

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

To: Councillor D'Agorne and Widdowson (Executive Member)

Date: Tuesday, 18 October 2022

Time: 10.00 am

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

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 Democracy Support Group by **4:00 pm on Thursday, 20 October 2022.**

*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 Customer and Corporate Services Scrutiny Management Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by **5.00pm on Friday, 14 October 2022.**

1. Declarations of Interest

At this point in the meeting, Members are 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.

2. Minutes

(Pages 1 - 6)

To approve and sign the minutes of the meeting held on 28 September 2022.

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 are set as 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is **5:00pm on Friday, 14 October 2022.**

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

Webcasting of Public Meetings

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

During coronavirus, we made some changes to how we ran council meetings, including facilitating remote participation by public speakers. See our updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. **Car Club** (Pages 7 - 18)
This report outlines a new West Yorkshire Combined Authority 2 year contract (with an option to extend) with Enterprise Car Club.
5. **Consideration of the consultation of the parking restrictions in Chantry Lane, Bishopthorpe** (Pages 19 - 28)

This item is to report the consultation results in response to the proposed 'No Waiting' at any time restrictions for Chantry Lane, Bishopthorpe.

- 6. EV Charging Tariff Review October 2022** (Pages 29 - 48)
An interim review of Electric Vehicle charging tariffs to ensure that network operating costs are met.
- 7. The Groves Low Traffic Neighbourhood - Update on permanent closure points design and implementation** (Pages 49 - 72)
This report presents an update on progress with the development of the designs for the permanent closure points in The Groves. It presents the proposed designs for the closure points.
- 8. Removable bollards waiver policy and process** (Pages 73 - 78)
This report presents a proposal to implement a waiver policy and process to enable residents to apply for the removal of bollards and an access waiver, where this supports access to their property for large vehicles requiring access for removals or building works.
- 9. Consideration of Objections of the extension of R63 ResPark to include properties 298-314 Fulford Road (Even only)** (Pages 79 - 90)
The report considers the objection raised to the Residents' Parking proposal for Broadway West and offers an officer recommendation for the outcome.
- 10. Application to stop up parts of the adopted highway verges off Scoreby Lane, Kexby** (Pages 91 - 126)
This report considers an application by a local resident to stop up part of the adopted highway verges off Scoreby Lane in Kexby.
- 11. Directorate of Place Transport Capital Programme - 2022/23 Monitor 1 Report** (Pages 127 - 152)
The purpose of this report is to set out progress to date on schemes in the 2022/23 Transport Capital Programme, and propose adjustments to scheme allocations to align with the latest cost estimates and delivery projections.
- 12. Urgent Business**
Any other business which the Executive Member considers urgent under the Local Government Act 1972.

Democracy Officer:

Robert Flintoft

Contact details:

- Telephone – (01904) 555704
- Email – robert.flintoft@york.gov.uk

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.

This information can be provided in your own language.

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 (Polish)
własnym języku.

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

City of York Council

Committee Minutes

Meeting	Decision Session - Executive Member for Transport
Date	28 September 2022
Present	Councillors D'Agorne Officer James Gilchrist, Director for Environment, Transport and Planning

18. Declarations of Interest (10:00)

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 that he might have had in respect of business on the agenda.

The Executive Member noted that he did not have any prejudicial or disclosable pecuniary interests to declare. He did note that agenda item 4 the extension of the R70 residents parking scheme was within his ward but that he had no interest related to this item.

19. Minutes (10:00)

Resolved: That the minutes of the Decision Session of the Executive Member for Transport held on 19 July 2022 be approved and signed by the Executive Member as a correct record.

20. Public Participation (10:01)

It was reported that there had been four registrations to speak at the meeting under the Council's Public Participation Scheme. However, three of the speakers were unable to attend the meeting.

Cllr Warters raised his concern that he felt the petition regarding Thirkleby Way/Farndale Avenue Highway Condition was and would be ignored by the Council. He stated that the Council was using policy that identified which streets would receive

maintenance to avoid addressing the unsafe road service in this area and asked that the tarmac be removed and the concrete road be renovated. He also questioned the prioritisation of transport budgets by the Council.

21. Consideration of representations received to the advertised R70 extended Residents Priority Parking Area to include Frances Street, Ambrose Street, Holly Terrace, Carey Street and Wenlock Terrace (10:04)

The Executive Member considered whether to extend the R70 Residents Priority Parking Scheme to include Frances Street, Ambrose Street, Holly Terrace, Carey Street and Wenlock Terrace which was advertised on 20 May 2022.

The Executive Member noted the representations received and outlined in the report. He acknowledged and approved the introduction of a limited waiting bays located on Carey Street, these it was noted would be operational between 8am – 5pm each day providing unrestricted parking for a maximum of 90 minutes, no return within 60 minutes. The Executive Member asked that officers ensure signage is appropriately used to ensure residents and motorists were aware of the changes.

Resolved:

- i. Approved the implementation of the extension to the previously approved R70 residents parking scheme to include Frances Street, Ambrose Street, Holly Terrace, Carey Street and Wenlock Terrace. This would extend the previously approved scheme boundary which currently includes Kilburn Road, Alma Terrace and Alma Grove. The extension would be implemented as advertised which would be operational under entry zone signs enforceable 24hours a day 7 days a week. Details outlined in Option One with the recommended R70 extended boundary plan provided as Annex G.
- ii. Approved the implementation of the advertised limited waiting bays located on Carey Street, these are to be operational between 8am – 5pm each day providing unrestricted parking for a maximum of 90 minutes, no return within 60 minutes. A residents

parking permit would be required outside of the specified hours. Proposals shown in C1.

Reason: To provide the improved parking provision for residents of the whole area, in line with the comments received when advertising a reduced area for R70 and the limited objections submitted to the advertised proposals to extend the scheme to include the wider area.

22. Acknowledgement of Petitions (10:14)

The report provided an update to the Executive Member on petitions received in relation to the Transport portfolio. The Executive Member considered the petitions, several were in relation to residents parking and it was confirmed they would be added to the waiting list for consideration.

Other petitions were noted as being in relation to the condition of the highway. It was noted that the Executive had approved the Highways Infrastructure Asset Management Plan in October of 2021 and this plan was used to determine each year which roads were prioritised for improvements. Officers noted that there was not a sufficient budget to be able to improve the entire road network and therefore officers would meet with Ward Councillors about the possibility of using ward highway budgets for these highways improvements.

Petitions in relation to speed calming measures were noted and the Executive Member noted the progress on the speed management scheme, he also noted that residents could raise concerns with the Safer York Partnership who worked alongside the police.

A question had been raised by a member of the public about why a newly adopted road Government House Grove would see maintenance improvements by the council. Officers noted that the Council had maintained the road for around 20 years but that historical records had meant the Council only formally adopted the street recently, they noted that the street required improvements and qualified appropriately under Council policy.

Resolved:

Speed calming measures on New Lane, Holgate.

- i. Noted progress on the speed management scheme, which was moving into consultation on options.
- ii. Noted a decision on the implementation of the option would be brought to an Executive Member for Transport decision session later this year.

Thirkleby Way / Farndale Avenue Highway condition.

- iii. Noted that due to the condition and the priority of an intervention no action would be taken in terms of the scheduled highway maintenance programme at this stage.
- iv. That a discussion would be had with the Ward Councillors to consider resolution, through Ward funding, if possible. The condition will be subject to the annual highway maintenance review and if the circumstances change an intervention will be appropriately prioritised.

Petition from Compton Street, Grove View & Rosslyn Street Residents for Residents Parking scheme in their area

- v. Approved the addition of this area to the residents parking waiting list and consider the extent of the potential consultation area when it reaches the top of the list.

Residents of Stockton on the Forest and Hopgrove seeking a new footpath and road safety improvements in their area

- vi. Noted that engagement would be undertaken with Ward Councillors to scope out the detail of the request and look to work into the Local Walking and Cycling Infrastructure plan and the safety elements in the Transport capital programme in 2023/2024.

Petition for Road Resurfacing of the Village' Earswick and the Culde-Sacs of Shilton Garth Close and Stabler's Walk.

- vii. Noted 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. A discussion will be had with the Ward Councillors to consider resolution, through Ward funding, if possible. The condition will be subject to the annual highway maintenance review and if the circumstances change an intervention would be appropriately prioritised.

Petition from Huntington Road Area Residents.

- viii. Approved the addition of this area to the residents parking waiting list and consider the extent of the potential consultation area when it reaches the top of the list.

Petition from Dodsworth Avenue Residents.

- ix. Approved the addition of this area to the residents parking waiting list and consider the extent of the potential consultation area when it reaches the top of the list.

Residents of Harcourt street area asking the council to investigate options to create a Low Traffic Neighbourhood in their area.

- x. Approved the approach to engage with Ward Councillors to discuss options to fund an initial options development piece.
- xi. Approved the development of an approach to the delivery of Low Traffic Neighbourhoods to be brought back to a decision session next calendar year.

Reason: To respond to residents' concerns and implement, if possible, the appropriate measure.

Cllr A D'Agorne, Executive Member for Transport
[The meeting started at 10.00 am and finished at 10.23 am].

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Decision Session – Executive Member for Transport**18 October 2022**

Report of the Director of Transport, Environment and Planning

Contract with Enterprise Car Club**Summary**

1. This report outlines a new West Yorkshire Combined Authority 2-year contract (with an option to extend) with Enterprise Car Club. By CYC participating in this contract, CYC has the basis to use the car club internally and support its operation and growth in York.

Recommendations

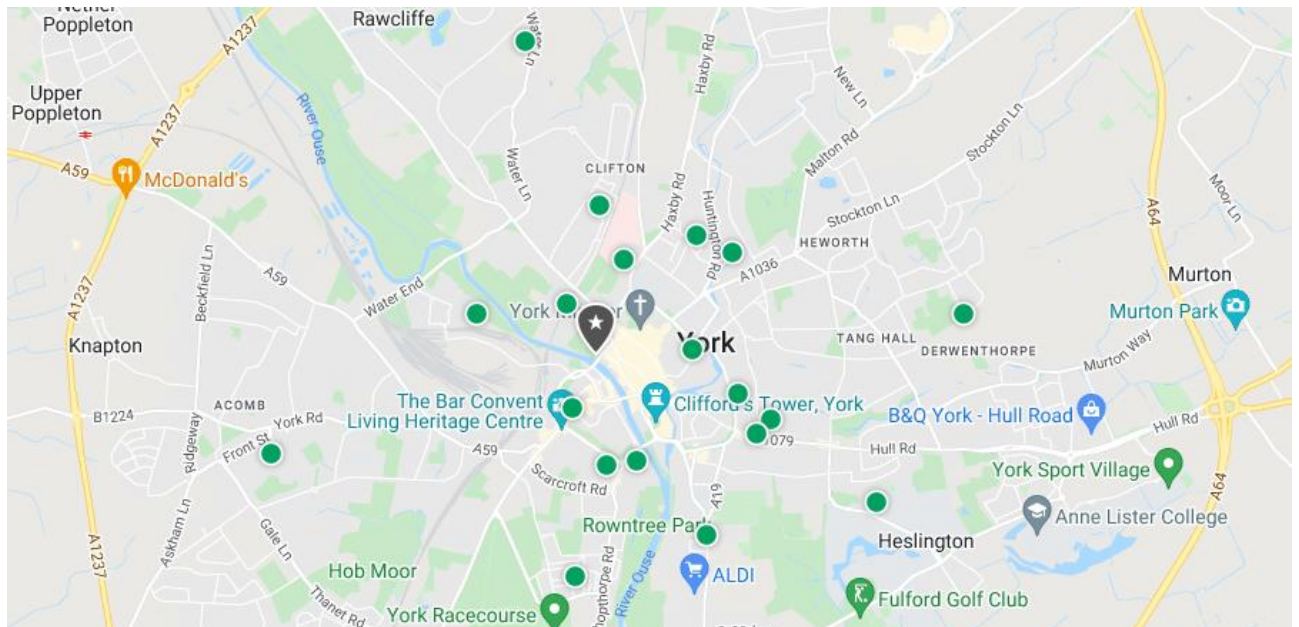
2. That the Executive Member notes:
 - a) the new contract
 - b) that a review of CYC's role with car clubs takes place during that period.

Reason: to maximise the use of car club vehicles in York**Background**Context

3. A car club enables people to rent a car/van quickly and easily from convenient locations, e.g., street and car park spaces. Charges are usually by the hour and booking is predominantly online / by app.
4. Enterprise Car Club (formerly City Car Club) is the only operator in York with 28 cars and 3 vans – see www.enterpriseclub.co.uk/york. There are also a further 3 cars and 1 van in and near the Hazel Court Eco Depot for only CYC staff use.

5. 4 of the cars in York are plug-in electric and a further 13 are self-charging hybrids. That leaves 11 cars that aren't electric but have modern low emission petrol engines.
6. Like with most cities the concentration of vehicles is in the inner part of York, where demand from a mix of residential and business use is higher. Locations further out tend to relate to new residential estates and other opportunities where available funding can compensate for low initial demand. Extending the coverage of the network is important for making this travel option available to the whole of the city, which can be influenced by CYC by working with Enterprise to identify and set up new locations and help with promoting them.

The map below is from www.enterpriseclub.co.uk/york, with dots for the fixed vehicle locations.



7. In 2014, West Yorkshire Combined Authority (“**WYCA**”) entered a contract with Enterprise Car Club (part of Enterprise Rent-a-Car) on behalf of the West Yorkshire local authorities and CYC.
8. This contract gave those councils the procurement basis to use the car club internally for staff business travel.
9. The contract also provided the basis for the councils to provide Enterprise Car Club access to their areas for the car club to operate. This meant that CYC as a default would only create/convert parking spaces in York for Enterprise Car Club. CYC would also support the

growth of the car club, through promotion and securing contributions from Section 106 funds, e.g., for discounted use of the car club for York residents.

10. No arrangement has been in place to support other car club operators to set up in York, but CYC hasn't been contractually tied to support Enterprise exclusively only.
11. WYCA and CYC had entered this previous contract because of the benefits of a car club to the organisation and the city. A contract was also considered the best way to provide momentum in the city whereby at least one operator has the confidence to fully commit to growing its services in York.

National car club numbers and benefits

12. CoMoUK (como.org.uk) supports development of car clubs and other shared travel options in the UK. They list CoWheels, Enterprise, HiYaCar, GetAround, Ubeeqo, Hertz and Zipcar as the 7 main car clubs currently operating in UK, but there are many others, often local to particular areas of the UK.
13. Some car clubs have their own fleets while others are 'peer to peer' utilising vehicles owned by the public. Most require the user to bring the car back to its allocated parking space (as in York), with other formats such as one-way trips yet to become established in the UK.
14. Car clubs have grown in general. Vehicle numbers in the UK have increased over recent years, with a dip in 2021, while member numbers have increased every year.
15. CoMoUK summarise the benefit of car clubs as providing 'socially inclusive, low emission mobility which helps to break dependency on private car ownership. Pay as you go cars offer affordable, occasional access to cars to benefit individuals. At the same time, they help policy makers to meet targets at local, regional, and national levels, including emissions reduction, improvements to air quality and encouraging individuals to increase their use of sustainable modes.'
16. CoMoUK carry out an annual survey on the growth and impacts of car clubs in the UK. The 2020 survey found that:
 - 20% of respondents stated that they couldn't afford to own a car, and this was their reason for joining the car club

- 18.5 private cars were taken off the road by each car club in Great Britain
- 26.5% less emissions for the average car club car compared to the average UK car

CYC use of the car club

17. CYC staff remain a significant user of the car club for business journey. Around 80% of total York usage is by CYC employees (see section 33).
18. CYC use has decreased during the Covid period, because of the working from home trend. Future levels of use are hard to predict until post-Covid travel patterns become established, but we would expect some increase as staff partially return to the office.
19. Cars are made available to CYC employees in 3 ways:
 - We have block-booked some cars in the public fleet during working hours. This means that they are available outside those hours to the public, but otherwise are exclusively for CYC staff use.
 - We have 4 dedicated vehicles at the Hazel Court Eco Depot that can only be used by CYC staff.
 - Standard availability. Staff are free to book any car in the public car club fleet if it's available.
20. See section 33 for CYC expenditure on staff car club use.
21. The number of car club vehicles that CYC have reserved for staff use is being reviewed. These are dedicated and block booked cars that we are paying for regardless of actual use. As a result of the review we have reduced reserved vehicles at Hazel Court from 4 to 1. Vehicles reserved elsewhere have been reduced from 10 to 9 and will be reduced again to 6 this month.

About the new contract

22. With the previous contract ending, West Yorkshire Combined Authority (WYCA) wanted to enable its councils, including CYC, to continue a contractual relationship with Enterprise Car Club. Again, this would be to use it for their staff travel and support the car club in their areas. Enterprise Car Club has become the established and proven car club in all those districts and remains the obvious provider for a further limited period.

To enable this, WYCA entered a new contract, via a Framework contract, with Enterprise Car Club. As with the West Yorkshire councils, CYC aren't automatically included in that contract. But we had the opportunity of submitting paperwork to participate in it, which is what the first report decision is about.

23. The contract is for two years, with an option to extend. The minimum number of vehicles/bays to be provided through the agreement is included.
24. According to WYCA, the benefits of the new contract are as follows:
 - a) It enables continuation of the existing service provided by Enterprise with no disruption to members.
 - b) It offers lower hourly and daily rates for car club members.
 - c) The contract includes a permit fee for each bay which will bring funds into the Districts to cover bay maintenance.
 - d) It will enable a transition to EVs that will be ahead of any other UK region; and
 - e) It brings the option to work more closely with Brompton Bike Hire.
25. The previous WYCA car club contract worked on a similar basis. It was originally negotiated in 2015 and extended twice, including for a year in 2021 under Covid provisions. It expired in early February 2022.
26. The new contract continues that previous arrangement. It provides the basis for CYC to utilise and support Enterprise Car Club as follows:
 - a) Use Enterprise Car Club for its own business travel. This replaces the need to carry out a tender.
 - b) Provide council-run parking spaces for Enterprise to locate its cars.
 - c) Provide financial support to locations that will benefit the city, most likely using section 106 funding from the planning process. This could be to fund the setting up of a parking space or to stimulate use of the car through discounted use. This is predominantly about extending the service beyond inner York where most cars are based.

27. The contract is not detailed in what it ties CYC and Enterprise to. Enterprise is not committed to a certain level of York growth in numbers or locations. Nor is CYC committed to a certain level of support. Instead, the contract would enable both parties to work to a common goal of growth and increased use, in line with the needs of the city.
28. The contract does not give Enterprise exclusive rights to operate in the city. But because CYC isn't inviting other operators to set up in York, Enterprise is likely to stay the sole operator. If CYC was approached by other operators and did want to use and support them we would have to undertake a separate appointment/procurement exercise.

Value of the contract

29. Neither the WYCA contract nor the CYC participation document has a stated value – no lower or upper limits of spend. But there are financial implications of entering the contract. The following estimates the effective value of the 2-year contract at £350K. A key figure within that is the CYC employee usage at £269K.
30. The types of spend and the predicted values for the 2 years of the contract are as follows. How we calculated those values are subsequently summarised.

Table 1: Predicted 2-year values:

Type of expenditure	Predicted 2-year amount
Overall revenue received by Enterprise from all usage in York	£330K
Revenue received by Enterprise for CYC employee usage	£269K (82%)
Revenue received by Enterprise from CYC, funding discounted usage and other promotions (primarily Section 106 funding).	£20K
Total value of the new contract	£350K

31. Overall revenue received by Enterprise in York

Enterprise received about £125K of revenue in 2021 from all usage in York, including CYC usage. Revenue in the 2 years of the new contract is hard to predict but should increase as more people return to the office and as Enterprise grow their network. A 20% increase for both years would make £150K revenue in Year 1 and £180K in Year 2 – a total of £330K.

32. Revenue received by Enterprise for CYC usage

Table 2: CYC employee bookings and actual spend May21-Apr22

Type of availability	No. bookings	Invoiced spend (£)
Dedicated (HC and James House)	402	£28,850.00
Block bookings	1560	£51,026.32
PAYG	798	£19,685.78
Membership	503 members	£2,515.00
Total	2760	£102,077.10

The above table shows an actual spend in the last year of £102K.

Anticipated spend for the two years of the contract is difficult to predict. Again, we can estimate a 20% increase each year in use due to more office working and a modest growth in the car club. This would mean CYC spend on Enterprise being £122K in Year 1 and £147K in Year 2. There may be opportunities to make our spend more efficient in our review of dedicated and block booking use. But this projected total for both years of £269K is probably a good indicative level for what otherwise we would have procured from Enterprise via a tender.

33. Revenue relating to promotions

The figure in Table 1 of £20K spent on promotions is a broad estimate based on funding available.

Long term plans

34. The 2-year contract will enable CYC and the city to have access to a car club. And opportunities can be taken to grow the service, taking advantage of the benefits to users and the city that this brings.
35. However, this report recommends that CYC reviews its relationship to car club operators to plan for beyond the 2-year contract. Enterprise is

not the only operator. And car clubs themselves have changed over time, from start-up companies to being run by established multinational companies.

36. In particular, the following questions could be asked:
- a) How have car clubs and their services changed locally and nationally and how does this impact on the needs of York and the role the CYC should take?
 - b) What operators and services are now available? What are the options (potentially beyond car clubs) to make shared vehicles available to people in York? How do they compare? Which operators might be interested in operating in York and what if anything would they need?
 - c) Is the car club model the most cost effective and useful service for CYC business travel, compared to internally operated pool cars and to private car mileage?
37. The review documentation could be non-public, especially in terms of commercially sensitive information gathered from operators. But the overall conclusions and recommended plan could be communicated in a subsequent Executive Member Report. WYCA and the related councils might also be interested in carrying out their own review with the opportunity of sharing our findings and conclusions.

Corporate Strategy

38. Of the core outcomes of the Council Plan the following two are the most relevant:
- Getting around sustainably – car clubs provide an extra journey option. And providing shared vehicles encourages people to only use cars and vans when they need to, often choosing other modes of travel like active travel and bus when appropriate. This can help to reduce traffic levels.
 - ‘A greener and cleaner city’ – car clubs use low emission vehicles, many of which are hybrid or fully electric. By replacing the use of higher emission vehicles this can help reduce carbon (climate change) and pollution (air quality).

Implications

39. The following are the identified implications.

- **Financial** – No new funding sources are needed as part of the new contract.

Use of the car club by council employees for business travel is paid from individual team budgets. Block-booked and dedicated-use vehicles can have costs beyond those individual bookings, which are covered by a Business Support budget.

Contributions by the council to promotions and setting up car club parking locations come from a Section 106 fund.

- **Human Resources (HR)** – There are no HR implications
- **Equalities** – No significant impact has been identified.

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 proposals on protected characteristics has been considered as follows:

- Age – Neutral;
- Disability – Neutral;
- 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 – Potential benefits.

As per section 17 above, 20% of respondents to the CoMoUK 2020 UK survey stated that they couldn't afford to own a car, and this was their reason for joining the car club.

- Veterans, Armed Forces Community– Neutral.

- **Legal –**

The contract between CYC and Enterprise would arguably be considered a Public Concession Contract under the Concession Contracts Regulations 2016 (the “**Concession Regs**”), as the contract gives Enterprise the right to exploit the services (i.e., to make money from third parties), but without any kind of guarantee if anyone would take up the service. The procurement threshold for Concession Contracts under the Concession Regs is currently £4,447,447 exc. VAT, so based on the values set out above this would fall considerably below threshold and therefore sits outside of the full procurement regime under Concession Regs.

Notwithstanding the fact that this contract is below the concession threshold, it is important to establish the contractual relationships between all the parties involved, to ensure that CYC's direct appointment of Enterprise complies with our obligations under the Concession Regs, the Public Contract Regulations 2015 (the “**Procurement Regs**”) and our Contract Procedure Rules.

The contractual relationships between the various parties can be summarised as follows:

- a. The initial framework contract was set up between TPPL (i.e., The Procurement Partnership Limited) and Commercial Services Kent Ltd. They commissioned and procured a vehicle rental framework through a compliant open procedure under the Procurement Regs.
- b. Enterprise Car Club was awarded a position on that framework contract through this open competitive selection process.
- c. WYCA is a member of TPPL. In line with the framework contract, WYCA has entered a call-off contract with Enterprise Car Club (the “**Main Agreement**”). This is on behalf of itself and each “**District**” of WYCA. The term “**District**” in this context includes both WYCA's constituent West Yorkshire based members and its non-constituent members like CYC.

- d. The Main Agreement constitutes an offer by WYCA and each of its District to purchase the Services from Enterprise, subject to and in accordance with the Main Agreement's terms and conditions.
- e. Each District (including CYC) is required to enter into a Participation Agreement. The Council became the direct "customer" to Enterprise in York, and not WYCA or the other Districts.
- f. CYC then entered into an agreement with Enterprise Car Club on the same terms of the Main Agreement, apart for those detailed in the Participation Agreement. The Council has all the rights granted to and all obligations placed upon WYCA under the Main Agreement.
- g. The arrangement between CYC and Enterprise Car Club is independent of WYCA's or any of the other Districts' individual arrangements. This includes separate prices and invoices for usage of the car club.
- h. WYCA and Enterprise may in accordance with its provisions vary, terminate, or rescind that Main Agreement or any part of it, without the consent of CYC or any of the other Districts, which in turn could amend the agreement between CYC and Enterprise.
- i. Whilst it is not explicit in the documents, it is the interpretation of both the Legal and Procurement teams that should WYCA or Enterprise terminate the Main Agreement early, CYC's contract with Enterprise under the Participation Agreement will expire at that same time.

Both Legal and the Procurement teams are satisfied that the direct award to Enterprise under the above contract structure complies with our obligations under both the Procurement Regs and CYC's Contract Procedure Rules.

The contract is considered a non-routine procurement under the Contract Procedure Rules within our constitution.

- **Crime and Disorder** - There are no Crime and Disorder implications
- **Information Technology (IT)** - There are no IT implications

- **Property** – CYC parking spaces are provided for many of fixed locations of Enterprise Car Club vehicles. No new implications for this to note.

Risk Management

40. The risks of this 2 year contract are low. The relationship with Enterprise Car Club is in practice the same as before, with no significant new elements to take into account. The recommended review is a mitigation against continuing with Enterprise Car Club without evaluating what the council’s role with car clubs should be in the longer term.

