

Meeting:	Decision Session for Executive Member for Economy and Transport
Meeting date:	16/04/2024
Report of:	James Gilchrist - Director of Environment, Transport and Planning
Portfolio of:	Executive Member for Economy and Transport

Decision Report: Introduction of Blue Badge car parking bays on Lendal, Blake Street and Davygate

Subject of Report

1. The report proposes the introduction of an Experimental Traffic Regulation Order (ETRO) to provide loading and Blue Badge bays
 - a) In Blake Street and Lendal, which will be accessible for Blue Badge holders during and outside the footstreet hours (between 10.30am and 6am the next day), and
 - b) On Davygate outside of footstreet hours (between 5pm and 6am the next day).

2. The proposed bays will not have a limit on the duration of stay, to help provide a longer duration of parking for Blue Badge holders to help provide a greater opportunity to access the city centre.

3. The Order will be implemented as an Experimental Order. This approach has been selected to enable the consultation to take place whilst the bays are in place, providing feedback from users based on lived experience of the bays to better inform any future decisions on the matter. This will also enable the bays or time restrictions to be changed quickly if they need to be amended based on user experience and the feedback received. It will also enable the bays to come into operation in a shorter time frame.

4. A decision is required to implement the proposed ETRO, enabling the consultation process to take place whilst the bays are in place.

Benefits and Challenges

5. The main benefit of the proposal is that it will allow vehicles displaying a Blue Badge to park for longer than the 3 hours. In the city centre, Blue Badge parking currently takes place on double yellow lines for a maximum duration of 3 hours (with a Blue Badge on display). York City Centre accessibility workshop participants were generally supportive of the proposal as they supported the provision of options for Blue Badge holders to park for longer than 3 hours close to the city centre.
6. This will provide Blue Badge holders with a greater duration of time to access the city centre (including services such as the Post office, public meetings at the Guildhall, shops, hospitality and leisure venues and take part fully in those activities without the worry of watching the clock for parking.
7. The proposal will only provide space for 3 vehicles (2 on Blake Street and 1 on Lendal) during the footstreet hours, with an additional 2 bays on Davygate outside of the footstreet hours (see Annex A). This will potentially provide limited availability for longer term parking during and outside of the footstreet hours, so these bays will be at a premium.
8. The main concern is that the bays may be utilised for long durations each day by one or a few vehicles, reducing the capacity for other Blue Badge holders to park in the area. York City centre accessibility workshop participants identified this as a concern. Some workshop participants expressed a preference for parking in the bays to be limited to 4 or 5 hours maximum. Others thought that a day as a maximum duration would be reasonable. This is to be tested through the implementation of the Experimental Order. The proposal is therefore not to restrict the length of stay in the bays to start with and monitor how this works in practice.
9. The bays will allow for loading activities to be undertaken in the morning only, between 6am and 10.30am, to help ensure that the businesses in the vicinity are provided with a suitable loading area. This will put an additional restriction on the businesses, as their loading activities will be restricted to the morning, therefore it will have a negative impact on any business that relies on evening deliveries.

10. The provision of loading time in the morning aims to accommodate business needs and remove any concern about the bays being used for long term overnight parking as Blue Badge holders will need to vacate the spaces between 6am and 10.30am every day.
11. Although the location of the proposed bays has been selected to offer the shortest route possible to many city centre shops, services and venues, some Blue Badge holders may find them difficult to use as they are near areas where the street surface includes cobbles. Dropped kerbs and/or raised tables are generally available close to the proposed parking bays to enable wheelchair and/or mobility aid access to the footways but, in some areas, this will require users to walk or wheel over cobbled areas.
12. Initial feedback received through the York City centre accessibility workshops noted some concerns with the proposed bays on Davygate as there could be some conflicts with people queuing at Betty's. As the proposed bays would only operate as Blue Badge parking between 5pm and 6am the next day, the risk of conflict is lower than if the bays were available during footstreet hours. Bettys closes at 5.30pm Sunday to Thursday, 6pm Friday and 7pm Saturday. This will be monitored during the ETRO.

