

AGENDA SUPPLEMENT

Executive

To: Councillors Aspden (Chair), Ayre, Craghill, Cuthbertson, D'Agorne, Runciman, Smalley, Waller and Widdowson

Date: Thursday, 18 November 2021

Time: 5.30 pm

Venue: The George Hudson Board Room - 1st Floor West Offices (F045)

The Agenda for the above meeting was published on **10 November 2021**. The attached additional documents are now available. They relate to **Agenda Items 5, 6 and 7** and comprise:

- Recommendations and comments made by the Customer & Corporate Services Scrutiny Management Committee (CCSMC) at their meeting on 8 November 2021;
- Written comments received by CCSMC at their meeting.

This agenda supplement was published on **12 November 2021**.

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Customer and Corporate Services Scrutiny Management Committee Meeting, 08 November 2021.

Recommendations / Comments to Executive:

1. To proceed with the permanent extension to the Footstreets area, with the accompanying action plan.
(Members of the Committee wished it to be recorded that the vote was split 4:3 along party lines on this recommendation)
2. The Executive should satisfy themselves that the public sector equality duty in the Equality Act has been met, particularly in consideration of the following four points:
 - 2.1. Does the plan or recommendations advance the equality of opportunity between persons who share the protected characteristic of disability and those who do not share it?
 - 2.2. Does the plan or recommendations foster good relations between persons that share the protected characteristic of disability and those that do not share it?
 - 2.3. Does the plan or recommendations comply with the requirement in the Equality Act to avoid discrimination on the basis of disability?
 - 2.4. Do they feel that the equality impact assessment sufficiently covers the issues and provides sufficient mitigations given the existing feedback from contributors, describing their feelings of traumatisation and discrimination?
3. The Action plan should include a practical trial of the shuttle bus with a range of service users, as part of the feasibility study recommended by the Martin Higgitt Associates report.
4. That the Executive accept the following specified recommendations from the York Disability Rights Forum and York Human Rights City Network, noting that there are some elements of crossover, and ensure that they are appropriately met:
 - 4.1. Recommendations 3, 4 and 5 in the joint statement from the disability action groups in annex S of the report 'Consideration of changes to the City Centre Traffic regulation order', namely:
 - 4.1.1. CYC should explicitly acknowledge the free labour Disabled People's Organisations (DPOs) have invested in gathering rich

data around this topic, completing the relevant surveys, and attending multiple hours of consultation zoom meetings where they have already shared their data and recommendations.

4.1.2. CYC should set up a working group, including DPOs as equal partners, to collectively assess the Footstreet Scheme and consider how to balance the rights of York's disabled citizens with other considerations. YHRCN extends an offer to facilitate this working group to mitigate the tensions now surrounding this issue.

4.1.3. We recommend that CYC take a human rights approach and use PANEL principles (Participation, Accountability, Non-Discrimination and Equality) to guide decision making now and in the future. This ensures that human rights are put at the centre of policy and practice.

and

4.2. Recommendations 2, 3 and 4 from the York Human Rights City Network Report to the Human Rights and Equalities Board on Blue Badge Concerns, namely:

4.2.1. The CYC should appoint an Access Officer to advise it on access issues and ensuring inclusivity in decision-making. The Access Officer should also be a liaison person for local disabled citizens and groups. This position would be ideal for a qualified Access Auditor with lived experience of disability.

4.2.2. The CYC should consider establishing a Disability Access Forum, comprising disability organisations. Its role would be to provide strategic advice on access issues, and assess the access implications of plans for the city. Both the Access Officer and the Disability Access Forum would embed a co-production approach to accessibility for the future.

4.2.3. The failure to properly understand and analyse the data in the Equality Impact Assessments illustrates the need for training within the CYC on equalities and human rights. Training for the CYC, members of the Disability Access Forum and others could provide an opportunity to "foster good relations between persons who share a relevant protected characteristic and persons who do not share it". The development of a new Human Rights and Equalities Impact Assessment tool within the CYC provides a good opportunity

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

5. Regarding cycling within the Footstreets area:

5.1. The Committee recommends that the word 'confirm' be replaced by 'note' in the first recommendation under 'Cycling, e-scooters and e-bikes' of the Strategic Reviews of City centre Access and Council Car Parking, such that it reads 'Note the existing position that cycling is not permitted in the footstreets during footstreets hours'.

5.2. The Committee welcomes the Martin Higgitt Associates Report and findings and would encourage the Executive to consider whether any of the recommendations not currently considered actionable could be taken forward in due course.

6. To note that the Committee acknowledged their difficulty in conducting fully informed and proper pre-decision scrutiny on what amounted to over 1,000 pages of information published on Friday evening, prior to the scrutiny meeting itself taking place on the following Monday evening.

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Customer and Corporate Services Scrutiny Management Committee meeting, 8 November 2021

My comment is about the planned closure of footstreets to blue badge holders. I am commenting in a personal capacity.