Author

Duncan McIntyre
iTravel Programme Manager
Tel No. (01904) 553786

Chief Officer Responsible for the Report

James Gilchrist
Director of Transport, Environment and Planning

Report Approved

Date 10/10/2022

Specialist Implications Officers

Financial: Jayne Close, Principal Accountant - Jayne.Close@york.gov.uk
Legal: Dan Moynihan, Senior Solicitor - Dan.Moynihan@york.gov.uk

Wards affected:

x	All wards		Guildhall		Micklegate
	Acomb		Haxby & Wigginton		Osbalwick
	Bishopthorpe		Heslington		Rural West York
	Clifton		Heworth		Rawcliffe & Clifton Without
	Derwent		Heworth Without		Strensall
	Dringhouses & Woodthorpe		Holgate		Westfield
	Fishergate		Hull Road		Wheldrake
	Fulford		Huntington & New Earswick		



Decision Session: Executive Member for Transport 18 October 2022

Report of the Director of Transport, Environment and Planning

Consideration of the consultation of the parking restrictions in Chantry Lane, Bishopthorpe

Summary

1. To report the consultation results in response to the proposed 'No Waiting' at any time restrictions for Chantry Lane, Bishopthorpe to help protect the recently installed flood defence barriers junction and to determine what action is appropriate.

Recommendation

2. The Executive Member is asked to:
 - a. It is recommended to implement the proposal as advertised in Chantry Lane, Bishopthorpe, to help provide protection to the recently installed flood defence barriers.

Reason: The restrictions will help to ensure that the area in front of the flood defence gates are kept clear to ensure that the flood defence gate can operate and protect the local environment as and when required.

Background

3. As the installation works for the flood defence gate was progressed a concern was raised that a vehicle may park on the river side of the flood defence gate, which would restrict its ability to close the gate and therefore make the flood defence barriers unusable and not protect the local environment.
4. We delivered consultation information on 8th July 2022 (Annex A) to provide residents, Ward Cllrs and Parish Council information on the proposal and offer them the opportunity to provide representation on the

proposal.

Resident Comments

5. During the statutory consultation period we received 3 representations in objection (Annex B) to the proposed restrictions from one resident.
6. The objector raised concerns that the restrictions were not needed as the street does not see high levels of parking. The resident provided 5 reasons why the proposal was a waste of public money, which are:
 - Under emergency circumstances when the barrier would be used any obstruction would be removed by the appropriate emergency service i.e. the fire brigade.
 - The likely hood of these circumstances are small.
 - The likely hood of a car parked causing obstruction even smaller.
 - To implement major parking restrictions in a residential area to accommodate an exceptional event is not only unfair for visitors who may need access to this conservation area but inhibitive to owners of property on Chantry Lane who may have visitors who need to park or deliver.
 - Double yellow lines will spoil the look of the road and devalue adjacent property.

Officer Comments

7. The representation appears to give them impression that the proposed restrictions will not allow vehicle to park on the whole street, which will have an impact visitors to the street but the proposed restriction is only for a 6 metre length on the river side of the barrier. This will obviously remove the available parking amenity for one vehicle but not to an extent that will have a detrimental impact on the residents and there visitors, as the objection states that have only seen 3/4 cars parked on the street in three years.
8. **Option 1:** Implement the restrictions as proposed.
This is the recommended option as it will protect the area in front of the flood defence gate and help to ensure that the gate can be closed when required.
9. **Option 2: No Further Action**
This is not the recommended option, as this will leave the area in front of the flood gate unprotected and potentially lead to vehicle parked in the

area when the flood gate is required to be closed.

Council Plan

10. The Council Plan has Eight Key Outcomes:
- Well-paid jobs and an inclusive economy
 - A greener and cleaner city
 - Getting around sustainably
 - Good health and wellbeing
 - Safe communities and culture for all
 - Creating homes and world-class infrastructure
 - A better start for children and young people
 - An open and effective council

The recommended proposal contributes to the Council being open and effective and safe communities and culture for all as it responds to the request from Environment Agency to solve the problem that will allow the flood gate to be closed and protect the local community from flooding.

Implications

11. This report has the following implications:

Financial –The cost of implementation and consultation process will be covered by the Environment Agency. Any enforcement costs will be met from existing transport budgets.

Human Resources – If implemented, enforcement will fall to the Civil Enforcement Officers necessitating an extra area onto their work load.

Equalities – 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). There are no equalities implications identified in respect of the matters discussed in this report. The process of consulting on the recommendations in this report will identify any equalities implications on a case by case basis, and these will be

addressed in future reports.

Legal – 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. The Council regulates traffic by means of traffic regulation orders (TROs) made under the Road Traffic Regulation Act 1984 which can prohibit, restrict, or regulate the use of a road, or any part of the width of a road, by vehicular traffic. After the public notice of proposals for a TRO has been advertised any person can object to the making of the TRO. The recommendation in this report requires decision maker to consider all objections received during the statutory consultation period before deciding to make the TRO unchanged, to make it with modifications that reduce the restrictions or not to proceed with it. This will enable the Council to comply with the requirements of the Road Traffic Act 1984, as well as the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996.

Crime and Disorder – None

Information Technology – None

Land – None

Other – Flood Risk Management – the recommended restrictions will support the flood response operations at this location and safeguard the implementation of key actions in the emergency response plans of the Environment Agency, CYC and Yorkshire Water. Similar restrictions are in place to support floodgate closures elsewhere in the city.

Alternate provisions could be made to remove vehicles as and when required but this is carried out as a measure of last resort and could stretch available resources required to respond to an ongoing flood event in York or the wider river catchment and this is not seen as a reliable or resilient approach.

Risk Management - There is an acceptable level of risk associated with the recommended option.

Contact Details

Author:

Darren Hobson
Traffic Management Team
Leader
Transport
Tel: (01904) 551367

Chief Officer Responsible for the report:

James Gilchrist
Director for Transport, Highways and Environment

Date: 10/10/2022

Wards Affected: Bishopthorpe

For further information please contact the author of the report.

Annexes:

Annex A: Residents Consultation Letter
Annex B: Representations of Objection

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Place Based Services

West Offices
Station Rise
York
YO1 6GA

Contact: Darren Hobson
Tel: 01904 551367
Email: darren.hobson@york.gov.uk
Ref: ADB/DH/515

Date: 8th July 2022

Dear Occupier

Proposed Waiting Restrictions – Chantry Lane, Bishopthorpe

It is proposed to introduce 'No Waiting at any time' restrictions in Chantry Lane, Bishopthorpe to the extent described in paragraph 1 of the 'Notice of Proposals' (Notice) and as set out in the plan. This is to maintain safety at a location being adversely affected by indiscriminate/obstructive parking which may affect the operation of the floodgate. Should you require any further information in regard to this item then please contact the project manager, Darren Hobson, telephone (01904) 551367, email darren.hobson@york.gov.uk.

I do hope you are able to support the proposals but should you wish to object then please write, giving your grounds for objection, to the Director of Economy and Place at the address shown on the Notice of Proposals, to arrive no later than the date specified in the Notice.

Yours faithfully

Darren Hobson
Traffic Management Team Leader
Network Management

Enc. Documentation

Cc – Cllr John Galvin

Page 26
CITY OF YORK COUNCIL
NOTICE OF PROPOSALS
THE YORK PARKING, STOPPING AND WAITING (AMENDMENT) (NO 14/55)
TRAFFIC ORDER 2022

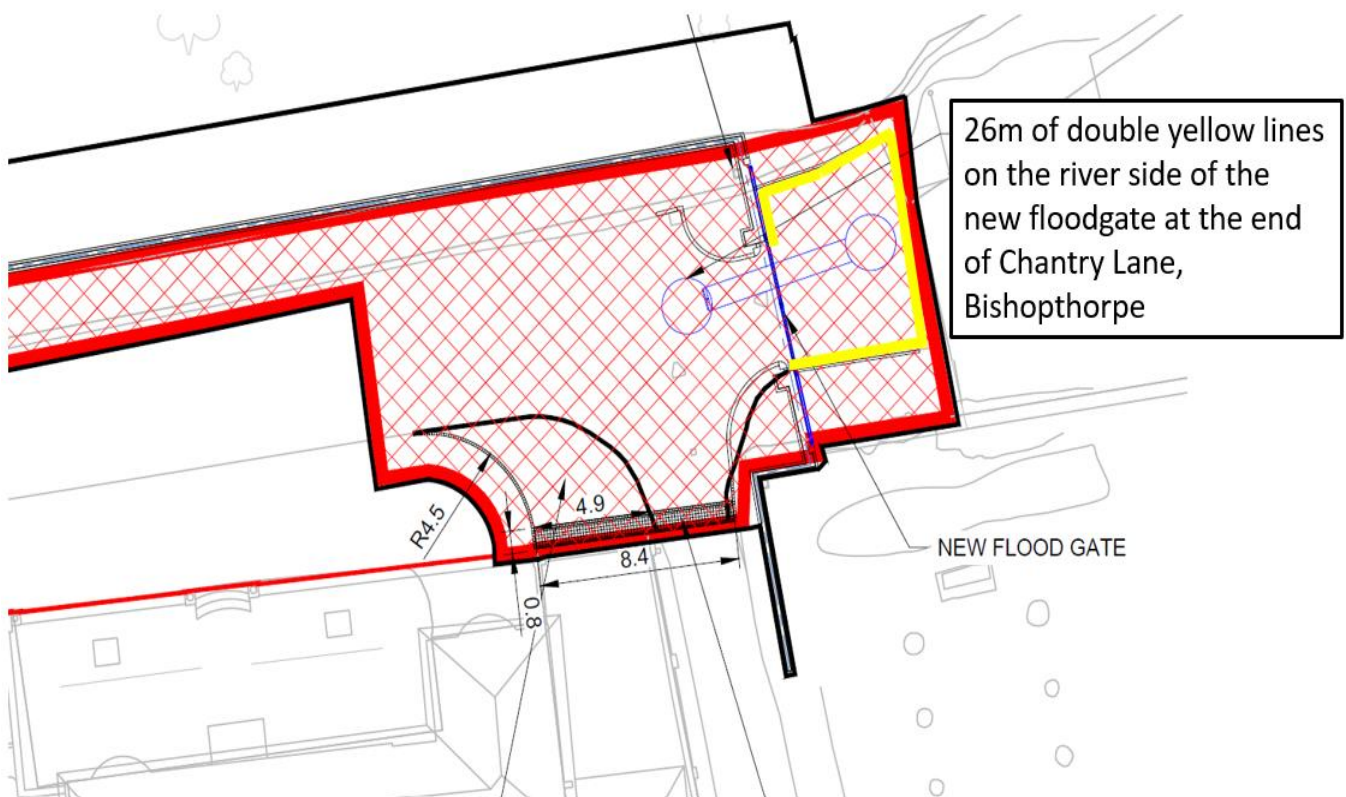
Notice is hereby given that City of York Council, in exercise of powers under Sections 1, 2, 4, 32, 35, 45, 46, 53 and Schedule 9 of the Road Traffic Regulation Act, 1984 ("the Act") and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Schedule 9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

1. Introducing 'No Waiting at any time' restrictions in Chantry Lane Bishopthorpe on both sides including the eastern end of the road from the floodgate wall to a point 6.3 metres east of the said point.
2. Re-defining 'Residents' Priority' parking area thereby bringing within the R63 (DANESMEAD ESTATE) zone the residential properties No. 298, 300, 302, 304, 306, 308, 310, 312 and 314 Fulford Road.

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 29th July 2022.

Dated: 8th July 2022

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



I want to strongly object to road marking changes at Chantry Lane Bishopthorpe. It is a waste of public money and time by the Environmental Agency to request these changes which now explain in numbered paragraphs.

1. Under emergency circumstances when the barrier would be used any obstruction would be removed by the appropriate emergency service ie the fire brigade.

2. The likely hood of these circumstances are small.

3. The likely hood of a car parked causing obstruction even smaller.

4. To implement major parking restrictions in a residential area to accommodate an exceptional event is not only unfair for visitors who may need access to this conservation area but inhibitive to owners of property on Chantry Lane who may have visitors who need to park or deliver.

5. DYL will spoil the look of the road and devalue adjacent property.

I regularly go down here with my dogs and I can also honestly say I've only ever seen three cars down there ever and it was dog walking folk with a lot of dogs who wanted to unload them safely for walking.

I honestly can't understand how people who have no understanding of this area feel they can demand draconian parking restrictions that are 100% not needed is there any common sense whatsoever I ask myself. We are not in central London it a village I'm actually astonished by the notice and reason and I must reiterate it woul be an emergency if the barrier needed to be applied and emergency action would be carried out in exceptional circumstances any obstruction would be removed.

Do you think the area is some sort of a secret car park with multiple use are you even familiar with this road?

I am flabbergasted

Thanks for the automated reply but I am concerned that my objection will not be registered today the last possible day I have had excessive difficulty getting any responses from yourselves?

Also when I moved here from Newcastle I was aware it was a conservation area with nice country roads not a highway with all the impediments associated with such roads! How attracting it will be just like a city Center which will attract an unpleasant overview of this village.

I want to object to the Chantry Lane DYL proposals. In my opinion these restrictions serve no common purpose for few people apart from residents and their guests park here to access the valuable houses on the street. I could well imagine that the implementation of such restrictions would financially affect the value of property in the vicinity and make the newly finished road look an eyesore. I frequently traverse this road to take my dogs out and over a period of three years I've only seen 4 cars parked at the bottom end. Folk with multiple dogs to exercise.

WHY all this unnecessary bother I would appreciate a statement of reason for the idea your proposed changes are needed. It's very strange I could understand if we were in central London with these very expensive houses but it's a village in Yorkshire I'm astonished by the traffic department's actions TBH.



Decision Session – Executive Member for Transport

18 October 2022

Report of the Corporate Director of Place
Portfolio of the Executive Member for Transport

EV Charging Tariff Review October 2022

Summary

1. Tariffs for using the City of York Public Charging Network are currently:
 - Fast charging (7kW) - £0.20 per kWh
 - Rapid and ultra-rapid charging - £0.25 per kWh
2. Charging tariffs are reviewed annually in April, but the recent unprecedented increase in energy costs warrant an interim review of tariffs to ensure that network operating costs are met.

Recommendations

3. The Executive Member is asked to:

Approve Option 2 - Set the EV charging tariffs to:

Fast charging (7kW): £0.35 per kWh

Rapid and Ultra-Rapid: £0.46 per kWh

4. Delegate authority to the Director Environment, Transport and Planning in consultation with the Chief Finance Officer to make future tariff changes without a decision session, and to authorise any necessary legal documentation (or amendments to existing documentation) to effect any such changes to the tariff.
5. Reason: The proposed new tariff covers all anticipated running costs for the EV charging network, meets all the objectives set out in the EV strategy and complies with ERDF funding conditions.

6. Delegating this authority to the Director Environment, Transport and Planning in consultation with the Chief Finance Officer will allow charging tariffs to be quickly adjusted in response to changing energy costs.

Background

7. York's Public EV Charging Strategy was approved in March 2020 and sets out the factors to be considered in setting reasonable tariffs for charging:
 - Day to day operation of the network is to be funded by users through a standard tariff which is reviewed annually.
 - The tariff includes the cost of electricity (including standing charges for electricity supply), back-office fees, banking fees and merchant fees.
 - The network is adequately funded to enable effective maintenance, and when required, expansion and renewal of chargepoints.
 - The tariff for Rapid and Ultra-Rapid charging is higher than the tariff for Fast chargers, to reflect the increased cost of the infrastructure and higher operational costs.
8. This approach also complies with conditions in the ERDF funding agreement for the Monks Cross and Poppleton HyperHubs, which stipulates that "we do not produce a net income/benefit" from the operation of the HyperHubs over an agreed period of time.
9. Tariffs were last reviewed in April 2022 and are currently set at:
 - Fast charging (7kW): £0.20 per kWh
 - Rapid and ultra-rapid charging: £0.25 per kWh
10. Recent increases in electricity prices require an interim review of charging tariffs, with the new tariffs being applied from October 2022.
11. Executive March 2020 agreed to a standard tariff of £0.20 per kWh for Fast chargers and £0.25 per kWh for Rapid and Ultra Rapid chargers, to be reviewed on an annual basis as part of budget setting.
12. Given the potential for changes to energy costs via the introduction of government support for business energy costs it is important that tariff setting remains under review in line with the Public EV Charging Strategy. This is to ensure that the council is not

subsidising EV users or making a profit that would be counter to the ERDF funding obligations. It is recommended that the responsibility for price setting is delegated to the Director of Transport, Environment and Planning in consultation with the Chief Finance Officer. Any price changes will be subject to an officer decision.

Consultation

13. Creation of the EV Charging Strategy was informed by taking on board input and requests from residents and users of the existing network who regularly contact the Council with issues and suggestions. Informal meetings with residents were also carried out to influence the strategy.
14. In addition, extensive engagement with industry partners, such as the Energy Saving Trust and other Local Authorities around the country influenced the strategy.
15. The strategy did not propose a public consultation at each tariff review point, and therefore a public consultation has not been undertaken in relation to this report.
16. Consultation with internal and external partners has been carried out to ensure the tariff proposals contained within this report are appropriate. Equality considerations have been taken into account when creating this report, and these are included within Annex A.

Options

17. The Executive Member is asked to choose one of the following options:
 - Option 1: Do not change the existing tariffs.
 - Fast charging (7kW): £0.20 per kWh
 - Rapid and ultra-rapid charging: £0.25 per kWh
 - Option 2: Approve the proposed charging tariffs of:
 - Fast charging (7kW): £0.35 per kWh
 - Rapid and ultra-rapid charging: £0.46 per kWh

Analysis

18. Option 1: Do not change charging tariffs.

Tariffs would remain at the current price of:

- Fast: £0.20 per kWh
- Rapid and Ultra-Rapid: £0.25 per kWh

19. The existing charging tariffs would continue to be applied. A further tariff review would be conducted in April 2023. Due to the unprecedented increase in energy prices, this option would not cover the day to day running costs of the EV network. Officers do not support this option as it would expose the Council to financial risk.

20. Option 2: Implement the proposed charging tariff:

Tariffs would be increased to the new price of:

- Fast: £0.35 per kWh
- Rapid and Ultra-Rapid: £0.46 per kWh

21. The following factors have been considered when arriving at the proposed tariff:

- Electricity Day Rate
- Electricity Off-Peak Rate
- Standing charges for electrical connections to each charging site.
- Green Levy.
- Annual maintenance costs as defined in contracts with BP Pulse and Evo Energy.
- Annual back-office costs as defined in the contract with BP Pulse.
- Transaction fees as defined in the contract with BP Pulse.
- VAT paid at 20% rate

22. The following factors have not been incorporated into the proposed tariff:

- £10 Overstay penalty charges
- Electricity generated from on-site solar PV
- Exported Electricity
- Grid frequency response revenue

23. The solar and battery infrastructure at the HyperHubs have broadly been operating in line with expectations. However, they have

not been operating long enough to collect sufficient data to allow a reliable calculation of figures. This element will be incorporated into the next tariff review process.

24. Similarly, those other factors excluded from the calculation relate to elements which have not been operating long enough to allow for reliable data collection. Again, these elements will be incorporated into future tariff reviews.
25. The new tariff would be applied as soon as practically possible following the decision and would subsequently be reviewed in April 2023. This tariff meets all the objectives set out in the EV strategy and will cover day to day running costs for the remainder of the financial year.
26. Deciding to delegate future tariff changes to the Director for Environment, Transport and Planning will ensure that changes can be made quickly enough to react to changes in energy costs.

Council Plan

27. The proposal relates to the following outcomes and key performance indicators set out in the Council Plan 2019-2023 (Making History, Building Communities)
28. A Greener and Cleaner City:
 - Citywide KPI on air quality
 - Carbon emissions across the cityProviding reasonably priced EV charging for residents and visitors supports the uptake of electric vehicles which will in turn improve air quality and reduce carbon emissions.
29. Getting Around Sustainably
 - Continue to expand York's electric vehicle charging point network, including the construction of hyper hub facilities.Ensuring that the day-to-day running costs of the EV network are met by user tariffs will ensure that the EV network and HyperHubs continue to be well maintained and operational.
30. An Open and Effective Council
 - Forecast budget outturn (£000s Overspent / -Underspent)

Adjusting EV charging tariffs in response to recent changes in energy prices will ensure that the Council's EV network remains cost neutral.

Implications

Financial

31. Option 1 – If prices were maintained at their current level there would be a shortfall in the income required to cover the operating costs of the EV charging facilities. This option cannot be agreed without identifying a budget that could cover these costs as there is no existing budget provision.

32. Option 2 - The proposed tariffs are set in order to recover the estimated costs of EV charging facilities including energy, maintenance and system costs. The charges are set relative to the costs incurred for each charging type. The methodology used to calculate the tariffs also meets the requirements of the ERDF to ensure there is no clawback of the grant funding. The costs and income will be kept under review to ensure the position remains cost neutral with tariff alterations as required. Based on current data the estimated monthly income from EV charging is £28k which will be used to fund the associated direct costs.

Human Resources (HR)

33. There are no HR implications

Equalities

34. 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). There are no equalities implications identified in respect of the matters discussed in this report. Any consultation on the recommendations in this report will identify any equalities implications on a case-by-case basis and these will be addressed in a further report if necessary.

Legal

35. It is recommended that any funders such as the ERDF and YNYLEP are contacted forthwith regarding the proposed changes to the tariff and that the Legal Services team be instructed in due course should any existing grant funding agreements need to be amended as a result of the change. The proposed changes to the existing tariff are designed to ensure the Council's operation and maintenance costs for the chargers can continue to be met, without creating any deficit or profit for the Council, and to ensure the tariff remains at a competitive market rate whilst not providing any subsidy or advantage to any third party. As such, there should be no concerns regarding the Subsidy Control Rules with the proposed change, but Legal Services should be consulted with and reserves the right to advise further on this point at a later date should circumstances change that give rise to any doubt about the impact the Subsidy Control Rules may have on the change to the tariff.

Crime and Disorder

36. There are no Crime and Disorder implications

Information Technology (IT)

37. There are no IT implications

Property

38. There are no property implications

Other

39. There are no other implications

Risk Management

40. Risks are managed in line with the Corporate Risk Management Policy.
41. A decision to not increase the tariffs in line with the report recommendation is likely to result in financial risks relating to budget deficits.

Contact Details

Author:

Stuart Andrews
Project Manager
Transport
01904 55 2378

Chief Officer Responsible for the report:

James Gilchrist
Director of Environment, Transport and
Planning

Report
Approved



Date 29/09/2022

Specialist Implications Officer(s)

Financial:

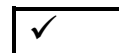
Patrick Looker, Finance Manager
Tel No.01904 551633

Legal:

Name: Dan Moynihan, Senior Solicitor
Tel No. 01904 554143

Wards Affected:

All



For further information please contact the author of the report

Background Papers:

City of York Council Public EV Charging Strategy 2020 - 2025

Annexes

Annex 1 - Equality Impact Assessment October 2022

List of Abbreviations Used in this Report

EV – Electric Vehicle

PV - Photovoltaic

ERDF – European Regional Development Fund

YPO – Yorkshire Purchasing Organisation

kWh – kilowatt hour

**City of York Council
Equalities Impact Assessment**

Who is submitting the proposal?

Directorate:		Place	
Service Area:		Smart Transport	
Name of the proposal:		EV Tariff Review October 2022	
Lead officer:		Stuart Andrews	
Date assessment completed:		23/09/2022	
Names of those who contributed to the assessment :			
Name	Job title	Organisation	Area of expertise
Andrew Leadbetter	EV Strategy Lead	CYC	EV Charging

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>Change the tariff for charging electric vehicles, in response to recent increases in energy costs, to ensure that day to day running costs of the network are covered by users.</p>
1.2	<p>Are there any external considerations? (Legislation/government directive/codes of practice etc.)</p>
	<p>No</p>
1.3	<p>Who are the stakeholders and what are their interests?</p>
	<p>CYC – Ensure the networks day to day operating costs continue to be covered by users EV owners – Provide a charging network at a fair price ERDF – Ensure operation of the HyperHubs do not generate net profit/benefit</p>
1.4	<p>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 (2019- 2023) and other corporate strategies and plans.</p>
	<p>The proposal relates to the following outcomes and key performance indicators set out in the Council Plan 2019-2023 (Making History, Building Communities)</p>

	<p>A Greener and Cleaner City:</p> <ul style="list-style-type: none"> • Citywide KPI on air quality • Carbon emissions across the city <p>Providing reasonably priced EV charging for residents and visitors supports the uptake of electric vehicles which will in turn improve air quality and reduce carbon emissions.</p> <p>Getting Around Sustainably</p> <ul style="list-style-type: none"> • Continue to expand York’s electric vehicle charging point network, including the construction of hyper hub facilities. <p>Ensuring that the day-to-day running costs of the EV network are met by user tariffs will ensure that the EV network and HyperHubs continue to be well maintained and operational.</p> <p>An Open and Effective Council</p> <ul style="list-style-type: none"> • Forecast budget outturn (£000s Overspent / -Underspent) <p>Adjusting EV charging tariffs in response to recent changes in energy prices will ensure that the Council’s EV network remains cost neutral.</p>
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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
Census data, UK EV ownership data and number of low-income households in York	To estimate the number of low-income households who own an EV, to ascertain the number of households affected by this change. Estimates suggest that approximately 10-15 households may be affected by the proposed tariff change.

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
How the proposed tariff will affect the small number of low-income households who do own an EV		Continued engagement with OZEV and Energy Saving Trust. Given the small number of low-income households who own EVs, there is very little data available about the affect of energy prices on this group. More data is likely to become available in the future as EVs become more prevalent.

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.
-----	---

Annex 1

Equality Groups and Human Rights.	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
Age	The proposal does not unfairly disadvantage this group	0	
Disability	The proposal does not unfairly disadvantage this group	0	
Gender	The proposal does not unfairly disadvantage this group	0	
Gender Reassignment	The proposal does not unfairly disadvantage this group	0	
Marriage and civil partnership	The proposal does not unfairly disadvantage this group	0	
Pregnancy and maternity	The proposal does not unfairly disadvantage this group	0	
Race	The proposal does not unfairly disadvantage this group	0	
Religion and belief	The proposal does not unfairly disadvantage this group	0	
Sexual orientation	The proposal does not unfairly disadvantage this group	0	
Other Socio-economic groups including :	Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?		
Carer	The proposal does not unfairly disadvantage this group	0	
Low income groups	Increased running costs for an electric vehicle may have a larger impact on this group	-	L

Annex 1

Veterans, Armed Forces Community	The proposal does not unfairly disadvantage this group	0	
Other	The proposal does not unfairly disadvantage this group	0	
Impact on human rights:			
List any human rights impacted.	No		

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

<p>5.1</p>	<p>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?</p>
<p>The proposal will only impact low-income households, who both own an electric vehicle and rely on the public network for charging. The proposal has consequences for or affects few people. We estimate that the number of affected households in York to be between 10 and 15 households.</p>	

Step 6 – Recommendations and conclusions of the assessment

<p>6.1</p>	<p>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:</p>
<p>- 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.</p>	

- **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
Continue with the proposal	The proposal has consequences for or affects few people and will have a low financial impact for those affected.