Policy Basis for Decision

13. The proposal looks to make the city centre a more accessible location by providing dedicated parking spaces for blue badge holders. The bays provide an opportunity to connect neighbourhoods and communities by allowing all York residents to access the city centre to provide an inclusive, family friendly experience in the footstreets.
14. The bays will provide an option for Blue Badge parking for longer than 3 hours, which will help remove obstacles with accessing services, shops, restaurants, bars and entertainment venues in the city centre to help support the local economy and businesses in the city centre.
15. The bays will also provide Blue Badge holders with an opportunity to engage with the local democratic process by enabling attendance at Council meetings held at the Guildhall, without any

concern about being able to park for the duration of the meeting. This will allow for a more accessible Council.

Financial Strategy Implications

16. The proposed introduction of an Experimental Traffic Regulation Order (ETRO) to provide loading and Blue Badge bays has estimated costs of no more than £10,000 for signage and lining as well as consultation and monitoring. If the ETRO is to be made permanent in the future, this will require another decision, where any additional costs would be identified. There may be additional costs for a permanent order for advertising, signage and lining if any changes are required.

Recommendation and Reasons

17. The Executive Member is recommended to: -
 - a) Approve the advertisement and progression of an ETRO for the introduction of the proposed Blue Badge/Loading bays at
 - i. Blake Street and Lendal, which will be accessible for Blue Badge holders during and outside the footstreet hours (between 10.30am and 6am the next day, with loading between 6am and 10.30am), and
 - ii. Davygate outside of footstreet hours (between 5pm and 6am the next day, with loading between 6am and 10.30am).

Reason: This will allow for the experimental introduction of the bays and allow for ongoing review of the use to provide a clear picture of the impact of the proposal, whilst still allowing for some amendments if required during the experimental period. This option will allow for a quicker installation of the bays to trail the change, following requests for more accessible parking options in the pedestrian area.

Background

18. In October 2023 the Council Executive agreed to restore vehicle access to the city centre for Blue Badge holders. It was agreed that vehicle access for Blue Badge holders would be restored from

Thursday 4th January via Goodramgate and via Blake Street following the completion of the works to install the bollards.

19. The vehicular access to the footstreet area during the times of operation (10.30am-5pm) is managed by staff at the barriers on Blake Street and Goodramgate. Blue Badge holders are allowed to enter the area with a vehicle when presenting their Blue Badge.
20. Staff at the Blake Street barriers enable access to Blake Street, St Helen's Square, and Lendal. Staff at Goodramgate enable access to Goodramgate, Church Street, King's Square and Colliergate.
21. All of the named streets are currently covered by double yellow lines. Blue Badge holders therefore park on double yellow lines, where a vehicle displaying a Blue Badge can park for up to 3 hours, as long they do not cause an obstruction to other road users.
22. The Blue Badge access consultation undertaken by the Council has indicated that some Blue Badge holders would like to have access to parking bays to be able to park for longer than 3 hours. This report therefore proposes to implement an Experimental Traffic Regulation Order to create shared loading and Blue Badge parking bays in Blake Street, Lendal and Davygate. This will amend the existing order as double yellow lines are currently in place in these locations.
23. The bays in Blake Street and Lendal will offer loading capacity between 6am and 10.30am each day and parking for vehicles displaying a Blue Badge will then be available between 10.30am and 6am the next day. In Davygate the bay will offer loading capacity between 6am and 10.30am each day and parking for vehicles displaying a Blue Badge will be available between 5pm and 6am the next day. The bay on Davygate will only be available outside of the pedestrian hours as it will not be accessible during the times of pedestrian hours.
24. Vehicle tracking analysis has been undertaken for the proposed bays, showing that it will be possible to retain vehicular movements in the streets when permitted and provide the proposed bays, including one bay on Lendal.

Consultation Analysis

25. The Council has undertaken a Blue Badge Access consultation for the city centre, and this is request came out of the consultation process. The proposal was created to look at how this proposal could be facilitated.
26. The proposal has been discussed with the York Access Forum and there was a general agreement with the proposal. Although, one contributor did suggest that a four-hour limit should be considered to remove the potential of all day parking.
27. The proposals have also been discussed at the York City centre accessibility workshops facilitated by MIMA. Key points from the workshops are summarised below:
 - a) Range of views on whether the bays should be time limited and what these durations should be. Some participants didn't want any limitations and others wanted limits of 4, 5, 6 or 12 hours.
 - b) Some participants expressed concerns that the bays would remove capacity for double yellow line parking (longer bays) and because parking duration would be longer than 3 hours.
 - c) Some concerns with access to the bays linked to locations in busy streets, quality of street surface, location of the bays near Bettys on Davygate, how useable the bays would be for Wheelchair Accessible Vehicles.
 - d) Some questions on how people would know about the bays, especially for visitors who may not know York.
 - e) Some participants wanted to see more bays provided, with a range of views on whether more bays should be provided in these locations and cycle parking moved somewhere else. Some participants supported the removal or relocation of cycle parking to provide additional Blue Badge parking space and others were against the idea.
 - f) Some concerns about enforcement and whether the bays may be used by others for loading or taxis for example.
 - g) Some participants noted that the proposed bays would be a good starting point but would not be enough. More bays would need to be provided to improve access to the city centre. Locations identified in the workshops included St Sampson's Square, Davygate and Duncombe Place.

