the inconvenience of residents.
18. The representations received in favour of the proposal were in relation to the danger that the vehicles parking in the area were

creating. There were some requests to extend the length of proposal, to increase safety at the bend and near the bus stop on Tranby Avenue. The restrictions requested within the petition does cover this area and would remove parking from the area if implemented.

19. If approval is given for an amendment to the TRO then further statutory consultation will be undertaken with residents in the area, the Ward Cllrs and Parish Council. The response from the consultation will help provide a formal decision on if the proposal should be implemented.

Options Analysis and Evidential Basis

20. Option 1 – Advertise a proposal to amend the Traffic Regulation Order to introduce No Waiting parking restrictions on Tranby Avenue between Hull Road and Baysdale Avenue as shown in Annex A. This is the recommended option, as it allows for the views of the residents and local community to be taken into consideration whilst also removing obstructive parking.
21. Option 2 – Take no further action, this option is not recommended as it will leave area without any restrictions, so parking can continue to cause issue for vehicle movements on Tranby Avenue.

Organisational Impact and Implications

22. The report has the following impacts and implications:
 - **Financial.** The recommended option is to advertise a proposal to amend TRO on Tranby Avenue. The costs associated with the advertisement will be covered from Revenue Transport budget.
 - **Human Resources (HR),** If the proposed recommendation is approved and the restrictions do come into effect then enforcement of the proposed traffic restrictions would fall to the Councils Civil Enforcement Officers, this would not constitute an extra demand on their workload, as they are already enforcing the restriction.
 - **Legal,** The proposals require amendments to the York Parking, Stopping and Waiting Order 2014: Road Traffic Regulation Act 1984 & the Local Authorities Traffic Orders (procedure) (England & Wales) Regulations 1996 apply.

The statutory consultation process for Traffic Regulation Orders requires public advertisement through the placing of public notices within the local press and on-street. It is a requirement for the Council to consider any formal objections received within the statutory advertisement period of 21 days. Formal notification of the public advertisement is given to key stakeholders including local Ward Members, Town and Parish Councils, Police and other affected parties.

The Council, as Highway Authority, is required to consider any objections received after formal statutory consultation. The Council has discretion to amend its original proposals if considered desirable, whether or not, in the light of any objections or comments received, as a result of such statutory consultation. If any objections received are accepted, in part or whole, and/or a decision is made to modify the original proposals, if such a modification is considered to be substantial, then steps must be taken for those affected by the proposed modifications to be further consulted.

- **Procurement**, Any public works contracts required at the location as a result of a change to the TRO (e.g. signage, road markings, etc.) must be commissioned in accordance with a robust procurement strategy that complies with the Council's Contract Procedure Rules and (where applicable) the Public Contract Regulations 2015. Advice should be sought from both the Procurement and Legal Services Teams where appropriate.).
- **Health and Wellbeing**, There are no Health and Wellbeing implications.
- **Environment and Climate action**, There are no Environment and Climate Action implications.
- **Affordability**, There are no affordability implications.
- **Equalities and Human Rights**, The Council recognises its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions). The impact of the

recommendation on protected characteristics has been considered as follows:

- Age – Neutral;
- Disability – Positive, as blue badge holders would be able to park within the length of restrictions for 3 hours with their blue badge on display;
- Gender – Neutral;
- Gender reassignment – Neutral;
- Marriage and civil partnership– Neutral;
- Pregnancy and maternity - Neutral;
- Race – Neutral;
- Religion and belief – Neutral;
- Sexual orientation – Neutral;
- Other socio-economic groups including :
 - Carer - Neutral;
 - Low income groups – Neutral;
- Veterans, Armed Forces Community– Neutral
- The report requests the approval for the advertisement of an amendment to the Traffic Regulation Order, it is recognised that Traffic Regulation Order requests may impact protected characteristics in different ways. The process of consulting on the recommendation in this report will identify any equalities implications, which may lead to an individual Equalities Impact Assessment being carried out in due course.
- **Data Protection and Privacy**, the report is requesting approval for statutory consultation to be undertaken, any responses received to the consultation by residents and businesses will be included within a future report, although any personable information will be redacted
- **Communications**, There are no communications implications.
- **Economy**, There are no Economy implications.

Risks and Mitigations

23. The report responds to a submitted petition and propose an amendment to the Traffic Regulation Order, which requires Statutory Consultation to be undertaken. If the proposed option is approved, the statutory consultation period will provide an opportunity for residents and business to raise any unconsidered risks.

Wards Impacted

24. Osbaldwick and Derwent Ward.

Contact details

For further information please contact the authors of this Decision Report.

Author

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Report approved:	Yes
Date:	09/07/2024

Co-author

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Report approved:	Yes
Date:	02/07/2024

Background papers

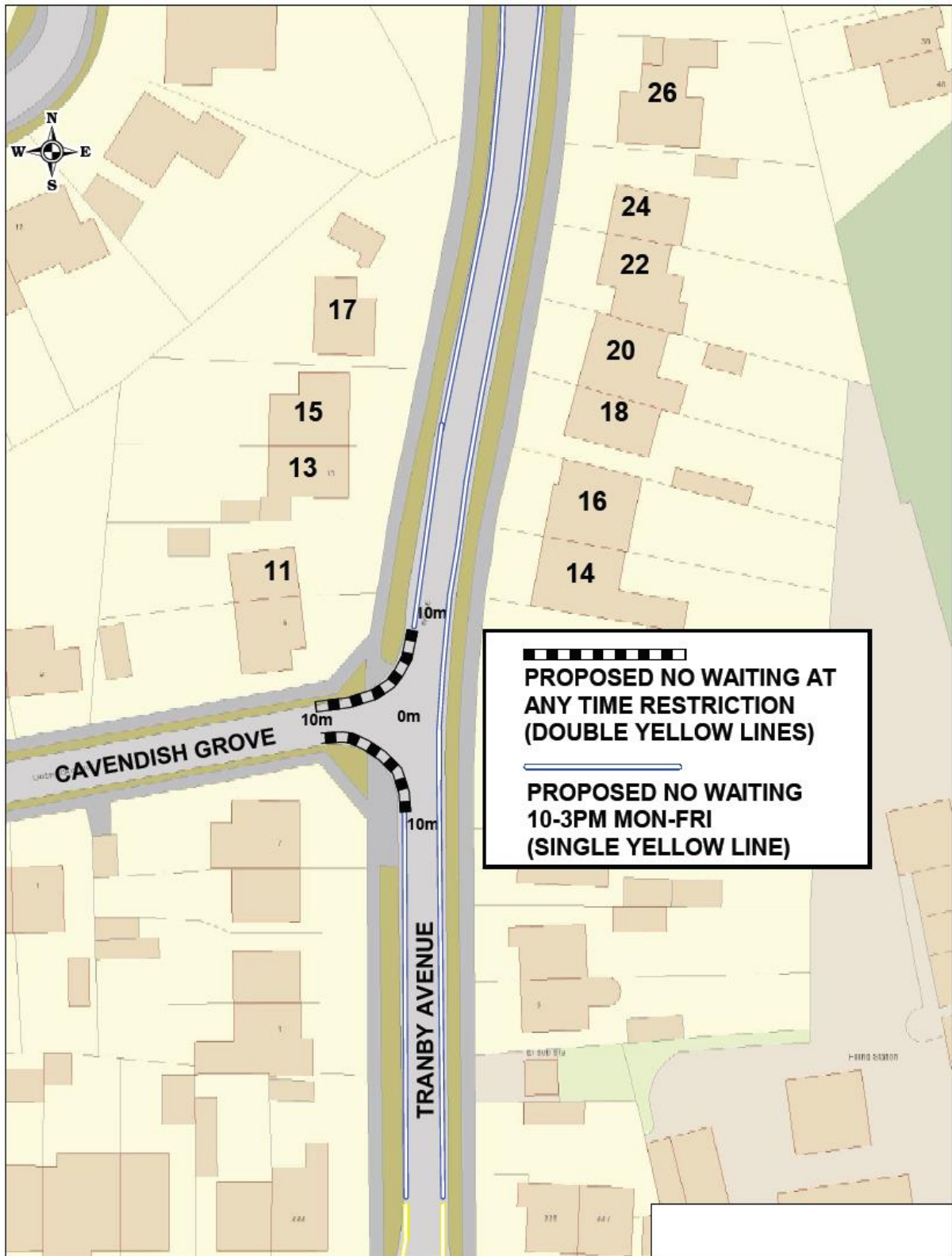
<https://democracy.york.gov.uk/documents/s158945/Cavendish%20Grove%20Tranby%20Avenue%20and%20Morre%20Avenue-Osbaldwick%20Lane%20Junction.pdf>

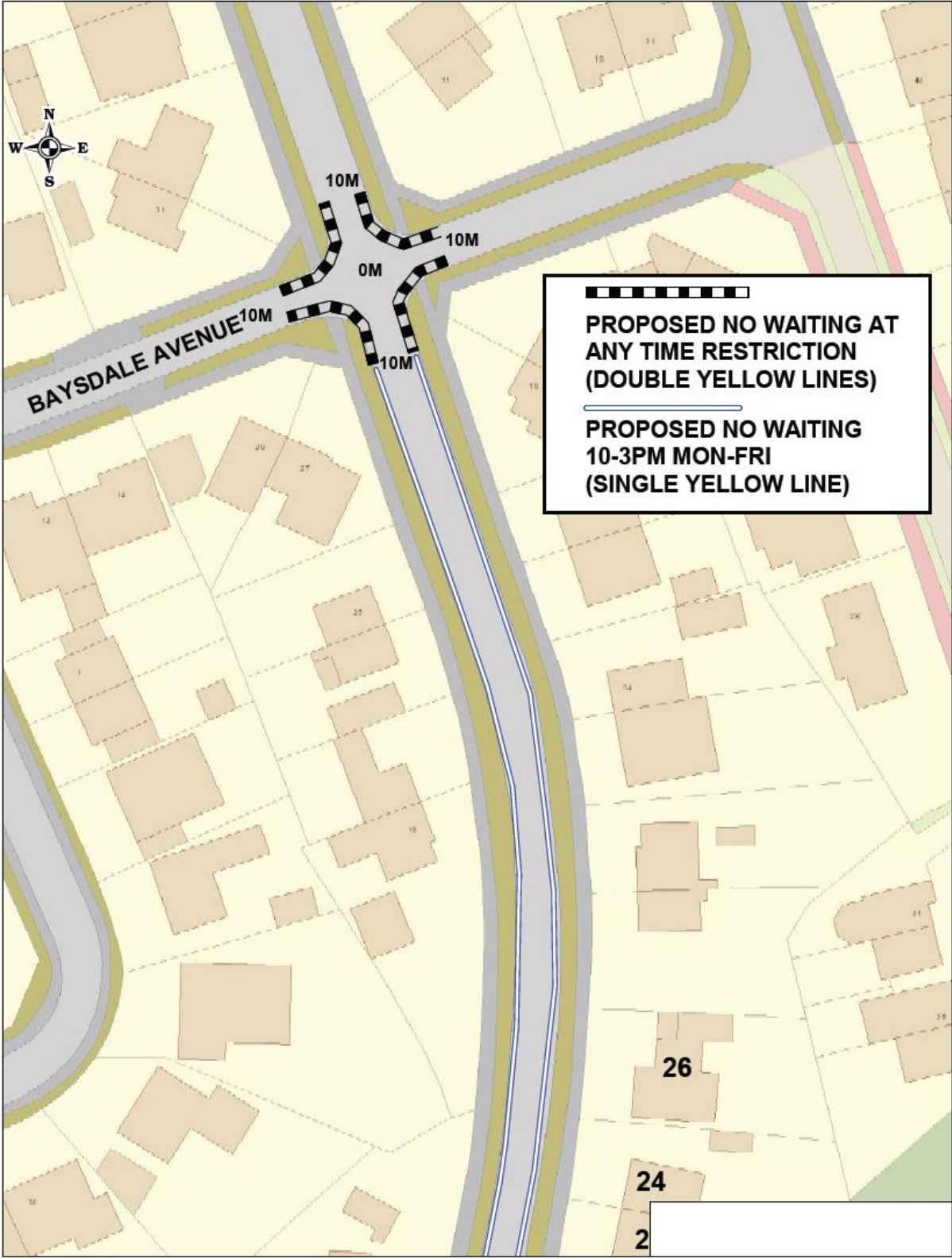
<https://democracy.york.gov.uk/documents/s160202/Call%20In%20Cover%20Report.pdf>

Annexes

- Annex A: Proposed restrictions on Tranby Avenue
- Annex B: Notice of Proposals 14 Jan 2022

Annex A – Proposed Restrictions on Tranby Avenue





CITY OF YORK COUNCIL
NOTICE OF PROPOSALS
THE YORK PARKING, STOPPING AND WAITING (AMENDMENT) (NO 14/52)
TRAFFIC ORDER 2022

Notice is hereby given that City of York Council, in exercise of powers under Sections 1, 2, 4, 32, 35, 45, 46, 53 and Schedule 9 of the Road Traffic Regulation Act, 1984 ("the Act") and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Schedule 9 of the Act, proposes to make an Order which will have the effect of:

1. Introducing 'No Waiting at any time' restrictions in Murton, as follows:
 - (a) Cavendish Grove, on both sides, between the projected western kerblines of Tranby Avenue and a point 15 metres west from the said line;
 - (b) Tranby Avenue, on both sides, from the projected northern kerblines of Hull Road to a point 15 metres north from the projected centreline of Cavendish Grove.
2. Introducing 'No Waiting at any time' restrictions in Jubilee Terrace, York, on its:
 - (a) south side, between the projected western property boundary line of No. 1 Jubilee Terrace (terminal point of existing 'No Waiting at any time' restrictions) and a point 57 metres east from the said line;
 - (b) north side, between the projected western property boundary line of No. 7 Jubilee Terrace and a point 10 metres east from the projected eastern kerblines of St Barnabus Primary School access road.
3. Introducing "School-Keep-Clear" prohibition in St Barnabus Primary School access road, York, on both sides, from a point 6.5 metres north from the northern kerblines of Jubilee Terrace north for the remainder of its length, so that the prohibition applies between 8.00am to 5.00pm Monday – Friday within the said lengths, thereby revoking the existing 'No Waiting at any time' restrictions from within that length.
4. Introducing a Residents' Priority Parking Zone (Zone) for all classes of Residents' Priority Permit Holders comprising of Alma Grove, Alma Terrace and Kilburn Road, York the said Zone to be identified as Zone 70, that Zone to include all properties adjacent to and having direct private access to the said road.
5. Designating the existing unrestricted lengths of Alma Grove, Alma Terrace and Kilburn Road, York within the proposed Zone described in paragraph 4 as a Residents' Priority Parking Zone for use only by Zone R70 'Permit Holders' thereby providing unlimited parking for Permit Holders, the said lengths being identifiable by the placement of upright traffic signs at the Area 'entry' and 'exit' points (as opposed to the placement of Residents' Parking signs and road markings adjacent to the kerb).

A copy of the draft Order, Statement of Reasons for making it and relevant maps can be inspected at the Reception, West Offices, Station Rise, York, during normal business hours. Objections or other representations specifying reasons for the objection or representation should be sent to me in writing to arrive no later than 4th February 2022.

Dated: 14th January 2022

Director of Economy & Place
Network Management, West Offices, Station Rise, York, YO1 6GA
Email: highway.regulation@york.gov.uk

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Meeting:	Executive Member for Transport
Meeting date:	11/06/2024
Report of:	Director of Environment, Transport & Planning
Portfolio of:	Cllr Ravilious, Executive Member for Transport

Decision Report: Tadcaster Road Parking Bays

Subject of Report

1. The report reviews the initial consultation responses received from the residents/businesses on the potential changes to parking bays on Tadcaster Road between its junctions Royal Chase and Slingsby Grove. The responses from a previous consultation suggested that the residents/businesses felt that the loading bay in front of the shops was not required and would like to see the removal of the bay.
2. The report considers the response and provides a recommendation for a future proposal for the parking bays.

Benefits and Challenges

3. The proposed changes to the Traffic Regulation Order are recommended to help provide a more appropriate parking amenity in the area to help benefit the businesses. The consultation has been brought forward following representations received by local residents and businesses to improve the facility and remove the all-day parking and loading bay which is removing available parking amenity for use when accessing the businesses.
4. A challenge with this area is the resident and businesses do not feel that over the years their views on how the parking bays should be used, as there has been a number of different road layouts over the years as the bus stop has moved locations.

Policy Basis for Decision

5. The Council Plan has seven priorities and the amendment of the parking bays on Tadcaster Road aims to comply with the following priorities:
 - i. Economy: the scheme looks to support the local economy by providing a more suitable parking area removing all-day parking and the loading bay. The proposal is not looking to create any parking charges on the bays near the local amenities to help to continue to encourage residents to shop local.
 - ii. Transport; through proposing a duration on the length of stay on the parking area, the Council is looking to remove the all-day parking from the bay, to encourage commuters to use a more sustainable form of traffic.

6. The proposed changes to the traffic restrictions which were consulted on do not propose the introduction of any Pay and display parking bays. This helps to create affordable parking near the local amenities for use by customers.

Financial Strategy Implications

7. The recommendation within the report request approval for the statutory consultation. The costs associated with the advertisement will be covered by the associated budget.

Recommendation and Reasons

8. Advertise a proposal to amend the Traffic Regulation Order to remove the Loading Bay in the parking bay on the north west side and change the duration of parking on the bays on Tadcaster Road between Royal Chase and Slingsby Grove so the restrictions on the use of the bays are as follows:
 - North west side of Tadcaster Road - 1-hour limit Monday-Saturday 9am-5pm
 - South east side of Tadcaster Road - 3-hour limit Monday-Saturday 9am-5pm

This is the recommended option, as it allows for the views of the residents and businesses to be taken into consideration to help provide a more suitable parking arrangement in the vicinity for the residents and businesses.