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
Ensure tariff is fair and covers day to day running costs of the public network.	Review Tariff annually	A Leadbetter	April 2023

Step 8 - Monitor, review and improve

<p>8. 1</p>	<p>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?</p>
	<p>Tariff will be reviewed annually, or as required, to ensure day to day costs are met by users.</p>

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Decision Session – Executive Member for Transport**18 October 2022**

Report of the Director of Transport, Environment and Planning

The Groves Low Traffic Neighbourhood - Update on permanent closure points design and implementation**Summary**

1. This report presents an update on progress with the development of the designs for the permanent closure points in The Groves. It presents the proposed designs for the closure points. These designs are the subject of a consultation with local councillors, residents, businesses and the emergency services and may therefore be subject to small changes which will be decided by officers under delegated powers.

Recommendations

The Executive Member for Transport is asked to:

- 1) Approve the implementation of the designs presented in this report for the closure points in The Groves, following the decision to make the Low Traffic Neighbourhood permanent, with decisions on minor changes and planters, linked to the consultation or construction process, delegated to officers.

Reason: To enable the construction of the permanent closure points to replace the concrete bricks which were used during the trial of the scheme, improving amenity for local residents, emergency access and resilience.

Background

2. Following the confirmation of the Low Traffic Neighbourhood in The Groves (Executive, 13 January 2022 – papers are available here:

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MId=12799&Ver=4>), this paper presents proposed designs for the closure points implemented in The Groves as part of the Low Traffic Neighbourhood scheme.

3. During the trial of the Low Traffic Neighbourhood scheme, closure points were implemented through the use of large concrete blocks, a few wooden planters and bollards at the St John's Crescent/Garden Street junction.
4. Following the decision to make the scheme permanent, it was agreed to improve on these closure points by using bollards to replace the concrete blocks where possible. Bollards offer a more streamlined solution, preserving space for vehicles to manoeuvre near the closure points and improving access for cyclists and pedestrians travelling through the closure points. Some removable bollards (usually secured with a padlock) have also been included to:
 - a. Enable emergency access if required, specifically for the fire service, who would cut the padlocks and remove the bollards to gain access through the closure points if needed;
 - b. Increase network resilience in case of road closures requiring diversions to be implemented through the area due to road works;
 - c. Enable large vehicles to travel through the closure points exceptionally, if they are granted a waiver to do so by the Highway Authority (for example for removal or construction vehicles).

Consultation

5. Consultation on the Low Traffic Neighbourhood in The Groves was undertaken during the experimental scheme. This information is available here: www.york.gov.uk/traffic-management-1/groves-low-traffic-neighbourhood-trial/2
6. The proposed designs for the permanent closure points are presented in Annex A and have been shared with local councillors, residents, and businesses, and the emergency services for consultation. This feedback will inform a design review before the start of the construction phase, with decisions on minor changes delegated to officers.
7. Within the Council, the options and recommendations presented in this paper have been developed in consultation with the Highway teams.

Options

8. This section presents the options identified by officers for the update on the implementation of the permanent closure points in The Groves:
 - a. Option A – **Proceed with the implementation of the proposed designs**. Approval to implement the proposed designs, with minor changes and adjustments and planter selection delegated to officers. Recommended option.
 - b. Option B – **Ask officers to review and make changes to the designs**. Not recommended.

Analysis

9. The implementation of the permanent closure points in The Groves has required detailed survey and design work due to the large number of shallow utilities under the road surface at the closure points.
10. Proposed designs for the closure points are presented in Annex A. Although the aim to replace the concrete blocks with bollards has generally been achieved, including the provision of removable bollards, the proposed designs also include some heavy-duty planters in locations where utility apparatus prevents the use of bollards. Annex B presents initial planter options which are being considered at this stage (final planters selection will take account of planter design suitability, cost, availability, and consultation feedback).
11. The two options identified are as follows:
 - a. Option A – Proceed with the implementation of the proposed design, with minor changes delegated to officers. This will enable officers to consider the responses from the consultation process currently underway and adjust the designs where required. Depending on lead time for bollards and planters and the availability of council teams and/or contractors to undertake the works, the implementation would take place either in November/December 2022 or January/February 2023.
 - b. Option B – Ask officers to review and make changes to the designs before they can be implemented. This would require another consultation exercise on the revised design for them to be reviewed by local councillors, residents, businesses and the emergency services. The designs would then need to be taken back to the Executive Member for Transport for approval. This would likely

delay the implementation of the permanent measures until after February 2023.

Council Plan

12. The proposed designs for the permanent closures in The Groves support the implementation of the Executive's decision taken on , 13 January 2022 (<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MIId=12799&Ver=4>) and relates to the following Council outcomes as set out in the Council Plan 2019-2023: getting around sustainably, a greener and cleaner city, safe communities and culture for all, an open and effective council.

Implications

13. The following implications have been identified for the recommended options described above.
 - **Financial**
 - a. Option A – The implementation of the proposed designs should have no additional financial impact as this is included in the project budget already allocated for the Low Traffic Neighbourhood project in The Groves. Once the designs are finalised and quotes received from contractors, this will be reviewed against the project budget. If costs are higher than expected, this will be considered as part of the wider transport capital programme. The planters will be the property of City of York Council and planting and maintenance will be met from existing budgets although it may be possible to organise the planting and maintenance with local volunteers as the resident's association and other local groups had previously expressed an interest.
 - b. Option B – Further review and changes to the design would result in additional costs for the design stage of the project, reducing the amount of money remaining available for the implementation phase.
 - **Human Resources (HR)** - no HR implications identified as task already identified and budgeted for as part of the Low Traffic Neighbourhood project.

- **Equalities** - The proposed designs have been developed to comply with the relevant standards and guidance, including “Cycle infrastructure design” (LTN 1/20) and “Inclusive mobility: making transport accessible for passengers and pedestrians”.

Bollards have been spaced at 1.5m where required to enable cycle and mobility scooter movements to take place. The proposed designs use Manchester bollards with a contrasting/reflective band at the top of the bollards. The planters will also be specified to ensure that they are highly visible and will be placed with sufficient gaps to enable users to get past. Relevant guidance and standards will continue to inform the design process as this is reviewed as a result of the consultation process before construction starts. Feedback from the consultation process, including feedback from individuals or groups with protected characteristics under the Equality Act, will inform this review.

- **Legal** - No legal implications identified. If designs are to be reviewed following the consultation, some small changes to the Traffic Regulation Order may be required but this will be identified and dealt with at that stage.
- **Crime and Disorder** - no crime and disorder implications identified
- **Information Technology (IT)** - no IT implications identified
- **Property** - no property implications identified

Risk management

14. This section presents an assessment of risks associated with the recommended options described above.

Recommended options	Risk identified	Proposed mitigation
Proceed to implement the proposed designs for the permanent closure points in	Representations received through the consultation process may question the scheme as a whole	Clear information provided in the consultation documents to explain that the scope of the consultation is limited to the design of the closure points

Recommended options	Risk identified	Proposed mitigation
the Groves (once the consultation process has completed and a final review has taken place)	Feedback received requires significant redesign	To be addressed by the designers as part of their duties
	Supply chain delays (bollards, planters or contractors)	Discussions to take place with suppliers as early as possible

Contact details

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Place Directorate

Tel No. 01904 552077

Chief Officer Responsible for the report:

James Gilchrist

Director of Transport, Environment and
Planning

**Report
Approved**



Date 10/10/2022

Specialist Implications Officer(s) List information for all

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Jayne Close

Accountant

Legal:

Dan Moynihan

Senior Solicitor

Wards affected: Guildhall (The Groves).

For further information please contact the author of the report

Background papers:

None

Annexes

Annex A – Proposed designs for Amber Street/Earle Street, Lowther Street/Brownlow Street, Brownlow Street/Neville Street, Penley's Grove Street, and St John's Crescent closure points, and Neville Street/Neville Terrace/Eldon Street junction changes.

Annex B – Planter options identified at this stage.

List of abbreviations used in this report

CYC- City of York Council

LTN – Local Transport Note

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Management of Low Traffic Neighbourhoods and update on the Groves

Annex A – Proposed designs for permanent closure points and junction changes

UNDERGROUND SERVICES KEY			
	BRITISH TELECOM	AR	ASSUMED ROUTE
	COMMUNICATIONS CABLE	BD	BACKDROP
	EMPTY DUCTING	CR	CABLE RISER
	ELECTRICITY CABLES	d	DEPTH
	GAS PIPES	PR	PIPE RISER
	SEWER COMBINED	RS	REDUCING SLAB (DRAINAGE)
	SEWER FOUL	T	TANK
	SEWER SURFACE WATER	VR	VAPOUR RECOVERY POINT
	TRAFFIC LIGHT CABLES	UTL	UNABLE TO LIFT
	UNIDENTIFIED GPR OR ELECTRO LOCATION TRACE	GPR	GROUND PENETRATING RADAR
	WATER PIPES	TFR	TAKEN FROM RECORDS
	END OF TRACE	PE	POLYETHYLENE PIPE
	SERVICES SURVEY BOUNDARY	UTS	UNABLE TO SURVEY
	AREA OF NO ACCESS	UR	UNABLE TO ROD
	GPR DETECTED ANOMALY	UT	UNABLE TO TRACE
	GPR DETECTED REBAR	NVP	NO VISIBLE PIPES
	GPR DETECTED STRUCTURAL FEATURE	VC	VITRIFIED CLAY
	GPR DETECTED STRUCTURE	CO	CONCRETE
	GPR LOW DATA		



Proposed planter location

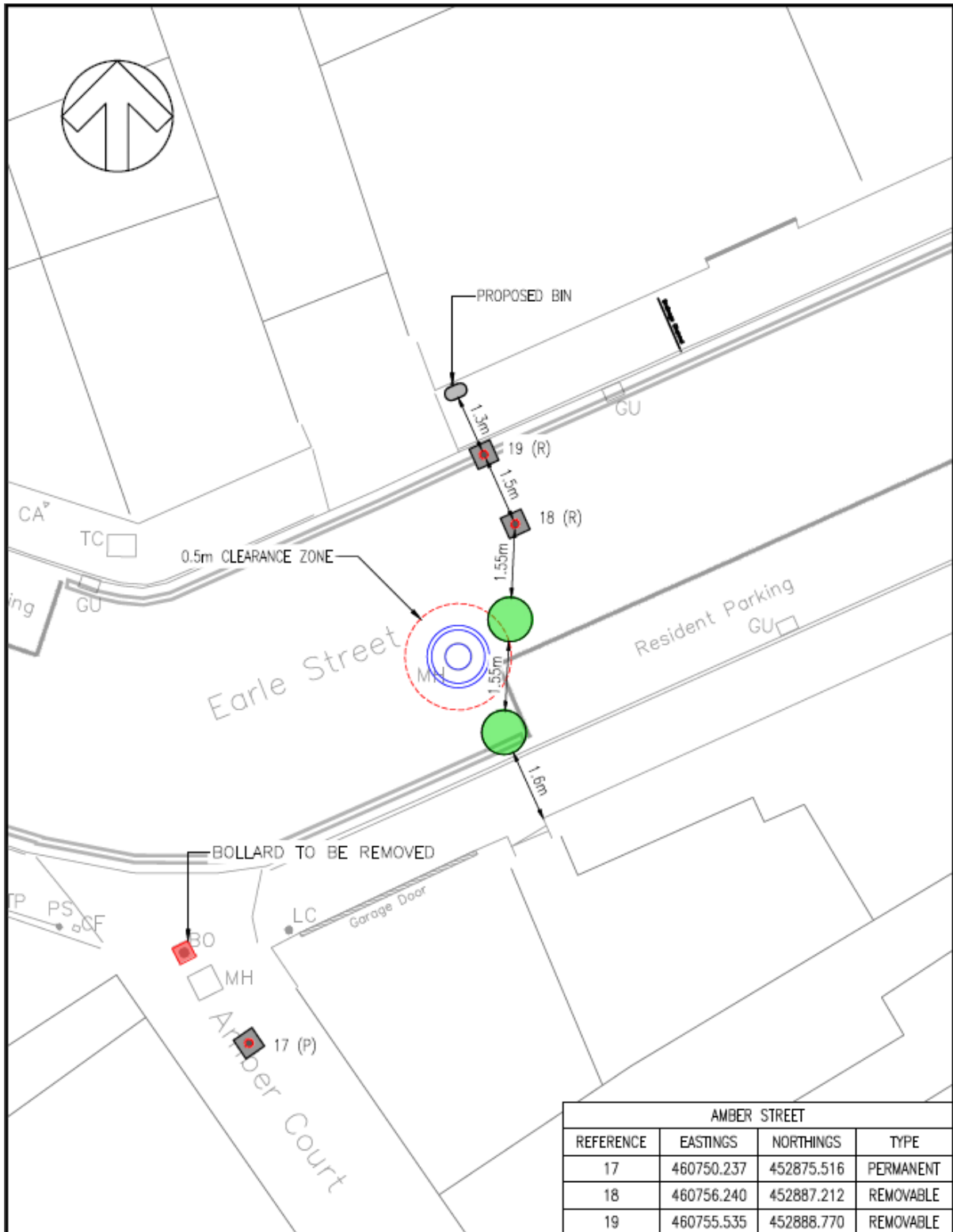


18 (R)

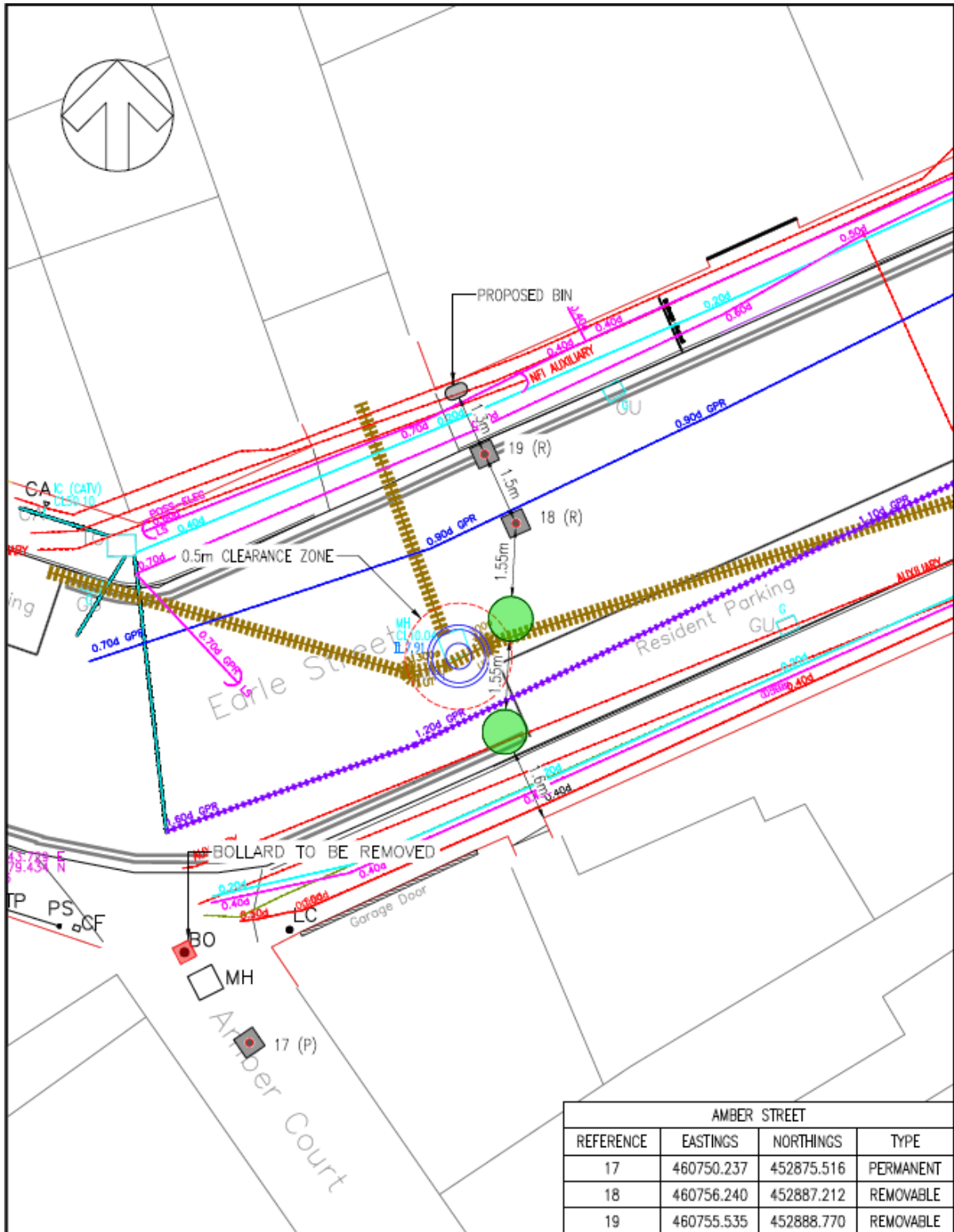
Proposed bollard location

- (R) removable bollards
- (P) permanent or foxed bollard

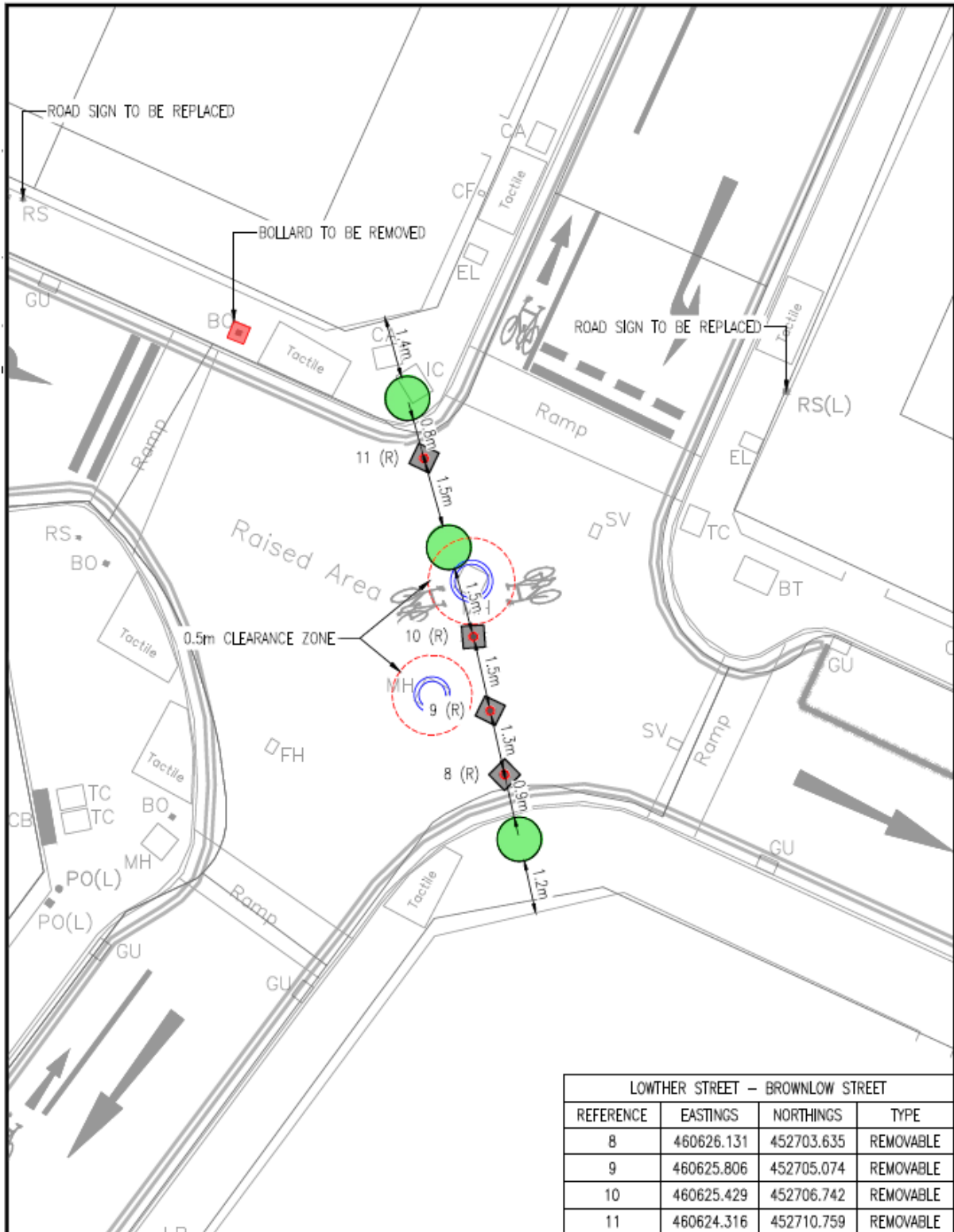
Amber Street/Earle Street permanent closure point – proposed design



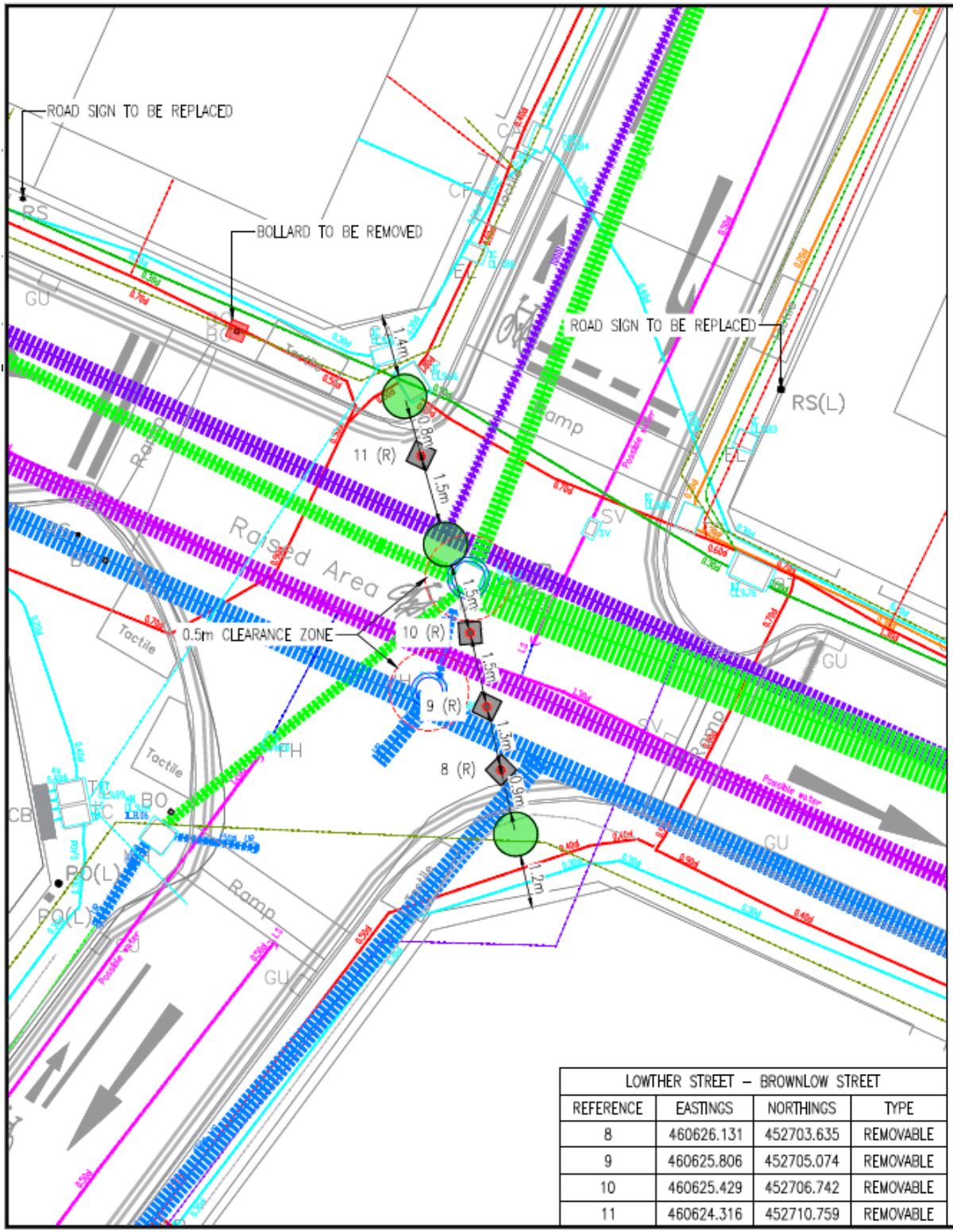
Amber Street/Earle Street permanent closure point – proposed design showing the position of utility apparatus under the road surface