The only change officers have made following your last meeting is that Castlegate will be reopened to blue badge holders next autumn. Thank you for that.

Councils in Chester and Bath have found ways to admit blue badge holders to selected streets while also implementing anti-terrorism measures. Officers comment briefly on this on page 982 of today's report. They say that in Chester, access is provided for blue badge holders via a staffed barrier. If it can be done in Chester, it can be done in York.

Officers go on to say that "Bath has consulted over plans to re-introduce Blue Badge Parking within its city centre counter-terror measures once COVID regulations are lifted, but has not yet made a final decision".

Officers don't mention that proposals for Bath city centre would allow blue badge holders access to selected streets via a barrier operated by the CCTV control room. If it can be done in Bath, it can be done in York.

Officers haven't recommended the closure of York footstreets to Post Office vehicles, utility companies, bullion vans or Dial a Ride buses. There will be movable access points in Blake Street and Goodramgate. If barriers can be opened for some vehicles, they can be opened for blue badge holders, too.

We're not talking about large numbers of blue badge holders accessing the footstreets. A vehicle count was carried out in 2018 – see pages 991-992. This recorded a maximum of 91 cars in Blake Street, 93 in Lendal, 78 in Colliergate, and 80 in Goodramgate.

Accident figures are given at pages 985-986. There was one recorded accident in Blake Street between 2011 and 2021; none in St Helen's Square; three in Lendal between St Helen's Square and Museum Street; eight in Goodramgate; two in King's Square; and two in Colliergate. That's 16 accidents in total. While any accident is regrettable, 16 in ten years isn't an overwhelming reason for closing these streets.

Turning to times of day, changing the start time from 1030 to 11 would be a small but significant improvement.

As for the evenings, officers say street cafes are currently open until 7pm. But if cafes remove outdoor tables and chairs by 6pm, blue badge users should be allowed in the city centre from 6 rather than having to wait until 7.

Summing up, footstreet closure hours should be changed to run from 11 o'clock to six o'clock. Within these times, blue badge holders should be allowed through staffed barriers at Blake Street and Goodramgate, which would permit parking on those streets and on St Helen's Square, part of Lendal, King's Square and Colliergate.

Written Representation CSMC 08/11/21

Evening.

I appreciate it's a Sunday and a tight timetable for inclusion on this but there wasn't time to object before this mornings enquiry given there was no notice of the meeting or opportunity to register through the usual channels.

So, this will have to serve as a written statement without any guidance on a better way:

Currently, the vision of the footstreets are in my professional view, a mistake.

The footstreets extension could be a fantastic way for York to embrace tourism in ways it hasn't before, this drive to mis-step though is shown through the doubling down of removable bike racks and fresh lack of stable placed parking during festival weeks, but to be clear, evidence commissioned through the MHA report and the very transparent social media discussion of late, documents that a footstreets extension with an integrated 2 way bicycle lane both works in good practice and is the only way to achieve a realistic result for all interested parties.

Disabled people are of a protected characteristic by law, and likely discriminated against in this situation, York Council have not shown any evidence in centrally catering to this demographic of cyclists which would come naturally with a through-town cycleway at minimal, if any, cost to other users of the footstreets.

People of all ages and backgrounds already cycle through most streets in town at all hours daily and despite any willingness from either York Council officers or the BID team as suggested they gather, there is no evidence as yet to support the existing hesitation from York Council regeneration, transport or highways to document any recorded conflict between pedestrians and cycles, it is my belief that if this scenario were a valid claim, the prospect of large goods vehicles which invade town each morning until dinnertime, among pedestrian commuters, would have been prevented already and an alternative option implemented for them a long time before now to limit the risks and minimise the potential for harm.

Trucks are a much higher casualty risk to pedestrians than bicycles but are not yet banned, many stay in town after the 10.30am timeframe so I invite North Yorkshire Police to provide information on any and all incidents or accidents reported within the footstreets over the last 12 months between both vehicles or cyclists and pedestrians.

Written Representation CSMC 08/11/21

York has a considerably large central pedestrian priority area, York also has a thriving bicycle delivery culture which is currently at a detriment as are the businesses which rely on these logistics, what's more is as the climate crisis worsens and more York businesses actively use sustainable transport, much more need for cycle access through town will be required to mitigate the time and cost inequality of travelling around an increasingly congested and hostile inner ring road, which currently is the only viable option of hoping to transport larger volumes of goods by cargobike without being held up much longer within the footstreets.

How does York City Council plan on remodeling the town centre for the future which includes cargobike deliveries at wide scale, plus the introduction of a secure parking facility without enabling cycling access through town?

To dismiss this opportunity now before it has to be changed later would be a costly and very public humiliation, until we have data in hand from Highways and Police on recorded footstreets injuries plus data from Make It York, the York BID, York Retail Forum, Indie York Map on any businesses intending to try goods moved by bike, we have to trial bike access, as the MHA report suggests is feasible.

Regards,
Steve - IndieGo Director.