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| Meeting | Economy, Place, Access and Transport Scrutiny Committee |
| Date | 26 September 2023 |
| Present | Councillors K Taylor (Chair), Pearson (Vice-Chair), B Burton, J Burton, Fenton, Healey, Hook, Nelson, Whitcroft and Rowley |
| Executive Members in Attendance | Councillors Kilbane and Lomas |
| Officers in Attendance | James Gilchrist - Director of Environment, Transport and Planning, Place Jane Mowat - Head of Community Safety Dan Moynihan- Senior Lawyer - Contract/Commercial |
| In Attendance | Professor Paul Gready - Co-Director of the Centre for Applied Human Rights Iain Mitchell – York Sight Loss Council Andrew Lawson - Executive Director York Bid Flick Williams – Reverse the Ban York Shaun Tunstall - Counter Terrorism Security Adviser CT Policing North East Superintendent Dan Patrick - the Head of Protect, Prepare and Borders for CT Policing North East |

1. Declarations of Interest (17:31)

Members were 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 interest that they might have in respect of the business on the agenda. There were none.

2. Minutes (17:31)

The Committee agreed the minutes of the 8 March 2023 as a correct record and agreed to have additional time to review minutes of the meeting on 21 March 2023.

Resolved: That the minutes of the 8 March 2023 meeting of the Committee be signed as a true and accurate record of the meeting.

3. Public Participation (17:32)

It was reported that there had been one registration to speak under the Council's Public Participation Scheme.

Gwen Swinburn enquired as to how highways improvements and capital projects were prioritised and why the 2023/2024 highways maintenance programme had not yet been published. She also asked why an officer decision had been taken to suspend the highways design guide and when interim guidance would be issued. Finally she asked that consultations are clear that the information provided is only one of the factors the Council considers when making decisions.

4. Blue Badge Holder Access (17:36)

The Chair welcomed Professor Paul Gready, Iain Mitchell, Andrew Lawson, Flick Williams, Shaun Tunstall, and Superintendent Dan Patrick who had been invited to attend the Committee, to support the Committee's discussion regarding city centre access for blue badge holders.

The Director of Environment, Transport and Planning, Place outlined that in November 2021 the Council's Executive made the decision to permanently remove the exemption which had allowed blue badge holders vehicular access to Blake Street, Lendal, Street, Helen's Square, Goodramgate (between Deangate and King's Square), Church Street, King's Square, and Colliergate, following the extension to the area to be protected by Hostile Vehicle Mitigation as a single phase. This decision was made following advice from counter terrorism police regarding the risk to the city centre and it was confirmed that this advice had not changed since the decision was made.

Paul Gready noted that campaigners against the ban on blue badge access felt that it had been hard to know what they had been arguing against. He asked about whether there was a wider security plan for the city centre as Hostile Vehicle Measures ("HVM") would not prevent all threats. He noted that following May 2023's local elections, the Labour party had won with a commitment to "reverse the blue badge ban" and asked that the Council reconsider its consultation process which he noted could be considered by those consulted as a "box ticking exercise".

Iain Mitchell also noted the results of the local elections in May 2023 and that York's residents had voted in a majority of Councillors, who were

committed to “reverse the blue badge ban”. He outlined the negative impact on the loss of regular routes for the blind and partially sighted. He stated that loss of access had infringed on the basic rights of the disabled and asked that the Council stop with consultations and reallow access.

Andrew Lowson noted that those within York’s business community were somewhat confused as to why they were being consulted again on access to the city centre. He noted that he would like to see the decision made regarding the balance between access rights and city centre security and had wished it had not required a party-political debate on the issue. Once the decision on improving security to the city centre and access is made, he asked for a wider conversation regarding the impact on business from access restrictions.

Flick Williams thanked the Committee for including groups representing disabled people in the Committee’s discussion but noted that disabled people having to continue making the argument about their rights to access the city centre was tiring. She asked about continued access by things such as delivery drivers or bin lorries. She also asked about why pavement cafes were able to be operated in places such as Fossgate when Counter Terrorism Police had confirmed it as having increased the risk to the city. She noted her disappointment that the report not include any reference to the ***York City Centre Active Travel Access Study*** from 21 October 2021 by Martin Higgitt Associates and ***The Blue Badge Test in York: Can the realisation of disabled people’s rights and the prevention of terrorism be reconciled?*** from February 2023 by Samantha Holmes, Raluca Coruian and Maisha Zaman – LLM International Human Rights Law and Practice students at the University of York. This study and resulting research report was commissioned by the “Reverse the Blue Badge Ban” Coalition.

Shaun Tunstall noted that he had 15 years’ experience as a member of Protect and Prepare Group and has been advising Council’s on HVM’s to protect crowded areas. He confirmed that his advice to the Council had not changed and that it was important to create a “sterile zone” to ensure the security of the protected area. He noted that as many vehicles should be kept out of the area as possible, and his preferred policy would only see emergency services allowed within the HVM area.

Dan Patrick acknowledged that the Council had a difficult decision and that the police’s role was to advise. He confirmed that some information could not be shared with the Committee but asked that members consider incidents across the country and the world to gain an understanding of the level of threat to the city from hostile vehicle attacks.