Background

9. The recent highway amendments to Tadcaster Road, required changes to the road layout and introduction of 'No Waiting at any time' restrictions, in the vicinity of the parking bays. As part of the statutory consultation that was undertaken for the amendment to the traffic regulation order to propose the introduction the 'No Waiting at any time' restrictions resulted in response from the residents and businesses to question how the proposal would affect the parking bays and why no consideration was given to an amendment to the bays.
10. The residents/businesses provided representation requesting that the bays be reviewed, with several requests for the area of loading bay to be removed to offer greater parking amenity in the area. The representation received offered a number of differing viewpoints on how the bays should be used. The representations received were included within the report to the Executive Member for Economy and Transport at the decision session on 14 November 2023. The report recommended further consultation was undertaken with the resident/businesses to better understand the preferences on the use of the bays.
11. The restrictions in place currently for the bays on Tadcaster Road are as follows:
 - northwest side (outside the shops) is a combination of a Loading Bay, which is in operation all the time and a Monday to Saturday 9am-5pm, 1 hour parking bay with no return in 1 hour.
 - Southeast side (adjacent to the racecourse) is an unrestricted parking bay.

Consultation Analysis

12. The consultation letter (Annex A) was posted to the residents on 26th January 2024, with responses requested by 16th February 2024. The consultation letter asked for the residents/businesses views on if the loading bay should be removed or not and for their preference on the duration of stay that would be eligible within the bays. The response to the consultation are shown in the below table:

Loading Bay Removal		Unrestricted Parking		3hour parking bay		3hour Mon-Sat, 9am-5pm		1 hour parking bay		1hour Mon-Sat, 9am-5pm		Comments
Yes	No	North west	South east	North west	South east	North west	South east	North west	South east	North west	South east	
1		1	1									
1							1			1		
1		1	1									
1		1	1									
												1
1						1	1					1
1			1							1		
1										1	1	1

13. The Council received 8 responses to the consultation from the residents and business, of the 8 responses 7 stated they would like the area of loading bay to removed, with the remaining respondent requesting the loading bay only stays if their requested duration of stay cannot be accommodated. There is clear desire for the removal of the loading bay from the parking area on the north western side of the road. The removal of the section of loading bay, will provide a greater parking amenity for the businesses.
14. The request for proposed duration of stay for the parking areas on each side of the road was not as clear. The responses for the parking area north west side were split with 3 respondents in favour of unrestricted parking and 3 respondents requesting the bay have a one-hour restriction Monday to Saturday between 9am and 5pm. The other respondents want a three-hour restriction Monday to Saturday between 9am and 5pm and the final response requested a 30-minute restriction to be put in place on the north west side.
15. 4 of the response received for the parking area on the south east side of the road requested that the area stays as unrestricted parking area. There was 2 responses requesting a 3-hour Monday-Saturday, 9am to 5pm restriction and the two remaining responses requesting a 1-hour Monday-Saturday 9am to 5pm restriction and a 2 hour restriction to be put in place.
16. The representations that were received as part of the original consultation raised concerns about the bays being used all day for commuter parking, this would be against Council policy on sustainable transport. One of the comments received within this consultation raised a concern about all day commuter parking

happening in the area, which is having a negative impact on the parking amenity in the area.

17. The approval for an unrestricted parking bay on either side of the road is likely to create an increase in long term parking in that location, which would be to the detriment of the businesses. The bays would be better utilised and offer a better amenity for the businesses if the bays were restricted to a duration of stay, allowing for more customer parking in the vicinity of the businesses.
18. There was a consultation response which questioned that the current parking arrangement does not allow any consideration for staff parking for the businesses. The council would not look to provide staff parking on the highway for any business in the city and this would set an unwanted precedent for the Council. It is therefore not considered appropriate to put in place unrestricted lengths of parking within the lengths of bays.
19. The original consultation raised concerns about access to the hairdressers been affected by the current layout, as some appointments need require longer than 1 hour and there is limited space available due to the all-day parking that is occurring. The current parking situation is having a negative impact on the businesses, with concerns raised about the potential to lose customers due to the access issue.
20. The responses provided indicated that the 1-hour limit on the north west side was sufficient but there is not sufficient space for parking due to the Loading bay, which is taking up space and not utilised for the majority of time.

Options Analysis and Evidential Basis

21. Option 1 – Advertise a proposal to amend the Traffic Regulation Order to remove the Loading Bay in the parking bay on the north west side and change the duration of parking on the bays on Tadcaster Road between Royal Chase and Slingsby Grove so the restrictions on the use of the bays are as follows:
 - North west side of Tadcaster Road - 1-hour limit Monday-Saturday 9am-5pm
 - South east side of Tadcaster Road - 3-hour limit Monday-Saturday 9am-5pm

This is the recommended option, as it allows for the views of the residents and businesses to be taken into consideration to help provide a more suitable parking arrangement in the vicinity for the residents and businesses.

22. Option 2 – Take no further action, this option is not recommended as it will leave area of parking bays as they are, which will not create an improvement in the parking amenity in the area.

Organisational Impact and Implications

23. The report has the following impacts and implications:
- **Financial.** The recommended option is to advertise a proposal to amend the TRO to remove the Loading Bays on Tadcaster Road. The costs associated with the advertisement will be covered from Revenue Transport budget.
 - **Human Resources (HR),** If the proposed recommendation is approved and the restrictions do come into effect then enforcement of the proposed traffic restrictions would fall to the Councils Civil Enforcement Officers, this would not constitute an extra demand on their workload, as they are already enforcing the restriction.
 - **Legal,** The proposals require amendments to the York Parking, Stopping and Waiting Order 2014: Road Traffic Regulation Act 1984 & the Local Authorities Traffic Orders (procedure) (England & Wales) Regulations 1996 apply.

The statutory consultation process for Traffic Regulation Orders requires public advertisement through the placing of public notices within the local press and on-street. It is a requirement for the Council to consider any formal objections received within the statutory advertisement period of 21 days. Formal notification of the public advertisement is given to key stakeholders including local Ward Members, Town and Parish Councils, Police and other affected parties.

The Council, as Highway Authority, is required to consider any objections received after formal statutory consultation. The Council has discretion to amend its original proposals if considered desirable, whether or not, in the light of any objections or comments received, as a result of such statutory consultation. If any objections received are accepted, in part or whole, and/or a decision is made to

modify the original proposals, if such a modification is considered to be substantial, then steps must be taken for those affected by the proposed modifications to be further consulted.

- **Procurement**, Any public works contracts required at the location as a result of a change to the TRO (e.g. signage, road markings, etc.) must be commissioned in accordance with a robust procurement strategy that complies with the Council's Contract Procedure Rules and (where applicable) the Public Contract Regulations 2015. Advice should be sought from both the Procurement and Legal Services Teams where appropriate.).
- **Health and Wellbeing**, There are no Health and Wellbeing implications.
- **Environment and Climate action**, There are no Environment and Climate Action implications.
- **Affordability**, There are no affordability implications.
- **Equalities and Human Rights**, The Council recognises its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions). The impact of the recommendation on protected characteristics has been considered as follows:
 - Age – Neutral;
 - Disability – Positive, as blue badge holders would be able to park longer than the restricted time on the north west side of the road;
 - Gender – Neutral;
 - Gender reassignment – Neutral;
 - Marriage and civil partnership– Neutral;
 - Pregnancy and maternity - Neutral;
 - Race – Neutral;
 - Religion and belief – Neutral;
 - Sexual orientation – Neutral;
 - Other socio-economic groups including :
 - Carer - Neutral;
 - Low income groups – Neutral;

- **Veterans, Armed Forces Community– Neutral**
The report requests the approval for the advertisement of an amendment to the Traffic Regulation Order, it is recognised that Traffic Regulation Order requests may impact protected characteristics in different ways. The process of consulting on the recommendation in this report will identify any equalities implications, which may lead to an individual Equalities Impact Assessment being carried out in due course.
- **Data Protection and Privacy**, the responses received to the initial consultation by residents and businesses does not contain any personable information.
- **Communications**, there are no communications implications.
- **Economy**, there are no economy implications.

Risks and Mitigations

24. The report reviews the responses to an initial consultation undertaken with the residents and businesses in the area and proposes a potential option to amend the traffic restrictions for the parking bays. If the proposed option is approved, this will require a further consultation to be undertaken for the amendment to the TRO.

Wards Impacted

25. Dringhouses & Woodthorpe Ward.

Contact details

For further information please contact the authors of this Decision Report.

Author

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Service Area:	Place
Telephone:	01904 552547
Report approved:	Yes
Date:	09/07/2024

Co-author

Name:	Darren Hobson
Job Title:	Traffic Management Team Leader
Service Area:	Place
Telephone:	01904 551367
Report approved:	Yes
Date:	02/07/2024

Background papers

<https://democracy.york.gov.uk/documents/s171082/Tadcaster%20Road%20TRO%20Consultation%20Report.pdf>

Annexes

- Annex A: Consultation Letter

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The Occupier

Place Directorate

West Offices, Station Rise
York
YO1 6GA

Email: highway.regulation@york.gov.uk

Date: 26th January 2024

Dear Resident

Tadcaster Road, York – Consultation on Parking

We are writing to you following the recent proposal to amend the Traffic Regulation Order to introduce 'No Waiting at any time' restrictions on Tadcaster Road between its junctions with Slingsby Grove and Royal Chase.

The consultation responses from the residents and businesses were reported to the Executive Member for Transport and Economy, which expressed a desire to review the restrictions for the parking bays along this section of the highway. The bays are currently unrestricted on the south east side (racecourse) with the bay on the north west side (shops) a mix of Loading bay and 1 hour parking between 9am-5pm, Monday to Friday. The views around the proposal raised concerns about the remaining level of parking, due to the occurrence of all day parking and the size of the loading bay. The views received indicated that the loading bay was not required, and a timed parking bay would be the preference of the businesses.

The Council is proposing to review the restrictions in the parking bays, but we are conscious that this area has seen the restrictions amended on several occasion in the last ten years, so we are keen to engage with the businesses/residents to help provide an on-street parking amenity that works for the local community. We are asking all business/residents within the area of the parking bays on Tadcaster Road if they would be in favour of amending the restrictions and if they have a preference for what the restrictions should be.

Consultation documents

The following information and documents are enclosed:

1. A ballot form
2. A Freepost Envelope

We can only accept one ballot sheet from each household or business. **Please complete and return to us in the Freepost envelope provided by the 16th February 2024.**

If you prefer you can email your response to highway.regulation@york.gov.uk you will need to give all the information we have asked for on the ballot sheet, including your name and address.

Because your preference will determine whether we take this proposal forward and initiate the legal process to amend the Traffic Regulation Order, to amend the parking restrictions in the parking bay on Tadcaster Road, it is important that you either return your ballot or email your response as outlined above.

We will write to you again when the results of the consultation process are known and let you know what will happen next.

Please contact me on 01904 551367 or email highway.regulation@york.gov.uk if you:

- Require any further information or clarification
- Want to discuss any special needs/circumstances that you believe would be disadvantaged by amending the parking restrictions
- Details of landlords for rented properties

Yours faithfully

Darren Hobson
Traffic Management Team Leader

Consultation Ballot

Tadcaster Road, York – On-Street Parking



Please indicate your preferences by ticking the appropriate box.

	YES	NO
Would you support a proposal to remove the loading bay on the north side of Tadcaster Road?		

Please indicate your preferred options for parking restrictions for the parking bays on Tadcaster Road:

	North side (outside shops)	South side (racecourse side)
Unrestricted parking		
3-hour parking bay at all times		
3-hour parking bay Monday-Saturday, 9am-5pm		
1-hour parking bay at all times		
1-hour parking bay Monday-Saturday, 9-5pm		

Title: (Mr. Mrs. Miss Ms) -----Initial: -----

Surname: -----

Address: -----

Postcode -----

*Please return in the freepost envelope provided by Friday 16th February
We will only accept one completed ballot from each household or business and your preferences will be kept confidential. Alternatively if you prefer please email your details, preference and comments to: highway.regulation@york.gov.uk
Please provide any further comments you wish to make overleaf (Alternatively use a separate sheet)*

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Meeting:	Executive Member for Economy and Transport Decision Session
Meeting date:	19 July 2024
Report of:	James Gilchrist, Director of Environment, Transport and Planning
Portfolio of:	Councillor Ravilious, Executive Member for Transport

Decision Report: Response to the petitions to resurface Foxwood Lane and Corlett Court

Subject of Report

1. This report considers two petitions entitled – ‘Resurface Foxwood Lane’ and ‘Resurface Corlett Court’, the petitions were both presented by Cllr Waller at Full Council on the 21st March 2024 and were signed by 267 and 34 residents respectively. Details of the petitions are included at Annex A of this report.
2. This report details the highway condition data for both roads and the potential need for repair or renewal works, recommendations are made to support the Executive Member’s response to the petitions.

Benefits and Challenges

3. The recommendations made are based on existing highway asset management practices. The annual Highways maintenance programme utilises asset inspection, survey and condition data to initially assess how funding should be targeted. This is prioritised further in response to ongoing feedback from communities, businesses, elected members, partner organisations and utility providers amongst others.
4. This is in adherence with national best practice in the development of a balanced and targeted highway asset management service.

As such these are the only recommendations that can be put before the Executive Member.

Policy Basis for Decision

5. The development of highway maintenance schemes reflects the four core 'EACH' commitments in the Council Plan 2023-27 – One City For All by:
 - **Equalities and Human Rights** – by utilising highway asset data in a nationally consistent manner our works programme has been developed to reflect best practice amongst highways practitioners and does not have any intentional or unintentional bias built into it's aims and outcomes.
 - **Affordability** – the utilisation of appraisal and assurance approaches outlined in the Well Managed Highway Infrastructure code of practice ensures that the available budget is used in a risk based and effective way.
 - **Climate & Environment** – the Highways maintenance teams utilise new vehicles and plant, including electric vehicles, we recycle aggregates and other materials during repair and renewal works. Investment in highway infrastructure is essential to mitigate the impacts of extreme weather. Trials of resilient and effective maintenance practices by maintenance teams are essential to evolve our services to a changing climate.
 - **Health and Wellbeing** – the work of Highways maintenance teams ensure all pedestrians, cyclists and vehicle users can safely travel around the highway network in our city. Active travel networks are essential in providing all users the opportunity to exercise and explore our urban and natural spaces that provide a wide range of health and wellbeing benefits.

Financial Strategy Implications

6. The Highway Asset Maintenance teams deliver annual works programmes to budgets approved by Council, the current budget was approved on 23rd March 2024. The Highway Asset Management service is provided in accordance with the prescribed budgets, all schemes have been developed utilising national best practice appraisal and assurance methods and reflect a balanced and risk-based delivery of available funding.

Recommendation and Reasons

Resurface Foxwood Lane

Based on our highway condition assessments Foxwood Lane is broken down into multiple lengths due to its length. Potential schemes ranked 199, 256, 258 and 380 out of 434 resurfacing schemes. Patching schemes ranked between 1482 and 2925 out of 3162 schemes across the city. As such no works are likely to be included on the capital programme in the next 5 years, however, this is based on current annual inspection data, this priority may change in line with future inspection data if the road condition deteriorates further. Foxwood lane is included in a long list for surface dressing works subject to preparation work in 2025 and surface dressing in 2026 if the scheme progresses.

7. It is recommended to the Executive Member that due to the condition and the priority of an intervention no action will be taken in terms of the scheduled highway maintenance programme at this stage.

Resurface Corlett Court

Based on our highway condition assessments Corlett Court ranked 689 out of 3162 schemes/sites for large patching works and as such is not likely to be included on the capital programme in the next 5 years, however, this is based on current annual inspection data, this priority may change in line with future inspection data if the road condition deteriorates further. It was not identified for any other candidate schemes.

8. It is recommended to the Executive Member that due to the condition and the priority of an intervention no action will be taken in terms of the scheduled highway maintenance programme at this stage.

Reason: The council has a backlog of maintenance and limited funding, therefore difficult decisions must be made to prolong the life of assets. Asset management underpins our decision making.

Background

9. A number of petitions were submitted to the Council at the Full Council meeting on the 21st March 2024. Details of each petition is included in Annex A.
10. The prioritisation of Highway Maintenance renewal and resurfacing projects is subject to an annual condition survey and the assessment of other factors including the usage of the highway, local amenities and wider reports of issues which provide a ranking for each street to determine their need for maintenance works. The highest ranked streets are then prioritised and the annual programme is developed to deliver schemes within the available funding for that year.
11. In addition to the planned renewal works, reactive basic maintenance repair works are carried out. This is funded separately to the planned programme of works and is carried out in response to routine safety or reactive inspections following complaints. Defects that justify a response in accordance with our Highway Safety Inspection Manual are scheduled for repair based on safety critical timescales.

Consultation Analysis

12. The annual Highways maintenance programme utilises asset inspection, survey and condition data to initially assess how funding should be targeted. This is prioritised further in response to ongoing feedback from communities, businesses, elected members, partner organisations and utility providers amongst others. This is in adherence with national best practice in the development of a balanced and targeted highway asset management service.
13. In addition to ongoing consultation and feedback the Highways Asset maintenance teams develop schemes and programmes of works that are scrutinised in public via the Executive member for Transport Decision sessions and are appraised and assured through the work of the Transport Board.

Options Analysis and Evidential Basis

14. The Well Managed Highway Infrastructure code of practice produced by the Chartered Institute of Highways & Transportation is recognised as best practice across the industry. Highways Authorities develop programmes in adherence to its recommendations, incentivisation funding has been allocated where best practice has been adopted.
15. The recommendations detailed in this report have been developed in accordance with wider scheme appraisal and prioritisation methods informed by the code of practice the CYC Highway Infrastructure Asset Management Plan and Highway Safety Inspection Manual which were approved by Executive. As such the recommendations are presented as the only option.

Organisational Impact and Implications

16.