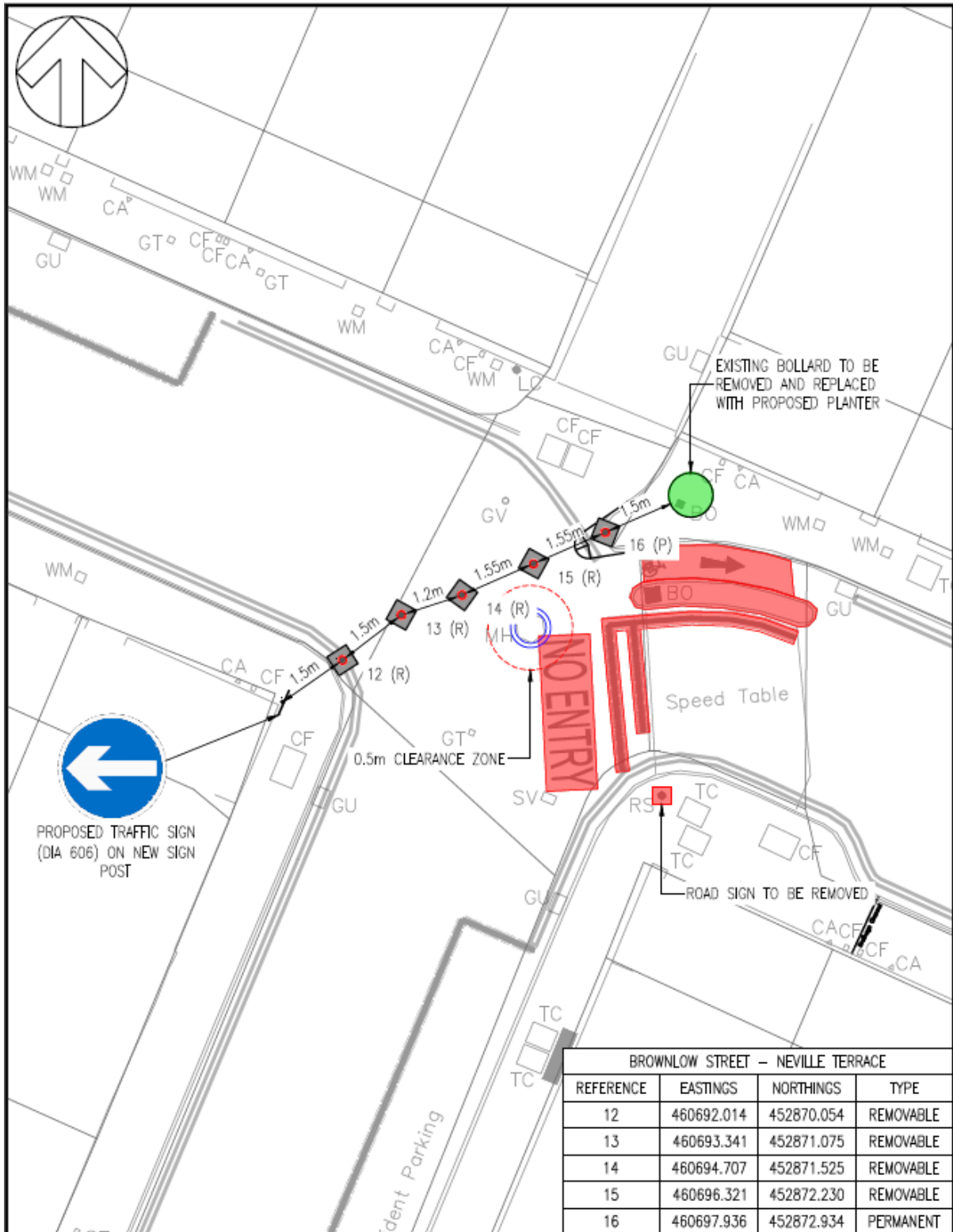
Lowther Street/Brownlow Street permanent closure point – proposed design



Lowther Street/Brownlow Street permanent closure point – proposed design showing the position of utility apparatus under the road surface

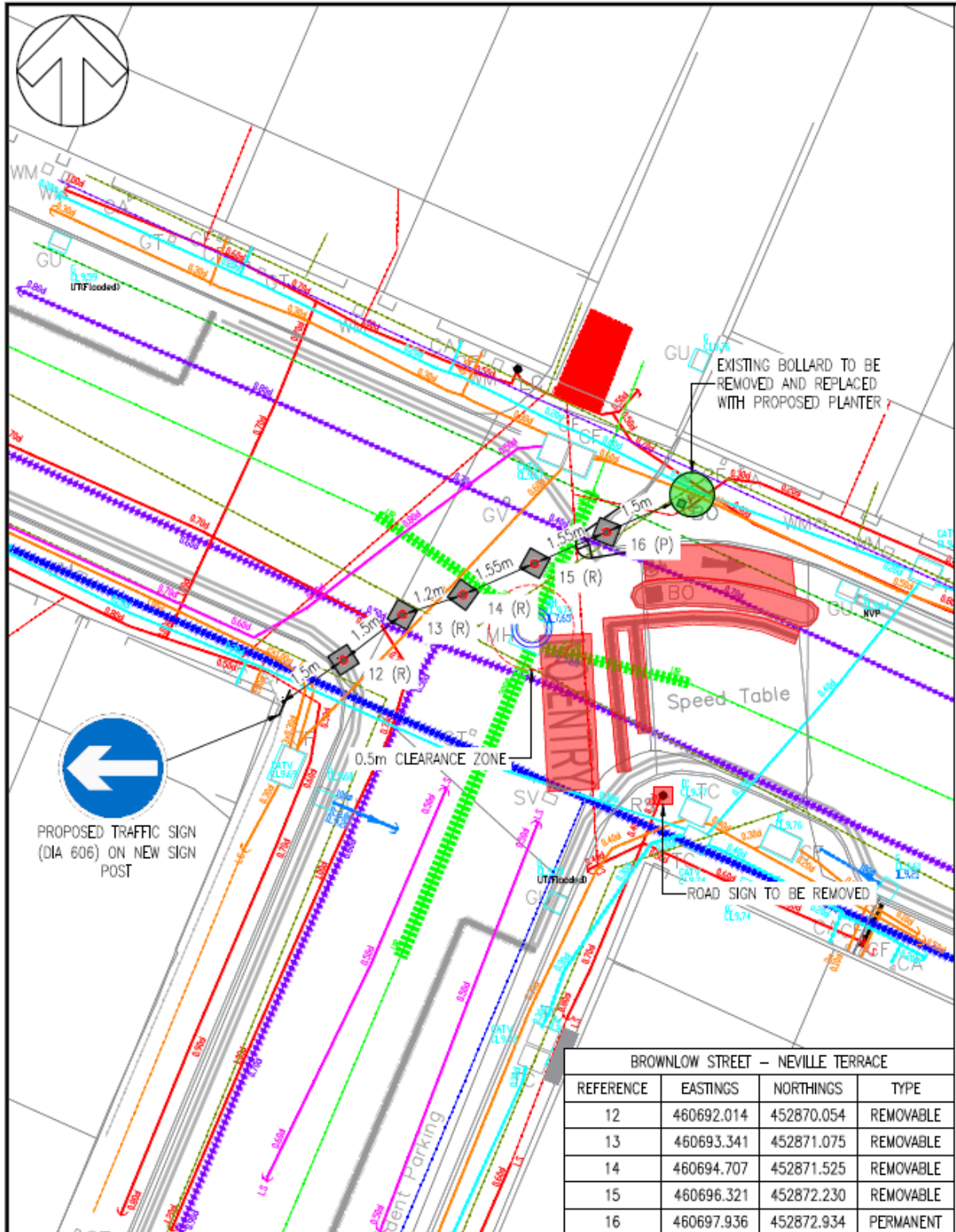


Brownlow Street/Neville Street permanent closure point – proposed design

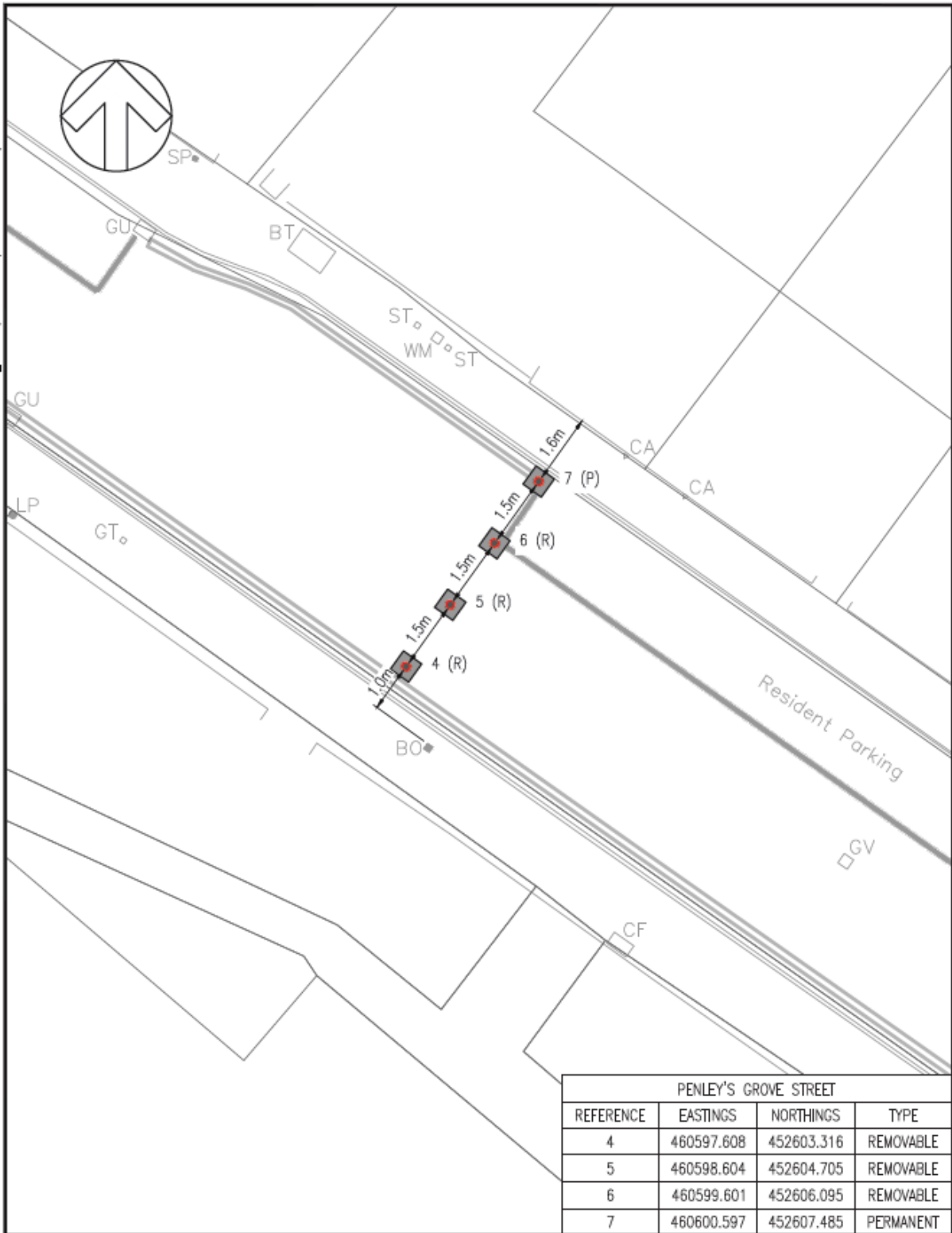


Island, signage and markings in red to be removed

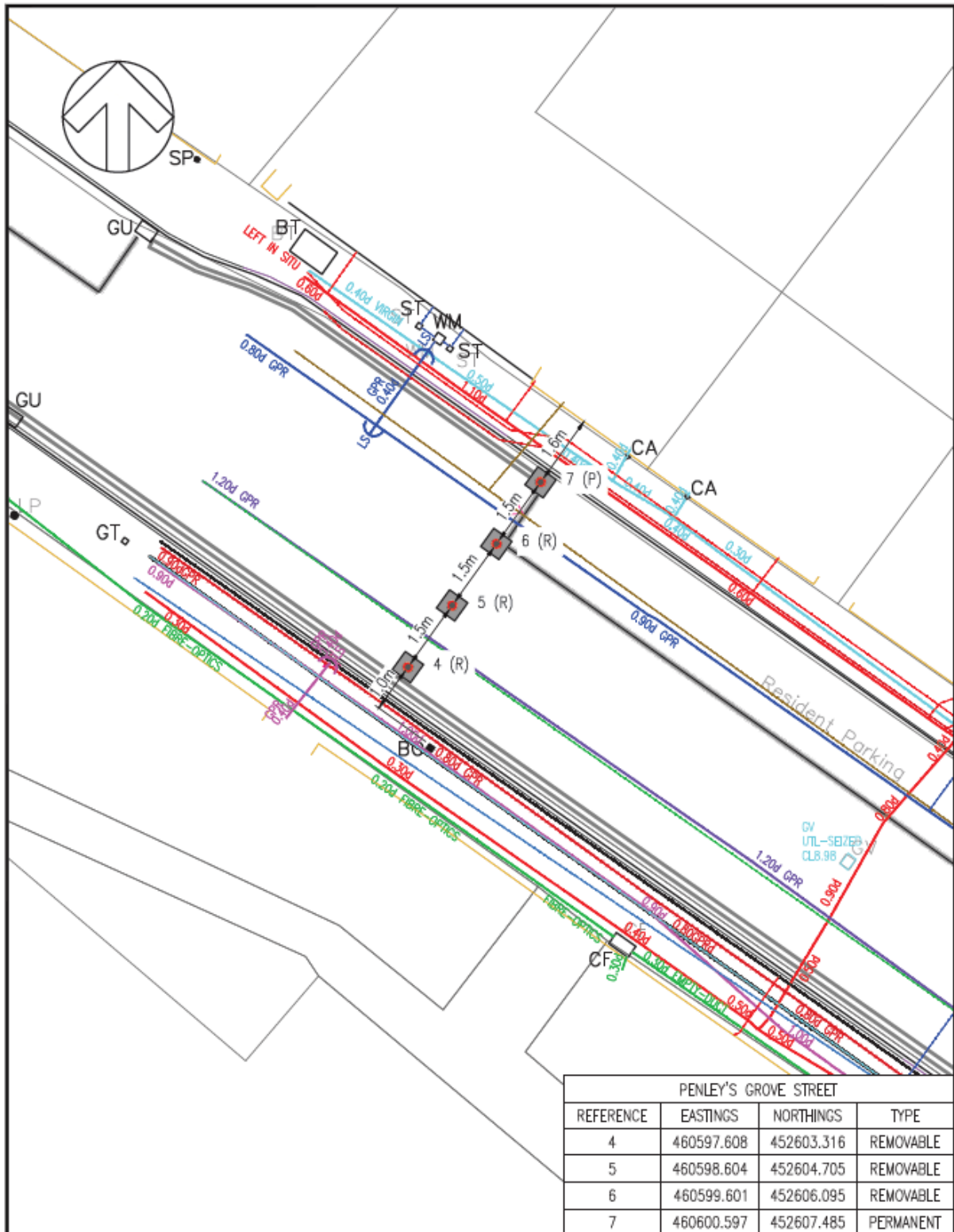
Brownlow Street/Neville Street permanent closure point – proposed design showing the position of utility apparatus under the road surface



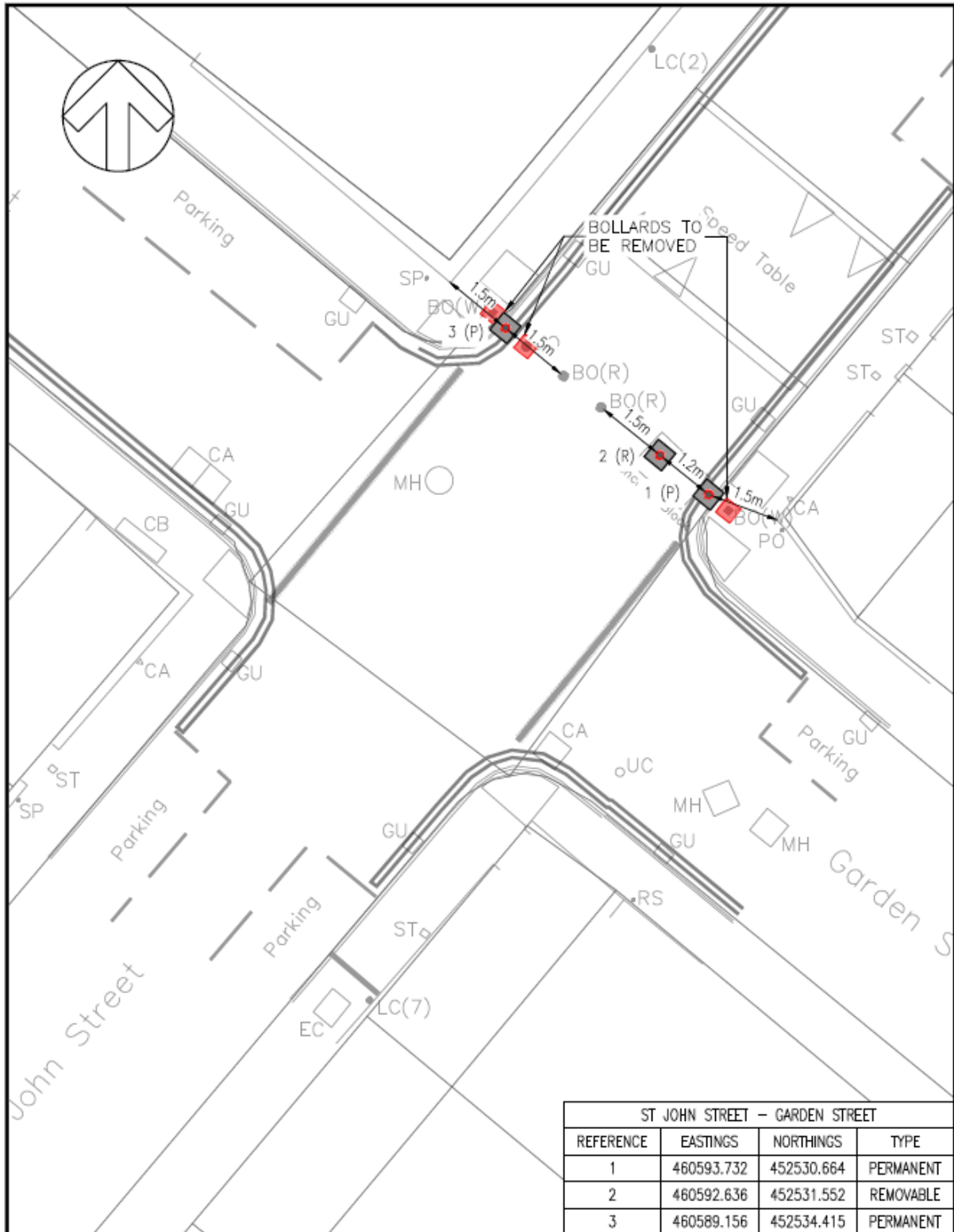
Penley's Grove Street permanent closure point – proposed design



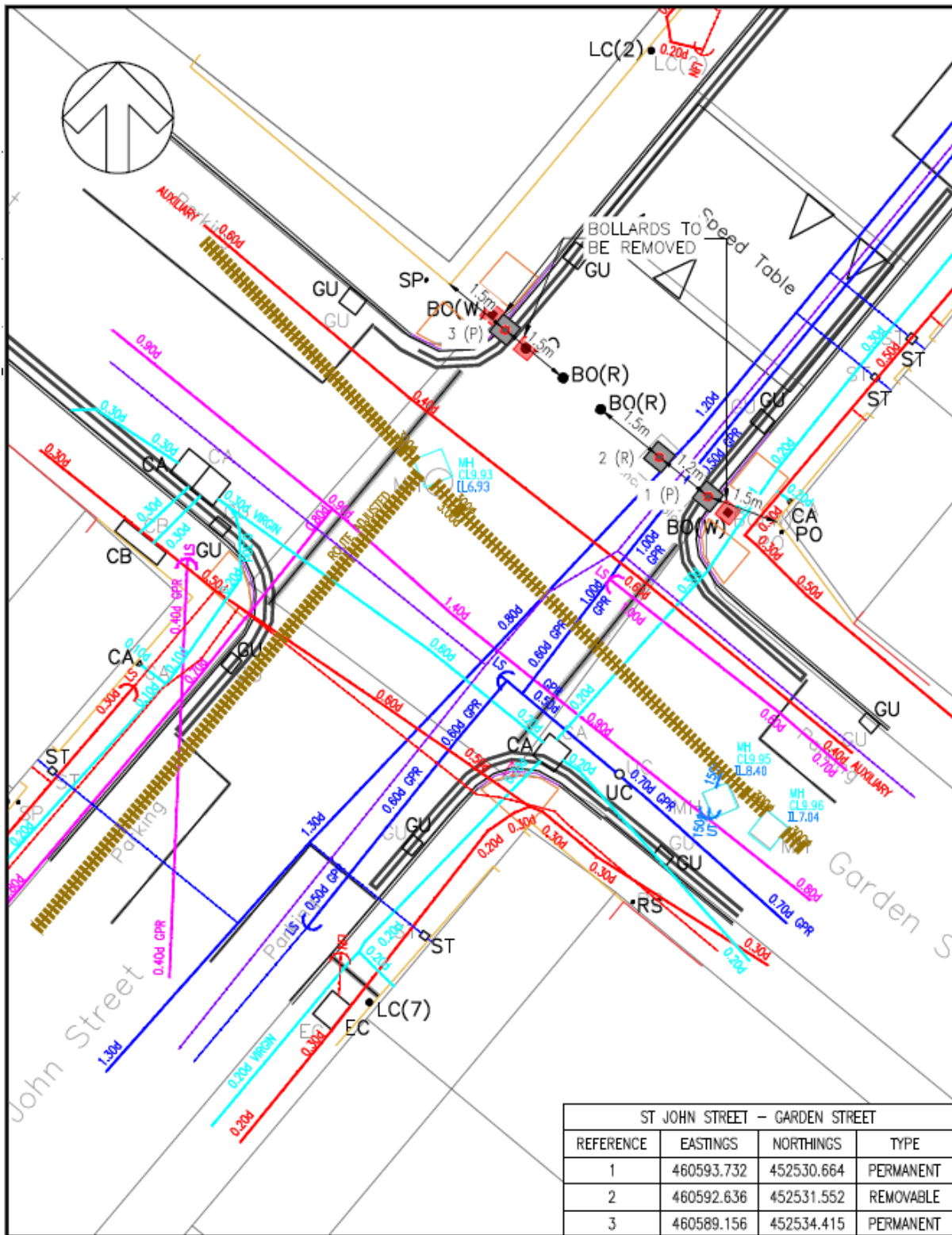
Penley's Grove permanent closure point – proposed design showing the position of utility apparatus under the road surface



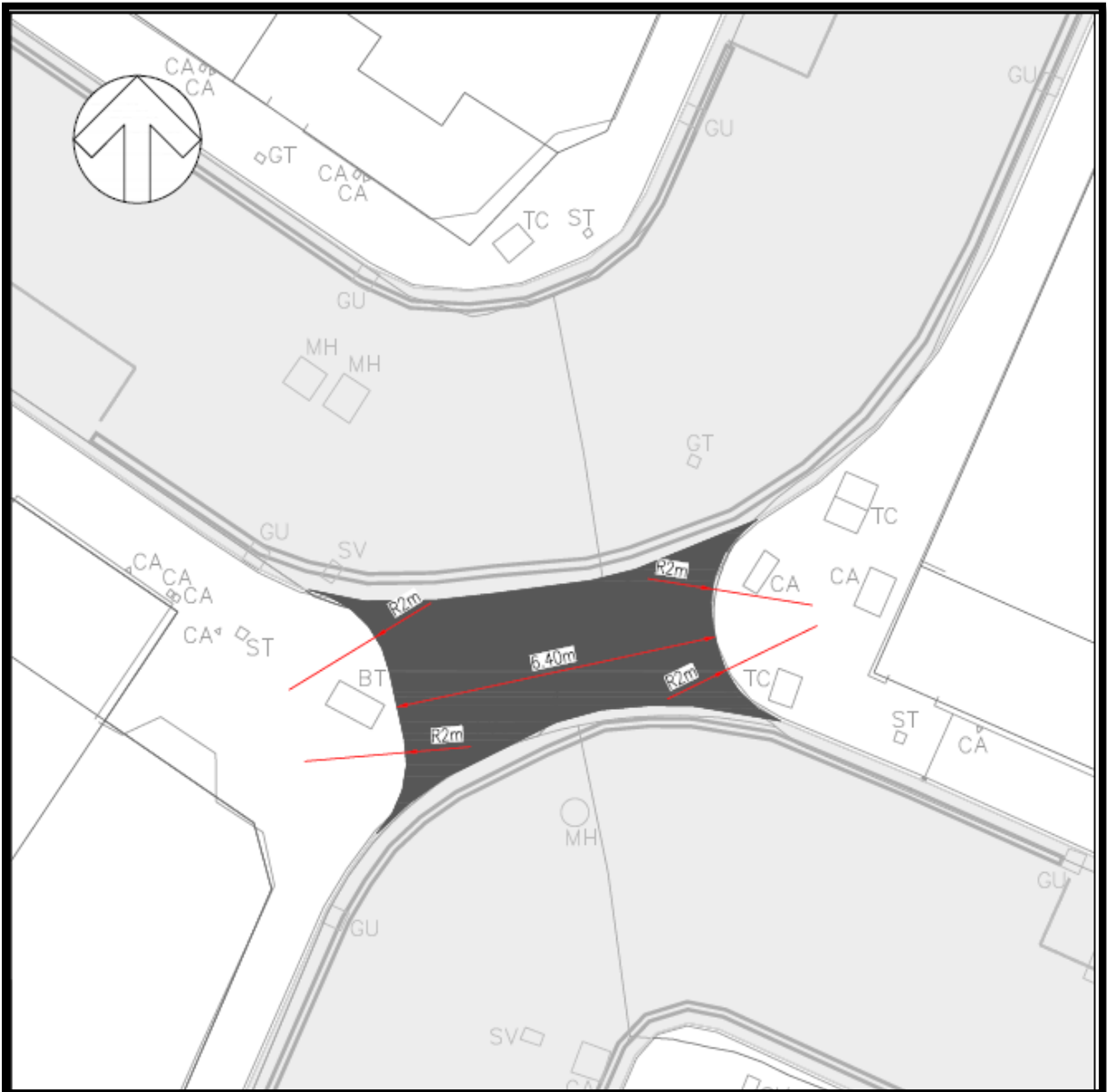
St John's Crescent permanent closure point – proposed design



St John's Crescent permanent closure point – proposed design showing the position of utility apparatus under the road surface



Neville Street/Neville Terrace/Eldon Street junction changes – proposed design



KEY



EXISTING CARRIAGEWAY



PROPOSED CARRIAGEWAY WIDENING



Annex B

Management of Low Traffic Neighbourhoods and update on the Groves

Annex B – Planter options identified

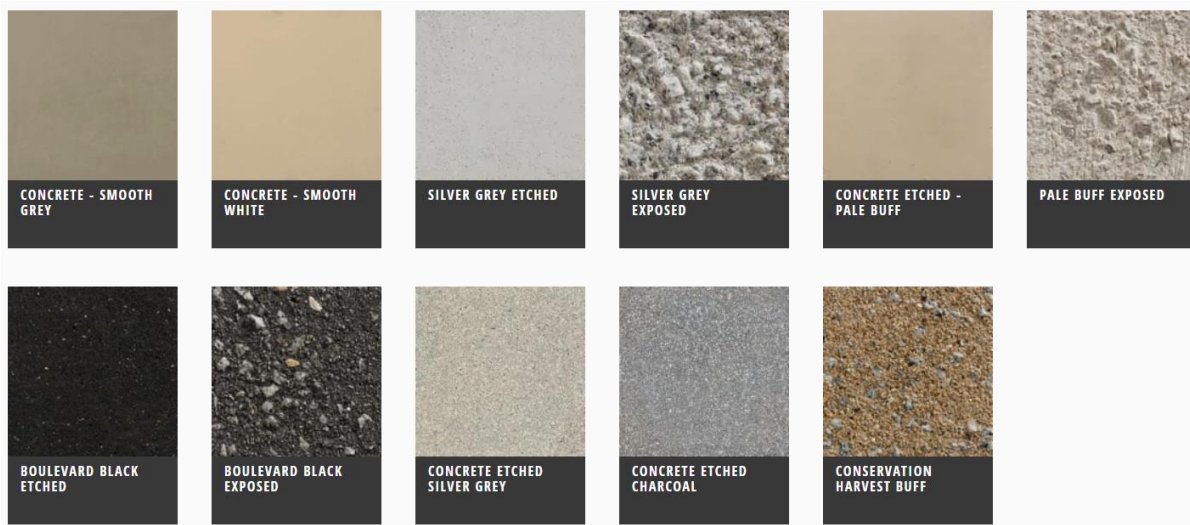
Final decision on planters to be installed will be delegated to officers and based on the following criteria:

- Suitability of planter design for scheme (including forklift moveable, anti-graffiti, reflective strips, drainage, road safety, etc);
- Cost (planter cost, maintenance, installation);
- Availability within project timescales (lead times); and
- Consultation feedback.