28. The recommended option within the report is for progression of an Experimental Traffic Regulation Order, so the consultation process for the proposal will be undertaken whilst the bays are in place so the use of the bays can be monitored and users will be invited to provide feedback to CYC, prior to any further decision on the matter.

Options Analysis and Evidential Basis

29. The report considers the following three options:
- Implement an ETRO for the Blue Badge/Loading Bays;
 - Take no further action; or
 - Advertise a permanent amendment to the Traffic Regulation Order through the statutory consultation process to provide the Blue Badge/Loading bays.
30. Option 1, the implementation of an ETRO is recommended so that the consultation can take place whilst the bays are in place, providing feedback from users based on lived experience of the bays to better inform any future decisions on the matter. The experimental order will also enable the bays or time restrictions to be changed quickly if they need to be amended based on user experience and the feedback received.
31. The ETRO also enables the bays to be in place on street quickly so the bays can come into operation and use in a shorter time frame. This will help to provide longer stay parking for Blue Badge holders, so they are able to access the city centre.
32. The bays will allow for a greater opportunity to access the city centre without any time restrictions, this will provide opportunities to visit restaurants, cinema and be involved in Council meetings, which generally last longer than 3 hours.
33. The proposal is to make an ETRO for an initial period of 12 months to enable consultation and monitoring to take place to provide feedback based on users' lived experience.
34. An ETRO can generally remain in place for up to 18 months before a decision is made on whether to make the changes permanent or revoke the order. Changes can be made during the first 6 months of the experimental period, before the Council formally decides whether or not to continue with the changes on a permanent basis.

If the experimental order is changed, then objections may be made within six months of the date those changes come into operation.

35. An ETRO will allow for the consultation process to be undertaken whilst the ETRO is in place, which will provide the users and all interested parties with an opportunity to comment on the bays whilst they are in place and provide the Council with real life experiences of not only how the bays are used but also the impact the bays have on the local businesses and Blue Badge parking capacity on double yellow lines.
36. The bays will impact the local businesses, as they will only allow loading activities to be undertaken in the morning (6am to 10.30am). The bays may therefore have a negative impact for businesses undertaking evening deliveries/collections. This may for example create an issue for businesses that offer next day delivery, as there will be a reduced area for vehicles to park in the evening to collect the products.
37. It is only proposed to introduce 5 Blue Badge bays, which will not offer a restriction on duration of stay during the hours of eligibility. This may reduce the number of vehicles that can park (compared to current parking on double yellow lines) due to the increased length required for a Blue Badge parking bay. There is also a concern that, as there is no limit on time, there could be limited turnover in the use of the bay and vehicles could park all day, which may make the area less accessible.
38. If an ETRO is approved and the bays are installed under an ETRO, when issues with the operation of the bays are highlighted through monitoring and consultation, an amendment Order can be processed to change the restrictions as long as the amended ETRO is in place for 6 months before any decision is made to make the order permanent. This offers the flexibility to respond to feedback to the proposal, which the other options do not.
39. Option 2 is that the Council does not implement the proposed Blue Badge bays, and parking and loading on double yellow lines remain available in these locations. Blue Badge holders will however not have the option of parking for longer than 3 hours in the city centre area and this will continue to have a negative impact on Blue Badge holders who may want to park for longer periods to access city centre services, shops, hospitality and

entertainment venues, and Council meetings at the Guildhall. This option would ignore the issue that has been raised with the Council and not listen to the concerns of York residents and visitors.