- ***Financial***

There are no financial implications arising from the recommendations in this report. No action will be taken in terms of the scheduled highway maintenance programme at this stage. The council has set aside £8.2m in 2024/25 Capital Programme as part of maintenance of Highways. Future years allocations will be approved in annual budget considerations.

- ***Human Resources (HR)***

There are no HR implications in this report.

- ***Legal***

Under section 41 of the Highways Act 1980, the Council has a duty to maintain those adopted highways that it is responsible for to a safe and satisfactory standard for the purposes of ordinary traffic but not further or otherwise.

Our legal duty is delivered through the planned renewal and reactive repair works detailed in paragraphs 10 and 11.

- ***Procurement***

There are no Procurement implications in this report.

- ***Health and Wellbeing***

Whilst prioritising and investing in the maintenance of highways is crucial for safeguarding and promoting public health, acknowledging current funding pressures and the need to prioritise, Public Health support the proposed response.

- ***Environment and Climate action***

Resurfacing works have the potential to increase carbon emissions through the embodied carbon of the infrastructure, through the construction phase and from eventual disposal.

Not taking action will avoid these emissions.

It is expected that the impacts of climate change will put greater pressure on highway assets. When considering maintenance and resurfacing works, resilience to extreme temperatures and weather events should be considered as part of the design.

- ***Affordability***

There are no Affordability implications in this report.

- ***Equalities and Human Rights***

No EIA has been developed to support the recommended decisions, as detailed in paragraph 14 and 15 of this report, the annual highways maintenance programme has been developed to adhere to national best practice using highway asset data gathered by trained operatives. As such no intentional or unintentional bias has been built into the programme.

- ***Data Protection and Privacy***

As there is no personal data, special categories of personal data or criminal offence data being processed, there is no requirement to complete a data protection impact

assessment (DPIA). This is evidenced by completion of DPIA screening questions AD-05973.

- **Communications**

There are no Communication implications in this report.

- **Economy**

There are no Economy implications in this report.

Risks and Mitigations

17. This report details the recommendations for additional highways works to be developed at Foxwood Lane and Corlett Court as requested by the petitioners. As detailed in paragraphs 14 and 15 of this report, highways maintenance programmes are developed to adhere to national best practice using highway asset data gathered by trained operatives. As such a risk based approach is inherent in the methodologies and appraisal tools that have formulated the works programme.

Wards Impacted

18. Westfield.

Contact details

For further information please contact the authors of this Decision Report.

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Report approved:	Yes/No
Date:	31/05/2024

Annexes

Annex A – Details of Petitions

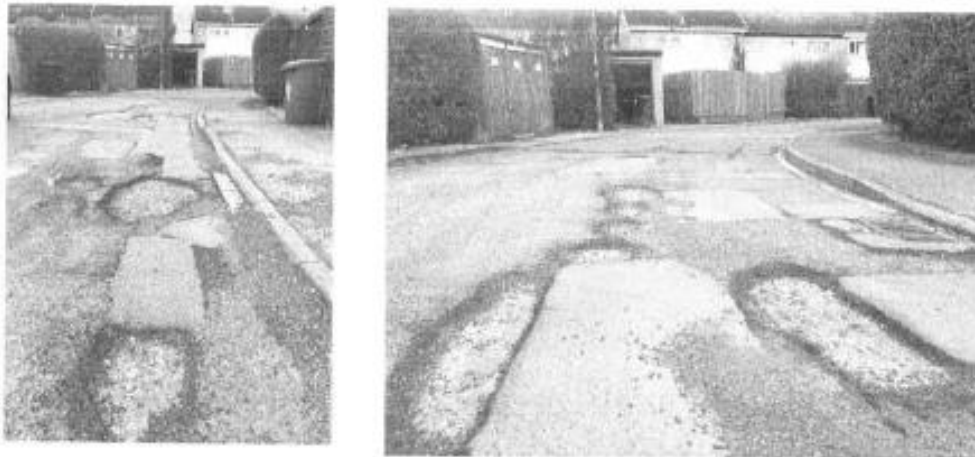
Annex A

Resurface Foxwood Lane !



We the undersigned, in the light of repeated deep pothole repairs, request that Foxwood Lane is resurfaced between the junctions with Huntsman's Walk and Askham Lane to complete the resurfacing which has been done in the section leading from Gale Lane to Huntsman's Walk.

Resurface Corlett Court !



We the undersigned request the resurfacing of Corlett Court road surface following the increasing number of potholes, to follow on from repairs to Walker Drive and Spurr Court.



Meeting:	Decision Session - Executive Member for Transport
Meeting date:	19 July 2024
Report of:	James Gilchrist, Director of Transport, Environment and Planning
Portfolio of:	Cllr Ravilious, Executive Member for Transport

Decision Report: Review of pavement café licensing process and guidance

Subject of Report

1. This report presents options to review the Council's pavement café licensing process and guidance following the commencement of the pavement licensing provisions laid out in the Levelling Up and Regeneration Act 2023.
2. The provisions included in the 2023 Act introduce a permanent pavement licensing regime to replace the temporary provisions introduced by the Business and Planning Act 2020.
3. The new legislation retains most of the features of the temporary regime but introduces some changes and is supported by updated government guidance.
4. The differences between the temporary regime and the new permanent regime, including options for the local authority to tailor the permanent regime to their specific circumstances are presented in this report, with recommendations on changes to be made to the local process and guidance.
5. This report considers options to address the issue of pavement cafes operating on privately maintained highways.
6. This report also acknowledges and considers options to address the concerns raised by a petition titled "*Support Outdoor Dining in York*", which was presented to Full Council on 21 March 2024.

7. The petition was signed by 282 people and asks for a review of how pavement cafes can operate in the city centre following the changes to pavement café licences made in areas of the city centre where Blue Badge vehicular access has been reinstated. Options to address these concerns are presented in the report.
8. This report seeks the views of the Executive Member for Transport on changes to be made to the Council's pavement café licensing process and guidance before these changes can be presented to the Licensing Committee for approval.
9. The approval of the Licensing Committee is required to change the guidance following the Executive decision (on 22 November 2022, then approved by Full Council on 15 December 2022), which adopted the current pavement café guidance and added "*the Policy for Pavement Cafes under the Business and Planning Act 2020*" to the list of functions of the Licensing Committee.

Benefits and Challenges

10. The report aims to:
 - a) Implement the changes to pavement café licensing required due to the new permanent regime coming into force;
 - b) Continue to implement local guidance on available footway width where pavement cafes are only licensed where suitable width remains to enable highway users, including disabled people, to get past, whilst permitting cafes to use the highway where possible;
 - c) Regularise pavement cafes and other stalls (or similar uses) currently using privately maintained highways,
 - d) Continue to prioritise parking and access for vehicles carrying Blue Badge holders in the two city centre access corridors, whilst recognising that this has a negative impact on businesses on these streets as most are now unable to obtain a pavement café licence.

Policy Basis for Decision

11. The proposals included in this report relate to the Council Plan for 2023-27 commitments, specifically:

- a) Equalities and Human Rights, which states *“We will create opportunities for all, providing equal opportunity and balancing the human rights of everyone to ensure residents and visitors alike can benefit from the city and its strengths”*; and
 - b) Health, which states: *“We will improve health and wellbeing and reduce health inequalities, taking a Health in All Policies approach, with good education, jobs, travel, housing, better access to health and social care services and environmental sustainability. We will achieve better outcomes by targeting areas of deprivation, aiming to level opportunity across the city”*.
12. They also relate to the Council’s “My City Centre Strategy” (2021-2031) which aims to *“support outdoor eating and café culture in the city centre”* (objective 3C) and to *“improve accessibility through a wide range of measures including more dropped kerbs, improved surfaces and seating and better facilities for disabled people”* (objective 6D).
13. At the national level, they relate to the following legislation, policies and guidance:
- a) Levelling Up and Regeneration Act 2023, Business and Planning Act 2020, Part 7A of the Highways Act 1980; Equality Act 2010;
 - b) Pavement licences: guidance published by the Department for Levelling Up, Housing & Communities (available here: www.gov.uk/government/publications/pavement-licences-guidance/pavement-licences-guidance);
 - c) Inclusive mobility: making transport accessible for passengers and pedestrians, by the Department for Transport (available here: www.gov.uk/government/publications/inclusive-mobility-making-transport-accessible-for-passengers-and-pedestrians).

Financial Strategy Implications

14. The financial implications of the recommended options are identified as follows:

- a) The increased fees for new and renewal applications will enable the Council to recover a higher proportion of the costs associated with reviewing, issuing and monitoring pavement café licences in York. They will not enable full cost recovery but have been set at the maximum permitted by the legislation to improve cost recovery;
 - b) Regularising the pavement cafes and stalls (and similar uses) using privately maintained highways will have a mixed financial impact on the Council as, although the licensing charges should cover most of the costs of issuing the licences and monitoring the licensed areas, where applications to stop the highway under Section 116 of the Highways Act are required, this could have a negative financial impact on the Council and some costs may need to be funded from current revenue budgets within the Transport team if costs are not recovered from the landowner;
 - c) The continued application of the 1.5m available width rule will enable current licence holders to continue operating. Where licences were revoked to enable Blue Badge vehicular access and parking, new licences will generally not be granted, potentially resulting in a loss of income for the Council.
15. The legislation does not permit pavement cafe licence fees to be linked to the number of tables and chairs or to the size of the area covered by the licence. Some businesses therefore get much higher returns from their investment in a pavement café licence, where it enables them to use a large area (for example on Parliament Square).
16. The financial impact on businesses is mixed. Where businesses are able to operate with a pavement café licence, business owners/managers generally state that this helps with their business's revenue and viability. Where licences have been revoked or licence areas reduced, businesses have stated that this has had a significant impact on their revenue. Where businesses have historically operated without licences on privately maintained highways, regularising the situation through licensing will have a financial impact on businesses (depending on the cost of the licences, the cost of equipment they will need to purchase to conform to the pavement café licensing guidance, or the stopping up costs passed on to the businesses – see options).

Recommendation and Reasons

17. The Executive Member is recommended to:

- a) Note the legislative changes to the pavement café licensing regime and the budget decision made by Full Council in February 2024 (concerning the pavement café licence fees and licence duration under the permanent regime);
- b) Recommend the following changes to the CYC local guidance for approval by the Licensing Committee:
 - i. Continue to implement the local guidance where a minimum available width of 1.5m is generally required on footways (with an exception for level surface streets in the footstreets area, where cafes can be licensed to occupy the full width of a footway during pedestrianised hours);
 - ii. Applications to be treated as new licence applications (£500) where there is a different licence holder, different premises and/or different terms;
 - iii. Update the guidance to state that where internal seating is provided, toilets should be available for customers. Exceptions can be made for premises which serve drinks and food as take away premises, without internal seating and without the ability to provide customer toilets;

Reasons: To ensure that the Council's pavement café licensing guidance is in line with the new legislation and to clarify some aspects of the guidance where required.

- c) Ask officers to work with businesses to regularise their situation, where cafes and/or other structures have historically been used/built in areas of privately maintained highways without a licence (or without a stopping up order). Where a pavement café has been in use historically and a licence can be issued for the area, the renewal fee will be applied.

Reasons: To regularise furniture and structures which have historically been used/built in privately maintained highway areas so that all businesses are treated consistently and in line with the permanent pavement café licensing regime. To ensure

that furniture and other objects placed in the highway do not cause an obstruction or hazard to pedestrians and that pavement cafes are set out according to the Council's guidance to retain the required highway widths for people to be able to walk past, including people using mobility aids and pushchairs.

- d) Note the concerns raised by the petition but decline the request to reinstate pavement cafes on the corridors where Blue Badge vehicular access is permitted and where the highway space is required for Blue Badge vehicles to access safely and park, as this would conflict with Blue Badge holders' access requirements.

Reasons: to ensure that Blue Badge holders can safely access the footstreets using the two designated corridors and that pedestrians on the corridors where Blue Badge access is permitted are able to use the footways to enable authorised vehicles to get past safely.

Background

18. The current pavement café licensing process and guidance was initially implemented as a temporary scheme under emergency government legislation (Business and Planning Act 2020) during the Covid pandemic. This emergency legislation deregulated the process for pavement cafes and removed the requirement for planning permission, which ordinarily was used to assess proposals and gather feedback from interested parties through the planning consultation process. Where planning consent was granted, annual licences were then issued by the highway authority under Part VIIA of the Highways Act 1980.
19. The Business and Planning Act 2020 removed the requirement for planning permission for removable furniture temporarily placed in the highway adjacent to hospitality sector premises (such as cafes, restaurants, and bars). The Act streamlined the process by reducing the consultation and determination periods, making it easier and cheaper for businesses to obtain pavement café licences.
20. The Council's licensing process and guidance was last updated in 2022 through an Executive decision (22 November 2022, available here, under item 48: <https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MIId=13292>) followed by Full Council approval on 15 December 2022

(available here:

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=331&MId=13697>).

New legislation and updated government guidance

21. The Levelling Up and Regeneration Act 2023 introduced a permanent pavement licensing regime in England to replace the temporary provisions introduced by the Business and Planning Act 2020. The pavement licensing provisions laid out in the 2023 Act commenced on 31 March 2024.
22. As these provisions introduce some changes to the licensing regime and are accompanied by updated Government guidance (available here: www.gov.uk/government/publications/pavement-licences-guidance), the Council now needs to consider updates to its pavement café licensing process and guidance.
23. Key changes to be considered are:
 - a) **Licence fees** – Local authorities are free to decide the level of pavement café application fees up to a cap which is set nationally. Under the temporary regime, the fees were capped at £100. The 2023 Act has increased the cap to £500 for first time applications and £350 for renewal applications. This increase in fee cap is intended to allow local authorities to recover the costs of processing, monitoring and enforcing licences.

Under the previous licensing regime, pre-Covid, applicants had to secure planning consent and then pay for an annual licence fee to cover the authority's costs. In York, the fee was set at £660/year.

The fees, set at £500 for first time applications and £350 for renewal applications, were approved by Full Council at the Budget meeting for 24/25 which took place on 22 February 2024 (additional information is available here, under item 80, the fees are set out in Annex 3: <https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MId=13934&Ver=4>).
 - b) **Licence duration** – The 2023 Act enables local authorities to grant pavement licences for a length of their choosing up to a maximum of two years. The government's updated guidance encourages local authorities to grant businesses

the maximum two years unless there is a good reason to do otherwise.

Under the previous licensing regime, before Covid and under the temporary licensing regime, CYC granted licences for a maximum duration of one year.

The recommended approach is to continue with annual licences as this provides an opportunity to regularly review the pavement café licences against any issues or complaints which may have been identified/received, check that licence holders have the required insurance cover, and that they have undertaken up to date Counter Terrorism training.

Annual fees were approved by Full Council at the Budget meeting for 24/25 which took place on 22 February 2024 (additional information is available here, under item 80, the fees are set out in Annex 3:

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MId=13934&Ver=4>).

- c) **Consultation and determination period** - The seven-day consultation and seven-day determination periods provided under the temporary regime, have been extended to 14 days for each. This is a legislative change and will be implemented automatically.
- d) **Enforcement** – The 2023 Act grants local authorities new enforcement powers. If furniture continues to be placed on the highway, in contravention of a notice served by the local authority, the authority may remove and store the furniture and refuse to return the furniture until the removal and storage costs have been paid. If the costs are not paid within three months of the notice being served, the authority can dispose of the furniture by sale or other means and retain the proceeds. This is a legislative change and will be implemented automatically.

The current CYC guidance states that up to two letters (notices) will be sent to licence holders asking for breaches to be addressed. If two letters have been sent for the same issue(s) and the licence is still not being complied with, the licence will be revoked. Once a licence is revoked, the furniture placed in the highway becomes an unauthorised obstruction with limited enforcement options available to the local authority under the Highways Act 1980.

Although the new enforcement powers are welcome, staff and storage resources will be required to remove and store the furniture without any guarantee of cost recovery. It is likely that these powers will therefore only be used where compliance has not been possible to achieve through discussions with the businesses and the furniture causes significant safety and/or accessibility issues for highway users.

- e) **Remaining available width for pedestrians** – The updated government guidance (Section 4.1) states that *“Section 4.2 of Inclusive Mobility sets out that footways and footpaths should be as wide as practicable, but under normal circumstances a width of 2000mm is the minimum that should be provided, as this allows enough space for two wheelchair users to pass, even if they are using larger electric mobility scooters. Local authorities should take a proportionate approach if this is not feasible due to physical constraints. A minimum width of 1500mm could be regarded as the minimum acceptable distance between two obstacles under most circumstances, as this should enable a wheelchair user and a walker to pass each other”*.

Current CYC guidance states that *“a 1.5 metres (1500mm) corridor needs to remain free of obstructions for people to get past the pavement café area. This will be increased to 2 metres (2000mm) in high footfall areas (for example at busy junctions or near bus stops)”*.

The recommended approach is to continue with the current local guidance where a minimum available width of 1.5m is required on footways (increased to 2m in some areas). The local guidance also provides an exception for level surface streets in the footstreets area, where cafes can be licensed to occupy the full width of a footway during pedestrianised hours.

- f) **Cumulative impact** - The updated government guidance states that authorities should be mindful of the cumulative impact of multiple pavement licences and the potential impact this could have on disabled pavement users.

The recommendation is to continue with the current approach where applications are considered in the order that they are received and validated (once all the required information has been submitted). As new applications are

received and validated in a street/area, officers consider the cumulative impact and the impact of licences on all highway users, including disabled people.

- g) **Permitted furniture** – The guidance clarifies that licences granted under this provision are exclusively for the use of removable furniture pertaining to the consumption of food and drinks, for example, tables and chairs. Other furniture, such as advertising boards, are not included.

The recommended approach is to continue with the existing local guidance as the current list of furniture included in the guidance matches that included in the revised legislation and national guidance.

24. In addition to these changes, two items which require further clarification in the updated guidance have been identified:

- a) **Definition of renewal versus new licence** – As noted in the section on Licence fees above, the 2023 Act has increased the fee cap to £500 for first time applications and £350 for renewal applications and Full Council has approved these fees on an annual basis for 2024/25.