Option 1 - Boulevard 1200 Circular Planter



Available in a range of colours and finishes – no anti-graffiti coating possible



Option 2 – Classica 1220 Planter



Available in a range of colours and finishes but only 3 types of light colours/materials will support anti-graffiti treatment

MATERIALS

Precious stones



BIANCO CARRARA



GIALLO MORI



VENEZIANO



ROSSO VERONA



PORFIDO



VERDE ALPI



NERO EBANO



BOTTICINO

Concrete



WHITE CONCRETE



GREY CONCRETE

FINISHES

Polished, bush hammered or sandblasted. Provided with levelling system.



WITH ANTIDECAY



WITH SANDBLASTING



WITH POLISHING



OVERFLOW DRAINAG



WITH BUSH-HAMMERING



WITH LEVELING

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Decision Session – Executive Member for Transport**18 October 2022**

Report of the Director of Transport, Environment and Planning

Removable bollards waiver policy and process**Summary**

1. This report presents a proposal to implement a waiver policy and process to enable residents to apply for the removal of bollards and an access waiver, where this supports access to their property for large vehicles requiring access for removals or building works. This policy and process is focused on areas of York where removable bollards are in place to enable modal filtering and where access through surrounding streets without removing the bollards would not be possible or very difficult.

Recommendations

The Executive Member for Transport is asked to:

- 1) Approve the development and implementation of an access waiver policy and process, including the proposed fees and charges as outlined in option 2 of paragraph 8, for residents and businesses to apply for an exemption to enable vehicles to gain access through closure points where removable bollards are available. This would apply to large vehicles required for removals, construction/renovation and deliveries of very large items (Option 2).
- 2) Delegate the approval and implementation of the policy and process to the Director of Environment, Transport and Planning.

Reason: To enable residents and businesses to receive large deliveries in narrow, parked up streets, whilst ensuring that the costs associated with facilitating such access are recovered by the Council.

Background

2. There are many locations in York where bollards are used as a modal filter, to reduce motorised traffic in the street, whilst permitting cyclists and pedestrians to pass a closure point (see here for an indicative list: https://www.whatdotheyknow.com/request/schedule_of_roads_by_ward_that_a#incoming-1835934). In some locations, the nodal filters include removable bollards which are secured in place with a padlock. Occasional requests have been received for some of these locations over the years to remove the bollards to enable vehicles to get through the closure points.
3. Although it is generally not the intention that bollards acting as modal filters should be removed for residents to gain access, it is possible to implement a waiver process which will enable residents to apply for the bollards to be removed and for the permission to drive through the closure point in exceptional circumstances.
4. Requests previously received by the Council have generally been to enable large vehicle access, for example to deliver or remove skips, and to enable concrete deliveries or removal companies to access properties located on narrow streets.
5. This proposal aims to facilitate access in exceptional circumstances where no alternatives are possible or where alternatives would be very disruptive and/or costly (for example extensive parking suspensions or road closures).

Consultation

6. Within the Council, the options and recommendations presented in this paper have been developed in consultation with the Highway Regulation/Network Management team which will deal with applications for waivers and the Operational Highways team who will deal with the operational aspects of the process, attending site to unlock, remove, replace and lock the bollards.
7. Once the process is in place, the teams will take account of the feedback provided by residents and businesses applying for waivers to improve the process where possible.

Options

8. This section presents the options identified by officers for the management of requests for waivers and to take out removable bollards acting as modal filters in York.
 - a. **Option 1 – Emergency access only.** Waivers are not issued for the circumstances described above and bollards cannot be removed for non-emergency access. Not recommended.
 - b. **Option 2 – Implement an access waiver process** for residents and businesses to apply for an exemption to enable vehicles to gain access through the closure points (using the removable bollards) for large vehicles required for removals, construction/renovation and deliveries of very large items. Recommended option.

Analysis

9. This section presents an appraisal of the advantages and disadvantages of each option identified for the management of removable bollards.
 - a. **Option 1 – Emergency access only.** No waivers issued, bollards can only be removed for emergency access.

Residents and businesses will need to make sure that any deliveries they receive are able to use the roads as they are. This may result in higher delivery costs/charges for the residents and businesses. In some cases, it may mean that they have to abandon their project or purchase due to road space constraints and traffic restrictions in their area.

If access is required for larger vehicles, residents/businesses will have the option of applying for and paying for parking suspensions in areas where this would be relevant. As well as being resource intensive to implement for the Council, parking suspensions are disruptive for all residents and businesses in the area concerned. They are relatively costly to implement, costs are recharged to the applicants, adding to their costs, and they require significant advance notice.

- b. **Option 2 – Access waiver process.** Residents and businesses can apply for an exemption to enable vehicles to gain access through the closure points (using the removable bollards) for large vehicles required for removals, construction/renovation and deliveries of very large items.

This will need to be resourced within the Council to deal with requests within set timescales. Requests will need to be received at least 5 working days in advance of the closure point needing to be open. Approved requests will then need to be supported by operational staff locking and unlocking the bollards as required. Additional resources will also be required to respond to complaints when requests are refused or customers are dissatisfied with the service (for example, request not responded to within agreed timescales, operational issue with bollard unlocking, etc).

There will be a charge for this process which will need to cover administration costs as well as the cost of operatives having to attend to the closure point(s) on the day to unlock and remove the bollards and then secure the closures again once the permitted activity is completed. The proposed charge per request is £152, including a £52 admin charge (non-refundable – as the existing “authority to contravene a moving traffic order” charge) and £100 to cover operational staff call out costs (this will not be charged if the request is refused).

Additional parking/waiting restrictions waivers may also be required and will need to be requested, incurring additional charges where relevant.

Council Plan

10. The proposal for a process to be established to manage removable bollards acting as modal filters relates to the following Council outcomes as set out in the Council Plan 2019-2023: getting around sustainably, a greener and cleaner city, an open and effective council.

Implications

11. The following implications have been identified for the recommended options described above.
 - **Financial** - The recommended option, to implement an access waiver process, is to be designed on a cost recovery basis so there should be no additional budget requirement. The charges will be reviewed annually to ensure that this remains the case.
 - **Human Resources (HR)** – The access waiver process could result in additional workload for Council teams and the need to recruit additional staff. It is anticipated that this will be limited however as

there are a limited number of locations where this policy will be applicable.

- **Equalities** - There are no equalities implications identified for this proposal. All residents and businesses would be able to apply for waivers, with the options to submit applications on the phone for those who do not have internet access or are not able to use online forms. Any online information and forms will be designed with the Council Web Services team to ensure that they meet accessibility standards.
- **Legal** - The proposed policy for processing waiver requests will need to be assessed by Legal Services to ensure that it is suitably robust in the event of legal challenge to the authority's practice.
- **Crime and Disorder** - *no crime and disorder implications identified*
- **Information Technology (IT)** - no IT implications identified. Web forms may be required to support the access waiver process, but this is business as usual.
- **Property** - no property implications identified

Risk management

12. This section presents an assessment of risks associated with the recommended options described above.

Recommended options	Risk identified	Proposed mitigation
Option 2 – Implement an access waiver process for residents and businesses to apply for an exemption to enable vehicles to gain access through the closure points (using the removable bollards)	Application processing issues or delays resulting in delays/ additional costs for the customers	Clear information and form provided for customers applying for a waiver Clear process within the team to review, grant or refuse application
	Operational issues resulting in delays/ additional costs for the customers	Clear process within the teams to pass on granted applications to operational team to support
	Complaints and challenges against	Use of CYC complaints process

Recommended options	Risk identified	Proposed mitigation
	refused applications	

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Chief Officer Responsible for the report:

James Gilchrist

Director of Transport, Environment and
Planning**Report
Approved****Date** 10/10/2022**Specialist Implications Officer(s)**

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Title: Principal Accountant

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Legal

Name: Sandra Branigan

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Wards affected: All wards where the process may apply **All****For further information please contact the author of the report****Background papers:** None**Annexes** - No annexes**List of abbreviations used in this report**

CYC- City of York Council



Decision Session – Executive Member for Transport**18 October 2022**

Report of the Director of Transport, Environment and Planning

Consideration of Objections of the extension of R63 ResPark to include properties 298-314 Fulford Road (Even only)**Summary**

1. The report considers the objection raised to the Residents' Parking proposal for Broadway West and offers an officer recommendation for the outcome.

Recommendations

2. The Executive Member is asked to:

Confirm the decision to make the Traffic Regulation Order (TRO) needed to include the properties numbered 298-314 Fulford Road (even No.'s only), within an extended Residents' Priority Parking zone R63.

Reason: To positively respond to the original request to provide those properties with an opportunity to apply for a permit to park with in the zone.

Background

3. During the advertisement of the proposal to extend the R63 Residents' Parking Scheme to include Broadway West, we received objections from properties that front a section of Fulford Road (298-314, even No.'s only), which is subject to 'No Waiting' at any time restrictions. A number of those residents were parking on Broadway West, although they do have a rear service road (accessed from St Oswald's Road) of which some do have garages, but the access road is not wide enough to park

on. The objections were based on the fact that they were not included with the proposal and would like to be eligible to apply for permits within the R63 zone.

4. The decision to extend the R63 Residents' Parking Scheme to include Broadway West, also included approval to advertise a further extension of the scheme to include the properties numbered 298-314 Fulford Road (even No.'s only).
5. The Notice of Proposal and Draft Order were published in July 2022, at which time the Council wrote to the affected properties (ANNEX A), to advise of the proposal and provide an opportunity to make a representation on the proposal if they wish.
6. We received one objection (ANNEX B) during the representation period to the proposal.

Consultation

7. The proposal was advertised on 8th July 2022 and the Council sent out a consultation letter to all even numbered properties from 298-314 Fulford Road. The consultation letter included information about the proposal, a Notice of Proposal and Plan of the proposed area.
8. We received one letter of objection from a resident. The objection was due to the fact that they were concerned that if they were to become part of a ResPark Zone which included Broadway West and not St Oswald's Road, they would not be eligible to join a ResPark scheme for St Oswald's Road, if it was introduced in the future. The residents rear access is from St Oswald's Road and their preferences is to park on St Oswald's Road rather than Broadway West.
9. The resident received a response explain that the proposal has been brought forward due to the zone extending into Broadway West and the lack of available parking on Fulford Road, another resident request that they were included within the extended zone. The response also informed the resident that there is currently no proposal for a Residents' Parking Scheme for St Oswald's Road but if it was to come forward it would most likely be an extension of the R63 zone rather than introducing a new zone for St Oswald's Road.

Options

10. Option 1: Extend the R63 Residents' Parking Zone to include the properties numbered 298-314 Fulford Road (even No.'s only).

This is the recommended option as it positively respond to the original request to provide those properties with an opportunity to apply for a permit to park with in the zone.

11. Option 2: No further action to be taken.

This is not the recommended option because it is not in line with the council's objectives as stated in the Local Transport Plan and does not respond to the clearly expressed preference of some residents who have stated the need for resident parking restrictions in their area. This section should present the options available for Members to consider.

Council Plan

12. The Council Plan has Eight Key Outcomes:

- Well-paid jobs and an inclusive economy
- A greener and cleaner city
- Getting around sustainably
- Good health and wellbeing
- Safe communities and culture for all
- Creating homes and world-class infrastructure
- A better start for children and young people
- An open and effective council

The recommended proposal contributes to the Council being open and effective Council as it responds to the request from the residents in a positive way.

Implications

13. The report has the following implications:

Financial –The addition of the properties to the R63 zone, will not require any additional signs on street and will only require the addition of the properties to the permit application system so they are eligible to apply for permits so the £5k allocated within the core transport budget for

the initial extension of R63 (currently been implemented) will be used to progress the proposed residents parking scheme. The ongoing enforcement and administrative management of the additional residents parking provision will need to be resourced from the income generated by the new measures

Human Resources – If implemented, enforcement will fall to the Civil Enforcement Officers necessitating an extra area onto their workload. New zones/areas also impact on the Business Support Administrative services, Customer 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.

Equalities – The impact of the proposals on protected characteristics has been considered as follows:

- Age – Positive impact for residents who should be able to park closer to their dwelling but potential negative impact for other car users who will not be able to park on these streets any longer without a permit;
- Disability – Neutral as Blue Badge holders who live locally can apply to have a bay provided outside their homes if required and Blue Badge holders can park in Residents' Parking areas free of charge;
- Gender – Neutral;
- Gender reassignment – Neutral;
- Marriage and civil partnership– Neutral;
- Pregnancy and maternity - Positive impact for residents who should be able to park closer to their dwelling but potential negative impact for other car users who will not be able to park on these streets any longer without a permit;
- Race – Neutral;
- Religion and belief – Neutral;
- Sexual orientation – Neutral;
- Other socio-economic groups including :
 - Carer - Neutral (see Disability);
 - Low income groups – Negative as low income residents who use on street parking will need to pay for a parking permit. The charge is the same for all residents in the zones regardless of their circumstances;
 - Veterans, Armed Forces Community– Neutral.

Access to the new online parking permit system - A plan is being developed for the wider Residents' Parking Service to help those that either don't have access to the internet or the skills to use the online system to access the parking system as they do with other similar ICT access requirements

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

Crime and Disorder – no Crime and Disorder implications identified

Information Technology – any new residents' parking scheme will need to be included in the new online parking permit system so additional IT resources may be required to set up the proposed scheme and proposed extended scheme boundary

Property – no Property implications identified

Other –no other implications identified

Risk Management

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

Contact Details

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Chief Officer Responsible for the report:

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Director for Transport, Highways and
Environment

Report Approved Date 10/10/2022

Specialist Implications Officer(s) List information for all

Financial:
Jayne Close
Accountant

Legal:
Dan Moynihan
Senior Solicitor

Wards Affected: Fishergate

All

For further information please contact the author of the report

Background Papers:

<https://democracy.york.gov.uk/documents/s156478/Broadway%20West%20Report.pdf>

Annexes

Annex A: Residents Consultation Letter
Annex B: Representations of Objection



Residents of No.'s
298-314 Fulford Road
York

Directorate of
Place

West Offices, Station Rise
York
YO1 6GA

Email: highway.regulation@york.gov.uk

Date: 8th July 2022

Dear Resident

Residents' Priority Parking Scheme (ResPark)

I am writing to inform you about the results of the consultation we undertook earlier this year for an extension of the Residents' Priority Parking Scheme on Broadway West.

The results were presented at a virtual Public Decision session on Monday 14th February 2022. Because Cllr Andy D'Agorne (Executive Member for Transport) declared an interest, Cllr Paula Widdowson (Executive Member for Environment and Climate Change) considered the report. The full report resident/officer comments and the decision notification can be viewed on the website.

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=738&MId=12734>

The decision was taken to take forward a proposal to amend the Traffic Regulation Order to extend the R63 Residents Priority Parking Area to include properties No. 298, 300, 302, 304, 306, 308, 310, 312 and 314 Fulford Road.

In line with the decision taken, we are now advertising a proposal to introduce Resident Priority Parking for the above mentioned properties. Notices have been placed on street and the proposal will be published in the The Press.

I have attached a copy of the legal notice of proposals for your information with a plan for clarification. The scheme will be enforced by entry signage only. If you wish to make representation to the proposal, in support or objection, please write

with details, to the Director of Economy and Place at the West Offices address, or by email to highway.regulation@york.gov.uk by the 29th July 2022.

If no objections are received, we will implement the scheme as advertised. If objections are received, all representations to the proposal will be included within a report for the consideration of the Executive Member for Transport and Planning at a Public Decision Session.

Please email: highway.regulation@york.gov.uk if you require any additional information.

Yours faithfully

D. Hobson

Darren Hobson
Traffic Management Team Leader
Network Management

CITY OF YORK COUNCIL
NOTICE OF PROPOSALS
THE YORK PARKING, STOPPING AND WAITING (AMENDMENT) (NO 14/55)
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 Chantry Lane Bishopthorpe on both sides including the eastern end of the road from the floodgate wall to a point 6.3 metres east of the said point.
2. Re-defining 'Residents' Priority' parking area thereby bringing within the R63 (DANESMEAD ESTATE) zone the residential properties No. 298, 300, 302, 304, 306, 308, 310, 312 and 314 Fulford Road.

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 29th July 2022.

Dated: 8th July 2022

Director of Place

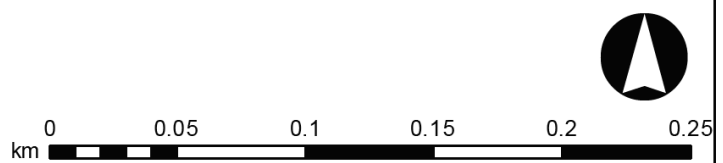
Network Management, West Offices, Station Rise, York, YO1 6GA

Email: highway.regulation@york.gov.uk

Proposed R63 (DANESMEAD ESTATE)



Date: 05 Jul 2022
Author: City of York Council
Scale: 1:2,500



Residents Objection Letter

Dear sir

Having just returned from holiday I find I have received a letter about the proposed R63 Danesmead Estate plan. I am wondering why you have included our terrace, Fulford Rd numbers 298 to 314 in the Danesmead Estate plan.

This terrace has access to their properties from St Oswalds Road so invariably park on St Oswalds Rd, NOT on Broadway West. If we are to be included in a residents parking scheme we would obviously prefer to be in a St Oswalds Rd plan.

Being able to park on St Oswalds Rd is crucial to our terrace.

I am very concerned that if a St Oswalds Rd residents parking plan were ever proposed, or adopted, we would be ineligible to be included if we are already in a residents parking scheme/area.

Broadway West also has very limited parking due to all the properties having drives.

It also worries me that once Broadway West becomes resident parking it will encourage more people to park in St Oswalds Rd, already a considerable problems for current residents.

I'm sorry if this is a late reply, but hope that you will take my worries into consideration.

Kind regards

Officers Response

Thank you for your reply to the consultation.

The proposal was brought forward following the advertisement of the extension of the R63 zone into Broadway West, a resident of Fulford Road, asked to be included due to lack of parking available on Fulford Road. It was then proposed to offer access to the extended zone to Properties No. 298 – 314 Fulford Road. There is not currently any proposal for a Resident Parking Zone for St Oswald's Road, although if this is brought forward it may be considered to further extend the R63 zone to offer a better amenity rather than introducing a new zone for St Oswald's Road.

The responses from the consultation will be presented to the Executive Member for Transport at a Decision Session, once a date for the decision session has been confirmed I will let you know.

Regards

Residents response

Thanks for your quick and concise response.

Provided there will be no St Oswalds Rd residents parking exclusive scheme, our inclusion in the Danesmead Estate scheme seems like a good idea.



**Decision Session - Executive Member for
Transport**

18 October 2022

Report of the Corporate Director of Place

Portfolio of the Executive Member for Transport

**Application to stop up parts of the adopted highway verges off
Scoreby Lane, Kexby**

Summary

1. This report considers an application by a local resident to stop up part of the adopted highway verges off Scoreby Lane in Kexby. The subsoil of the adopted highway verges in question is in the ownership of the resident. The landowner has asked the Council to consider submitting an application to the Magistrates' Court for a stopping up order under Sections 116 and 117 of the Highways Act 1980.
2. The status of these sections of verge has been in dispute over many years. A previous application to stop up the area, leaving a 1m wide adopted highway strip, was abandoned by the Council due to objections received through the consultation process. A new application was submitted by the resident in 2022, which is considered in this report.

Recommendations

3. The Executive Member is asked to:
 - 1) Instruct officers to prepare an application to the Magistrates' Court for an order to stop up the highway rights over part of the verges off Scoreby Lane in Kexby, shown on the plan at Annex A, subject to the applicant agreeing to bear all costs associated with the application, including serving the required notices,

preparing and advertising the application, and progressing it through the court process;

Reason: To positively respond, in principle, to the application made by the landowner in July 2022, whilst ensuring that the views of stakeholders are considered and that the Council recovers its costs as per section 117 of the Highways Act 1980. It is important to note that the applicant will be required to pay all costs incurred by the Council regardless of the outcome of the application process. The application would be made on the basis that the areas of highway verge concerned are surplus to highway requirements. The Council may decide not to progress the application to Magistrates Court if significant highway related objections and concerns are raised by stakeholders during the consultation process. It would clearly not be appropriate for the Council to make an application to the Magistrates if it did not itself consider that the highway in question was unnecessary. Even if the Council decides to submit an application for a stopping up order to the Magistrates Court, the final decision to either grant or refuse the order will lie with the Magistrates and the Court's decision is a discretionary one.

- 2) To instruct officers to consider representations received by the Highway Authority once the required notices (under Section 116 of the Highways Act) have been served and advertise, and delegate the decision to officers as to whether the application should be progressed and submitted to the Magistrate's Court;

Reason: To ensure that the views of stakeholders are considered, and resolve the long-standing dispute as to the extent of necessary adopted highway along this section of Scoreby Lane.

Background

4. This report considers a new application for up the highway in an area which has been the subject of a long running dispute on the status and extent of the adopted highway. The areas considered are shown in Annex A. Of particular interest are the sections of verge that flank the metalled lane outside Hendwick Hall, those sections being within the ownership of the applicant.
5. Scoreby Lane is an ancient lane, clearly shown on maps pre-1900. The key events of this case however follow from the local government reorganisation effective from 1st April 1996.
6. Before the local government reorganisation to create unitary authorities, this section of lane was within North Yorkshire County Council. It was transferred to City of York Council through the local government reorganisation. North Yorkshire passed on its list of streets, which identified the linear extent of the publicly maintained section of Scoreby Lane but did not have any further extent information (i.e. widths and boundaries). The linear extent of the lane went from the (new) boundary with North Yorkshire, generally southerly, for some 1330 metres to what is now Byre House.
7. City of York Council had a policy of recording additional information on the extent of the highway, including local widths, not just the highway's status along its centreline. City of York Council therefore reviewed the data provided by North Yorkshire to clarify the full extent of its adopted highways (length and width). This involved reference to maps and records and site visits. As evidence was gathered, information on the width of the adopted highway was added to maps and records, as shown in Annex A.
8. The land considered in this report was purchased by the applicant in 2002. It is understood that since the purchase, the applicant planted a large number of trees in the land either side of the metalled lane. The applicant made several attempts to gain clarification on the extent of the adopted highway either side of the lane. Unfortunately, the information obtained from North Yorkshire County Council and City of York Council was not consistent.
9. In 2014, City of York Council decided in principle to progress an application to stop up areas of the verge off Scoreby Lane. The decision was taken by City of York's Interim Director of City and Environmental Services, in consultation with the Cabinet Member for Transport, and at the request of the landowner. The Director

“agreed subject to the adjacent property owners submitting an application under Section 117 Highways Act 1980 to the Council to request the ‘stopping up’ of said highway and confirming they will fund all the legal work required, to process the stopping up via S116 of the Highways Act 1980, give approval to initiate the legal process to remove the highway rights from Scoreby Lane except for the existing carriageway and 1m of verge either side”. The decision also noted that: *“Bearing in mind the unusually wide expanse of what is believed to be highway, the very few properties reached from Scoreby Lane and the fact that it is not a through route for vehicles it is thought reasonable to conclude that the highway rights could be reduced to the carriageway and a narrow verge”*. The decision and supporting documents are available here: <https://democracy.york.gov.uk/ieDecisionDetails.aspx?ID=4255>

10. The legal advice presented in the 2014 report noted that when considering whether to make an application to stop up a highway, the Highway Authority should consider any objections it receives during the consultation on the application. The advice was that, if, on the balance of evidence, the Highway Authority cannot demonstrate to the Magistrates' Court that the highway is "unnecessary", as required under Section 116(1) of the Highways Act, the application should not progress.
11. The responses to the consultation raised some concerns with the proposed stopping up application as drafted following the 2014 decision (see Annex B for a review of objections previously received). The Highway Authority therefore decided not to proceed with the application to the Magistrate's Court. The revised application considered in this report proposes to retain a wider area of the verge to the west of the lane as adopted highway (2m proposed, with a wider area in the bend, increased from 1m in the previous proposals – see Annex A). Officers therefore consider that the revised proposal addresses most of the concerns raised during the previous consultation.

Consultation

12. Section 116 of the Highways Act 1980 requires the following stakeholders to be formally consulted on stopping up proposals (through notices):
 - a. the owners and occupiers of all lands adjoining the highway;
 - b. any statutory undertakers having apparatus under, in, upon, over, along or across the highway; and
 - c. the parish council.

