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MEETING	DECISION SESSION - EXECUTIVE MEMBER FOR CITY STRATEGY
DATE	1 DECEMBER 2009
PRESENT	COUNCILLOR STEVE GALLOWAY (EXECUTIVE MEMBER)
IN ATTENDANCE	COUNCILLORS ALEXANDER, PIERCE, R WATSON AND WISEMAN

#### **48. DECLARATIONS OF INTEREST**

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda. No interests were declared.

#### **49. MINUTES**

RESOLVED: That the minutes of the last Decision Session – Executive Member for City Strategy, held on 3 November 2009 be approved and signed by the Executive Member as a correct record.

#### **50. PUBLIC PARTICIPATION - DECISION SESSION**

It was reported that there had been 12 Registrations to speak at the meeting under the Council's Public Participation Scheme. Details of these speakers are set out under the individual agenda items.

#### **51. PUBLIC RIGHTS OF WAY - INVESTIGATION INTO THE STATUS OF GRANGE LANE, RUFFORTH**

The Executive Member considered a report, which detailed all the available evidence to assist him in determining whether or not to make a Definitive Map Modification Order (DMMO) to add Grange Lane in Acomb and Rufforth to the Definitive Map of Public Rights of Way.

Officers reported that if it was determined that public carriageway rights were 'reasonably alleged to subsist', then having considered the provisions of the Natural Environment and Rural Communities Act 2006 it has also been concluded that, as none of the exceptions applied, public rights for mechanically propelled vehicles would have been extinguished. It would therefore be appropriate to record the route on the Definitive Map as a Restricted Byway.

Representations were received to the proposals from Mr P Brown in relation to written submissions he had made which raised a number of issues in relation to the status of Grange Lane. He confirmed that he represented 5 households at Acomb Grange and referred to promises

previously made by the Council, which he felt had not been kept. He also referred to a breach of copyright which he felt had taken place with the downloading of a number of documents from his website without the necessary permissions being obtained. He therefore stated that if the authority agreed to maintain a section of the Lane, erected signage to restrict access this would alleviate the need to take this matter further.

Mr B Bartle then made representations on behalf of two local landowners who would be affected by the proposals. He referred to the short notice given to his clients of this meeting and to the lengthy paperwork involved. He pointed out that a number of the documents/maps could not be considered as evidence and he requested more time in which to provide this. He also requested deferral to allow further time in which to undertake negotiations with Officers in an effort to save time and expense in any future opposition to an Order.

Mr A Sykes, a landowner also made representations in relation to the short timescales involved. He pointed out there had been no crime and disorder problems in the area since the path had become overgrown. He stated that if approval was given to the making of the Order that he would be unable to spend time maintaining the path.

Representations were also received from Mr D Nunns on behalf of the Ramblers Association. He provided details of the history of the Lane and indicated his support for the making of a DMMO for a restricted byway, which he believed all the evidence, supported. He also confirmed that he was in favour of the landowner providing a gate.

At the Executive Members request, Officers confirmed details of the access arrangements, maintenance responsibilities and provision of stiles etc in relation to the two Options proposed.

In relation to the copyright issues raised, Legal Officers stated that this matter was being investigated and that a separate reply would be made to Mr Brown although this matter was not material to the decision to be made at the meeting.

The Executive Member confirmed that this was a complex issue and that he acknowledged the points and representations made at the meeting.

The following options were then considered:

Option A: If having considered all of the available evidence, it is determined that Restricted Byway rights subsist, or are reasonably alleged to subsist, the Executive Member may

- a) Grant authorisation to make a Definitive Map Modification Order to add the Restricted Byway shown on Plan 1 to the Definitive Map;
- b) If no objections are received or any objections that are received are subsequently withdrawn the Order, made in accordance with a) above, be confirmed; or,

- c) If objections are received and are not subsequently withdrawn, the Order be referred to the Secretary of State for determination.
- d) If the Order is confirmed the route be added to the List of Streets Maintainable at Public Expense and maintained in accordance with its status.