The national guidance, when explaining transitional arrangements from the temporary to the permanent process, states: *“Businesses who have had a licence under the previous regime and are seeking a new licence should be treated as a renewal application if it is made by the licence-holder, it is in respect of the same premises and it is on the same terms as the expired licence”* (see Section 3.4, available here:

www.gov.uk/government/publications/pavement-licences-guidance/pavement-licences-guidance).

Based on this guidance, the recommended approach is to consider the following applications as new applications:

- Different licence holder;
 - Different premises;
 - Different terms, including change of area location, area size, furniture, hours/days of operation.
- b) **Provision of toilets** – Current CYC local guidance states *“Toilet facilities must be available for customers to use on the*

premises". In practice, some applicants have not been able to meet this requirement where they operate mainly as a take-away business (for example take away beverage stalls or shops such as bubble tea shops or take away food stalls).

The recommended option is therefore to update the guidance to state that where internal seating is provided (without the pavement café area), toilets should be available for customers. Exceptions can be made for premises which serve drinks and food as take away premises, without internal seating and without the ability to provide customer toilets.

Regularising pavement cafes, stalls, and similar uses on privately maintained highways

25. The areas which can be considered for a pavement café licence are defined in the Levelling Up and Regeneration Act 2023 and the Highways Act 1980. As the 2023 Act makes a permanent change to the pavement café licensing regime, it is now considered timely to address the issue activities which require licensing on privately maintained highways.
26. Pavement café areas can be licensed on a footway, a footpath, or a carriageway where traffic is restricted. These areas are generally adopted highways (maintained by the Council), but the process also applies to privately maintained highways.
27. The areas are defined in Section 115A of the Highways Act as follows and there is no distinction based on the maintenance status of the highway under consideration:
 - a) a highway in relation to which a pedestrian planning order is in force;
 - b) a restricted byway;
 - c) a bridleway;
 - d) a footpath (including a walkway);
 - e) a footway;
 - f) a subway;
 - g) a footbridge;

- h) a highway of a description not mentioned in any of the preceding paragraphs of this definition whose use by vehicular traffic is prohibited by a traffic order but whose use by other traffic is not prohibited or restricted or regulated by such an order; and
- i) a Local Act walkway.

28. Categories (e) and (h) above are the most common areas where licences are issued in York. Crown land or land maintained by Network Rail cannot be considered for pavement café licensing under this legislation.
29. In some areas of York, cafes and stalls have historically been set out on privately maintained highways because these areas were historically perceived as “private areas”. Some of these businesses applied for planning permission to install permanent furniture or structures, others secured planning permission to use the areas as pavement cafes (under the pre-Covid regime), with removable furniture. Others have used the areas historically, without any permissions or licences from the Council as the land was perceived as “private”.
30. Where these areas have generally been open to the public to pass and repass over many years, these areas will however generally have gained highway status.
31. This is because highways do not need to be maintained at public expense (also called adopted highways) to gain highway status. The most common way that rights of way come into existence is by presumed dedication. Long use by the public without challenge can constitute evidence that the landowner intended to dedicate the route as a public right of way. Presumed dedication can take place by common law or statute. Statute requires a period of at least 20 years uninterrupted use by the public (not necessarily the same people all the time) over a period of 20 years in the belief that that use was as of right. Common law dedication may require less time.
32. If furniture or stalls are placed on a highway without permission from the Council, they are likely to constitute an obstruction and the highway authority may need to remove them or ask the owner to remove them. Section 130(1) of the Highways Act 1980 places a duty on Highway Authorities to “*assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority*” and Section 130(3) places a duty on

Highway Authorities to “*prevent as far as possible the stopping up or obstruction*” of the highways for which they are responsible.

33. Part VIIA of the Highways Act 1980 however enables Councils to grant permissions for the use of objects or structures in the highway. This section of the Highways Act can be used to license stalls and other objects. Pavement cafes should be licensed under the Levelling Up and Regeneration Act 2023 in respect of highways listed in section 115A(1).
34. Key areas where this issue has been identified are Acomb Front Street and Bishopthorpe Road although other areas are likely to be affected across the city.

Petition – Pavement cafes and Blue Badge parking and access

35. A petition titled “Support Outdoor Dining in York” was presented to Full Council on 21 March 2024. The petition was signed by 282 people and asks for a review of how pavement cafes can operate in the city centre following the changes to pavement café licences made in areas of the city centre where Blue Badge vehicular access has been reinstated.
36. In October 2023, the Council’s Executive decided to reinstate vehicular access for Blue Badge holders on two city centre routes: Goodramgate to Colliergate (including Church Street) and Blake Street to Lendal.
37. This was informed by significant consultation, as presented in the report and summarised in Annex C (the report and supporting documents for this decision are available here: <https://democracy.york.gov.uk/ieDecisionDetails.aspx?ID=6951>).
38. The impact on pavement cafes on these routes was identified in Annex I (available here: <https://democracy.york.gov.uk/ieDecisionDetails.aspx?ID=6951>). At the time of the decision, the assessment of existing licences showed that café licences would need to be withdrawn or licensed areas reduced for 19 businesses as the space would be needed to accommodate Blue Badge parking and vehicular access on these routes.
39. The decision to reinstate vehicular access for Blue Badge holders in the city centre, including the impact on pavement cafes, was also considered by the Council’s Economy, Place and Transport

Scrutiny Committee in September 2023 (further information is available here:

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=1063&MId=14405>).

40. The removal and/or reduction of the pavement café licences on these two routes were required to ensure that Blue Badge holder vehicles could drive safely on the carriageway and to provide space for vehicles to be parked on street (Blue Badge holders can park on double yellow lines for up to 3 hours where they do not cause an obstruction).
41. Reintroducing pavement cafes on these corridors (as they were licensed before Blue Badge holder vehicular access was reinstated) would result in reduced on street parking capacity for Blue Badge holders.

Consultation Analysis

42. The most recent consultation related to pavement café licensing and accessibility issues was carried out by consultants Mima who were appointed as independent access consultants by the Council to carry out a series of workshops in March and May 2024 for York residents and city centre businesses. The aim of the research was to:
 - a) Understand what short-term improvements could be made to improve city centre access;
 - b) Review the process to reinstate Blue Badge holder access in the city centre and provide recommendations for improvement;
 - c) Identify longer term options to make the city centre more accessible.
43. Additional consultation feedback has been considered including: the Blue Badge Postcard Survey, results from the online Blue Badge access consultation Phase 1 and Phase 2, and data from the Local Transport Strategy consultation, as well as feedback from businesses (including the responses to the consultation carried out in 2022 when the licensing guidance was last updated).
44. There are clearly differences of opinion between some businesses and some highway users on what priority should be given to

pavement café licences versus clear carriageways and footways for people to travel on.

45. Feedback from Blue Badge holders and disabled people generally requested further vehicular access into the city centre and additional areas for vehicles carrying a Blue Badge to park. Many also requested more public seating and resting places (which may reduce the space available for pavement cafes).
46. The consultation responses highlighted that for disabled people pavement cafes can be a barrier when not implemented in an accessible manner. For example, they can impact visually impaired people navigating the space safely and can narrow pavement widths for wheelchair users and other mobility aid users.
47. In contrast, businesses highlighted that these spaces were important for business and generate an income particularly in the spring and summer months.

Options Analysis and Evidential Basis

48. This section considers the options available to the Executive Member in more detail. It does not consider the changes which are required due to the change in legislation (no options are available to the executive Member for these) and the changes which were agreed by Full Council (fee levels and licence duration).

Available footway width

49. The text included in the Government guidance on pavement café licensing has changed with the update to the guidance in April 2024. The updated guidance states: *“Section 4.2 of Inclusive Mobility sets out that footways and footpaths should be as wide as practicable, but under normal circumstances a width of 2000mm is the minimum that should be provided, as this allows enough space for two wheelchair users to pass, even if they are using larger electric mobility scooters. Local authorities should take a proportionate approach if this is not feasible due to physical constraints. A minimum width of 1500mm could be regarded as the minimum acceptable distance between two obstacles under most circumstances, as this should enable a wheelchair user and a walker to pass each other”*.
50. The recommended option is to continue with the approach set out in the Council local guidance where a remaining available width of

1500mm is always required (except in footstreets where the carriageway and footways are level during pedestrianised hours) and this is increased to 2000mm in specific areas (for example near a high footfall junction).

51. This is the recommended option as it has been in place in York since 2023 (following the Full Council decision in December 2022) and has generally worked well, enabling a significant number of licences to be issued (in line with the objectives of the Council's "My City Centre Strategy"), whilst enabling disabled people and other highway users to access streets and premises as required. 73 premises currently hold a pavement café licence in York (the majority of these are in the city centre).
52. Alternatively, the Executive Member could decide to adopt a stricter approach to the implementation of Inclusive Mobility guidance and require a minimum available footway width of 2000mm in most cases. As most of the city centre streets have relatively narrow footways, this would mean that many of the businesses currently licensed to use part of the footway would not be able to have a licence any longer. An initial assessment of existing licences shows that approx. 20 pavement café licences would need to be revoked and 11 licensed areas would need to be reduced.

New/renewal applications

53. The Government guidance indicates that applications should be treated as new licence applications (£500 cost) where there is a different licence holder, different premises and/or different terms.
54. The recommended option is to directly apply this guidance as any changes in these characteristics require the Council to undertake additional checks (for example on insurance cover, counter-terrorism training, and suitability of the area requested or furniture proposed). As the cost of a new licence is higher than a renewal, this means that the Council will be closer to achieving cost recovery.
55. The Executive Member could ask officers to review the list of changes which result in an application being treated as a new application to reduce the cost to the businesses (for example, where only the name of the licence holder is changing) but this would reduce cost recovery for the Council.

Toilet provision

56. The current local guidance document requires licence holders to provide toilets for their customers. In recent months, officers have received applications for pavement cafes from premises which do not have customer toilets currently as they operate mainly as take away premises (for example bubble tea shops and food trailers). These premises can be eligible for a pavement café licence under the current legislation but may not be able to provide customer toilets.
57. The recommended option is therefore to amend the local guidance document to state that where internal seating is provided, toilets should be available for customers but that exceptions can be made for premises which serve drinks and food as take away premises, without internal seating and do not have the ability to provide customer toilets.
58. The recommended option enables officers reviewing licence applications to ensure that customer toilets are provided wherever possible but also provide some flexibility where this is not possible.
59. Alternatively, the Executive member could decide to keep the current requirement for customer toilets to be provided for any premises with a pavement café licence. This would preclude some of the businesses from being granted a pavement café licence.

Regularising pavement cafes, stalls, and similar uses on privately maintained highways

60. When considering pavement cafes, stall and similar uses which have historically taken place without any licences in place in respect of highways listed in section 115A Highways Act 1980, the following options have been identified. The recommended option is to regularise
 - a) Do nothing – Leave these areas to be managed privately and manage pavement cafes in the adopted highway only. This is not a recommended option as the Council is under a legal duty to assert and protect the rights of the public to the use of all highways for which it is the highway authority and to prevent, as far as possible, the stopping up or obstruction of those highways. It may also result in issues for highway users with protected characteristics under the Equality Act 2010 as they may not be able to get safely past pavement café areas and/or stalls if they are not set up correctly. There

would be no direct financial impact for the businesses operating without licences as they would not be charged for a licence by the Council. There may be some increased financial liability risks for these businesses however as their insurance may not cover the use of the external areas on the highway without a licence and the Council may have to remove or ask them to remove their furniture/stalls at short notice if they are dangerous or obstructing highway users.

- b) Regularise the situation – Letters could be sent to all the premises where this situation has been identified. The letters would explain the situation and invite the premises' owners/managers to present any evidence they might have that the area under consideration is not subject to highway rights. Where highway rights cannot be refuted, the letter would offer the following options:
 - i. For permanent structures – The businesses could be invited to submit an application to stop up the highway (i.e. extinguish the public right of way). This could be done through the planning process (under Part X of the Town and Country Planning Act 1990) for new proposals when a valid planning permission requires the highway to be stopped up. For areas which are already being used, the stopping up process in the Magistrates' Court described under Section 116 of the Highways Act will be required. Only the Highway Authority can make an application under section 116 and it will only be able to support such an application if it can be demonstrated that "*the highway is unnecessary*". This will require the support of the Parish Council (where applicable, as they have a right of veto) and wayleaves or diversions will have to be agreed with statutory undertakers if utilities are present in the area(s) to be stopped up. Costs would generally be borne by the applicant, but the Council may agree to bear some of the costs where planning applications have been granted for permanent structures historically, without the applicant having been made aware of the need to stop up the highway. As stopping up processes can be lengthy, the licensing options described below may need to be implemented until a decision is made on the stopping up application.

- ii. For permanent structures and non-permanent items which are not pavement cafes (e.g. grocer's display, stalls, etc) – Where they are considered in line with the Council's pavement café guidance and/or other Council policies and national standards and guidance, the areas could be licensed under Section 115E of the Highways Act. This would be subject to an annual licensing fee, currently set at £800/year. For the Council to be able to issue a licence under Section 115E of the Highways Act 1980, the consent of the frontagers with an interest is required (this usually includes any owners or occupiers of the premises, including anyone living on the first floor for example). This would be for the applicant to negotiate with the relevant parties. For permanent structures, statutory undertakers may also need to be consulted if the structures are likely to have an impact on or restrict access to their apparatus. Where areas have been used historically and the businesses were not made aware of the need for a licence, the Council may decide to reduce the fee for the first year.
- iii. For removable furniture – The businesses will need to apply for a pavement café licence under the Levelling Up and Regeneration Act 2023. This will be granted if they meet the criteria set out here: www.york.gov.uk/highway-licences/pavement-caf%C3%A9-licence-guidance-process/2. This would be subject to an annual fee, currently set at £500/year for new licences and £350/year for renewals. Where areas have been used historically and the businesses were not made aware of the need for a licence or where a licence for an area similar to that currently in use can be issued, the Council would apply the renewal fee instead of the new licence fee.
- iv. Where an area is considered a highway (and no evidence has been provided to the contrary) and the business using the area for a pavement café, stall or similar does not apply for a licence or stopping up order, the Council would need to consider enforcement action under its duty to protect highway rights as set out in Section 130 of the Highways Act 1980.

Petition – Pavement cafes and Blue Badge parking and access

61. The recommended option is to decline the request to reinstate pavement cafes on the corridors where Blue Badge vehicular access is permitted as this would conflict with Blue Badge holders' access and parking needs.
62. This is because the impact on pavement cafes was considered by the Executive when the decision was made to restore vehicular access for Blue Badge holders through city centre hostile vehicle measures. Executive recognised then that, on the two access corridors, licences would only be granted where blue badge parking isn't possible as the objective is to allow blue badge parking in the pedestrian area (on double yellow lines, for 3 hours maximum), not just drop off.
63. An alternative option would be to allocate the space to pavement cafes (where businesses have applied and meet all the other criteria) and remove the ability for Blue Badge holders to park on double yellow lines in those areas. This would need to be considered very carefully in road safety terms as vehicles carrying Blue Badge holders would still be allowed to access these areas, including turning around at the Church Street/Silver Street junction, but would have to navigate around pavement café areas on the carriageway.
64. It would also reduce the availability of on street parking for vehicles carrying Blue Badge holders and increase the distance Blue Badge holders would have to travel without a vehicle to access city centre shops and services.

Organisational Impact and Implications

65. The following implications have been identified for the recommended options:
 - **Financial:** Before Covid, the council had a budget of £24k for income from café licences. At that point we were charging £660 per licence. During Covid the charge for a café licence was capped at £100/year, and income was below the budget, although compensated in part by a government grant. The new charges will be £350 for renewals and £500 for new licences. Total income from the fees will be dependent on the total number licences issued but based on the current number of licences, the income should be similar to pre-Covid levels. We will monitor the impact on this throughout the year.

There is a Network Management budget of £878k for 2024/25. This will cover expenditure relating to the changes in regularising the uses in the privately maintained highways. This report expects an increase in expenditure depending on what action is required. Also additional income is expected from the licences.

Not considered that will go above the budget to provide this service.

No enforcement related financial implications identified as this report does not consider any increase in compliance monitoring and enforcement.

- **Human Resources (HR)** – no implications identified as this report does not consider any increase in compliance monitoring and enforcement.
- **Legal** - The relevant legislation is referred to in the report.

There is no statutory requirement to have a pavement licensing policy; however, it is good practice to do so. A policy guides applicants and assists with consistent and transparent decision making. However, each case must be considered on its own merits with the decision maker being prepared to make exceptions to the policy in appropriate circumstances. In formulating its policy, the Council should have regard to the provisions of the Human Rights Act 1998 and the Public Sector Equality Duty.

- **Procurement** – no implications identified.
- **Health and Wellbeing** – no implications identified apart from the link to the Council Plan's wider Health commitment.
- **Environment and Climate action** – no implications identified
- **Affordability** – no implications identified
- **Equalities and Human Rights**, See impacts identified in the EQUIA
- **Data Protection and Privacy** – no implications identified
- **Communications** – Where changes to the local guidance for pavement café licensing are recommended and then approved by the Licensing Committee, the relevant webpages will be updated and licence holders will be sent the relevant information as

required (communications with the businesses are generally via email).

- **Economy**, contact: Head of City Development.

As highlighted in the report, the Council has worked with partners, including the city centre business community over the past few years to develop the “Our City Centre Vision”, which strives to create a vibrant city centre for all. The Vision highlights the importance of outdoor seating in creating an attractive and active city centre, as well as encouraging investment in public spaces, squares and our shopping areas. However, the vision for the city also strives to improve accessibility in the city centre, which this report considers.

The recommendations in this report will have mixed impacts on the local economy. For those businesses which have come to rely on the use of pavements and the highway to boost income, where licences can no longer be granted, there will be negative impacts, as set out in the petition. However, more broadly, ensuring that the city centre is accessible to all produces a positive impact to the city centre as a whole.