40. Option 3 is to make a permanent change to the TRO following the full TRO process. The advertisement of an amendment to the TRO would provide an opportunity to consult on the proposal with the local community prior to the restrictions coming into force. This would allow the proposal to progress with a clear understanding of the views of the local community and affected users, which would assist the Executive Member with deciding on any future actions. These views would be based on potential users imagining how the bays would work however, rather than providing feedback based on user experience. It is considered to be more effective to consult with the trial bays in place rather than with them simply being 'on paper'.
41. The statutory consultation process to permanently change a TRO is a long process, which means that Blue Badge holders may not get to use the proposed bays for several months. If the bays required adjustments once implemented, any future amendment to the bays, would need to be advertised through the statutory consultation process again, which would prevent any quick changes if there were any issues with the operation of the bays.

Organisational Impact and Implications

42. The following implications have been identified for the recommended option:
 - **Financial** – The recommended option for the proposal is to approve the advertisement and progression of the ETRO for the introduction of the proposed Blue Badge/Loading bays. The estimated costs are no more than £5k which will be covered from Revenue Transport budget. Additional consultation and monitoring costs for the ETRO are also estimated at no more than £5k and will be covered by the same budget.
 - **Human Resources (HR)** – no HR implications identified.
 - **Legal** - The Road Traffic Regulation Act 1984, and associated regulations, set out the requirements for implementing traffic regulation orders which can prohibit, restrict, or regulate the use of a road, or any part of the width of a road, by vehicular traffic. The Traffic Management Act 2004 places a duty on local traffic authorities to manage the

road network with a view to securing, as far as reasonably practicable, the expeditious, convenient and safe movement of all types of traffic. An Experimental Traffic Regulation Order (ETRO) is made under Sections 9 and 10 of the Road Traffic Regulation Act 1984.

An ETRO can only stay in force for a maximum of 18 months while the effects are monitored and assessed. There must be a genuine experiment being conducted. Changes can be made during the first six months of the experimental period, if necessary, before the Council decides whether or not to continue with the changes brought in by the experimental order on a permanent basis. If feedback or an objection is received during the period that suggests an immediate change to the experiment is required, that change can be made, and the experiment can then proceed.

After an experimental order has been made, the order's notice of making must be published. Documents referred to in relevant regulations must be made available for public inspection throughout the duration of the experiment.

Statute does not permit formal objections to be lodged to an ETRO until it is in force. This allows the ETRO to be in force while the consultation is ongoing. Once it is in force, objections may be made to the order being made permanent and these must be made within six months of the day that the experimental order comes into force.

- **Procurement** – no procurement implications identified. All works to be undertaken using internal teams and existing contractors.
- **Health and Wellbeing** – no implications identified.
- **Environment and Climate action** – no implications identified.
- **Affordability** – no implications identified. Blue Badge parking is free on street and in City of York Council car parks. Parking in the proposed bays will also be free of charge.
- **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 authority's functions). An Equalities Impact Assessment has been carried out and is provided with this report at Annex B. In summary, the assessment found that the proposal is anticipated to have positive impacts for some groups with protected characteristics and this will be monitored over the ETRO period. The Equalities Impact Assessment will be updated accordingly.

- **Data Protection and Privacy** – no implications identified.
- **Communications** – If the proposed ETRO is approved, a suitable communication strategy will be developed with the communications team to ensure that information about the new bays is provided to Blue Badge holders.
- **Economy** – Economic impacts will be mixed with reduced loading capacity for businesses on the streets concerned (although still available in the morning and/or at other locations) but improved access for Blue Badge holders who may access these businesses as staff and/or customers.

Risks and Mitigations

43. The recommended option is considered low risk as the experimental order brings a level of flexibility, enabling the restrictions and bays to be changed relatively quickly if issues become apparent as they are implemented.
44. A limited level of financial risk can be identified as if any adjustments are required, new signage and markings may be needed.

Wards Impacted

45. The proposal has an impact on the Guildhall Ward as that is where bays will be located but the proposal will have an impact on Blue Badge holders across all wards as well as for visitors to York.

Contact details

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

Author

Name:	James Gilchrist
Job Title:	Director of Transport, Environment and Planning
Service Area:	Place
Telephone:	01904 552547
Report approved:	Yes
Date:	05/04/2024

Co-author

Name:	Helene Vergereau
Job Title:	Head of Highway Access and Development
Service Area:	Place
Telephone:	01904 552077

Annexes

- Annex A: Location plan of proposed bays
- Annex B: Equalities Impact Assessment (EIA)