The Act requires notices to be displayed in a prominent position at the ends of the highway before an application is made to the Magistrates Court. Notices must also be displayed in the London Gazette and at least one local newspaper prior to making an application.

13. As previously noted, a statutory consultation process took place following the 2014 decision in principle. There were no objections from the statutory undertakers that could not be resolved, but issues were raised by other stakeholders. These objections are summarised in Annex B, which also includes a review of these objections in light of the revised proposals. It is the view of the Highway Authority that the revised proposals, providing the retention of a wider adopted verge area, seem to address most of the concerns expressed through the previous consultation process.
14. It is however important to note that some stakeholders remain opposed to the revised proposal and that, if the application were to proceed, they are likely to make submissions to the Magistrates Court, to present the case that the highway verge, which is proposed for stopping up, remains necessary. A letter from the legal firm representing the Church Commissioners for England, who are a landowner in the area, is included in Annex C stating the reasons for their position. The letter was received by CYC in response to an informal consultation on the option of retaining 2m of adopted highway verge instead of the 1m width initially proposed in 2014.
15. If this revised application is to progress, a new statutory consultation process will however need to take place to determine whether any previous objections remain or any new objections need to be considered by the Highway Authority before a final decision is made on whether or not to continue with making an application to the Magistrates Court for a stopping up order.

16. It is important to note that parish councils have a right of veto against applications made under Section 116 of the Highways Act 1980. Kexby & Scoreby Parish Council will be consulted on the revised proposal. However, the Parish Council were consulted informally on the 2m proposal in 2020 and supported the proposal as evidenced in Annex D.

Options

17. The following options are to be considered:
- a. Option A - Having considered the revised proposal and the objections to the previous proposal, to conclude that an order to stop up part of the highway verge of Scoreby Lane should be drafted for the area presented in Annex A, further consultation undertaken, and subject to responses to this consultation, an application made to the Magistrates' Court.
 - b. Option B - Having considered the revised proposal and the objections to the previous proposal, to conclude that the revised proposal cannot be supported by the Highway Authority, but that an alternative proposal may be considered acceptable, and ask officers to review the proposal with the applicant and present a revised application to the Executive Member once agreed.
 - c. Option C - Having considered the objections to the previous proposal, to conclude that all of the area currently recorded as adopted highway is 'necessary' and that the Highway Authority should not progress a revised application for a stopping up order.

Analysis

18. The table below presents an analysis of the pros and cons of each of the three options introduced above.

Options	Pros	Cons
Option A – Progress the revised application	Supports the clarification of the extent of the adopted highway in this location (subject to consultation responses). Revised proposal (increased widths)	Some stakeholders remain in objections and would be likely to submit their position to the Magistrates Court who may find in their favour.

Options	Pros	Cons
	<p>addresses most of the objections previously received and preserves adopted highway verges to create passing places should these be required/funded in the future.</p> <p>Reduced maintenance responsibility for the Highway Authority for a large area of verge with a large number of mature trees (note: the current landowner maintains the vegetation in the adopted highway area, but this arrangement may not continue in the future)</p>	<p>Concerns previously raised about the fence and posts on the east side of the lane, near Hendwick Hall, not fully addressed.</p> <p>Once the land is stopped up the landowner could decide to change its use (subject to other legal requirements such as planning law).</p> <p>Staff resources required to progress an application, although the Council is likely to outsource the work to reduce officer time spent on this matter, and the applicant will be charged to ensure cost recovery.</p>
<p>Option B – Refuse this application but consider a revised proposal</p>	<p>A revised proposal may address some of the issues raised in the previous consultation and in this report.</p> <p>A revised proposal may receive more support from stakeholders, reducing the risk of challenge at Magistrates, Court.</p>	<p>An agreement on a revised proposal may not be possible.</p> <p>Uncertainty would remain on the extent of the adopted highway until a revised application considered.</p> <p>Additional staff resources required to prepare a revised proposal.</p>
<p>Option C – Refuse to consider any further applications in this area</p>	<p>Clarifies the extent of the adopted highway.</p> <p>Retains a wide area of verge as adopted highway which can be used by non-motorised users, including equestrians, to avoid travelling on the carriageway and could be used to create passing places if required/funded in the future.</p>	<p>The Highway Authority remains responsible for the maintenance of a large area of verge with many mature trees. Although the current landowner manages the vegetation in the adopted highway, this arrangement may not continue in the future.</p>

Options	Pros	Cons
	<p>Adopted highway area retained could be used to provide access to future developments between Scoreby Lane and Gate Helmsley or to the south or Hendwick Hall.</p> <p>No further resources expanded on this issue and officer time can be used to work on other matters.</p>	

Council Plan

19. The recommended option included in this report is supportive of the “open and effective council” outcome identified in the Council Plan.

Implications

20. The following are the identified implications.
- **Financial** – There are no direct financial implications in the short term as the applicant must undertake to re-imburse the council of all reasonable costs. In the longer term, it is possible there may be a small reduction in maintenance costs associated with the reduced area of adopted verge and trees. The officer time required to progress the application will be met from within existing resources.
 - **Human Resources** – No HR implications identified.
 - **Equalities** – No negative impacts identified for people and groups with protected characteristics under the Equality Act 2010. The area proposed for stopping up is an uneven grassed area with many mature trees and does not provide a convenient route for most users apart from equestrians who may prefer it to the carriageway or the area of verge closer to the road.
As the process for applying for a stopping up order includes opportunities for anyone who feels they may be disadvantaged to object and, if they wish, be heard in court, equality impacts, if any, would also be considered by the Council before the

decision is made to proceed with an application to the Magistrates' Court and by the Magistrates' Court.

- **Legal** – Section 116 of the Highways Act 1980 provides the power for a Highway Authority to apply to the Magistrates' Court for an order stopping up a highway, or part of a highway. Section 117 enables a Highway Authority to apply for a stopping up order on a third party's behalf and provides the Council with powers to recover its reasonable costs for making such an application. Section 116(1) of the Highways Act states that if it appears to a Magistrates' Court that a highway (other than a trunk road or a special road), as respects which the appropriate (highway) authority have made an application:
 - (a) is unnecessary, or
 - (b) can be diverted so as to make it nearer or more commodious to the public,the Court may by order authorise it to be Stopped Up or, as the case may be to be so diverted.

The Authority is obliged to give 28 days' notice of its intention to apply for an order, specifying the time and place at which the application is to be made and the terms of the Order applied for. A plan must be attached showing the effect of the Order. Any person to whom notice is required to be given, any person who uses the highway and any person who would be aggrieved by the making of the Order applied for, have right to be heard at the Magistrates' Court hearing.

In this case notice will need to be given to the owners and occupiers of all lands adjoining the highway and to the statutory undertakers having apparatus under, in, upon over, along or across the highway.

The Authority will also be required to display a site notice and plan no later than 28 days before the day on which the application is made in a prominent position at the ends of the highway. At the same time the Authority should also insert a notice in the London Gazette and in at least one local newspaper circulating in the area.

The final decision to either grant or refuse the Order will lie with the Magistrates. A further right of appeal to the Crown Court exists where a person affected by the Order (or refusal to grant an Order) is aggrieved by the Magistrates' decision.

When considering whether to make an application to stop up a highway, the Highway Authority should consider any objections it receives during a statutory consultation on the application. If any objections cannot be resolved and, on the balance of evidence, the Highway Authority determines that it will not be

able to demonstrate to the Magistrates' Court that the highway is "unnecessary", the application should not be proceeded with. Parish councils have a right of veto to applications under Section 116 of the Highways Act 1980.

Case law has clarified that in deciding whether to make an application, the Highway Authority has to consider all the factors which would be relevant to the consideration by a Magistrates' Court of whether an order should be made. As well as whether the highway is needed for passing and repassing, issues such as safety, e.g. for visibility splays, or potential development access should also be considered.

The central questions to be addressed are: what is the highway function being performed by that part of the highway which is the subject of the requested application, and whether it is unnecessary for that function to be performed by that part or whole of the highway. If the answer to that is that it is unnecessary for that function to be performed, the second question is: if it is unnecessary for the highway to perform those functions, are there any other highway reasons why a stopping up order should not be made?

The making of a stopping order will extinguish the highway rights over the land concerned and control over the land will revert to the freehold or leasehold owner of the subsoil.

- **Crime and Disorder** - No crime and disorder implications identified.
- **Information Technology (IT)** – No IT implications identified. If the order is granted the highway extent map (available here: www.york.gov.uk/RoadAdoption) would be updated to reflect the revised extend of the adopted highway.
- **Property** – No property implications identified.

Risk Management

Key risks	Description	Mitigation
Council costs	There are significant costs attached to the Section 116 process and as the Council leads on the process, these costs will all be with the Council to manage.	Section 117 allows for cost recovery and the Council will only proceed with the proposed application on behalf of the landowner on this basis.

Key risks	Description	Mitigation
Council resources (staff time)	There are significant staff resources committed to such an application, diverting limited staff resources from other matters.	The revised proposal should address most of the objections previously received, hopefully making for a more streamlined process. If further objections are received the Authority can decide to stop the process at any time.
Application could fail – reputational damage for the Council	The Highway Authority could decide not to submit the application to the Court, or the Court could decide not to grant the order	This is to be made clear to the applicant and all involved in the process. The Highway Authority could decide to stop the process at any time if the evidence gathered points to the highway being necessary.

Contact Details:**Author:**

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Key Hay
Highways Projects Officer

Dave Atkinson
Head of Highways and
Transport

Chief Officer Responsible for the report:

James Gilchrist
Director Transport, Highways and
Environment

**Report
Approved**



Date 10/10/2022

Specialist Implications Officer(s)

Financial

Name: Jayne Close

Title: Principal Accountant

Tel No: 01904 554175

Legal

Name: Sandra Branigan

Title: Senior Solicitor

Tel No: 01904 551040

Wards Affected: Osbaldwick and Derwent (Kexby)



For further information please contact the author of the report

Background Papers

No background papers included.

Annexes

Annex A – Draft Stopping up Order Plan

Annex B – Review of objections received during the previous consultation

Annex C – Letter from the representatives of the Church Commissioners for England (2020)

Annex D - Parish Council email of support (2020)

List of Abbreviations Used in this Report

CYC – City of York Council



Decision Session –

Executive Member for Transport

18th October 2022

Stopping up order for Scoreby Lane, Kexby

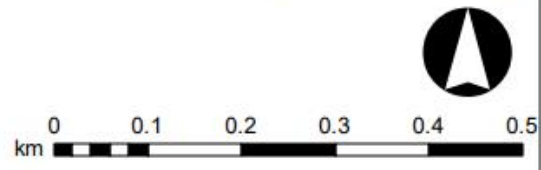
ANNEX A Plans of proposed stopping up area

Scoreby lane location

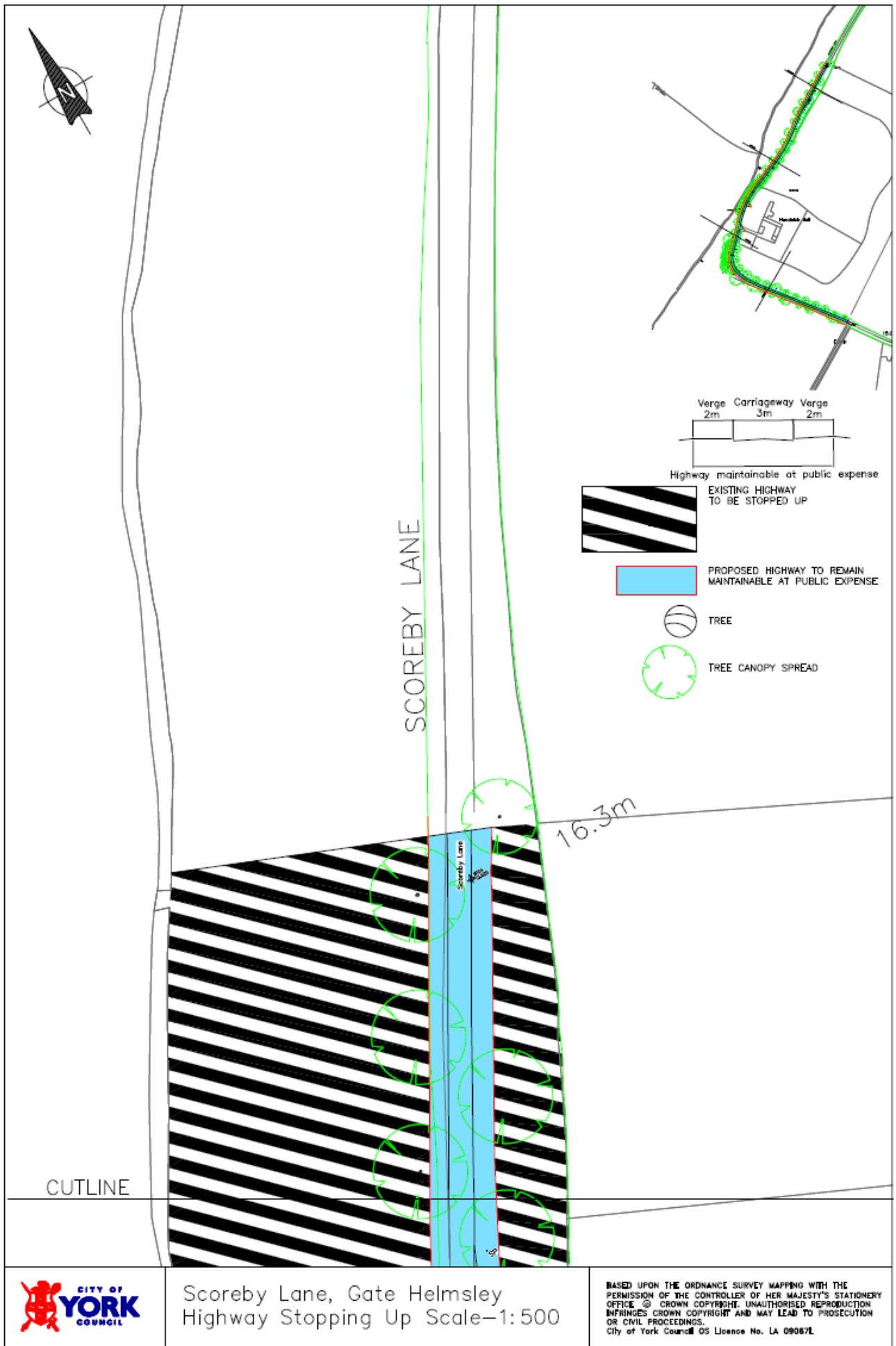


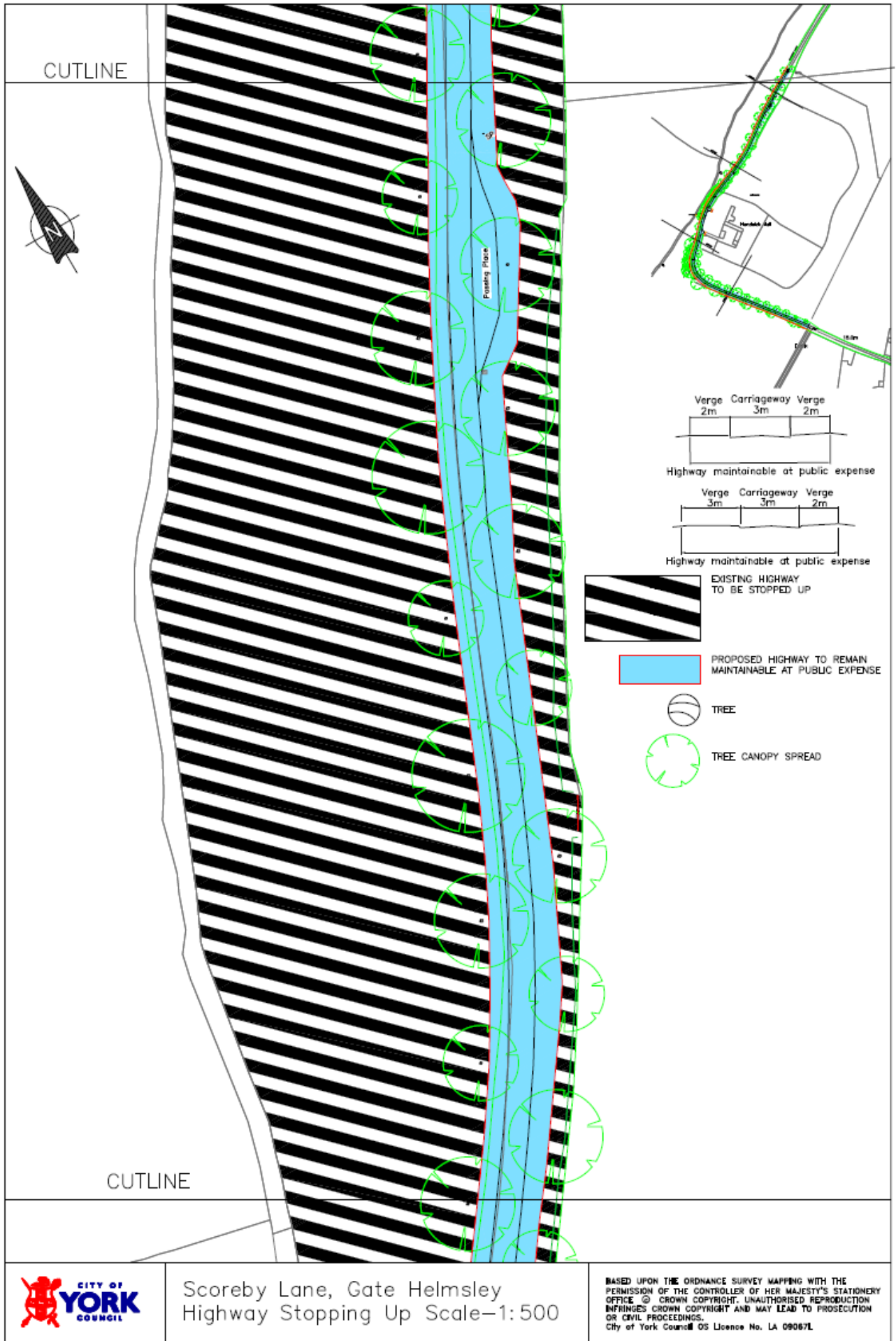
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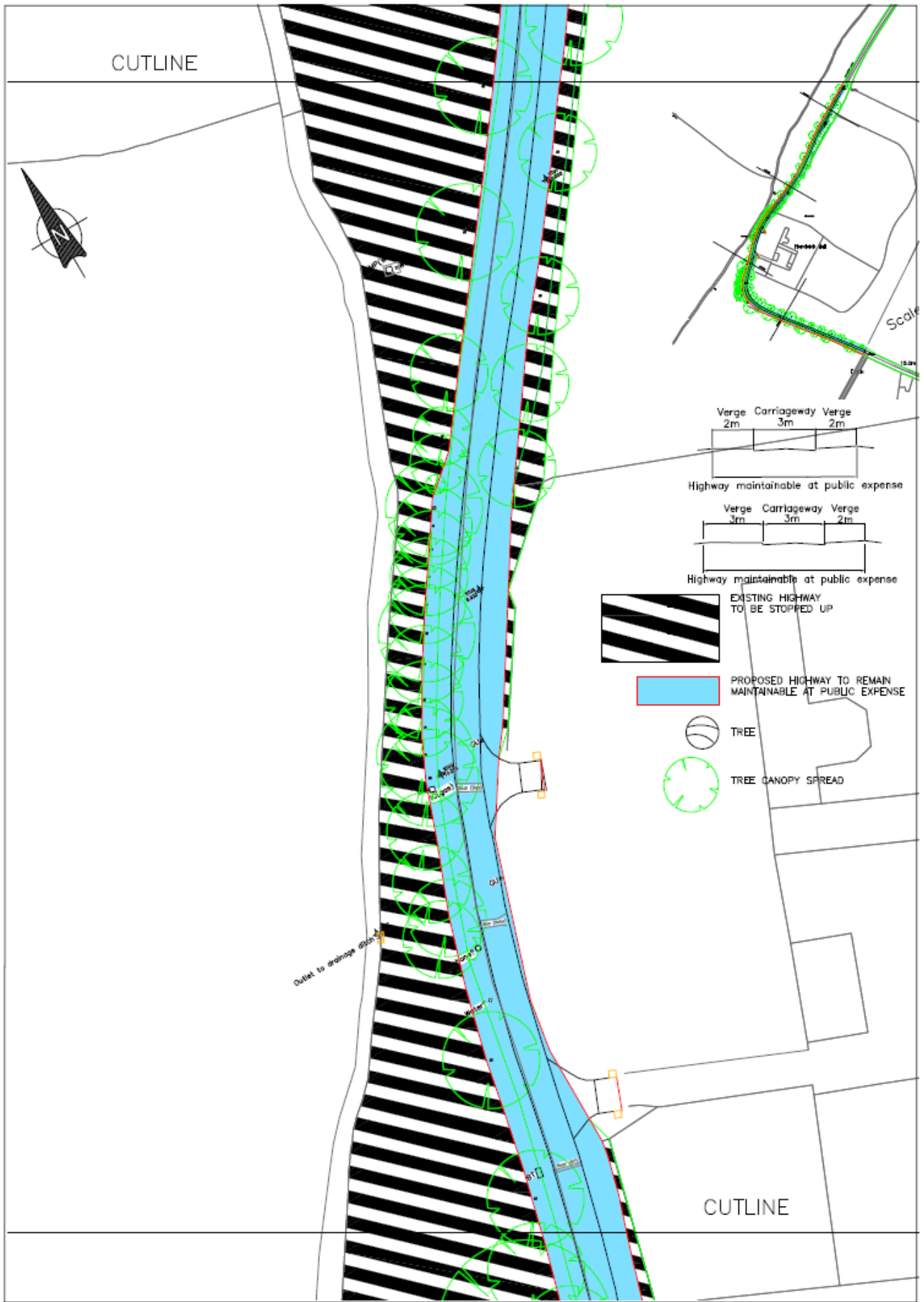
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Annex A

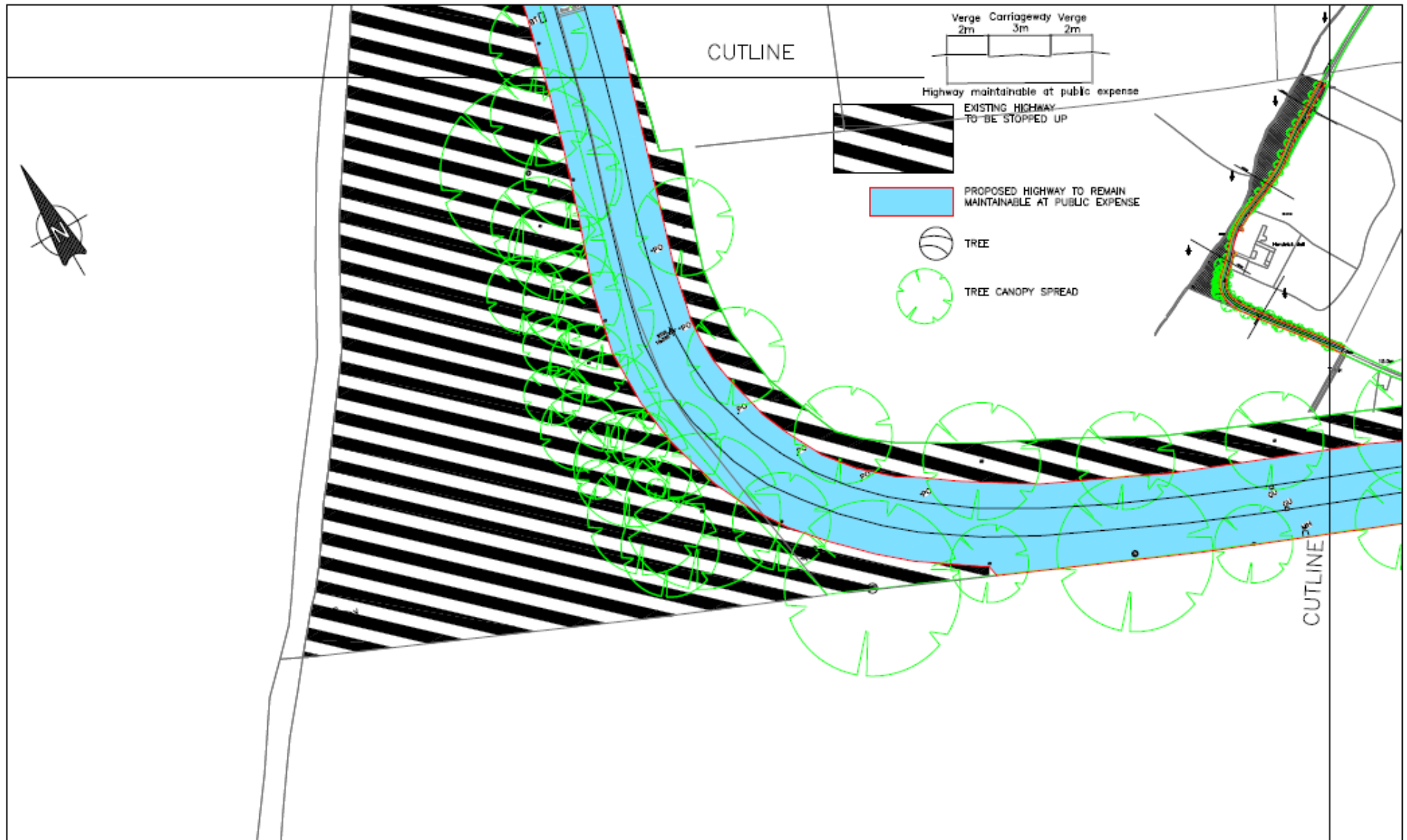






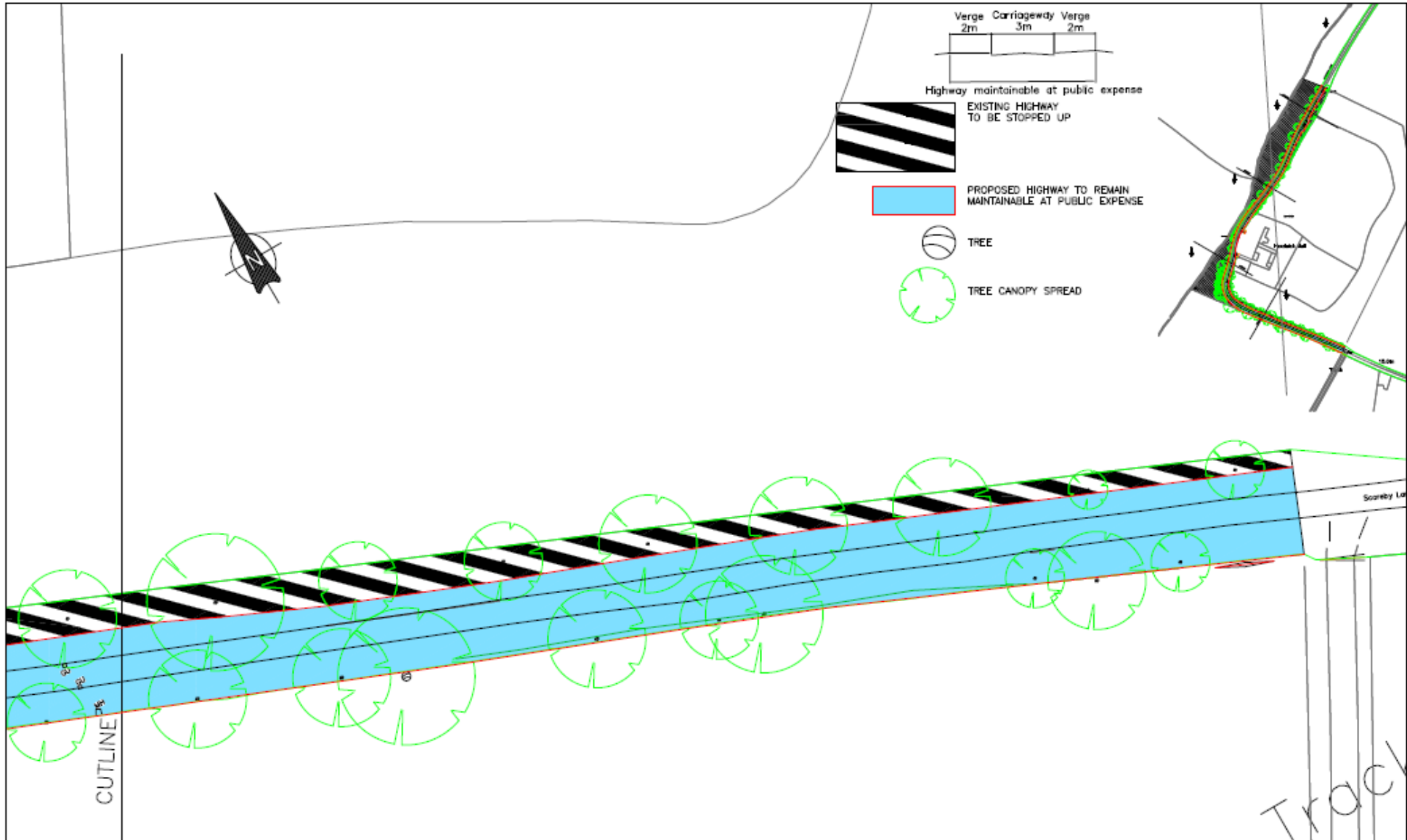
Scoreby Lane, Gate Helmsley
Highway Stopping Up Scale-1:500

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Scoreby Lane, Gate Helmsley
Highway Stopping Up Scale-1:500

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Scoreby Lane, Gate Helmsley
Highway Stopping Up Scale-1:500

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Decision Session –**Executive Member for Transport****18th October 2022****Stopping up order for Scoreby Lane, Kexby****ANNEX B Review of objections previously received****1. Objection or concern**

The status of these sections of verge have been the subject of much discussion over many years. The Council has not identified the correct extent of existing highway, particularly on the section immediately to the front of Hendwick Hall.