The council will continue to work with city partners to deliver the Our City Centre Vision, creating a vibrant city centre that supports business which is welcoming and accessible to all.

Risks and Mitigations

66. There are no significant risks identified for the update of the licensing guidance and process as it addresses a change in legislation and other small changes to an established process.
67. Risks identified for the options considered to regularise cafes and other uses in privately maintained highway areas include:
 - a) Stopping up applications rejected or not progressed due to significant objections/highway being necessary
 - b) Objections to S115 licences by frontagers with an interest could result in businesses not being able to legally use the areas they have used historically to support their income;
 - c) Some businesses may not be granted licences under S115E or the Levelling Up and Regeneration Act 2023, if they can't

meet the criteria set out here: www.york.gov.uk/highway-licences/pavement-caf%C3%A9-licence-guidance-process/2. This could result in businesses not being able to legally use the areas they have used historically to support their income

Wards Impacted

68. All wards, although Guildhall ward will be impacted the most for the review of the licensing process and guidance as the majority of pavement café licences are issued for city centre businesses. Wards outside the city centre, where there are secondary centres or small areas of shops will be impacted the most by the options presented to regularise licensing for businesses using privately maintained highway areas.

Contact details

For further information please contact the authors of this Decision Report.

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Date:	09/07/2024

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Background papers

No additional background papers. All relevant papers are listed in the report.

Annexes

- Annex A: Petition “Support outdoor dining in York” (personal details have been redacted)
- Annex B: Equalities Impact Assessment (EIA)

**Annex A – Petition presented to Full Council on 21
March 2024**

Support outdoor dining in York

We the undersigned call on the City of York Council to urgently review how pavement cafes can operate in York city centre considering the recent changes to city centre access. Many businesses are now unable to offer an outdoor dining option which will and is having significant financial consequences for local traders and small businesses.

Signatures have been redacted.

282 [signatures](#) were received with the petition.

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City of York Council
Equalities Impact Assessment

Who is submitting the proposal?

Directorate:	Place		
Service Area:	Transport		
Name of the proposal :	Review of pavement café licensing process and guidance		
Lead officer:	Helene Vergereau, Head of Highway Access and Development		
Date assessment completed:	XXXXXX		
Names of those who contributed to the assessment :			
Name	Job title	Organisation	Area of expertise
Helene Vergereau	Head of Highway Access and Development	CYC	Transport and highways
Darren Hobson	Traffic Management Team Leader	CYC	Transport and highways
Annemarie Howarth	Traffic Projects Officer	CYC	Transport and highways
Others to be listed here			

Step 1 – Aims and intended outcomes

1.1	<p>What is the purpose of the proposal? Please explain your proposal in Plain English avoiding acronyms and jargon.</p>
	<p>The proposal is to review the Council’s pavement café licensing process and guidance following the commencement of the pavement licensing provisions laid out in the Levelling Up and Regeneration Act 2023. The recommended options are:</p> <ul style="list-style-type: none"> • To note the legislative changes and the changes to the fees approved by Full Council in February 2024 • To recommend the following changes to the local guidance to the Licensing Committee: <ul style="list-style-type: none"> ○ Continue to implement the local guidance where a minimum available width of 1.5m is generally required on footways (with an exception for level surface streets in the footstreets area, where cafes can be licensed to occupy the full width of a footway during pedestrianised hours); ○ Applications to be treated as new licence applications (£500) where there is a different licence holder, different premises and/or different terms; ○ Update the guidance to state that where internal seating is provided, toilets should be available for customers. Exceptions can be made for premises which serve drinks and food as take away premises, without internal seating and without the ability to provide customer toilets. <p>The report considers options to regularise pavement cafes and other furniture and stalls operating on privately maintained highways as the Levelling Up and Regeneration Act 2023 implements a permanent change to the licensing regime.</p> <p>The report also acknowledges and considers options to address the concerns raised by a petition titled “Support Outdoor Dining in York”, which was presented to Full Council on 21 March 2024. The recommended option is to note the concerns raised by the petition but decline the request to reinstate pavement cafes on the corridors where Blue Badge vehicular access is permitted as this would conflict with Blue Badge holders’ access requirements.</p>

1.2	Are there any external considerations? (Legislation/government directive/codes of practice etc.)
	<p>Levelling Up and Regeneration Act 2023, Business and Planning Act 2020, Part 7A of the Highways Act 1980; Equality Act 2010</p> <p>Pavement licences: guidance published by the Department for Levelling Up, Housing & Communities (available here: www.gov.uk/government/publications/pavement-licences-guidance/pavement-licences-guidance)</p> <p>Inclusive mobility: making transport accessible for passengers and pedestrians, by the Department for Transport (available here: www.gov.uk/government/publications/inclusive-mobility-making-transport-accessible-for-passengers-and-pedestrians)</p> <p>BS 8300-1:2018 Design of an accessible and inclusive built environment</p> <p>Protect Duty - draft Terrorism (Protection of Premises) Bill</p>
1.3	Who are the stakeholders and what are their interests?
	<p>All highway users (residents and visitors), including people with protected characteristics</p> <p>Blue Badge holders accessing the city centre with a vehicle</p> <p>Hospitality businesses which hold a pavement café licence or may apply in the future (including those which have been using privately maintained highway areas without a licence historically), their staff and customers (including people with protected characteristics)</p> <p>Businesses and residents in areas where pavement café licences are issued</p>
1.4	What results/outcomes do we want to achieve and for whom? This section should explain what outcomes you want to achieve for service users, staff and/or the wider community. Demonstrate how the proposal links to the Council Plan (2023-27) and other corporate strategies and plans.

The proposals aim to implement the changes to pavement café licensing brought by the new legislation and update the local pavement café licensing guidance and process. The report also aims to regularise furniture and similar uses in privately maintained highway areas as many of them have not been licensed historically.

The proposals relate to the Council Plan for 2023-27 commitments, specifically:

- a) Equalities and Human Rights, which states *“We will create opportunities for all, providing equal opportunity and balancing the human rights of everyone to ensure residents and visitors alike can benefit from the city and its strengths”*; and
- b) Health, which states: *“We will improve health and wellbeing and reduce health inequalities, taking a Health in All Policies approach, with good education, jobs, travel, housing, better access to health and social care services and environmental sustainability. We will achieve better outcomes by targeting areas of deprivation, aiming to level opportunity across the city”*.

They also relate to the Council’s “My City Centre Strategy” (2021-2031) which aims to *“support outdoor eating and café culture in the city centre”* (objective 3C) and to *“improve accessibility through a wide range of measures including more dropped kerbs, improved surfaces and seating and better facilities for disabled people”* (objective 6D).

Step 2 – Gathering the information and feedback

2.1	<p>What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights? Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.</p>
Source of data/supporting evidence	Reason for using
Feedback received through the existing licensing process	The team licensing pavement cafes has received considerable amounts of feedback from a wide range of people since the temporary licensing regime was first put in place in 2020. This includes feedback from people with protected characteristics or groups representing such

2.1	<p>What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights? Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.</p>
	<p>communities as well as feedback from businesses and other stakeholders. This feedback has been used to inform the proposals.</p>
<p>Consultation feedback gathered by CYC and consultants in 2022-24</p>	<p>The most recent consultation on this subject has been carried out by consultants Mima who were appointed as independent access consultants by the Council to carry out a series of workshops in March and May 2024 for York residents and city centre businesses. The aim of the research was to:</p> <ul style="list-style-type: none"> a) Understand what short-term improvements could be made to improve city centre access; b) Review the process to reinstate Blue Badge holder access in the city centre and provide recommendations for improvement; c) Identify longer term options to make the city centre more accessible. <p>Additional consultation feedback has been considered including: the Blue Badge Postcard Survey, results from the online Blue Badge access consultation Phase 1 and Phase 2, and data from the Local Transport Strategy consultation.</p>
<p>Evidence gathered by the access consultants for the last review of the local licensing guidance and process (the consultant's report was published for the Executive decision session on 22 November 2022 – see Annex A).</p>	<p>In 2022, the consultants undertook a site visit and organised two panel discussions with disabled people, which informed their recommendations.</p>
<p>Surveys and traffic data (where available)</p>	<p>Provides data on usage level, reasons for access, etc</p>

2.1	<p>What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights? Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.</p>
	<ul style="list-style-type: none"> • Footstreets and Blue Badge Parking Survey 2020 (https://data.yorkopendata.org/dataset/footstreets-and-blue-badge-parking-survey-2020) • Blue Badge access consultation Phase 1 (www.data.gov.uk/dataset/46baba66-b35a-428a-95b4-be3ef8c4e6d2/blue-badge-access-consultation-phase-1) • Blue Badge City Centre Access Points Usage (www.data.gov.uk/dataset/ff581ba6-3a8f-43b2-ba37-cf4eca818791/blue-badge-city-centre-access-points-usage)
Research papers, published evidence and news items on the impact of cafes and street furniture on accessibility	<p>Research and evidence available online, including publications such as:</p> <ul style="list-style-type: none"> • “Who put that there! The barriers to blind and partially sighted people getting out and about”, RNIB • “Evaluating the impact of the introduction of pavement café licensing on the mobility of disabled people and older people in Northern Ireland”, IMTAC • UK Disability Survey research report, June 2021 • The path to inclusive footways, Sustrans and Transport for All, commissioned by the LGA, February 2024 • Disabled Citizens’ Inquiry, Sustrans, February 2023
My City Centre consultation	<p>A wide-ranging consultation and engagement exercise was carried out to develop the vision. Information available here: www.york.gov.uk/city-centre-york-6/city-centre-yorkyouve-told-us-far and reports published with the 18/11/2021 Executive decision to adopt the “My City Centre Strategic Vision”, for example, Annex 4, page 29</p>

2.1	What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights? Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.
	https://democracy.york.gov.uk/ieDecisionDetails.aspx?AllId=60466

Step 3 – Gaps in data and knowledge

3.1	What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.	
Gaps in data or knowledge		Action to deal with this
Numbers and locations of cafes and other uses in privately maintained highway areas		Some areas have already been identified but others will be identified by CYC teams as the implementation progresses. Impacts to be reviewed when additional areas are identified.

Step 4 – Analysing the impacts or effects.

4.1	Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments? Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations.
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Equality Groups and Human Rights	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
Age	Impacts identified for older people are similar to those described under the Disability category below. This is because older people are more likely to live with one or more health condition or illness reducing their ability to carry out day-to-day activities. For children, the impacts identified are similar to those identified under the Disability category below, when considering access for small children and their carers using	Mainly positive impacts identified Limited negative impacts identified	Medium

Equality Groups and Human Rights	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
	prams and/or pushchairs (where dropped kerbs or raised crossing are required or preferred).		
Disability	<p>Changes to consultation period from 7 days to 14 days – This is a legislative change requiring the local guidance to be updated. This change should have a positive impact for disabled people and groups representing them as it will give more time for individuals and groups to raise concerns with or object to pavement café licence applications.</p> <p>Continued application of the 1.5m available width rule on footways (except for level surface streets in the footstreets area, where cafes can be licensed to occupy the full width of a footway during pedestrianised hours) - This had generally been identified as a sufficient minimum width to enable disabled people to use the footways whilst providing some space for pavement cafes through the consultation and consultant’s recommendation when the local guidance was last updated (documents are available here, under item 48: https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MId=13292).</p> <p>Feedback from disabled people on the provision of pavement cafés presents a range of views. Some disabled people or groups express the view that footways should be clear of all furniture, whilst others support café licensing where a minimum of 1.5m remains available for people to get past. Some disabled people also identify some benefits from</p>	Mainly positive impacts identified Limited negative impacts identified	Medium

Equality Groups and Human Rights	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
	<p>pavement cafes for those who prefer to sit outside or want to eat/drink at a venue which would otherwise have been inaccessible to them (for example for historic buildings with stepped access which are quite common in York). When the footstreets are busy, wheelchair and mobility aid users may be delayed on their journey as they may have to wait to get past a licensed area where the available width of the footway is reduced to 1.5m.</p> <p>Clarification of permitted furniture and changes to enforcement – These are legislative changes requiring the local guidance to be updated. These changes should have a positive impact for disabled people as this clarifies that A-boards are not included in the list of furniture which can be licensed through this regime. A-boards are often identified as a significant obstacle by disabled people and groups representing them. The changes to Council enforcement powers should also have a positive impact for disabled people in principle although they will be difficult to use in practice so compliance will probably not improve because of the additional powers provided through the legislation.</p> <p>Regularising pavement cafes, stalls, and similar uses on privately maintained highways – This will result in permitted furniture, stalls (and other similar obstructions) being licensed only if they meet the conditions set by local</p>		

Equality Groups and Human Rights	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
	<p>and national guidance. This includes a minimum 1.5m corridor available on footways, barriers set up correctly and with a tapping rial, etc. This should have a positive impact for disabled people. It is possible that some businesses which currently use outdoor highway areas may not be able to continue to do so if they cannot gain a licence. In some cases, this might have a negative impact on some disabled customers who may not be able to gain access to the premises (for example due to stepped access) but were able to access the goods/services sold when furniture or stalls were provided outside.</p> <p>Response to the petition titled “Support Outdoor Dining in York” – The recommended option is to decline the request to reinstate pavement cafes on the corridors where Blue Badge vehicular access is permitted as this would conflict with Blue Badge holders’ access requirements. This option has a positive impact on Blue Badge holder’s access to the city centre as it ensures that areas which are wide enough for vehicles carrying Blue Badge holders to park on double yellow lines (or in marked bays where available) remain available for parking during the day. This enables Blue Badge holder vehicles to park as close as possible to the city centre and the shops and services that they are accessing.</p>		

Equality Groups and Human Rights	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
	For disabled people who enjoyed using the pavement cafes in the locations where these have now been removed, this option has a negative impact as these customers may not be able to access these hospitality businesses any longer and do not have the option of seating outside.		
Gender	No differential impact identified.		
Gender Reassignment	No differential impact identified.		
Marriage and civil partnership	No differential impact identified.		
Pregnancy and maternity	Impacts identified for pregnancy and maternity are similar to those described under the Disability category above. This is because health conditions reducing the ability to carry out day-to-day activities are more likely to arise during pregnancy and parents of young children are more likely to be using prams and pushchairs.	Mainly positive impacts identified Limited negative impacts identified	Medium
Race	No differential impact identified.		
Religion and belief	No differential impact identified.		
Sexual orientation	No differential impact identified.		

Equality Groups and Human Rights	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
Other Socio-economic groups including :	Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?		
Carer	Impacts identified for carers are similar to those described under the Disability category above.	Mainly positive impacts identified Limited negative impacts identified	Medium
Low income groups	No differential impact identified.		
Veterans, Armed Forces Community	No differential impact identified.		
Other	No differential impact identified.		
Impact on human rights:			
Article 8: Respect for your private and family life & Article 14: Protection from discrimination	Private life includes a right to participate in essential economic, social, cultural and leisure activities. The feedback received from disabled groups shows that although some people have been able to use the outdoor space provided by pavement cafes as it has provided a safer and more accessible way to access hospitality venues in	Mainly positive impacts identified Limited negative	Medium

Equality Groups and Human Rights	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
	<p>some cases, others have found that pavement cafes have made it more difficult for them to participate in essential activities due to the need to navigate around the licensed areas.</p> <p>Article 14 requires that all of the rights and freedoms set out in the Act must be protected and applied without discrimination.</p> <p>As stated above, the recommended options set out in the main report aim to mitigate these impacts by retaining a 1.5m corridor on footways (with the exception of pedestrianised streets with level access), update the guidance due to the change in legislation and decline the request to reinstate pavement cafes on the corridors where Blue Badge vehicular access is permitted as this would conflict with Blue Badge holders' access requirements.</p>	impacts identified	

Use the following guidance to inform your responses:

Indicate:

- Where you think that the proposal could have a POSITIVE impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups
- Where you think that the proposal could have a NEGATIVE impact on any of the equality groups, i.e. it could disadvantage them

- Where you think that this proposal has a NEUTRAL effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a proposal may be highly relevant to one aspect of equality and not relevant to another.

<p>High impact (The proposal or process is very equality relevant)</p>	<p>There is significant potential for or evidence of adverse impact The proposal is institution wide or public facing The proposal has consequences for or affects significant numbers of people The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.</p>
<p>Medium impact (The proposal or process is somewhat equality relevant)</p>	<p>There is some evidence to suggest potential for or evidence of adverse impact The proposal is institution wide or across services, but mainly internal The proposal has consequences for or affects some people The proposal has the potential to make a contribution to promoting equality and the exercise of human rights</p>
<p>Low impact (The proposal or process might be equality relevant)</p>	<p>There is little evidence to suggest that the proposal could result in adverse impact The proposal operates in a limited way The proposal has consequences for or affects few people The proposal may have the potential to contribute to promoting equality and the exercise of human rights</p>

Step 5 - Mitigating adverse impacts and maximising positive impacts

5.1	Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?
The changes to the pavement café local guidance will be published on the CYC website where all the rules about pavement cafes are set out, the process is explained and drawings are provided to show businesses how to set up their pavement café area.	

Step 6 – Recommendations and conclusions of the assessment

6.1	Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:
- No major change to the proposal – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.	

- **Adjust the proposal** – the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations.
- **Continue with the proposal** (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty
- **Stop and remove the proposal** – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed.

Important: If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.