Option B: If it is determined that Footpath rights subsist, or are reasonably alleged to subsist, the Executive Member may:

- a) Grant authorisation to make a Definitive Map Modification Order to add the Footpath shown on Plan 1 to the Definitive Map;
- b) If no objections are received or any objections that are received are subsequently withdrawn the Order, made in accordance with a) above, be confirmed; or,
- c) If objections are received and are not subsequently withdrawn, the Order be referred to the Secretary of State for determination.
- d) If the Order is confirmed the route be added to the List of Streets Maintainable at Public Expense and maintained in accordance with its status.

Option C: If having considered all of the available evidence, it is determined that the case in support of a Definitive Map Modification Order has not been made, or has been overturned by contrary evidence, then the Executive Member may determine that:

- a) no further action be taken.
- b) the Authority does not undertake any maintenance work on the lane

RESOLVED: That the Executive Member authorises the making of a Definitive Map Modification Order to add Grange Lane to the Definitive Map as described in Option B in the Officer report.<sup>1</sup>

REASON: Evidence shows that at a minimum, Public Footpath rights are reasonably alleged to subsist.

Action Required

- 1. Undertake the works required to make a DMMO. RH

**52. PUBLIC RIGHTS OF WAY - PROPOSAL TO RESTRICT PUBLIC RIGHTS OVER 10 ALLEYWAYS IN THE LEEMAN ROAD AREA OF HOLGATE WARD, YORK**

The Executive Member considered a report, which examined the proposal to gate 10 alleyways in the Leeman Road area of Holgate Ward in order to prevent crime and anti social behaviour associated with these alleys.

Officers confirmed that if gating orders were made and gates installed, residents waste would be required to be presented in bags. Waste

collection would change from the rear to the front of the properties or to a central collection point outside the gates.

Representations were received from a resident of Kingsland Terrace who expressed her surprise that this was considered a high crime area. She referred to a recent copy of Your Ward in which it had confirmed that there had been a large decrease in incidences of crime in this area. She pointed out that she had no wish to be locked in and that differing circumstances in individual streets should be taken into account.

A representative of Rosebery Street made representations in support of the gating of these alleyways. He referred to the problems encountered with anti social behaviour and burglaries, which he felt these proposals would alleviate.

Representations regarding the proposed changes in waste collection were made on behalf of the Ramblers Association. Reference was made to the Walking for Health initiatives in urban area, which encouraged residents to walk from their homes. It was pointed out that with the changes proposed to waste collection to the front of some of these properties that this would leave less space for the passage of prams and scooters. It was suggested that all waste collections should be made from the rear of the properties.

Councillor Alexander, as Local Member, confirmed that a number of residents had requested alley gating owing to the number of burglaries during which access had been gained from the rear of the premises. He stated that there were also a number of residents against the proposals but that these were often from properties in the centre of the terraces. He also confirmed that the change in waste collection was again their main concern and he hoped that the trial of a central collection point would prove successful.

Officers confirmed that pilot's of waste collection for gated alleys had proved successful in other areas and that they would work with residents in this area and address any concerns.

The Executive Member confirmed that from representations made there appeared to be no scheme that would satisfy all residents. He then considered the following options:

Option A. Do not authorise the making of the 10 Gating Orders. This option is not recommended.

Option B. Authorise the making of all 10 Gating Orders to restrict public use of the alleyways and change waste collection, from the rear of all affected properties, to front collection using bags. This option is not recommended.

Option C. Authorise the making of all 10 Gating Orders to restrict public use of the alleyways. Change waste collection from the rear of properties to front collection using bags on all alleyways except for those 5 streets for which objections were received regarding the proposed new methods of waste collection (see paragraph 9). These alleyways will operate a central

collection point for bags to be situated outside the gated area for a trial period of three months. This option is recommended.

RESOLVED: That the Executive Member approves Option C, but excluding Bright Street/Kingsland Terrace, and authorises the Director of City Strategy to instruct the Head of Civic, Democratic and Legal Services to make Gating Orders over the remaining 9 alleyways in accordance with Section 129A of the Highways Act 1980, as amended. Waste collection will change from the rear of properties to the front of properties using bags on all alleys except those 5 (now only 4 following the exclusion of Bright Street/Kingsland Terrace) for which objections were received expressing concern regarding the proposed new methods of waste collection. These alleyways will operate a central collection point for bags to be situated outside the gated area. <sup>1</sup>.