Suggested position

City of York Council accepts that adjustments were made to the emerging highway records plans (post-reorganisation) and that either those changes were not fully documented or that information has been lost over the years. The Council's position was clarified by the Officer in Consultation report of 2014. In the proposed draft Order only the verge to the front of the fence is shown as highway. The current consideration is and should be focused upon determining what areas of highway are necessary for the highway to function.

2. Objection or concern

The current surfaced route is insufficient for two large vehicles to pass safely utilising 2 metres of verge on either side of the road.

Suggested position

The revised Order plan now identifies a general verge width of 2m to be retained as publicly maintained highway. Many of the existing trees are 3.0m from the edge of carriageway. The presence of the trees forms a natural boundary to the movement of vehicles. In practice, two very large vehicles would not try to pass. One would pull over, most likely into a wider section of the lane. Overall width would be 7.8m which would provide 3.0m for the stationary vehicle and 4.8m for the moving vehicle. Given that the maximum legal width of agricultural motor vehicles is 2.55m, this should prove adequate. Wider vehicles are subject to additional control such as the abnormal load process.

3. Objection or concern

The existing fence (within 1 metre of the road – to the east of the lane, in front of Hendwick Hall), which hinders access, should be moved back to ensure there is 3 metres clearance from the metalled surface.

Suggested position

The Council's position was clarified by the Officer in Consultation report of 2014. The subsequent draft Order included only the area to the front of this fence as publicly maintained highway. Pre-1900 maps show another dwelling standing on the corner of the road, very close to what is now the metalled carriageway. The fence fronting Hendwick Hall has been in place for some twenty years. It

is understood this allows easier maintenance of the hedge. In recognition of this reduced verge width, the opposite verge to be retained as highway is to be wider than 2m, up to a maximum of 4.0m. This will allow more space for vehicles to pass at this location.

4. Objection or concern

The timber posts on the corner of Hendwick Hall should be removed entirely to provide a safe area of passage for vehicles.

Suggested position

The posts here have protected the inside of the bend from over-run by vehicles and highlight a level difference. The previous draft Order included only the area to the front of these posts as publicly maintained highway. Again, in recognition of this reduced verge width, the opposite verge that is to be retained as highway is to be wider than 2m, up to a maximum of 4.0m.

5. Objection or concern

The trees which are planted adjacent to the road will only continue to create further degradation of the road and a clear solution would be to remove the trees which are within 3 metres of the road surface.

Suggested position

There is no evidence of the trees causing damage to the road currently. If the application is progressed and the order granted, trees which remain within the adopted highway will be managed by the Council's Highway Maintenance and Arboricultural officers. Private trees which may encroach on the highway in the future will

be managed through the Highways Act process, with the Council requiring the landowner to take action where required.

6. **Objection or concern**

Concerns about possible impact on Way of Roses route 66.

Combination of carriageway width and reduced verge does not meet requirements for safe use by traffic attracted to this 'Way of Roses' Route 66. What is being proposed on Scoreby Lane needs to meet Sustrans' NCN Quality Standard.

Suggested position

The consideration in the other points apply equally to all travel modes. Three years ago, Sustrans set out a vision of making the National Cycle Network a traffic-free, more consistent and accessible network for everyone. By its nature Scoreby Lane does not and cannot meet Sustrans' NCN Quality Standard as the lane is not traffic free. It is however a rural road with very low levels of traffic and sufficient width will be retained (as described above) for all vehicles to safely pass each other, including pedestrians, cyclists and equestrians.

7. **Objection or concern**

Concerns about the volume of traffic and speed of motorists along the lane. The introduction of speed humps is suggested.

Suggested position

This lane is already adopted highway and is managed by City of York Council. Concerns about traffic levels or speed should be reported to the Council but are not considered relevant to his

stopping up application, which does not have any impact on the level of traffic or traffic speeds on the lane.

8. **Objection or concern**

Scoreby Lane lacks sufficient passing places along the route. The combination of narrow carriageway width, reduced verge and lack of passing places does not meet requirements for safe use by motor vehicles and farm traffic.

Suggested position

This is a country lane that carries motor vehicles, farm traffic as well as pedestrians, equestrians and cyclists. This revised application preserves a wider area of the verge as adopted highway to enable the provision of passing places should these be deemed necessary and included in the Council's highway improvement programme.

9. **Objection or concern**

Concern that enclosure and retained width are unsuitable and recommending a wider highway verge should be retained.

Considers there is evidence in support of a 5m verge to remain.

Suggested position

The revised application proposes a general verge width of 2m to be retained as publicly maintained highway, with a wider area near the bend just south of Hendwick Hall. This should be suitable for most vehicles, including large agricultural vehicles. Many of the existing trees are 3.0m from the edge of carriageway. The presence of the trees forms a natural boundary to the movement of vehicles.

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Decision Session –

Executive Member for Transport

18th October, 2022

Stopping up order for Scoreby Lane, Kexby

ANNEX C Letter form the representatives of the Church

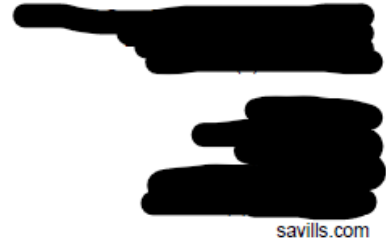
Commissioners for England, 4 September 2020

4 September 2020
200904 - Scoreby Lane - Prelim observations



BY EMAIL

FREEPOST RTEG-TYYU-KLTZ
FAC [REDACTED]
City of York Council
West Offices
Station Rise
York
YO1 6GA



Dear Sirs

RE: Proposal to Stop Up Highway Verge Areas, Scoreby Lane

We act on behalf of the Church Commissioners for England, who own land occupied by various tenants which are accessed from Scoreby Lane.

We note your recent invitation to provide preliminary observations regarding the proposal to stop up highway verge areas along Scoreby Lane up to 2m and outline our thoughts along with a copy of our previous objection dated 11 March 2019.

Utility of highway

Scoreby Lane is a single track road used for access to a number of agricultural properties and the nature of the highway is being utilised by a wide variety of road users from pedestrians and cyclists to heavy goods vehicles and large farm machinery. A single track carriageway already presents difficulty for the variety of road users when meeting other oncoming vehicles. When passing other vehicles, sufficient width of verge is required to safely allow passage.

The consultation document states that *"a width choice of 2m of verge strikes a balance between obtaining a verge that offers sufficient utility for all users and a width that is economical to maintain."*

The current surfaced route is insufficient for two large vehicles to pass safely utilising 2 metres of verge on either side of the road. The Farms along Scoreby Lane regularly require access with Heavy Goods Vehicles, Tractors, Combine Harvesters, Sprayers and Potato Harvesters all of which are large machines. The proposal to stop up the verges to 2 metres would unacceptably constrain the access and the farms ability to function as economic units.

Scoreby Lane lacks sufficient passing places along the route, and those in existence do not allow two heavy goods vehicles to pass safely. The road bend around Hendwick Hall has timber posts erected at about 7m in distance between each and at less than half a metre from the carriageway which inhibit the ability to pass oncoming traffic at all.

Trees

Trees which were planted along the lane severely constrain the ability to access the farms with heavy goods vehicles due to the damage caused to the vehicles. An inspection of the trees identified that they are planted at 2.3m or thereabouts from the surface of the road. Hauliers refuse to access my clients farm from the northern end of Scoreby Lane due to the damage which has been caused to their vehicles by the tree canopy. The trees have an overhang of as low as 1.8 metres in height in some areas which causes damage to vehicles and valuable farm machinery, and also to pedestrians avoiding vehicles. We consider this to be dangerous for road users.

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East.

Savills (UK) Limited. Chartered Surveyors. Regulated by RICS.
A subsidiary of Savills plc. Registered in England No. 2805138. Registered office: 33 Margaret Street, London, W1G 0JD





The consultation states that "A 2.0m wide verge leaves enough space between the edge of the highway and the established trees to avoid overhang or a need to pollard the trees to restrict their spread"

It is concerning that the Council consider the canopy of the trees to have greater priority than the safety of road users. The trees have required maintenance for a number of years, and we have concerns over the long term management and maintenance of the trees which are overhanging the road. There is no proposal included within the consultation document which considers the long term maintenance of the trees to provide sufficient utility for road users without restriction, and without damage caused to vehicles.

The road surface is damaged along the length and in some areas it is unclear where the road surface ends and verge starts. Clarity must be sought on this point prior to accepting any proposals made by the Council. The trees which are planted adjacent to the road will only continue to create further degradation of the road and a clear solution would be to remove the trees which are within 3 metres of the road surface.

Extent of highway

There is a historic Council consultation from 2014 which suggests the highway records were tampered with. We have concerns based on the evidence from the tampering consultation that the plan provided for the current consultation should include the verge on the entrance of Hendwick Hall which would provide safer passage of vehicles in this area.

Proposal

Based on the aforementioned, we would object to the stopping up order in its current form on the basis that it is not possible to conclude that the highway outside of the 2m verge is "unnecessary" (as section 116 Highways Act requires). The Commissioners would be prepared to accede to changes to the extent of highway based on the following:

1. Any stopping up order retains 3 metres of verges as public highway either side of the existing surface along the full route of the designated public highway;
2. Additional passing places are installed allowing larger vehicles to pass along the route;
3. Clarity is sought on the highway tampering along the entrance of Hendwick Hall which is clearly fenced outside of the original boundary, and either a passing place or widened verge is provided;
4. The trees on the land subject to the stopping up order, and those inside of the stopping up order are pruned and managed to ensure clear unobstructed access covering 3 metres either side of the metalled surface and 10 metres vertical. A tree management plan is to be drawn up and adhered to by the owners and Highways to provide sufficient utility for road users;
5. The existing fence (within 1 metre of the road) which hinders access is moved back to ensure there is 3 metres clearance from the metalled surface;
6. The timber posts on the corner of Hendwick Hall Farm are removed entirely to provide a safe area of passage for vehicles.

Yours sincerely

A blacked-out redaction covering the signature of the surveyor.

A blacked-out redaction covering the name of the surveyor.

Surveyor

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Decision Session –

Executive Member for Transport

18th October, 2022

Stopping up order for Scoreby Lane, Kexby

ANNEX D

Email from CYC to Kexby and Scoreby Parish Council, dated 7.08.20

Scoreby Lane - Proposed reduction in maintained verges to 2m Max

[Redacted]

Reply Reply All Forward ...

Fri 07/08/2020 16:20

Letter Consult Aug 2020.pdf 411 KB

Plan Consult Aug 2020.pdf 306 KB

Dear Parish Clerk,

Please see attached for your Members' consideration.

Kind Regards,

[Redacted] Traffic Project Officer

City of York Council | Traffic Management
West Offices | Station Rise | York YO1 6GA
www.york.gov.uk | facebook.com/cityofyork | [@CityofYork](https://twitter.com/CityofYork)

Attachments to the email from CYC to the Parish Council dated 7.08.20



To the Residents in Scoreby Lane
and other interested parties

Directorate of Economy and Place
West Offices, Station Rise
York, YO1 6GA

Email: highway.regulation@york.gov.uk

Date: 7th August 2020

Dear Resident,

Proposal to Stop Up Highway verge areas; Scoreby Lane, Kexby

We are writing to you in connection with revised proposals to stop up sections of the highway verge along Scoreby Lane.

You may recall that the Council previously corresponded with residents in 2019 in connection with proposals to stop up part of the highway verges along Scoreby Lane. That proposal would have left 1.0m wide verges along the lane.

The Council withdrew that previous application (to the Magistrates' Court) and is now considering a revised scheme, to stop up parts of the wide highway verge along a section of Scoreby Lane. This proposal would be to stop up any areas of verge that extend to more than 2.0m from the existing edge carriageway, including the carriageway of passing places.

The areas to be Stopped Up are shown, hatched black, on the attached stopping up 'Plan A'. Under the revised scheme, two metres of highway verge will be retained (as highway maintainable at public expense) along both sides of Scoreby Lane, for the length of the proposed stopping up areas. All existing passing places and carriageway will also continue to be retained as highway maintainable at public expense.

The reasoning behind the choice of this width of verge is to strike a balance between obtaining a verge that offers sufficient utility for all users and a width that will be economical to maintain in the future.

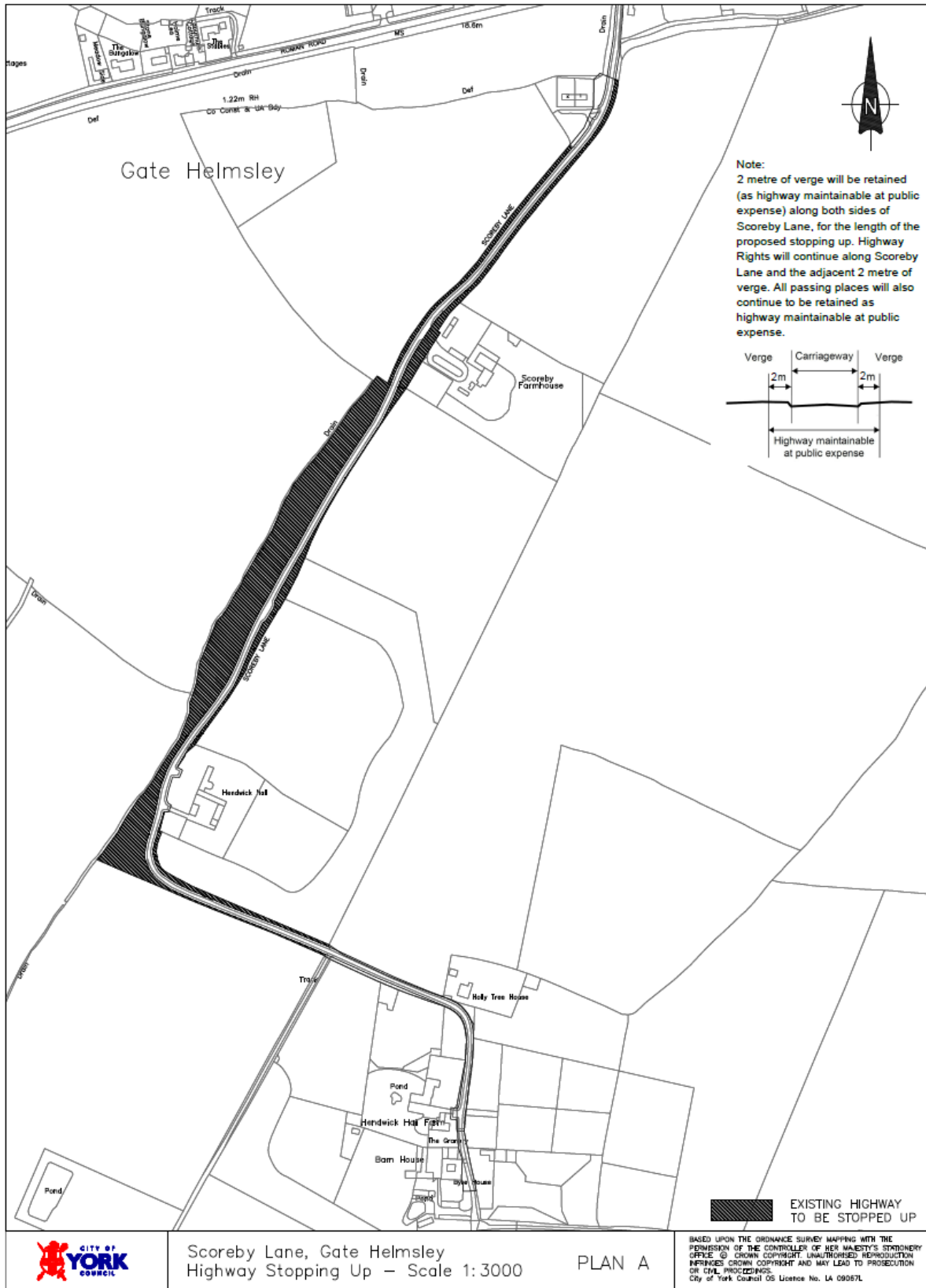
A verge width of 2.0m, both sides, provides sufficient width for the passage of larger vehicles. It contributes to the environment offered to all road users. You may be aware that many of the trees along the lane are planted at or about three metres from carriage edge. A 2.0m wide verge leaves enough space between the edge of highway and the established trees to avoid overhang or a need to pollard the trees to restrict their spread.

This letter forms part of an informal consultation to welcome and assess any views you may have before the stopping up application is submitted to the Magistrates' Court.

Would you please, therefore, let me have any preliminary observations on the stopping up of the public rights of way, preferably by email to Highway.Regulation@York.gov.uk, by 4th September 2020. Alternatively please comment by letter, by the same date, to our Traffic Management Office.




Freepost RTEG-TYYU-KLTZ
City of York Council
West Offices
Station Rise
York YO1 6GA

Yours faithfully



Email from Kexby and Scoreby Parish Council to CYC, dated 14.08.20

Scoreby Lane - Proposed reduction in maintained verges to 2m Max

 Parish Council Kexby
To:  highway.regulation@york.gov.uk


[Reply](#) [Reply All](#) [Forward](#) [...](#)
Fri 14/08/2020 16:55

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam

Kexby and Scoreby Parish Council support this plan

Yours faithfully


Parish Clerk

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Executive Member Decision Session

18 October 2022

Report of the Corporate Director of Place
Portfolio of the Executive Member for Transport

Directorate of Place Transport Capital Programme – 2022/23 Monitor 1 Report

Summary

1. The purpose of this report is to set out progress to date on schemes in the 2022/23 Transport Capital Programme, and propose adjustments to scheme allocations to align with the latest cost estimates and delivery projections.

Recommendations

2. The Executive Member is asked to:
 - 1) Approve the amendments to the 2022/23 Directorate of Place Transport Capital Programme.

Reason: To implement the council's transport strategy identified in York's third Local Transport Plan and the Council Priorities, and deliver schemes identified in the council's Transport Programme, including the Active Travel Programme.

Background

3. Following approval at Budget Council on 17 February 2022, the Transport Capital Budget for 2022/23 was confirmed at £22,926k. The budget was then amended to £40,043k in July 2022 when the Executive Member was presented with the Consolidated Transport Capital Programme, which included all schemes and funding carried forward from 2021/22, and additional grant funding received from the Active Travel Fund programme and the Zero Emission Bus Regional Area (ZEBRA) programme.

4. The approved budget includes funding from the Local Transport Plan (LTP) grant, developer funding, council resources, and grants for individual schemes. The grant funding includes significant funding from various external sources, including the Active Travel Tranche 2 grant, the West Yorkshire Transport Fund, the Transforming Cities Fund, funding for new electric buses from the Zero Emission Bus Regional Area grant, and funding from the Department for Transport for the Outer Ring Road Dualling scheme.
5. The following report sets out progress on schemes and advises the Executive Member of amendments that need to be made to scheme budgets. Full details of the current and proposed budgets are shown in Annex 1 to this report, and full details of the programme are shown in Annex 2.
6. It should be noted that costs for some schemes have increased compared to the initial cost estimates. This is due to the high level of inflation and other issues affecting the economy at present, meaning the cost of construction materials has increased since the initial cost estimates were prepared.

2022/23 Major Schemes

7. The allocations within the Major Schemes block will deliver a significant programme of improvements to the city's infrastructure. Funding for these schemes has been secured from several external funding sources, with contributions from the council's capital budgets agreed to support these projects.
8. A planning application for dualling the York Outer Ring Road (A1237) has been submitted and is now going through the determination period. The project team have now turned their attention to acquiring land, developing the business case, and completing the detailed design for the scheme. Commencement of works on site is programmed for summer 2023, but there are a number of milestones to achieve before funding is released for the construction of the scheme.
9. Following a review of the expected works and costs, it is proposed to slip £1,043k of the York Station Gateway funding allocation to 2023/24 due to the lower expected costs in 2022/23. The utility

diversion works started on site in January 2022, and the highways works are expected to begin in spring 2023, with completion currently programmed for autumn 2025. A development agreement was signed between the council and London North Eastern Railway (LNER) for the station works, and design for these works is now being progressed.

10. The contract for the installation of the hostile vehicle mitigation measures in the city centre has been tendered and a contractor has been appointed. The main works are programmed to start in January 2023, with completion in spring 2023 (depending on the timescales for utility diversion works). The works will take place at eight junctions around the main Footstreets area and existing static bollards will be replaced at three further locations, as set out in the report to the Executive meeting of 18 August 2022. Additional funding of £1,750k was also approved at the 18 August 2022 Executive meeting, which has now been added to the 2022/23 budget.
11. Following the approved of a preferred site for the new rail station at Haxby by the Executive in December 2021, work is continuing to progress the design work, and develop a revised business case for the scheme, which will be submitted to government later in 2022.
12. An outline scheme for the proposed Tadcaster Road Transport Improvements was agreed by the Executive Member in January 2022. Some of the proposed improvements between Moor Lane Roundabout and Blossom Street will be implemented with the Tadcaster Road maintenance scheme in 2022/23, with further feasibility and design work to be undertaken on the remaining sections prior to confirming the delivery programme.
13. The Castle Gateway Transport Improvements scheme aims to improve transport infrastructure in the area of the Castle Gateway development, and the timescales for any proposed schemes are dependent on the wider development proposals. It is proposed to reduce the allocation for this scheme to £50k for feasibility and design work in 2022/23, and slip the remaining funding to 2023/24 to allow the scheme to be progressed in future years. Note that this is not related to the St George's field crossing which is being managed as an Active Travel project.

14. Work has continued on the Electric Vehicle Fleet Infrastructure, Hyper Hubs, and Electric Vehicle Charging Infrastructure schemes, and the installation of charging infrastructure for electric vehicles at the council's Hazel Court depot is ongoing. Construction work on the Monks Cross and Poppleton Bar Hyper Hubs was completed in 2021/22 (following some delays at Poppleton Bar due to the use of the site as a Covid-19 testing site), and both sites are now open. The design for the proposed Hyper Hub at Union Terrace car park was completed in 2021/22, and a planning application has now been submitted for the scheme. Work is also progressing on the installation of new electric vehicle charging points across the city.
15. Following the completion of the new strategic traffic model and the real-time traffic model in 2021/22, work on the Smarter Travel Evolution Programme is ongoing, with the Green Light Optimised Speed Advisory (GLOSA) and data platform projects progressing as planned. It is proposed to slip £320k of the grant funding to 2023/24 to fund the anticipated costs of the data platform in future years.
16. Funding was allocated in the 2022/23 programme for the St Mary's Ramp scheme, which is part of the Scarborough Bridge Cycle Routes scheme aiming to improve walking and cycling links to the Scarborough Bridge footbridge. However, due to carryover costs from the Bootham Crossing scheme (completed in March 2022), and the increased cost estimate for the St Mary's Ramp scheme, it is proposed to increase this allocation to £270k. The increased cost estimate includes the cost of additional design work on the retaining wall proposed as part of the scheme, and the increases in construction costs mentioned earlier in this report. The timescales for implementation of the scheme are dependent on the timescales for the Yorkshire Water diversion works, which have not yet been confirmed.
17. The final payments to bus operators to fund work to improve emissions from their bus fleets have now been made, which will ensure that all buses operating in York meet the requirements of the city centre Clean Air Zone. As the grant payments have been lower than the allocated funding, it is proposed to reduce the allocation for this scheme to £20k and return the remaining £54k to the corporate budgets.