Option selected	Conclusions/justification
No major change to the proposal	<p>This assessment has identified that the recommended options should have some positive impacts on people with the following protected characteristics: Age (older people and young children), Disability, Pregnancy and maternity, and Carers. It has also identified some positive impacts on the following human rights: Article 8: Respect for your private and family life & Article 14: Protection from discrimination.</p> <p>Limited negative impacts were identified when considering the availability of pavement cafes (where they have been removed to enable Blue Badge vehicular access and parking) and the fact that some disabled people have stated that the cafes provided improved access/options for them. This needs to be balanced against the requirements for Blue Badge holder vehicular access to the city centre.</p> <p>Limited negative impacts were also identified as the minimum available width of 1.5m on footway will result in some people (including people using wheelchairs</p>

	or mobility aids) having to wait to get past some pavement café areas, especially at busy times. The recommended options however aim to mitigate some of the negative impacts of pavement cafes whilst enabling the development of the café culture described in the Council’s “My City Centre Vision” where appropriate.
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Step 7 – Summary of agreed actions resulting from the assessment

7.1	What action, by whom, will be undertaken as a result of the impact assessment.		
Impact/issue	Action to be taken	Person responsible	Timescale
Access for people with the following protected characteristics: Age (older people and young children), Disability, Pregnancy and maternity, and Carers	As per recommended options in the main report Changes to the licensing guidance and process to be presented to the Licensing Committee	Michael Howard	2024

Step 8 - Monitor, review and improve

8.1	How will the impact of your proposal be monitored and improved upon going forward? Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?
	Feedback and information received through the licensing process will continue to be used to inform decisions.

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Meeting:	Executive Member for Transport Decision Session
Meeting date:	11/06/2024
Report of:	James Gilchrist Director of Transport Environment and Planning
Portfolio of:	Cllr Ravilious, Executive Member for Transport

Decision Report: Response to the Petition entitled “Reopen The Groves Roads

Subject of Report

1. An e-petition entitled “Reopen The Groves Roads” was presented to the Council in April 2024 (“the Petition”). 19 people signed the e-petition. The petition is available in Annex A (signatories’ names have been redacted).
2. This report acknowledges and responds to the Petition, as required by the Council’s Petitions Scheme. This Scheme can be viewed here: www.york.gov.uk/downloads/file/1421/city-of-york-council-petitions-scheme

Benefits and Challenges

3. The recommended option is to retain the Low Traffic Neighbourhood scheme for The Groves and decline the request to reopen the roads which were closed to through travel by motorised traffic as part of the scheme.
4. The pros and cons of the Low Traffic Neighbourhood scheme were considered in detail when the decisions were made to trial the scheme and then make it permanent. This information is available here: (see Item 82):
<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MIId=12799&Ver=4>

Policy Basis for Decision

5. When the Low Traffic Neighbourhood scheme for The Groves was developed and implemented, the aims of the scheme were aligned with the objectives of the Council's Local Transport Plan 2011 to 2031 (available here: www.york.gov.uk/LocalTransportPlan), which include promoting sustainable travel choices and reducing traffic in residential areas.
6. The Council is currently preparing a new Local Transport Strategy (available here: www.york.gov.uk/LocalTransportStrategy). Detailed policies forming the basis of the policy consultation for the Local Transport Strategy were approved by the Executive member for the Economy and Transport in November 2023. These include similar principles, aiming to provide safe streets for walking and cycling, and encouraging people to use sustainable modes of transport where possible.

Financial Strategy Implications

7. There are no financial strategy implications identified as the recommended option is to retain the existing Low Traffic Neighbourhood scheme without any changes.

Recommendation and Reasons

8. The Executive Member is recommended to:
 - a) Acknowledge the concerns raised by the Petition and consider the aims of the Petition in the context of York's emerging Local Transport Plan and wider Council objectives.
 - b) Decline the request to reopen the roads which were closed to through travel by motorised traffic as part of the Low Traffic Neighbourhood scheme, which became permanent in 2022.

Reasons: The scheme was subject to a full consultation process and the decision to make the closure permanent was taken by the Council's Executive, having considered the objections and consultation feedback received. Any changes to the highway network would need to be assessed across the Local Authority area and through the principles and policies of the emerging Local Transport Plan.

Background

9. An e-petition entitled “Reopen The Groves Roads” was presented to the Council in April 2024.
10. 19 people signed the e-petition which proved the following justification for the request: *“I and many have experienced the frustration and inconvenience caused by the closure of roads in The Groves and others. Cycling is wonderful and public transport has its place, but when road conditions are poor & bus fares rise and frequency lessens, cars become the only viable option for residents”*.
11. The low traffic neighbourhood scheme implemented in The Groves was developed over several years, with the Council working closely with residents through The Groves Regeneration Project, looking at ways to make the area a better place to live.
12. Through this work, local people said that they wanted better air quality, less and slower traffic and the chance to build on the existing sense of community for the area.
13. Streets which are less congested and less car-dominated can lead to improved road safety, better air quality, more walking and cycling and improved health and wellbeing. Reduced traffic and congestion on the streets may also lead to more social interaction, more community activities and less isolation, as people feel safer and more confident being out and about in the area.
14. When the scheme was developed and implemented, these aims were aligned with the objectives of the Council’s Local Transport Plan 2011 to 2031 (available here: www.york.gov.uk/LocalTransportPlan), which include promoting sustainable travel choices and reducing traffic in residential areas.
15. The Council is currently preparing a new Local Transport Strategy (available here: www.york.gov.uk/LocalTransportStrategy). Detailed policies forming the basis of the policy consultation for the Local Transport Strategy were approved by the Executive member for the Economy and Transport in November 2023. These include similar principles, aiming to provide safe streets for walking and cycling and encouraging people to use sustainable modes of transport where possible.

16. The implementation of the low traffic neighbourhood scheme in The Groves in September 2020 followed significant engagement and public consultation. The scheme was initially implemented as a trial for 18 months, under an Experimental Traffic Regulation Order (ETRO), so that further consultation, monitoring and evaluation could take place during the trial phase. This led to the scheme being adjusted in November 2020. This is described here: www.york.gov.uk/TheGroves
17. The Council also commissioned independent monitoring and evaluation work to assess the impacts of the trial. The findings were considered by the Council's Executive when the decision was made to make the scheme permanent in January 2022. This decision and all the associated reports are available here (see Item 82): <https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MIId=12799&Ver=4>
18. The decision to retain the road closures permanently was made on the basis that the scheme:
 - a) Supports the provision of quality alternative sustainable modes of transport in order to encourage behavioural change and maximise the use of walking, cycling and public transport and continue improving road safety;
 - b) Minimises the emission of harmful pollutants and traffic danger within the Groves;
 - c) Enhances public streets and spaces to improve the quality of life;
 - d) Minimises the impact of motorised traffic in The Groves and encourages economic, social and cultural activity.

Consultation Analysis

19. No additional consultation has been undertaken to prepare this report.
20. Significant consultation was undertaken before and during the ETRO and before the closures were made permanent. This information is available online on the Council's "The Groves low traffic neighbourhood" page: www.york.gov.uk/TheGroves

Options Analysis and Evidential Basis

21. Options available include:
- a) Option 1 – recommended option - Acknowledge the concerns raised by the Petition and consider the aims of the Petition in the context of York’s emerging Local Transport Plan and wider Council objectives. Decline the request to reopen the roads which were closed to through travel by motorised traffic as part of the Low Traffic Neighbourhood scheme, which became permanent in January 2022;
 - b) Option 2 – Accept the request to reopen the roads which were closed to through travel by motorised traffic as part of the Low Traffic Neighbourhood scheme;
 - c) Option 3 – Ask officers to review the Low Traffic Neighbourhood scheme and develop a different scheme.
22. Options 2 and 3 are not the recommended options as the decision to make the ETRO permanent acknowledged that the scheme supports the provision of quality alternative sustainable modes of transport in order to encourage behavioural change and maximise the use of walking, cycling and public transport and continue improving road safety, minimises the emission of harmful pollutants and traffic danger within The Groves, enhances public streets and spaces to improve the quality of life, minimises the impact of motorised traffic in The Groves and encourages economic, social and cultural activity, in line with the Council’s principles and policies of the emerging Local Transport Plan.

Organisational Impact and Implications

23. The following implications have been identified:
- **Financial**, no financial implications identified as the recommended option is for the current scheme to remain in place.
 - **Human Resources (HR)**, no implications identified.
 - **Legal**, no implications identified.
 - **Procurement**, no implications identified.
 - **Health and Wellbeing**, no implications identified.

- **Environment and Climate action**, no implications identified. The current scheme is in line with the Council's principles and policies of the emerging Local Transport Plan which aim to promote the use of sustainable modes of transport and provide safe streets for active modes of travel.
- **Affordability**, no implications identified.
- **Equalities and Human Rights**, no implications identified as the recommended option is to retain the existing scheme. The implications of the scheme on equalities and human rights were considered when the Council's Executive decided to make the ETRO permanent. The Equality Impact Assessment supporting that decision is available here (see Annex G):
<https://democracy.york.gov.uk/mgAi.aspx?ID=61090#mgDocuments>
- **Data Protection and Privacy**, no implications identified.
- **Communications**, no implications identified.
- **Economy**, no implications identified.

Risks and Mitigations

24. No risks identified as the recommended option is for the current scheme to remain in place.

Wards Impacted

25. Guildhall and Heworth.

Contact details

For further information please contact the authors of this Decision Report.

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Report approved:	Yes

Date:	09/07/2024
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Background papers

No background papers.

Annexes

- Annex A – Petition (names have been redacted)

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Annex A:

Petition (names have been redacted)

Title: Reopen The Groves Roads

Statement:

We the undersigned petition the council to reopen the closed roads.

Justification:

I and many have experienced the frustration and inconvenience caused by the closure of roads in The Groves and others. Cycling is wonderful and public transport has its place, but when road conditions are poor & bus fares rise and frequency lessens, cars become the only viable option for residents.

e-Petition Signatory Date Signed

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Meeting:	Decision Session
Meeting date:	19/07/2024
Report of:	Annemarie Howarth
Portfolio of:	Councillor Ravilious Executive Member for Transport

Decision Report: Consideration of results received from the consultation to extend R23 Residents Parking Zone to include Government House Road and a decision to be made on implementing restrictions on Water End slip road.

Subject of Report

1. To report the results of the informal consultation feedback received from residents in response to a proposal to extend Resident Parking (ResPark) zone R23 (Westminster Road) to include properties on Government House Road, and determine what action is appropriate following the results.
2. To consider implementing no waiting restrictions on Water End slip road, to remove unrestricted parking ensuring pedestrian and cycle access to the river front is free from obstruction and reduce any danger arising from vehicles turning/reversing when looking to park or exit from the area.

Pros and Cons

3. Consultations relating to the implementation of new or extended residents parking zones are usually brought forward at the request of residents. In the case of Government House Road, the majority of residents on the street submitted a petition to the Council in September 2020 to ask for their street to be consulted for implementing resident priority parking restrictions.
4. As the initial, informal consultation was taking place with the residents of the street, a representation was made to the Council about the use

of the parking area on the slip road, where commuters were parking for the whole day, restricting access to the riverside for short term recreational users. As these areas are in very close proximity to each other and restricting parking in one area would affect the other, an additional informal consultation was carried out to ask residents for their views on proposals to restrict parking in both areas.

5. During the last Executive Meeting the officer recommendation was to progress to the next stage of consultation for both areas. The request was to enable the statutory consultation process for:
 - the extension of R23 to include Government House Road; and
 - a 2-hour parking limit on the slip road.
6. Progressing the recommended extension of R23, to include Government House Road, to legal advertisement would allow further consideration of the views of residents (in support and in objection). If the proposal is advertised, residents and non-residents alike would have the opportunity to provide written representations for or against the proposal which would be presented to the Executive Member for Transport for consideration and a decision on whether the extension of the zone should go ahead or if the proposals should be amended in light of any representations received.
7. Should the scheme not be progressed to statutory advertisement this would go against the majority views of the residents on Government House Road and would not give the opportunity to gather further representations from the wider community.
8. Implementing limited waiting parking restriction on Water End slip road would still permit vehicular traffic, which after further consideration and due to the nature of the access route for pedestrians and cyclists could present a danger particularly when vehicles are manoeuvring due to the parking bay position, it is therefore proposed to implement No Waiting at any Time (DYL's) restrictions for the whole length to remove any danger and conflict arising. If this recommendation is progressed to statutory consultation for the amendment to the Traffic Regulation Order this would give local residents and the wider community the opportunity to provide written representations as to how the changes may affect any current use of the unrestricted area which would remove the amenity for certain residents to utilise the riverside for recreational uses.
9. Removing all day commuter parking will have an advantage by improving the access to and from the river front for pedestrians and

cyclists. It would also comply with CYC's Local Transport Plan's objectives as described below.

10. The two areas of the proposed restrictions need to be considered together as the introduction of DYL's on the Water End slip road without introducing parking restrictions on Government House Road would result in the displacement of the commuter parking currently taking place on the slip road to Government House Road then further limiting the availability for residents and their visitors.
11. If both recommendations are progressed, Blue Badge holders would still be permitted to park on Government House Road for an unrestricted period of time and on Water End slip road for a maximum of 3 hours.
12. However, it is also noted that this recommendation will then remove the availability of any parking for other users of the riverside who would rely on a vehicle to travel to the vicinity for recreational purposes and not purely accessing for free commuter parking.

Policy Basis for Decision

13. To progress to the statutory consultation stage to consider implementing parking management measures in line with the council's objectives as stated in the Local Transport Plan and the majority preferences of residents from the consulted street.
14. Restricting parking on the slip road would comply with the Local Transport Plan (LTP) objective of "*the transfer of inward commuting and visitor trips to the Park & Ride service, combined with restricting the availability of city centre parking, will remain a key strategy for reducing trips in the urban area*". As stated above, the two areas need to be considered together due to the risk of displaced parking if the slip road restrictions were to be implemented without restrictions on Government House Road.

Recommendation and Reasons

15. It is recommended that the Traffic Management team be authorised to advertise an amendment to the York Parking, Stopping and Waiting Traffic Regulation Order to:
 - Implement No Waiting at any Time restrictions (DYL's) on Water End slip road; and

- Introduce Residents' Priority Parking for Government House Road as an extension of the existing R23 scheme. A plan showing the proposed extended scheme is provided as Annex A.
16. The recommended option acknowledges the LTP objective to transfer commuting and visitor trips to the Park & Ride services and the views of the majority of residents on Government House Road.
 17. It also provides an opportunity for further representations to be considered once the proposed modifications to the Order are formally advertised pursuant to the legal process.
 18. The views gathered through the statutory consultation period will inform the decision to be made on whether to implement the recommended options or review the approach.
 19. If parking restrictions are implemented on Water End slip road, this would be likely to have an impact on on-street parking on Government House Road which is currently largely unrestricted.

Background

20. A petition was received from a substantial proportion of residents on Government House Road in September 2020 requesting that the council consider implementing residents only parking restrictions on the street. As such the area was included within the current waiting list for resident parking consultations.
21. Once the area reached informal consultation stage, we collated and posted the relevant consultation documentation (informal consultation) to all properties included within the proposed extended area on 11th July 2023 requesting that residents return their questionnaires, by email wherever possible or to the Freepost address provided, by Friday 4th August 2023. The plan of the extended consultation area outlining which properties received the documentation is included as Annex A outlined in red.
22. During the consultation, separate communication was received requesting limited waiting restrictions to be implement on the Water End slip road due to the long-term commuter parking taking place restricting the area available for short term recreational use visitors.
23. If any changes to the slip road are recommended this would then have an impact on residents of Government House Road and if restrictions

were implemented on Government House Road, this would potentially have an impact on the slip road.

24. As such, a further update letter was sent to residents on 21st November 2023 to advise of the request and provide further opportunity for comments to be received to ensure that, due to the close proximity and impact each one would have on the other, both locations could be reviewed together.
25. A report was presented to an Executive Member Decision Session on 28th May 2024 which requested approval to advertise the statutory consultation for the introduction of Residents priority parking restrictions on Government House and a 2-hour limited parking restriction on Water End slip road.
26. This decision was deferred due to the perceived obstructed access for pedestrians and cyclists accessing the river front by vehicles parking. After consideration of the current parking activities and the limited area available to safely manoeuvre vehicles, along with the footpath obstruction taking place when vehicles park, it is recommended to introduce No Waiting at any time restrictions (DYL's). This will ensure the footpath is kept clear of overhanging vehicles for the safety of pedestrians and reduce the possibility of any danger or conflict with cyclists travelling to or from the riverside cycle route network. It should be noted that Blue Badge holders will be permitted to park on the restrictions for a three-hour duration in line with the blue badge conditions, however these vehicle movements should be significantly less reducing the possible vehicle conflict.

Consultation Analysis

27. The consultation documentation was sent to all properties on Government House Road and a copy of the documents were included within the previous report.
28. There are nine properties located on Government House Road of which all provided a response. During the informal consultation period on proposed residents parking restrictions, we received eight responses in favour of a full time 24hour restriction and one against any resident parking restrictions for Government House Road.

29. One written representation was received against the proposed resident parking scheme, which has also previously been included within the report and considered by the Executive Member.
30. Due to the additional request for restrictions to be implemented on Water End slip road and the objection comments received, a Parking Survey was undertaken in September 2023. The data was collated between 7.00am and 7.00pm from Wednesday 27th September to Sunday 1st October 2023. This was to ensure that parking activities were recorded for both mid-week and weekends.
31. The data collated confirmed that long term parking was taking place mainly on weekdays on both the slip road and Government House Road. The timings suggest that this would be regular commuter parking taking between 4 and 6 spaces of the current unrestricted area on the slip road on the days the data was collated.
32. There is currently unrestricted highway parking space for approximately 6 vehicles on the slip road. Should waiting restrictions be implemented to the slip road only this would displace more of the all-day parking taking place onto Government House Road.
33. If approval to proceed to statutory advertisement is granted, in line with the amended recommended option, further consultation will be carried out in accordance with the required legal process. Notices will be placed on street, in The Press and delivered to properties in the affected area. An update letter will be sent to all consulted properties advising of the outcome and next stages once established, it will also give details on how to provide further representations for consideration.
34. Details would also be delivered to the surrounding area due to the additional restrictions proposed for Water End slip road to enable representations to be received from the nearby properties and businesses which are not included within the proposed extended residents parking area.