REASON: In order that public rights over the alleyways can be restricted under S129A, Highway Act 1980 so that crime and anti social behaviour associated with these routes can be reduced.

Action Required

1. Make gating orders on the 9 listed alleyways and the necessary changes for the collection of waste to these properties.

RH

**53. PUBLIC RIGHTS OF WAY - PROPOSAL TO RESTRICT PUBLIC RIGHTS OVER THE ALLEYWAY BETWEEN ST PAUL'S TERRACE AND RAILWAY TERRACE, HOLGATE WARD, YORK**

Consideration was given to a report, which examined a proposal to gate the alleyway between St Paul's Terrace, Holgate Ward in order to help prevent crime and anti social behaviour associated with it.

Councillor Alexander, as Local Member, confirmed that residents supported this scheme and were in favour of its progression.

The Executive Member confirmed that there had been no opposition to this proposal. He then considered the following options:

Option A. Do nothing and not progress the request to make a Gating Order to restrict public access along the alleyway. This option is not recommended.

Option B. Authorise the making a Gating Order to restrict public use of the alleyway. This option is recommended.

RESOLVED: That the Executive Member approves Option B and authorises the Director of City Strategy to instruct the

Head of Civic, Democratic and Legal Services to make a Gating Order over this route in accordance with Section 129A of the Highways Act 1980, as amended.  
1.

REASON: In order that public rights over the alleyway be restricted under S129A, Highways Act 1980 so that crime and anti-social behaviour associated with the route can be reduced.

Action Required

1. Make the necessary gating order.

RH

**54. PUBLIC RIGHTS OF WAY - PROPOSAL TO RESTRICT PUBLIC RIGHTS OVER 7 ALLEYWAYS IN THE SOUTHBANK AREA OF MICKLEGATE WARD, YORK**

The Executive Member considered a report, which set out proposals to gate 7 alleyways in the Southbank area of Micklegate Ward in order to help prevent crime and anti social behaviour associated with these alleys.

It was reported that six objections had been received regarding the proposals, four to the installation of the gates and the remainder to the changes in waste collection.

Representations were received from a representative of the Ramblers Association. He confirmed that he had no objections to the proposals but raised concerns regarding the positioning of some of the gates, which he felt left the alleyways easily accessible.

Officers confirmed that site visits with the Police Architectural Liaison Officer had been carried out to assess the positioning of the gates.

The Executive Member then considered the following options and confirmed that the Ward Members were in support of the gating of all but the alleyway in Balmoral Terrace.

Option A. Do not authorise the making of the 7 Gating Orders. This option is not recommended.

Option B. Authorise the making of all 7 Gating Orders to restrict public use of the alleyways, changing waste collection from the rear of properties to the front of properties using bags. This option is not recommended.

Option C. Authorise the making of 6 Gating Orders, excluding Balmoral Terrace, to restrict public use of the alleyways. Waste collection will change from the rear of properties to the front of properties using bags on all alleys. This option is recommended.

RESOLVED: That the Executive Member:

- i) Approves Option C and authorises the Director of City Strategy to instruct the Head of Civic, Democratic and

Legal Services to make Gating Orders over 6 routes, (excluding Balmoral Terrace) in accordance with Section 129A of the Highways Act 1980, as amended. Waste collection will change from the rear of properties to the front of properties using bags on all alleyways.<sup>1</sup>

- ii) Requests Officers to seek to address any remaining concerns raised by Ward Councillors and other consultees.<sup>2</sup>

REASON: In order that public rights over the alleyways can be restricted under S129A, Highways Act 1980 so that crime and anti-social behaviour associated with the routes can be reduced.

Action Required

- 1. Make the gating orders over the 6 routes listed and the necessary changes for the collection of waste at these properties. RH
- 2. Officers to follow up the remaining concerns raised. RH

**55. 20 MPH SPEED LIMITS ON RESIDENTIAL ROAD IN YORK**

Consideration was given to a report, which advised the Executive Member of the development of a set of criteria for responding to petitions and requests for 20mph speed limits. It also detailed the work undertaken by the Council and North Yorkshire Police officers to look at criteria for identifying, prioritising and monitoring an additional 20mph trial site within York, including the associated costs.