18. The council was awarded £8.4m from the government's Zero Emission Bus Regional Area (ZEBRA) fund to support the purchase of 44 fully electric buses, and has been working with bus operators to progress this scheme. Due to the timescales for the purchase of the new buses, it is proposed to reduce the 2022/23 allocation to £3.4m and slip the remaining funding to 2023/24, as the payments will be made over two years.
19. Full details of the revised budgets for the Major Schemes programme are shown in Annexes 1 and 2 to this report.

2022/23 Transport Schemes

20. A review of the current programme of transport schemes has identified schemes where the allocations need to be amended to reflect scheme progress and updated cost estimates. As previously mentioned, costs for some schemes have increased from the initial cost estimates due to the impact of inflation on construction costs.
21. It is proposed to transfer funding from the Park & Ride Site Upgrades budget to the Rawcliffe Bar resurfacing scheme, as the cost of the carriageway resurfacing work is higher than originally estimated. Work is expected to start on site in November 2022.
22. As previously reported, the council has allocated funding for the purchase of two new buses for the Dial & Ride service, but due to the long lead-in time for the purchase of the new buses, this funding will not be fully spent in 2022/23. It is proposed reduce the allocation to £40k for the initial payments required in 2022/23, and slip the remaining funding to 2023/24 for the remaining costs.
23. The council made a successful bid to the government's for funding for York's Bus Service Improvement Plan (BSIP), and has been awarded funding for a three-year programme of improvements to bus services and bus infrastructure. Once the details of the funding are confirmed, the funding and details of the programme will be included in the transport capital programme.
24. Funding has been allocated in previous years for measures to improve the existing road closure at Victoria Bar. However, following requests to extend the scope of the scheme to review the wider area, and the need to consider the proposals to reduce levels of car usage in the city centre, this work was put on hold. It is

proposed to slip the funding to 2023/24 to allow a scheme to be developed that could incorporate all of these proposals and include the wider aims of the council's fourth Local Transport Plan.

25. Following requests for additional measures at Coppergate to improve the lay-out of the one-way closure, it is proposed to increase the allocation for this scheme to fund these additional works in 2022/23.
26. No changes are proposed to the schemes in the Pedestrian & Cycling Schemes block at this stage of the year. A further five sites have been assessed for the Pedestrian Crossing Review programme, and it is proposed to carry out further feasibility work on the following schemes in 2022/23 to identify the most appropriate type of crossing for each location:
 - Haxby Road, New Earswick (near Folk Hall).
 - Kent Street/ Fawcett Street junction.
 - New Lane, Huntington (near Anthea Drive).
 - Stonebow (near Hiscox offices).
 - Water Lane, north of Rawcliffe Drive.
27. Assessments were also carried out for the following locations following requests from the local ward committees, and further feasibility work will be carried out to identify the most appropriate type of crossing at these sites, which will be funded and progressed by the ward committees:
 - Main Street Elvington.
 - Eastholme Drive, Rawcliffe (near shops).
 - Thanet Road, Dringhouses (near Eason View junction).
 - Stockton Lane, Heworth Without (near Christ Church).
28. A review of the Safety Schemes programme has been carried out, and some changes have been made to the scheme budgets to reflect the current cost estimates and timescales.
29. The allocation for Bridge Maintenance includes funding for the ongoing maintenance programme, and an allocation of £1,100k for the Lendal Bridge Maintenance scheme. As the Lendal Bridge scheme will not be progressed in 2022/23, it is proposed to slip this

funding to 2023/24 to allow the scheme to be progressed in future years.

30. No other changes are proposed to the schemes in the transport capital programme at this stage of the year. A number of schemes have already been completed or are currently on site, and feasibility and design work is being progressed on the remaining schemes for implementation later in the year. Full details of the revised budgets are shown in Annexes 1 and 2 to this report.

Active Travel Programme

31. The council's Active Travel Programme includes the funding allocated for Cycling Schemes in the Summer 2019 budget, and the grant funding awarded from the government's Active Travel Fund (ATF) for schemes to encourage the use of active travel modes (walking and cycling) through the provision of new/ improved infrastructure across the city.
32. As previously reported to the Executive Member, limited progress was made on the Active Travel Programme in 2020/21 due to a lack of staff resources to progress the schemes. However, during 2021/22 new Project Managers have been appointed and progress has been made on developing the schemes for implementation.
33. Following the update report on the Active Travel Programme to the July Decision Session meeting, no changes are proposed to the programme apart from an increase to the allocation for the University Road scheme, due to the increased costs of the footway improvements. The scheme was completed in August 2022.
34. Feasibility and design work on other schemes in the Active Travel Programme is being progressed as previously reported to the Executive Member, and a further update report on the programme will be presented to the Executive in November along with an update to the Annex that is normally a subject of this report.

Minster Lighting

35. The council has previously been responsible for the floodlighting around York Minster, which is now in need of replacement. An agreement has been reached with the Minster where the council will contribute 50% of the replacement costs (£40K), which will be

funded from the Highways Capital Programme, and York Minster will fund the remainder and deliver new LED energy efficient lighting and be responsible for future maintenance responsibility and electricity supply for the floodlighting in the future.

Consultation

36. The capital programme is decided through a formal process using a Capital Resources Allocation Model (CRAM). CRAM is a tool used for allocating the council's capital resources to schemes that meet corporate priorities.
37. Funding for the capital programme was agreed by the council on 17 February 2022. While consultation is not undertaken on the capital programme as a whole, individual scheme proposals do follow a consultation process with local councillors and residents.

Options

38. The Executive Member has been presented with a proposed programme of schemes, which have been developed to implement the priorities of the Local Transport Plan (LTP3) and the Council Plan.

Analysis

39. The programme has been prepared to meet the objectives of LTP3 and the Council Plan as set out below; implement the Active Travel Programme; implement the City Centre Access & Security Scheme; develop the proposals for a new rail station at Haxby; and progress the Outer Ring Road upgrades and Station Frontage major schemes.

Council Plan

40. The Council Plan has Eight Key Outcomes:
 - Well-paid jobs and an inclusive economy
 - A greener and cleaner city
 - Getting around sustainably
 - Good health and wellbeing
 - Safe communities and culture for all
 - Creating homes and world-class infrastructure

- A better start for children and young people
 - An open and effective council
41. The Transport Capital Programme supports the prosperity of the city by improving the effectiveness, safety and reliability of the transport network, which helps economic growth and the attractiveness for visitors and residents. The programme aims to reduce traffic congestion through a variety of measures to improve traffic flow, improve public transport, provide better facilities for walking and cycling, and address road safety issues.
42. Enhancements to the efficiency and safety of the transport network will directly benefit all road users by improving reliability and accessibility to other council services across the city.
43. The capital programme also addresses improvements to the transport network raised by residents such as requests for improved cycle routes, measures to address safety issues and speeding traffic, and improvements at bus stops such as real-time information display screens and new bus shelters.

Implications

44. The following implications have been considered.

- **Financial:**

As set out in this report, the budget for the 2022/23 Transport Capital Programme has been reviewed and some funding has been slipped to 2023/24 to reflect the expected timescales for scheme implementation. Some amendments have also been made to allocations for individual schemes following revised cost estimates for the proposed work, and additional funding has been added to the budget for the City Centre Access & Security scheme.

If the proposals in this report are accepted, the Place Transport Capital Programme budget for 2022/23 would be reduced to **£31,736k**, as set out in Annex 1 to this report.

The Executive Member is also asked to note the allocation of funding from the Highways Capital Programme for a contribution to the replacement of the floodlighting at York Minster,.

- **Human Resources (HR):** In light of the financial reductions in recent years, the Executive Member's attention is drawn to the fact that the majority of Highways and Transport staff are now funded either through the capital programme or external funding. This core of staff are also supplemented by external resources commissioned by the council to deliver capital projects, which provides flexible additional capacity and reflects the one-off nature of capital projects.

Equalities:

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 proposals on protected characteristics has been considered as follows:

- Age – Neutral;
- Disability – Neutral;
- 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 (see Disability);
 - Low income groups – Neutral;
 - Veterans, Armed Forces Community– Neutral.
- **Legal:**

With regards to the proposed c. £40,000 worth of grant funding that the council will contribute towards 50% of the replacement costs for the York Minster floodlighting:

- a) the grant must comply with the rules set out within paragraphs (g) and (h) Part E (External Arrangements) of Appendix 10a (Financial Regulations) of the council's constitution – the value of the grant means that no Executive or Executive Member approval is required, unless the Chief Finance Officer of the council and the Corporate Director of Place agree otherwise;¹
- b) before being awarded, Legal Services will need to carry out an assessment to ensure that grant complies with the UK Subsidy Control Rules (formerly State Aid under EU Law). Subject to a detailed assessment however the preliminary view of Legal Services is that:
 - given the relatively low value of the proposed grant;
 - the recipient being the Chapter of the Cathedral and Metropolitan Church of St Peter in York; and
 - the grant being specifically linked to a historical and cultural landmark that is located within and is integral to the identity of the City of York,

it is highly unlikely that the grant will have any Subsidy Control implications because:

- the recipient is unlikely to have any market competitors in this instance that the grant will give the Chapter an economic advantage over; and
- even if there was an economic advantage, the grant is highly unlikely to cause a distortion in or harm to competition, trade or investment between the UK home nations, the UK and the EU, or any of the UK's other international trading partners; and
- historically under EU State Aid Law, grants to assist with costs for the construction, upgrade, acquisition, conservation or improvement of the infrastructure of historical sites, buildings and monuments were traditionally considered compliant with the market, so it

¹ <https://colin.york.gov.uk/media/457408/financial-regulations-v13-january-2022.pdf>

is arguable that similar grants will be still be considered to be compliant under the Subsidy Control regime.

c) the grant will need to be subject to a formal grant agreement drafted by Legal Services in due course.

- **Crime and Disorder:** There are no Crime & Disorder implications.
- **Information Technology (IT):** There are no IT implications.
- **Property:** There are no Property implications.
- **Other:** There are no other implications.

Risk Management

45. For larger schemes in the programme, separate risk registers will be prepared and measures taken to reduce and manage risks as the schemes are progressed throughout 2022/23.

Contact Details

Author:
Dave Atkinson
Head of Highways &
Transport Directorate of
Economy & Place
Tel No. 01904 553481

Chief Officer Responsible for the report:
James Gilchrist
Director – Planning Transport and
Environment
Report Approved **Date** 10/10/2022

Specialist Implications Officer(s) List information for all
Finance
Jayne Close
Accountant

Legal
Dan Moynihan
Senior Solicitor

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

Directorate of Place Transport Capital Programme 2021/22 Monitor 2
Report – 18 January 2022

Directorate of Place Transport Capital Programme 2022/23 Budget
Report – 22 March 2022

Directorate of Place Transport Capital Programme 2022/23
Consolidated Report – 19 July 2022

Annexes

Annex 1: 2022/23 Transport Budget

Annex 2: 2022/23 Transport Capital Programme

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Annex 1 - 2022/23 Transport Capital Budget

Funding	2022/23 Budget (£1,000s)	Amend ments (£1,000s)	Revised Budget (£1,000s)
Transport Schemes			
Local Transport Plan Grant	1,582		1,582
Developer Funding	87		87
Traffic Signal Asset Renewal Programme	1,716		1,716
Bishophill/ Micklegate Access Control	230	-230	0
Pedestrian Crossing Review	100		100
Access Barriers	191		191
CCTV Asset Renewal	32		32
Car Park Improvements	38		38
LTP Schemes	1,201	-130	1,071
NCN Route 65 Improvements	378		378
Active Travel Programme			
Cycling Schemes	554		554
Active Travel Fund Grant	1,348		1,348
Maintenance			
Bridge Maintenance	1,497	-1,100	397
Flood Sign Renewal	200		200
Major Schemes			
Outer Ring Road Dualling	5,175		5,175
York Station Gateway	6,428	-1,043	5,385
City Centre Access & Security	1,692	1,750	3,442
Haxby Station	2,500		2,500
Tadcaster Road Transport Enhancements	1,317		1,317
Castle Gateway Transport Development	2,230	-2,180	50
Electric Vehicle Fleet Infrastructure	1,355		1,355
Hyper Hubs	326		326
Electric Vehicle Charging	337		337
Smarter Travel Evolution Programme	938	-320	618
Scarborough Bridge Cycle Routes	113		113
Clean Air Zone	74	-54	20
ZEBRA Grant	8,401	-5,000	3,401
Total	40,043	-8,307	31,736

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2022/23 Transport Capital Programme	Current 2022/23 Budget	Proposed 2022/23 Budget	Funding Source
	£1,000s	£1,000s	

Public Transport			
P&R Site Upgrades	100	60	Local Transport Plan
Rawcliffe Bar Resurfacing	320	360	Local Transport Plan/ Council Resources
Bus Stop Improvements	100	100	Local Transport Plan
RTPI Improvements	100	100	Local Transport Plan
Bus 'Tap Off' Readers	200	200	Council Resources
S106 Bus Stop Improvements	49	49	Developer Funding
Public Transport - Carryover Schemes			
Dial & Ride Buses	170	40	Council Resources
Regional RTPI Programme	15	15	Council Resources
P&R Token Barriers	35	35	Council Resources

Total Public Transport	1,089	959	
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Traffic Management			
Air Quality Monitoring	20	20	Local Transport Plan
Signing & Lining	20	20	Local Transport Plan
TSAR Programme			
Monks Cross Drive Crossing			
Barbican Road/ Paragon Street Junction			
Green Lane/ Front Street Junction			
Pavement/ Piccadilly/ Coppergate Junction			
Malton Road/ New Lane Junction			
Bishopgate Street Crossing			
Hull Road/ Melrosegate Junction			
Heworth Green/ Dodsworth Ave Junction			
Hull Road/Tang Hall Lane			
Fossbank/ Layerthorpe/ Peasholme Green			
Main Street Fulford Crossing			
TSAR Previous Years			
ANPR Bus Lane Enforcement	245	245	Local Transport Plan
Traffic Management - Carryover Schemes			
Bishophill/ Micklegate Access Control	230		Council Resources
Hungate CCTV	38	38	Developer Funding
The Groves Traffic Restrictions (Experimental TRO)	80	80	Local Transport Plan
Stadium Signage	65	65	Council Resources
Coppergate One-Way Closure	10	25	Local Transport Plan/ Council Resources
Piccadilly Highway Review	50	50	Council Resources
CCTV Asset Renewal	32	32	Council Resources
Car Park Improvements (Coppergate Refurbishment)	38	38	Council Resources
Wigginton Road Multi-Modal Study	27	27	Council Resources
Fulford Road Corridor Improvements	28	28	Council Resources
City Centre Footstreets VMS	7	7	Council Resources

Total Traffic Management	2,606	2,391	
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2022/23 Transport Capital Programme	Current 2022/23 Budget	Proposed 2022/23 Budget	Funding Source
	£1,000s	£1,000s	

Pedestrian & Cycle Schemes			
Access Barrier Review	191	191	Council Resources
Cycle Minor Schemes	25	25	Local Transport Plan
Business Cycle Parking	20	20	Local Transport Plan
Pedestrian Minor Schemes	10	10	Local Transport Plan
Dropped Kerbs			
City-Wide Dropped Kerbs	40	40	Local Transport Plan
City Centre Dropped Kerbs	105	105	Local Transport Plan/ Council Resources
Dropped Kerbs Additional Funding	250	250	Council Resources
Pedestrian Crossing Review			
Wetherby Road			
Heworth Green (near Malton Ave)			
Main St Copmanthorpe			
Main Street Elvington			
Kent Street/ Fawcett Street			
Folk Hall, New Earswick			
Water Lane near Rawcliffe Drive			
New Lane near Anthea Drive			
Peasholme Green/ St Saviour's Place			
PROW Structural Upgrades	75	75	Local Transport Plan/ Council Resources
Riverside Cycle Path Improvements (York Central)	20	20	Local Transport Plan
Solar System Cycle Route Improvements (Tadcaster Road to Playing Fields)	150	150	Local Transport Plan
NCN65 Funding: Millennium Bridge Cycle Approaches	378	378	Council Resources

Total Pedestrian & Cycle Schemes	1,364	1,364	
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Safety Schemes			
2023/24 Programme development	5	5	
Osbaldwick Primary SRS	5	5	
St Mary's Primary - Askham Richard	5	5	
OLQM Primary / Hamilton Drive	5	5	Local Transport Plan
Primary School – Road Closures	5	5	
St Barnabas Primary School	20	5	
Millfield Lane (Manor CoE school)	5	5	
Local Safety Schemes			
2023/24 Programme Development / Review of Cluster Sites	10	10	
Foss Islands Road / Navigation Road LSS	30	30	
Fawcett Street / Paragon Street LSS	5	5	
Monkgate Roundabout Review	20	20	
RSA4 Reviews	5	5	Local Transport Plan/ Council Resources
Minor Local Safety Schemes	5	5	
Front Street / Askham Lane LSS	10	10	
Wetherby Road / Ridgeway LSS	5	5	
Heworth Green / Eboracum Way LSS	3	3	
A166 / Bore Tree Balk LSS	10	10	

2022/23 Transport Capital Programme	Current 2022/23 Budget	Proposed 2022/23 Budget	Funding Source
	£1,000s	£1,000s	

Danger Reduction Schemes			
2023/24 Programme Development	2	2	Local Transport Plan/ Council Resources
Reactive Danger Reduction	10	10	
a) Heslington Road raised kerbs	2	2	
b) Union Terrace car park refuge island	5	5	
Stockton Lane VAS	15	15	
Askham Lane / Ridgeway Roundabout DR	25	25	
Green Lane Roundabout, Clifton DR	1	1	
Jockey Lane / Monks Cross Link DR	3	3	
Wheldrake Lane / Elvington Road DR	15	15	
Black Dike Lane DR	5	5	
Speed Management Schemes			
2023/24 Programme development	5	5	Local Transport Plan/ Council Resources
Alness Drive SMS	5	5	
Heslington Lane 20mph Zone Review	13	13	
Howard Link Rawcliffe SMS	3	3	
New Lane Acomb SMS	5	5	
Rawcliffe Drive SMS	5	5	
Irwin Avenue SMS	5	5	
Grassholme SMS	5	5	
2022/23 VAS Review	10	20	

Total Safety Schemes	292	287
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Scheme Development			
Future Years Scheme Development	50	50	Local Transport Plan
Previous Years Costs	50	50	Local Transport Plan
Staff Costs	200	200	Local Transport Plan

Total Scheme Development	300	300
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Total Integrated Transport	5,651	5,301
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Active Travel Programme			
Cycle Schemes	554	554	Council Resources/ Local Transport Plan
Rougier Street/ Tanners Moat Cycle Gap			
Fishergate Gyratory Ped & Cycle Scheme			
Hospital Fields Road Cycle Improvements			
Skeldergate - Cycle Improvements at Build-outs			
Fulford Road - Frederick House Improvements			
Tang Hall Lane/ Foss Islands Path Access			
Nunthorpe Grove/ Southlands Road Improvements			
Nunnery Lane/ Victor Street - Puffin to Toucan			
Manor Lane/ Shipton Road Improvements			
Chocolate Works Riverside Path Improvements			
University East-West Campus Link			
City Centre North-South Cycle Route			
Orbital Cycle Route - Lawrence Street/ James Street/ Regent Street Crossing Improvements			

2022/23 Transport Capital Programme	Current 2022/23 Budget	Proposed 2022/23 Budget	Funding Source
	£1,000s	£1,000s	
Navigation Road One-Way	5	5	Local Transport Plan
City Centre Bridges	15	15	Council Resources
University Road (Heslington Hall) Pedestrian Improvements	70	95	Local Transport Plan/ Council Resources

2022/23 Transport Capital Programme	Current 2022/23 Budget	Proposed 2022/23 Budget	Funding Source
	£1,000s	£1,000s	
Active Travel Fund			
Active Travel Fund Tranche 2	998	998	Government Grant/ Council Resources
A1237 Ouse Bridge Cycle Route			
A19 Shipton Road Cycle Route			
City Centre Accessibility: St George's Field Crossing			
Wheldrake to Heslington Pedestrian & Cycle Improvements			
Acomb Road Cycle Lanes			
People Streets (Ostman Road)			
Active Travel Fund - Additional Funding			
Cycle Parking Improvements	150	150	Government Grant
People Streets (Clifton Green Primary & Badger Hill Primary)	200	200	Government Grant
Total Active Travel Programme	1,992	2,017	
Structural Maintenance			
Bridge Maintenance	1,497	397	Council Resources
Flood Sign Renewal	200	200	Council Resources
Total Structural Maintenance	1,697	597	
Major Schemes			
Outer Ring Road	5,175	5,175	Government Grant
York Station Gateway	6,428	5,385	Government Grant
City Centre Access & Security (HVM)	1,692	3,442	Government Grant/ Council Resources
Haxby Station	2,500	2,500	Government Grant/ Council Resources
Tadcaster Road Transport Improvements	1,317	1,317	Government Grant
Castle Gateway Transport Improvements	2,230	50	Government Grant
EV Fleet Infrastructure Upgrade	1,355	1,355	Council Resources
Hyper Hubs	326	326	Council Resources
Electric Vehicle Charging	337	337	Council Resources
Smarter Travel Evolution Programme	938	618	Government Grant
Scarborough Bridge Cycle Schemes	113	270	Government Grant/ Local Transport Plan
Clean Air Zone	74	20	Council Resources
ZEBRA Grants	8,401	3,401	Government Grant
Total Major Schemes	30,888	24,198	
Total Programme	40,229	32,114	
Overprogramming	186	378	
Total Budget	40,043	31,736	

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Annex 3: York Minster New Flood Lighting Proposal

1. York Minster is quite possibly York's most iconic building and a major part of the city's tourist economy, and as such it is illuminated throughout the dark winter months.
2. There are two banks of floodlighting at York Minster that are owned by City of York Council. One bank is at the West End of the Minster (at High Petergate junction with Precentors Court), and the other bank is at the East End of the Minster at College Street.
3. The existing lighting installations have been in place for circa 30 years, and after recent structural steel integrity testing/ inspection these installations have been highlighted as in a state of deterioration. As a result of this inspection, the floodlights at the west end at High Petergate were removed in August 2021. The floodlights at the east end are still deemed safe and are still operational, but require replacement due to their deteriorating condition.
4. The council has held discussions with the York Minster management team regarding the replacement of the existing floodlighting. The York BID team has also been consulted due to their use of the floodlighting installations for events such as Christmas lighting.
5. York Minster have confirmed they would contribute to the cost of the replacement lighting, and then accept the transfer of ownership of the new floodlights from City of York Council. They will also meet ongoing repair, maintenance, and energy costs relating to the floodlights after the date of the asset transfer, and accept they will be responsible for the changes to the lighting. The Minster will also lead on the necessary permissions for the installation of new lighting.
6. It is therefore proposed that the existing floodlighting will be replaced with new LED energy efficient flood lighting, and the capital cost of installation will be shared equally between the council and York Minster. Upon completion, the lighting will be the responsibility of the minster with ownership/ handover and complete liability going forward.
7. The total cost of the replacement floodlights is estimated at £80k, and the council's contribution is expected to be £40k, which can be funded from the existing highways capital programme.

Implications

• Financial

The total cost of the replacement is estimated at £80k. The recommended option will reduce the cost to the council to £40k which can be met from within the existing highways capital programme. There will be a minor revenue saving in terms of the ongoing electricity cost. Any future maintenance costs will also not be required to be met from council funding.

• Equalities

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 proposals on protected characteristics has been considered as follows:

- Age – Neutral;
- Disability – Neutral;
- 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 (see Disability);
 - Low income groups – Neutral;
 - Veterans, Armed Forces Community – Neutral.

The lighting is for architectural/ amenity purposes, not traditional street lighting or intended illumination of the highway for public safety.

- **Legal**

Procurement Law

The value of the proposed supply and installation works is below the relevant procurement threshold for the Public Contract Regulations 2015 to apply, however a robust competitive exercise must still be carried out in accordance with the Council's Contract Procedure Rules.

The York Minster Cathedral Precinct is a "Scheduled Monument" as defined in the Ancient Monuments and Archaeological Areas Act 1979 (AMAA Act). The contract for these works must therefore include provisions that all works and services are provided in accordance with the AMAA Act to ensure any liabilities which may arise in relation to the AMAA Act are covered. It is recommended that clarification be sought from Historic England as to whether or not scheduled monument consent would be required for the proposed works.

Property Law

It is understood that the proposed floodlights will be installed on/ affixed to land/ buildings already owned by The Chapter of the Cathedral and Metropolitan Church of St Peter in York ("the Chapter") as part of the wider York Minster site in the Chapter's ownership. The Chapter, as land owner, will need to give its permission to the Council/ the contractor entering upon the Chapter's land for the purpose of carrying out the proposed works if the Council leads the installation.

Competition Law / Subsidy Control

With regards to the procurement of the works, there should be no Competition/Subsidy Control (formerly State Aid) concerns, so long as a robust competitive exercise must still be carried out in accordance with the Council's Contract Procedure Rules.

With regards to the gift of the floodlighting to the Minster Chapterhouse following the completion of the works, again given that:

- the works relate to the refurbishment of the Minster (a scheduled monument intrinsic to the historical and cultural identity and heritage of the City of York and its people),
- the value of the equipment being less than £50,000,
- the fact that it is already situated on the Minster's land, and
- the fact that it is highly unlikely that the gift of the lighting will have any discernible impact on trade, competition or investment at either a local, national or international level,

it is highly unlikely that this gift will have any Subsidy Control implications either.

- **Crime and Disorder**

No implications as above as floodlighting is not adopted highways functional street lighting.

- **Property**

The lights are mounted on Minster owned buildings West and East ends, so therefore if gifted no wayleave agreements are required. If retained and replaced by the authority, wayleave agreements are required with the property owners signed permission.

Special Monument Consent will be required if the installations are replaced.

Risk Management

The proposes measures deal with the immediate risk of the condition of the existing floodlighting, and the ongoing maintenance risk and liability will be transferred to the building owner upon the completion of the works.