Options Analysis and Evidential Basis

Option 1 (Recommended Option) (Annex B)

35. Advertise an amendment to the Traffic Regulation Order to introduce new Residents' Priority Parking restrictions for Government House Road, to operate 24hours Monday to Sunday, to be an extension of R23. In

addition, it is recommended to advertise the introduction of 'No Waiting at any Time' restrictions (DYL's) on Water End slip road to restrict parking 24 hours a day as outlined on the plan included as Annex B.

36. This is the recommended option as it supports the Council's LTP objective to transfer commuting and visitor trips to the Park & Ride services, support residents' cycle and pedestrian access needs to the cycle route networks and riverside paths, addresses the parking displacement issues which would arise if restrictions were only implemented in one area, and acknowledges the views of the majority of residents on Government House Road.

Option 2:

37. Advertise an amendment to the Traffic Regulation Order to introduce new Residents' Priority Parking restrictions for Government House Road, to operate 24hours Monday to Sunday, to be an extension of R23. In addition, to introduce limited waiting parking restrictions on Water End slip road to restrict parking to a maximum of 2 hours, no return within 1 hour, 24 hours a day Monday to Sunday.
38. Although the request for implementing limited waiting parking restrictions on Water End slip road to remove all day commuter parking was received from a resident unable to utilise the area to access the riverside this is not the recommended option because it does not address the issues of the danger arising between vehicles driving and turning in the area to access the limited waiting parking bay and pedestrians/cyclists accessing the cycle route network and riverside paths. Any person travelling via vehicle to access the river would have to park at other unrestricted locations which may have access to the riverside walks.

Option 3:

39. To introduce No Waiting at any Time restrictions (DYL's) on Water End slip road to restrict parking 24 hours a day and reconsult with residents on introducing an amended residents priority parking scheme for Government House Road which would include a limited parking period of 1 or 2 hours to enable recreational use of the river to continue by those accessing the area by vehicle.
40. This is not the recommended option as introducing limited parking within Residents parking zones which operate on entry and exit signs (other than the permitted 10-minute wait for non-permit holders) requires DFT approval and a reasoning for requesting the amendment.

41. As such there would be no guarantee that approval would be granted, and the process would be delayed due to the need for a further consultation to take place and then a request to DFT should the resident's representations from the consultation be considered and a decision made at a further executive Decision Session to pursue the approval. This could also lead to limited on street parking being available for residents and their visitors along with the increase of vehicle movements along the street in search of available parking.

Option 4:

42. No further action to be taken and the area is removed from the residents parking waiting list. Commuter parking on the slip road would continue to take place.
43. This is not the recommended option because it does not address the issues of commuter parking (in line with LTP objectives). It would also go against the clearly expressed preference of the majority of residents on Government House Road.

Organisational Impact and Implications

44. This report has the following implications:
 - **Financial;** Funds allocated within the core transport budget will be used to progress the proposed residents parking scheme to legal advertisement. Should the scheme then be implemented the ongoing enforcement and administrative management of the additional residents parking provision will need to be resourced from the department's budget, funded through income generated by the new restrictions.
 - **Human Resources (HR);** If implemented after advertisement, enforcement will fall to the Civil Enforcement Officers adding a relatively small area to an existing Resident Parking area. New zones/areas also impact on the Business Support Administrative services as well as Parking Services. Provision will need to be made from the income generated from new schemes to increase resources in these areas as well as within the Civil Enforcement Team as and when required. As the proposed changes are for relatively small areas, the impact of the proposed measures on workloads are likely to be limited.
 - **Legal;** The proposals require amendments to the York Parking, Stopping and Waiting Traffic Regulation Order 2014:

Road Traffic Regulation Act 1984 & the Local Authorities Traffic Orders (procedure) (England & Wales) Regulations 1996 apply.

When considering whether to make or amend a TRO, CYC as the Traffic Authority needs to consider:

The duty of the Authority (as set out in section 122(1) of the Road Traffic Regulation Act 1984) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) so far as practicable.

Section 122 involves a balancing exercise that has involved the Authority's officers having in mind the section 122(1) duty, having regard to factors pointing in favour of the proposed restrictions and balancing the various considerations (as discussed in this report) and coming to the conclusion that the recommendations in this report are appropriate.

Proposals that involve amendments to an existing traffic regulation order are subject to statutory legal process set out in the Road Traffic Regulation Act 1984 and the Regulations that flow from that Act. All schemes are formally advertised. Before making a Traffic Regulation Order the Authority must consider all objections made and not withdrawn, and can decide whether to make the Order unchanged, to make the Order with modifications or not to proceed with the Order.

In preparing and determining proposals set out in this report the Council is required to have regard to (i) the Equality Act 2010 (which includes the Public Sector Equality Duty) and (ii) The Human Rights Act 1998 (see further below).

- **Procurement:** Any change, or additional signage will be procured in accordance with the Council's Contract Procedure Rules and where applicable, the Public Contract Regulations 2015. The Commercial Procurement team will need to be consulted should any purchasing for additional signage take place.
- **Health and Wellbeing:** The introduction of DYL's on Water End slip road aims to ensure that the area is kept clear of the majority of vehicles to reduce the danger or conflict arising and increasing sustainable transport modes. This should have a positive impact on the health and wellbeing of users of the riverside by enabling the cycle route network to be easily accessible with no vehicle conflict and pedestrian routes to be clear from obstruction.
- **Environment and Climate action;** implementing residents parking restrictions will restrict the number of vehicle movements looking to find

on street parking and encourage the use of more sustainable transport modes for non-residents by reducing the opportunities to park in or close to the city centre, in line with Local Transport Plan objectives.

- **Affordability:** residents and their visitors requiring on street parking on Government House Road will be required to pay to purchase a resident parking permit (or other permit as applicable) along with any visitor permits which would also be required. The financial impact on the residents of Government House Road is likely to be limited as most dwellings have sufficient off-street parking available to cater for the day to day needs of the dwellings. DYL restrictions on Water End slip road will remove any free on street parking in the area. The drivers which currently park on the Water End slip road are likely to have to find somewhere else to park, possibly at a cost (car parks, pay and display bays or Park & Ride), change transport mode or change destination. Blue Badge holders will still be permitted to park for a maximum of three hours.
- **Equalities and Human Rights:** No direct equalities and human right implications have been identified.

This proposal would affect those residents living in the proposed extended area and any other residents who may currently utilise the existing unrestricted parking available on both Government House Road and Water End slip road.

It is important to note however that Blue Badge holders are able to park in resident parking areas free of charge for an unlimited duration and on DYL's for a maximum of three hours.

Blue Badge holders would therefore be able to continue parking on Government House Road without any additional costs or time restrictions and on Water End slip road for a limited time period.

- **Data Protection and Privacy;** no issues identified.
- **Communications;** no issues identified.
- **Economy;** no issues identified.
- **Specialist Implications Officers;** no issues identified.

Risks and Mitigations

45. In compliance with the Council's risk management strategy there is an acceptable level of risk associated with the recommended option.

Wards Impacted

Clifton

Contact details

For further information please contact the authors of this Decision Report.

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Date:	02/07/2024

Background papers

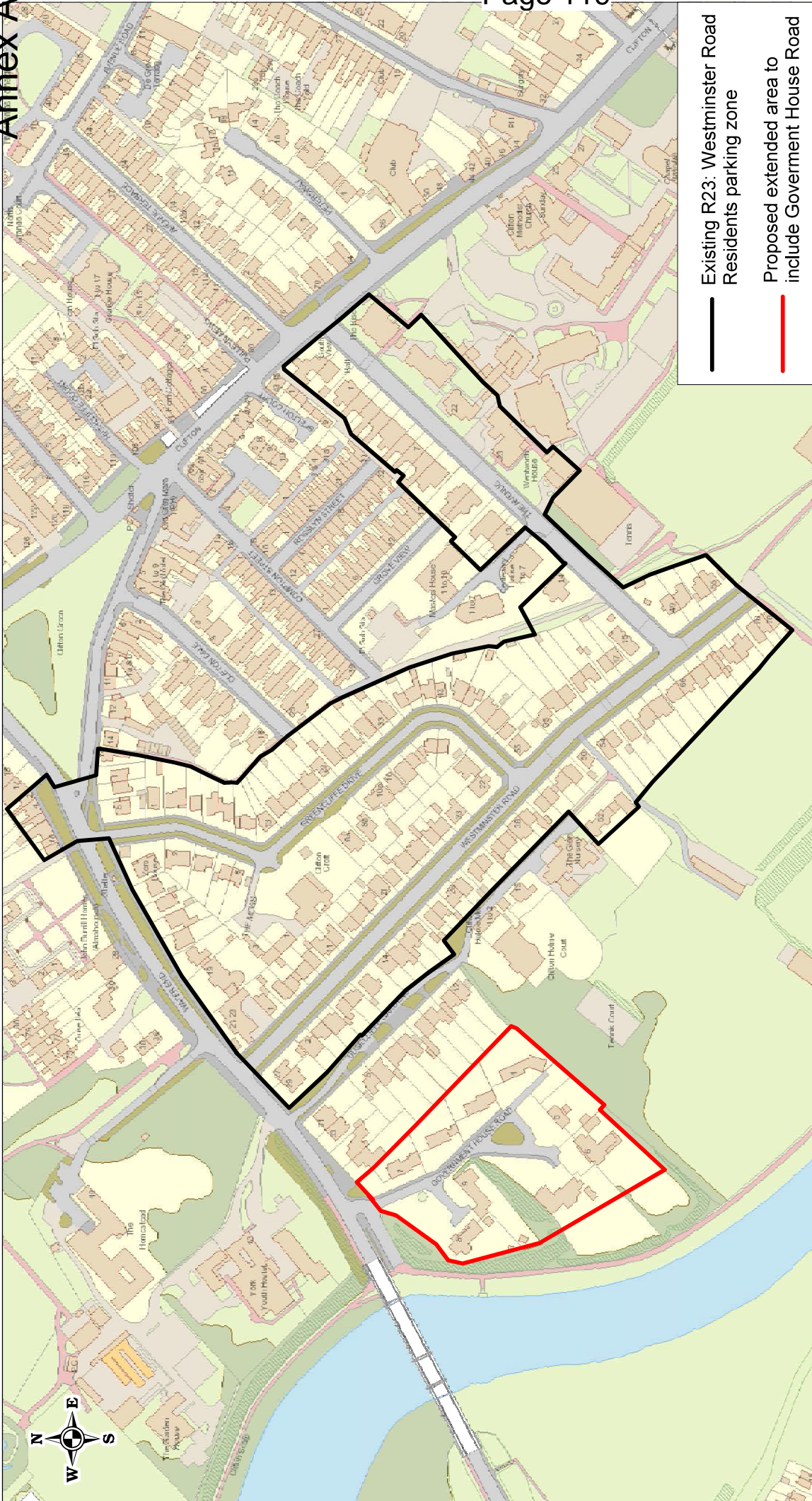
Consideration of results received from the consultation to extend R23 Residents Parking Zone to include Government House Road and a decision to be made on placing limited waiting restrictions on Water End slip road.

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=1061&MId=14560>

Annexes:

- **Annex A:** Plan of the proposed extended R23 boundary.
- **Annex B:** Plan of proposed restrictions.

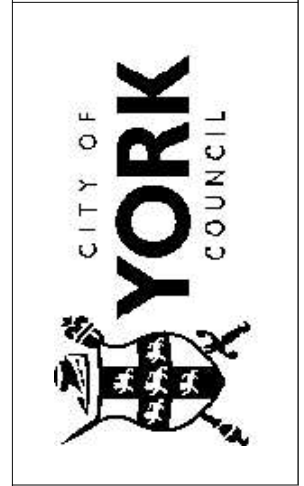
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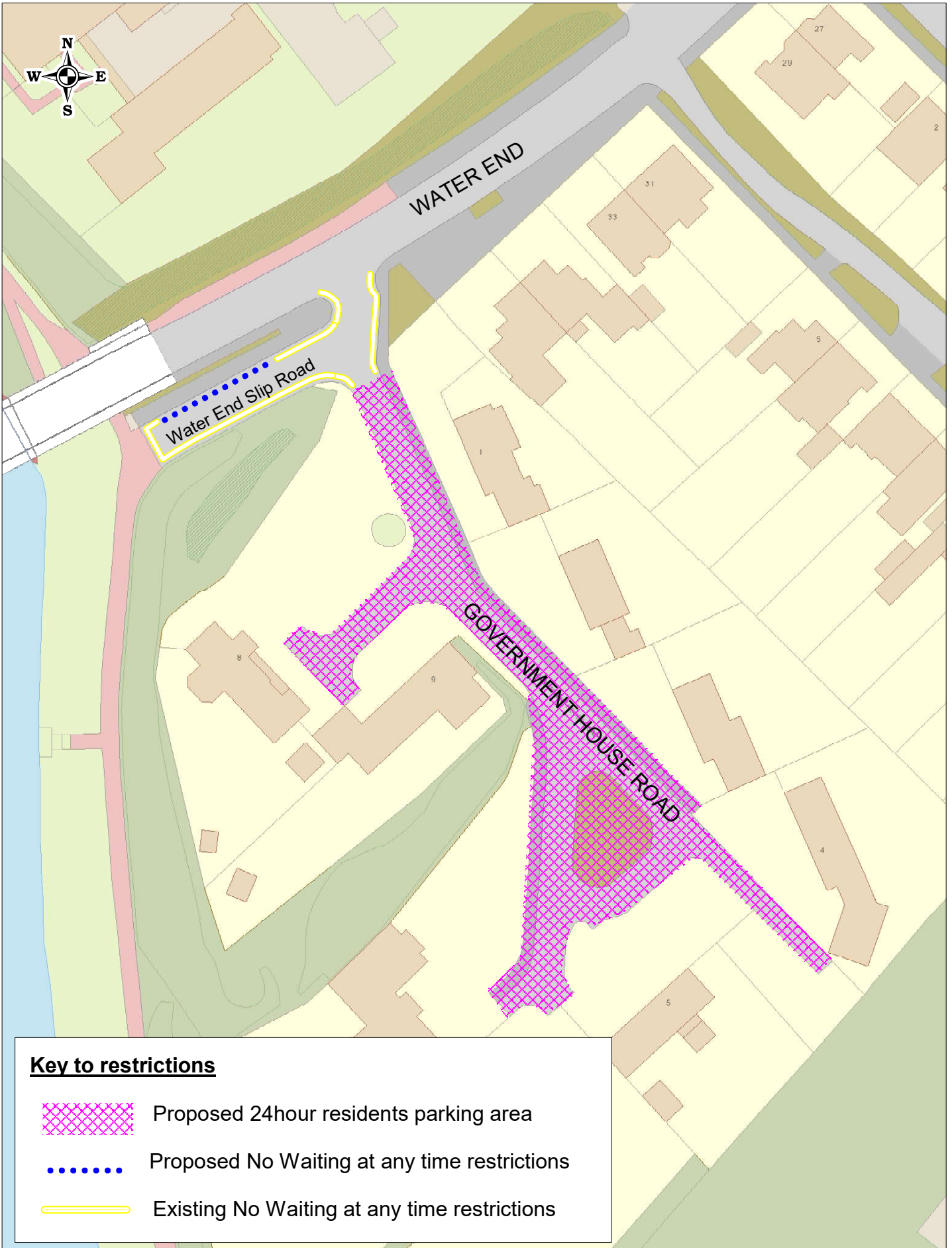
- Existing R23: Westminster Road Residents parking zone
- Proposed extended area to include Government House Road

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R23: proposed extended area to include Government House Road



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**Government House Road/Water End
Proposed restrictions**

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Meeting:	Executive Member for Transport Decision Session
Meeting date:	11/06/2024
Report of:	James Gilchrist Director of Transport Environment and Planning
Portfolio of:	Cllr Ravilious, Executive Member for Transport

Decision Report: To acknowledge receipt of a petition to review road safety around Fishergate Primary School.

Subject of Report

1. This report considers an e-petition titled “Fishergate Primary School Road Safety” which was open to signatures in December 2023 and January 2024 (the redacted petition is provided in Annex A). The petition received 184 signatures.
2. The report considers the objectives of the petition and the changes it proposes. It proposes to consider the issues raised and feasible options to address them through Council’s Safe Routes to School programme during 2024/25.

Benefits and Challenges

3. If the recommended option is approved, a feasibility study would be undertaken to look to improve the safety for pedestrians and cyclists travelling in the vicinity of Fishergate Primary School (see location plan and aerial view provided in Annexes B and C).
4. This report proposes that the area of concern be included in the programme of works for 2024/25 under the Council’s Safe Routes to School programme (for feasibility work).
5. Road safety issues have been raised in the petition and observed by officers when attending the site. If feasibility work is not carried out and the issues remain unaddressed then the road safety issues identified would continue to occur.

Policy Basis for Decision

6. The proposal to carry out feasibility work to identify measures which could address road safety issues identified in the area around Fishergate Primary School is aligned with the following strategies
 - a. The Council Plan core commitments, specifically:
 - i. Equalities and Human Rights – as this area is used by children and their families to access schools
 - b. The Council Plan priorities, specifically:
 - i. Transport: Sustainable, accessible transport for all
 - c. The Local Transport Plan 2011-2031, specifically:
 - i. Significantly improving the other forms of transport so that people choose an alternative to the car for local journeys;
 - ii. Providing good connections from where people live to major destinations;
 - iii. Improving safety, health and the city's appearance and the environment.

Financial Strategy Implications

7. Feasibility studies are funded through the Council's Capital Programme with a preliminary cost estimate of £7,000. It is proposed that this is included in the Safe Routes to School programme for 2024/25.
8. The feasibility study is likely to identify measures which will result in additional costs for their implementation. This will be considered and prioritised through the Council's transport programme process.

Recommendation and Reasons

9. The Executive Member is recommended to:
 - a. Acknowledge the petition and the concerns raised by the petitioners with regards to road safety in and around the area of Fishergate School;
 - b. Approve the inclusion of the Fishergate School area into the Council's Safe Routes to School programme for 2024/25 to enable a feasibility study to be conducted and officers to report back once the study is completed.