Officers updated with speed data results collected in the South Bank area, which had shown an average of 21mph and in Nunmill Street an average of 15mph which both fell within the criteria for prioritisation. Officers confirmed that they hoped to be in a position to report further results in the New Year.

Representations in support of 20mph speed limits was received from Anna Semelyn in support of the “20’s plenty” campaign. She raised concerns at the approach Officers were proposing and to isolated schemes, which she felt, were less cost effective and instead proposed a citywide scheme as in Portsmouth. She also questioned the criteria for prioritisation of future petitions, which required 50% of households within a street to sign such petitions.

Dee Bush also spoke in support of the introduction of 20mph speed limits on behalf of vulnerable pedestrians. She stated that bus journeys would be far smoother and more popular if a 20mph speed limit was set on residential roads in the city. She referred to other Authorities’ plans regarding speed limits and confirmed that repeater signs were also useful in raising awareness of driver’s speeds.

Andy Chase, then spoke as lead petitioner of the South Bank petition. He confirmed that there had been widespread support for this speed limit and pointed out that this was a city wide problem. He stated that radical measures were required to encourage more residents to walk and cycle.

Representations were also received on behalf of the Ramblers Association in relation to the requirement for at least 50% of households within a street to have signed the petition. He also stated that where no request had been made for a speed limit, such as Crichton Avenue, he felt that with limited resources such zones should not be implemented.

In response to these comments Officers confirmed that a number of authorities had considered citywide 20mph schemes however they had not been universally accepted at the present time. They confirmed that references made by speakers to bus companies aggressive driving would be brought to the attention of the companies concerned.

The Executive Member pointed out that a 20mph speed limit did not assist the carbon footprint, as modern vehicles were not geared to drive at this speed. He also confirmed that the Police were unable to support the enforcement of 20mph schemes as they required them to be self-enforcing and preferred traffic calming or the character of the existing roads to slow traffic.

Consideration was given to the following options:

Option one – Agree the prioritisation criteria and process for responding to petitions and requests and implement the trial site in the South Bank area.

Option two – Agree the prioritisation but do not proceed with the 20mph scheme in the South Bank area

Option three – Do not accept the criteria and continue to respond to petitions and requests on an ad hoc basis.

RESOLVED: That the Executive Member for City Strategy agrees to:

- a) Adopt the criteria and process for responding to petitions and
- b) Request that officers prioritise the list of streets arising from petitions and report it through the Officer In Consultation process to progress any further schemes. <sup>1.</sup>
- c) Implement the 20mph speed limit in the South Bank area subject to speed data complying with the DfT guidance. <sup>2.</sup>

REASON: To enable a consistent response to petitions to be progressed.

#### Action Required

1. Implement the prioritisation criteria/procedure for responding to petitions.
2. Implement the Southbank 20mph limit subject to speed

RH



## **56. STRENSALL ROAD, TOWTHORPE - EXTENSION OF 40MPH SPEED LIMIT**

The Executive Member considered proposals to extend the existing 40mph speed limit on Strensall Road at Towthorpe further south. The scheme was intended to improve road safety around the Towthorpe Road and Towthorpe Moor Lane junctions.

Officers had reported that the scheme involved the:

- Widening of Strensall Road to provide a right turn lane into Towthorpe Moor Lane;
- Pedestrian refuge island crossing point on Strensall Road with traffic calming;
- Extension of the 40mph speed limit on Strensall Road south of the junctions with Towthorpe Road and Towthorpe Moor Lane.

Councillor Wiseman, as Local Member, confirmed that there had been local concerns for a number of years in relation to high traffic flows and speeds affecting right turns into side roads in this area. She indicated her support for the scheme but with the retention of the red coloured road surfacing at the speed limit gateways. She also expressed her support for Officers undertaking a further review of road safety issues in the area with a view to further proposals coming forward in the New Year.

Officers referred to possible abortive expense in providing the coloured surfacing which may subsequently have to be removed. The road would then require resurfacing if any further extension of the speed limit was undertaken.

The options then considered by the Executive Member were: -

Option 1 - authorise implementation of the proposals shown at Annex A

Option 2 - approve for implementation an amended scheme plus any other changes to the proposals that the Executive Member considers necessary.