From the options available within the report, the Committee discussed how blue badge holders could be allowed within the HVM barriers. The Committee discussed the challenges to blue badge holders in accessing parts of the city centre due to the prevention of access. Suggested

mitigations include measures such as gold standard car parks, additional seating, and the option of shuttle buses. These mitigations were noted to each have their own challenges, including the distance some blue badge holders can travel once away from their car, or the ability to operate a bus through the foot streets. Members also asked officers to ensure the Care Act 2014 was taken into consideration when reviewing options to provide access for blue badge holders.

Considering how blue badge access could be provided, officers explained how granting an Anti-Terrorism Traffic Regulation Order (“ATTRO”) could operate, granting the police powers to remove all access including blue badge access for specific events and/or risks. This would allow blue badge holders past HVM’s on most occasions but would grant the police the power to restrict access, if deemed necessary. With the barriers already in place, members enquired about how access could be granted. Currently, it was confirmed that barriers had been staffed to allow permitted vehicles into the foot street area, this staffing would need escalating to permit blue badge access. When asked whether a technological solution could be provided that would allow permitted users access, officers confirmed they would explore and consult on potential solutions. However, it was noted that technology could provide its own challenges and barriers to useability. The Committee were also reminded that blue badge fraud could present individuals trying to access the foot streets who were not actually blue badge holders.

Members discussed the history of decision-making regarding access to the footstreets. Officers confirmed that the introduction of HVM’s had been discussed since 2017 but that the Covid-19 pandemic had changed how the city centre was now being used and the scope considered by experts as to the area which should be protected by HVM’s. Members enquired whether any other foot street changes had been considered since 2011 and asked that officers include any additional background if identified. The Committee also noted the impact on things such as pavement café licenses and how car access to the foot street area could affect these businesses, however members agreed to recommend that the Executive’s primary focus should be about the security of the city centre and the rights of blue badge holders to be able to access the city.

The Committee also discussed the economic impact on the city. Members requested that officers seek further economic analysis of the impact of the different options within the report, including the impact on the “purple pound”. Events held on Parliament Street were discussed as members enquired as to whether the risk from events such as the Christmas market could be held differently to make them both safer and more accessible. Officers confirmed that the Council discuss with Make it York Limited (“MIY”) the running of the Christmas market and alternative ways to run the event. Shaun Tunstall informed the Committee that his concern around the

city centre was due to level of footfall regardless of whether an event such as the Christmas market was being held.

Members expressed disappointment that they were unable to receive a full briefing from the police regarding the threat of terrorist attacks on the city. Officers and the police noted that there was some information that could not be shared with the Committee for security reasons. They confirmed that a briefing had taken place with the Executive and that they would contact those which hold additional information to discuss whether any further briefings could be provided to councillors. Members were advised that they could consider the UK government's website that marked the terror threat in the UK to substantial.

The Committee discussed potential recommendations they could make to the Executive. Members debated recommending a preferred option within the report and voted six in favour, and four in abstention to recommend the Executive do not support option B within the report. Members in abstention noted that they did not wish to make a recommendation without the same briefing that the Executive had received regarding the terror threat to York.

Resolved:

- i. That the Scrutiny Committee would recommend, based on the information available to the Scrutiny Committee, that the Executive do not support Option B within the report;
- ii. That the Scrutiny Committee would recommend to the Executive that the primary focus on any decision in relation to the *Consideration of changes to the City Centre Traffic Regulation Order (Footstreets)* report, to be considered by the Executive on 12 October 2023, be made in relation to the security of the city centre weighted against the access requirements of individuals;
- iii. That the Scrutiny Committee would request that the Executive engage with Make it York Limited, about whether there were any alternative arrangements that could be put in place to run the city's Christmas market, with a focus for alternative arrangements to enable blue badge access;
- iv. That the Scrutiny Committee would request that officers include the following within the *Consideration of changes to the City Centre Traffic Regulation Order (Footstreets)* report:
 - a) Reference to both the Martin Higgitts report and the report produced by the University of York;

- b) Reference to the number of signatures to the “Reverse the Blue Badge Ban” petition;
 - c) That Officers include further detailed information regarding the financial impact of different options presented within the report, including the impact on York’s economy by the loss of any spending from blue badge holders;
 - d) That the Executive report include any relevant information available to the Council regarding decisions made and or considered in relation to access to the footstreets from 2011;
 - e) Officers include references to the Care Act 2014 within the Executive report and its impact on each of the options presented in the report;
- v. That the Scrutiny Committee would request that officers engage with the Counter Terrorism Police and any other relevant bodies to explore any further briefings to Councillors regarding the risk of terrorist attacks and the role of hostile vehicle measures in preventing or limiting the impact of said attacks.

Reason: To provide the Executive with the Committees recommendations regarding the options within the *Consideration of changes to the City Centre Traffic Regulation Order (Footstreets)* report.

5. Work Plan (19:57)

The Committee noted the request to consider looking into how the Council tracks capital projects spending and how highways schemes were prioritised during public participation. Members also noted an interest in reviewing the work of the Council’s action plan that was developed around supporting access to the city as well as the highways design manual. The Committee agreed to add these as provisional items to the work plan without a date to be considered at currently due to the already substantial work plan of the Committee.

Resolved:

- i. That the Committee would add as provisional items to the work plan:
 - a. How the Council tracks spending on capital projects;

- b. How highways projects were prioritised;
- c. A review of the Council's Action Plan relating to city centre access;
- d. A review of the Council's highways design guide/

Reason: To ensure the Committee maintains a program of work.

Councillor Taylor, Chair

[The meeting started at 5.30 pm and finished at 8.07 pm].