Reasons: To review the issues identified by the petitioners and CYC officers and identify possible measures to address them and improve road safety in the vicinity of Fishergate School.

Background

10. A petition was submitted to City of York Council in January 2024 titled “Fishergate Primary School Road Safety”. The petition received 184 signatures. The redacted petition is provided in Annex A.
11. The petition asked:
 - a. The Council to carry out a review of road safety around Fishergate Primary School;
 - b. That the review should recommend improvements to road design so that children feel safe when they walk or cycle to school; and
 - c. That City of York Council identify funding for the improvements identified by the review.
12. Fishergate School meets the national guideline criteria for a school crossing patrol. Recruitment for the School Crossing Patrollers has been challenging with posts vacant across the city. Fishergate School’s post has been vacant for several years. A city-wide recruitment campaign is on-going, with information being shared with the school and the wider community to try to attract suitable candidates.
13. It is noted that a petition for a Zebra Crossing at the Kent Street / Fawcett Street Junction was considered by the Executive Member for Transport on 11 May 2021 (further information available here: <https://democracy.york.gov.uk/%28S%28lxyn5wjwdhlcqyurbbwidie3m%29%29/ieDecisionDetails.aspx?Id=6173>). The location was assessed by officers and did not meet the criteria for the provision of a controlled crossing. The criteria used for this assessment are currently the subject of a review. Once the new criteria are adopted, this location will be assessed again to check whether a controlled crossing facility should be provided.

Consultation Analysis

14. Initial internal consultations have taken place to prepare this report as well as discussions with and visits to the school.
15. Consultation will take place as part of feasibility study and on any recommended measures presented as part of the study.

Options Analysis and Evidential Basis

16. Option 1 – Approve the inclusion of the Fishergate School area into the Council’s Safe Routes to School programme for 2024/25 to enable a feasibility study to be conducted and officers to report back once the study is completed.
17. Option 2 – Reject the inclusion of the area into the Council’s Safe Routes to School programme for 2024/25.
18. Option 3 - Reject the inclusion of the area into the Council’s Safe Routes to School programme for 2024/25 and ask officer to present a revised scope or approach.

Organisational Impact and Implications

19. The following impacts were identified:
 - a. **Financial** - estimated costs of £7,000 for feasibility will be funded from the Council’s Capital Spend Programme 2024/25, as part of the existing allocation for the Safe Routes to School programme. Any further costs identified from the feasibility study will be considered and prioritised through the Council’s Transport programme process. If the feasibility study does not result in the creation of a capital scheme, the costs will need to be charged to revenue.
 - b. **Human Resources (HR)** – There are no implications identified.
 - c. **Legal** – There are no implications identified.
 - d. **Procurement** – There are no implications identified. Any works identified in the feasibility study would be procured according to the Council’s rules and policies.
 - e. **Health and Wellbeing** – No implications identified, any improvements to the crossing point would benefit wider objectives on active travel to school and related health issues.
 - f. **Environment and Climate Action** – No implications identified, any improvements to the crossing point would benefit wider objectives on active travel to school and related environmental issues.
 - g. **Affordability** - There are no implications identified
 - h. **Equalities and Human Rights** – There are no specific implications identified at this stage although any improvements to road safety near the school would be likely to benefit some groups with protected characteristics under the Equality Act 2010 (including age, disability, pregnancy, etc). The feasibility work will consider equality impact and an

equality impact assessment will be completed as required to assess the impact of proposed changes/options.

- i. **Data Protection and Privacy** – No implications identified.
- j. **Communications** - No implications identified.
- k. **Economy** – No implications identified.

Risks and Mitigations

- 20. No significant risks identified at this stage; risks will be considered as part of the feasibility study (see recommended option).

Wards Impacted

- 21. Ward impacted by the decision: Fishergate.

Contact details.

For further information please contact the authors of this Decision Report.

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Date:	DD/MM/YYYY

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Background papers

No Background papers for this report.

Annexes

Annex A – Copy of petition

Annex B – Location plan

Annex C – Aerial view of the area

ePetition

Title: Fishergate Primary School Road Safety

Start date: 06/12/2023 **End date:** 17/01/2024

Statement:

We the undersigned petition the council to carry out a review of road safety around Fishergate Primary School. The review should recommend improvements to road design so that children feel safe when they walk or cycle to school. City of York Council will need to identify funding for the improvements identified by the review.

Justification:

There has been an increase in the number of incidents affecting children who walk or cycle to school. Parents have also observed an increase in careless and dangerous driving in the area.

The scope of the review should be wide-ranging. Recommendations should include short term, straightforward measures as well as longer term, ambitious projects.

The experiences of children and parents who walk to school should inform the review.

The review should feed into York's Active Travel Programme, including schemes that are already planned such as the Fishergate and gyratory pedestrian and cycle scheme.

The review should consider measures such as:

- An extension to the 20mph limit already in place
- Wider pavements and segregated cycle paths
- More barriers between the road and pavement
- Improved or new pedestrian and cyclist crossing places
- Alternative locations for existing pedestrian and cyclist crossing places
- Increased signage, including vehicle activated signs
- CCTV cameras
- Restriction of traffic access by particular types of vehicles, or at particular times

There should be a clear timeline for implementation of recommendations.

The area surrounding Fishergate Primary School includes: Fishergate, Fishergate gyratory, Escrick Street, Blue Bridge Lane and Melbourne Street.

184 people signed this ePetition.

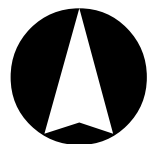
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Fishergate Primary School area Map



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Date: 19 Apr 2024
Author: City of York Council
Scale: 1:1,250



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Fishergate Primary School area Aerial



Date: 19 Apr 2024
Author: City of York Council
Scale: 1:1,250



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Meeting:	Executive Member for Transport Decision Session
Meeting date:	19 July 2024
Report of:	James Gilchrist, Director of Transport, Environment and Planning
Portfolio of:	Cllr Ravilious Executive Member for Transport

Decision Report: Response to the Petition to Improving Cycling facilities on Wentworth Road

Subject of Report

1. This report acknowledges receipt of a petition titled “Improving Cycling facilities on Wentworth Road” (see Background section below for more detail), submitted to City of York Council on 11th March 2024.
2. This report puts forward potential options to address the issue to which the petition refers, namely the provision of secure on-street cycle parking for residential use (Cycle Hangar) and the pros and cons of those options.

Benefits and Challenges

3. Whilst the provision of secure on-street residential cycle parking for the residents of Wentworth Street, in the form of a Cycle Hangar, would make a positive contribution towards several of the council’s long-term strategies, there is a question to be asked as to whether this should be delivered in isolation (if feasible) or whether it would be better dealt with as part of a city-wide review of cycle parking provision. Work is already underway investigating potential improvements to city centre cycle parking using Active Travel Funding and potential improvements to the secure cycle parking at the various Park & Ride sites are also being explored as part of the city’s Bus Service Improvement Plan. In order to tie up the various cycle parking strands and to ensure we roll out standardised solutions across the city these ongoing pieces of work will be

brought together under the umbrella of a city-wide review. The review will determine the most appropriate cycle parking solution for different scenarios, including within residential areas.

4. The following options for dealing with this request are therefore:

Option A1 - Explore provision of a standalone cycle hangar for Wentworth Road residents.

Option A2 – Explore provision of a standalone cycle hangar by the Wentworth Road residents under licence from the Council.

Option B - Explore a city-wide solution for residential on-street cycle parking as part of a city-wide review of cycle parking.

Option C – Do nothing.

Policy Basis for Decision

5. The provision of public cycle storage would support the following council objectives:

- Council Plan, One City for all, 2023 to 2027 – Priority D - Transport: Sustainable, accessible transport for all - change the way we move through and around the city, prioritising sustainable transport and discouraging non-essential vehicle journeys.
- York Climate Change Strategy 2022-2032 – Objective 3.2 – Increase take-up of active travel, reduce overall car usage through alternative modes of transport, public transport and car-sharing.
- Joint Health & Wellbeing Strategy 2022-2032 – Big Goal 5 – Reverse the rise in the number of children and adults living with an unhealthy weight, Big Goal 9 – Reduce sedentary behaviour, so that 4 in every 5 adults in York are physically active.
- York Economic Strategy 2022-2032 – a greener economy – increase cycling and active travel to work where appropriate as modes of commuting, along with increased safe cycle parking provision.

- Emerging Local Transport Strategy – supports the following key themes.
 - Improve walking, wheeling and cycling,
 - Shape healthy places,
 - Safeguard our environment by cutting carbon, air pollution and noise,
 - Manage York's transport networks for Movement and Place,
 - Reduce car dependency.

Financial Strategy Implications

6. There are no financial implications associated with Option C. There are financial implications for all other options. Option A1 would incur an upfront cost of approx £5k with an ongoing administrative burden. Option B is likely to be a significant cost, it would however be based upon consultation, research and ultimately an adopted policy.

Option A1 would cost approx £5000 (plus the cost of the Traffic Regulation Order change required for the alterations to the RESPARK) but could have abortive costs associated with it further down the line if a city-wide secure on-street residential cycle parking scheme is rolled out which is different from this stand-alone scheme.

Option A2 would have the cost of the Traffic Regulation Order change required for the alterations to the RESPARK and the Licensing process for the location of the private hangar on adopted highway and, maintenance and upkeep would need to be conditioned as part of this licensing. There may future management of the situation of this private hangar required, if a city-wide secure on-street residential cycle parking scheme is rolled out.

Option B would require funding to undertake the review and investigate the feasibility of providing different types of cycle parking in different scenarios. The proposed solutions which the review will put forward will require significant levels of funding to deliver which could form part of a bid to the newly elected combined authority Mayor.

Recommendation and Reasons

7. The Following actions are recommended to the Executive Member for Transport:

- Acknowledge receipt of the petition, and its request to improve cycling facilities on Wentworth Road.
- Acknowledge that whilst some residents of Wentworth Road are keen to see the provision of a cycle hangar (even as a standalone one-off) there would still be processes to go through to deliver this option in terms of consulting other residents on Wentworth Road and changes required to the street's Traffic Regulation Order to enable the change of use from vehicular to cycle parking.
- Approve Option B –Commission a city-wide review of secure cycle storage options to identify the most appropriate solutions for different locations and contexts which can then be adopted as council policy and influence future projects.
- That the outputs of the above review be adopted as part of the Local Transport Strategy, Local Transport Plan and LCWIP.

8. Reasons: To support the request to improve cycling facilities on Wentworth Road, whilst acknowledging the need to have a consistent city-wide approach and policy.

Background

9. A petition was submitted to City of York Council on 11th March 2024, titled “Improving Cycling facilities on Wentworth Road”, the petition received 12 signatures and provided a covering statement as follows:

“The Covid 19 pandemic has changed how we live, travel and work. We want our streets to have more safe space for everyone to walk and cycle, for children to get to and from school safely and healthily, for businesses to be able to flourish, to reduce carbon emissions from vehicles, and for us all to be breathing cleaner air.

We want to support greener, healthier travel, whether it’s an essential journey like taking the children to school, getting to work, or just popping out to the shops. We know that a lack of somewhere covered and secure to keep bicycles can discourage people from cycling. We want to help as many people as we can to cycle if they want to.

We, the undersigned, would welcome the opportunity to trial a bicycle storage hangar on Wentworth Road. We would be willing to reduce car parking space on the street to accommodate this.”

10. Cycle hangars have been rolled out widely in several London Boroughs and in other Local Authority areas as a means of providing secure cycle parking for properties where there isn’t suitable space for households to park their cycles securely. In most cases the hangars themselves are purchased and installed by the local authority, a third party (sometimes the supplier of the hangars) then deals with administration of the scheme in terms of dealing with applications and taking payments, the third party also usually deal with the cycle hangar’s ongoing maintenance.

Consultation Analysis

11. No consultation has taken place thus far.

Options Analysis and Evidential Basis

12. **Options A1 & A2** - explore provision of a standalone cycle hangar for Wentworth Road residents. The advantage of this option is that it would address the specific request made in the petition. The main disadvantage is that cycle hangars may not be the option which is ultimately chosen for city-wide roll-out. If this was the case, then there will be abortive costs associated with having to switch the Wentworth Road cycle hangar to another option to ensure the council are only running one type of scheme across the city. Cycle hangar suppliers may also be less willing to set up the necessary back-office system for only one hangar.

13. **Option B** - Explore a city-wide solution for residential on-street cycle parking as part of a city-wide review of cycle parking. The main advantage of this option is that it would give the Council the opportunity to consult on options across the city and gather information on the long-term implications of a chosen solution or suite of solutions. It would also help to tie up other projects being delivered through other workstreams into one council-wide policy. Having a holistic over-arching cycle parking policy will also provide background evidence and justification for bids for future funding. The disadvantages of this option are that it will inevitably hold up the provision of any secure on-street cycle parking for Wentworth Road residents and that it will have much higher costs associated with the project as the scope will be much wider.

14. **Option C** – Do nothing. The only advantage of this option is that no funding is required. The disadvantage is that the request for provision of secure on-street cycle parking is turned down and several different cycle parking solutions are delivered in isolation with no over-arching policy to steer them.

Organisational Impact and Implications

15. *The following implications have been identified:*

- **Financial** - *Option A1 would incur an upfront cost of approx £5k with an ongoing administrative burden. Option B, whilst likely to be a significant cost, would be based upon consultation, research and ultimately an adopted policy. Local Transport Plan Capital fund could be used to purchase the storage, but we need to fully understand who would be responsible for maintenance and cleaning of the storage on ongoing basis. Whether this would be the responsibility of the supplier or CYC? How this would be funded? It would require a set aside Revenue budget within Transport to cover future operational costs.*
- **Human Resources (HR)** - *it is unlikely that additional internal staff resource would be required to take this forward, and the management of the project can be absorbed into existing workloads.*
- **Legal** - *In Options A1, A2 and B there would be a requirement to change the Traffic Regulation Orders. The Highways Act 1980 permits the council to place objects or structures on a highway for the purposes of providing a service for the benefit of the public, or a section of the public. Option A2 will require licensing agreements to allow a third party to install hangars on the highway. S115E gives the Highway Authority power to licence and regulate items placed on the highway (as defined by section 115A of the Highways Act 1980).*
- **Procurement** - *For both Options A1 and B there would be procurement implications with Option A1 needing 3 quotes and Option B needing to go out to tender.*
- **Health and Wellbeing** - *Options A1/A2 would provide some benefits but only to a very small pool of residents, Option B has the capability of providing the same type of benefits but over a much bigger proportion of residents. 'Cycle storage facilities have been shown to increase the acceptability and uptake of cycling as an active travel method, which has*

health and wellbeing benefits in terms of increased levels of physical activity, and is in line with the city's Health and Wellbeing Strategy 2022-2032'

- **Environment and Climate action** - Options A1/A2 would provide relatively minimal benefits, whilst Option B has the capability of providing more significant benefits with widespread improvements to cycling facilities which will encourage more people to cycle and reduce car dependency with consequential benefits to congestion, air quality and carbon emissions.
- **Affordability** - Option A could be addressed within current funding availability/allocation; Option B would require funding for both the exploration of the city-wide solution and the implementation of the outcome.
- **Equalities and Human Rights** - The Council recognises, and needs to take into account its Public Sector Equality Duty under section 149 of The Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authorities functions).

The recommended option allows for the requirement of The Equality Act to be duly considered. During this option an Equality Impact Assessment will be both created and updated (and used to inform) during the process.

- **Data Protection and Privacy** - At this stage it is not considered that there will be implications, but this position will be reviewed as the recommended option progresses.
- **Communications** – This proposal is part of the longer-term ambition for the city's transport network. Communications will support the consultation dependent on option chosen, demonstrating how the proposal is part of our journey to a healthier, more sustainable and better-connected city.
- **Economy** - Option A would have very little benefit to the economy whilst option B can have significant benefit.

Risks and Mitigations

16. **Option A** - Explore the provision of a standalone cycle hangar for Wentworth Road residents.

Risk: Cycle hangars may not necessarily be the chosen option for a city-wide solution. If this were to be the case then there could be abortive costs associated with having to switch from one type of cycle parking (or supplier) to another.

Mitigation: Research options for relocating the hangar elsewhere in the city if a different solution is adopted in the future.

17. **Option B** - Explore a city-wide solution for residential on-street cycle parking as part of a city-wide review of cycle parking.

Risks: Consultation on options across the city and the gathering of information on the long-term implications of that chosen solution or suite of solutions might not generate an acceptable solution. This is going to be a more costly option therefore existing funding will not be sufficient.

Mitigation: Early fact gathering to prevent abortive work. Find a suitable source of funding for both the review and future roll-out of measures.

Wards Impacted

18. *Options A1 & A2 - Micklegate Ward*
Option B - All Wards

Contact details

For further information please contact the authors of this Decision Report.

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Date:	09/07/2024

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Report approved:	Yes
Date:	09/07/2024

Annexes

- Annex A: Petition

Wentworth Road Petition

12 Residents signed the below petition.

All names and addresses have been removed for GDPR purposes.

Improving Cycling Facilities on Wentworth Road

The Covid-19 pandemic has changed how we live, travel and work. We want our streets to have more safe space for everyone to walk and cycle, for children to get to and from school safely and healthy, for businesses to be able to flourish, to reduce carbon emissions from vehicles, and for all of us to be breathing cleaner air.

We want to support greener, healthier travel, whether it's an essential journey like taking children to school, getting to work, or just popping out to the shops. We know that a lack of somewhere covered and secure to keep bicycles can discourage people from cycling. We want to help as many people as we can to cycle if they want to.

We, the undersigned, would welcome the opportunity to trial a bicycle storage hangar on Wentworth Road. We would be willing to reduce car parking space on the street to accommodate this.

Name	Address	Would likely use facility? Yes/No	Would likely join a scheme? Yes/No	Signature

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