Option 3 – defer the current scheme and carry out a wider study of traffic speed and road safety issues in the area.

Option 4 - abandon the scheme

**RESOLVED:** That the Executive Member agrees to:

- i) The implementation of the scheme described in the Officer report which provides for relevant traffic sign alterations to extend the 40mph speed limit along Strensall Road, including the red surface treatment.<sup>1</sup>

- ii) Request Officers to also bring forward a more comprehensive scheme aimed at addressing the other concerns raised by consultees.<sup>2</sup>

REASON: To respond to consultation feedback and objections to the extension of the 40mph speed limit.

Action Required

1. Implement the extension of the speed limit. RH
2. Officers to report back following a further review of safety issues. RH

**57. WIGGINTON: B1363 MILL LANE JUNCTION IMPROVEMENTS**

The Executive Member was advised of proposals to introduce traffic signals and a 40mph speed limit on the B1363 at the Mill Lane junction in Wigginton. The scheme was intended to make the junction safer and easier for turning traffic, whilst providing improved pedestrian crossing facilities.

Officers reported that the main features of the outline scheme design developed for consultation featured:

- Traffic signals
- Pedestrian phases at signals
- Introduction of a 40mph speed limit and
- Upgrading the existing road lighting.

Following consultation it was reported that a number of key changes had been made which included relocation of the bus stops, cycle feeder lanes and 'Keep Clear' markings opposite the access to Windmill Industrial Estate.

Councillor R Watson, as Local Member, thanked Officers for their comprehensive report and indicated his full support for the proposed scheme, which also had a high level of local support.

The Executive Member then considered the following options:

Option 1 - authorise implementation of the original scheme shown at Annex A

Option 2 - approve for implementation the scheme shown in Annex A with the revisions shown in Annex B, plus any other changes to the proposals that the Executive Member considers necessary.

Option 3 - abandon the scheme.

RESOLVED: That the Executive Member approves for implementation the amended scheme shown at Annex B of the report.<sup>1</sup>

REASON: To address road safety concerns and make turning manoeuvres easier for road users at the Mill Lane junction with the B1363 in Wigginton.

Action Required

1. Implement the amended junction improvement scheme. RH

**58. DUNNINGTON: A166 CHURCH BALK JUNCTION IMPROVEMENTS**

The Executive Member considered a report, which advised him of proposals to introduce traffic islands and changes to road markings on the A166 at the Church Balk junction in Dunnington. The scheme was intended to make the junction safer and easier for turning traffic.

Officers confirmed that the outline design developed for consultation included:

- A 'double white line' road marking scheme to deter overtaking on the A166 in the vicinity of this junction and
- Traffic islands to physically deter overtaking, and reinforcement of the white line marking proposals.

It was reported that, following consultation, concerns had been raised regarding the road width available adjacent to the proposed traffic islands. Following further investigation Officers had indicated that omitting traffic islands from the scheme would be considered acceptable as the main deterrent to overtaking would be the road markings which could be enhanced by the addition of red surfacing to emphasis the approaches to the right turn.

Councillor Pierce, was in attendance and spoke on behalf of John Lee and his sister whose brother had been killed in a motorbike accident at the junction. He confirmed that no blame had been attributed but that his relatives felt that only the provision of traffic islands would provide the necessary physical deterrent to overtaking and prevent future accidents.

The Executive Member confirmed that this had been a difficult issue as it had been expected that it would have proved practical to install traffic islands adjacent to this junction to improve safety. However professional advisors had pointed out that the islands themselves might be a safety issue in relation to cyclists. On balance it seemed wise to agree a revised scheme.

Consideration was given to the following options:

Option 1 - authorise implementation of the original scheme shown at Annex A

Option 2 - approve for implementation an amended scheme without traffic islands but with red surfacing added inside hatched road markings, plus

any other changes to the proposals that the Executive Member considers necessary.

Option 3 - abandon the scheme

RESOLVED: i) That the Executive Member approves for implementation the scheme shown in Annex A with the following amendments: -

- traffic islands removed
- red surfacing added inside hatched road markings. <sup>1</sup>.

ii) That Officers be requested to keep the area under observation with a view to bringing forward proposals for further physical safety works should this prove to be necessary. <sup>2</sup>.

REASON: To address road safety concerns and deter overtaking manoeuvres on the A166 at the Church Balk junction in Dunnington. The amendments respond to consultation feedback on the original proposals.

Action Required

- |                                                         |    |
|---------------------------------------------------------|----|
| 1. Implement the scheme as amended.                     | RH |
| 2. Keep area under review and report back as necessary. | RH |

**59. SIX MONTHLY REVIEW OF SPEEDING ISSUES**

Consideration was given to an update report on collaborative work, with the Police and Fire Service, to streamline and widen the agreed prioritisation framework in relation to speeding issues. This was to ensure that speed issues were considered and acted on through partnership collaboration and to give a stronger and more robust response to issues raised.

Officers reported on a recent speed education initiative undertaken by the Police on New Lane in Huntington. This had resulted in them stopping 25 motorists who had been travelling at between 35mph and 45mph in a 30mph restricted area. It was confirmed that Police enforcement information would, in future, form part of the review reports.

The Executive Member confirmed that reports of inappropriate vehicle speeds were regularly received by members and that, as Police resources were limited, it was important to have a process to deal with such complaints. In relation to the problems encountered in submitting speed management request forms electronically he was to ask the IT development team to investigate this issue further.

Consideration was then given to two options:

Option 1: As stated in the last Review report to the EMAP in March 09 the

new Pilot has been running in the York area since November 2008. Partners in 95 Alive are now about to roll out this new speed review process across the North Yorkshire Region, in stages, under the “95 Alive” branding. As the CYC process sits within this wider remit, it would seem appropriate for us to continue to work in partnership.

Option 2: To revert back to our own, independent, but smaller process, which would exclude the help from Partners with speed surveys, correspondence and analysis of data and targeted enforcement. This would leave agencies and systems running concurrently.

- RESOLVED: That the Executive Member for City Strategy:
- i) Agrees to support the joint working initiatives, which result in, a wider, more in depth process to tackle speed issues in York (Speed Review Process, Option 1).<sup>1.</sup>
  - ii) Instructs Officers to make available the speed management request form in a format that can be completed and submitted electronically and to liaise with the IT development team with the intention of introducing a web based reporting system as quickly as is practical.<sup>2.</sup>
  - iii) Agrees that, in future, any speed management request forms submitted by Councillors will be processed in the same way as those submitted direct by residents.<sup>3.</sup>
  - iv) Requests Officers to ensure in future reports that, where promises of ‘targeted enforcement’ have been made, feedback on the success of such measures is provided in the 6 monthly reviews.<sup>4.</sup>

REASON: To ensure that speed issues are considered with partnership collaboration to give a stronger and more robust response to issues raised.

Action Required

- 1. Continue the joint working on speed issues. RH
- 2/3. Provide form in easier electronic format with all being processed in the same manner. RH
- 4. Include feedback in future reports. RH

**60. CITY STRATEGY CAPITAL PROGRAMME - 2009/10 MONITOR 2 REPORT**

Consideration was given to the 2009/10 Monitor 2 report which detailed the likely outturn position of the City Strategy Capital Programme based on the

spend profile and information to the end of October 2009. The report also requested the Executive Member to agree adjustments to scheme allocations to align with the latest cost estimates and sought approval for funding to be slipped between the relevant financial years.

The Executive Member confirmed that it was expected that the outturn would be on target but that some of the schemes, including Haxby Railway station and Access York 1, were still dependent on third party decisions. It was however anticipated that several major schemes would be completed this year including works on Fulford Road and a number of significant cycling network improvements.

RESOLVED: That the Executive Member approves the following changes, subject to the approval of the Executive:

- i) the adjustments set out in Annexes 1 and 2.
- ii) the slippage of £125k of Section 106 funding to a future year.<sup>1</sup>

REASON: To enable the effective management and monitoring of the council's capital programme.

Action Required

1. Refer adjustments and slippage to the Executive.

RH

Cllr Steve Galloway, Executive Member for City Strategy  
[The meeting started at 4.00 pm and finished at 5.40 pm].