

## Notice of a public meeting of

### Decision Session - Executive Member for Transport

**To:** Councillor Ravilious (Executive Member)

**Date:** Tuesday, 12 November 2024

**Time:** 10.00 am

**Venue:** West Offices - Station Rise, York YO1 6GA

### 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 Democratic Services by **4:00 pm on Tuesday 19 November 2024**.

\*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 Corporate Services, Climate Change and Scrutiny Management Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by **5.00 pm on Friday 8 November 2024**.

- 1. Declarations of Interest** (Pages 1 - 2)  
At this point in the meeting, the Executive Member is 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. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

*[Please see attached sheet for further guidance for Members].*

**2. Minutes** (Pages 3 - 6)

To approve and sign the minutes of the Decision Session held on 8 October 2024.

**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 have changed to 2 working days before the meeting. The deadline for registering at this meeting is at **5.00pm on Friday 8 November 2024.**

To register to speak please visit [www.york.gov.uk/AttendCouncilMeetings](http://www.york.gov.uk/AttendCouncilMeetings) to fill out an online registration form. If you have any questions about the registration form or the meeting please contact the Democracy Officer for the meeting whose details can be found at the foot of the agenda.

**Webcasting of Public Meetings**

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

**4. Urgent Business**

Any other business which the Executive Member considers urgent under the Local Government Act 1972.

**5. Walker Lane, Wheldrake** (Pages 7 - 22)

This report requests approval to undertake Statutory Consultation

to amend the Traffic Regulation Order (TRO) to propose a One-Way restriction on Walker Lane, Wheldrake.

**6. Review of the House of Multiple Occupancy (Pages 23 - 36) (HMO) Parking Permit**

This report recommends the removal of the HMO permit and moving all HMO properties to household permits.

Democracy Officer: Ben Jewitt  
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Email: [benjamin.jewitt@york.gov.uk](mailto:benjamin.jewitt@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.

## Alternative formats

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**We can also translate into the following languages:**

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 (ہولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

### Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) <b>OR</b> Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) <b>OR</b> Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

City of York Council

Committee Minutes

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Meeting	Decision Session - Executive Member for Transport
Date	8 October 2024
Present	Councillor Ravilious
Officers in Attendance	James Gilchrist – Director of Transport, Environment and Planning Annemarie Howarth – Traffic Projects Officer Geoff Holmes – Traffic Projects Officer Lauren Grindley – Definitive Map Assistant, Rights of Way Alison Newbould – Public Rights of Way Officer

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## **12. Declarations of Interest (10:00am)**

The Executive Member was asked to declare, at this point in the meeting, any disclosable pecuniary interests, or other registerable interests she might have in the respect of business on the agenda, if she had not already done so in advance on the Register of Interests. None were declared.

## **13. Minutes (10:00am)**

Resolved: That the minutes of the Decision Session held on 19 July 2024 be approved and signed by the Executive Member as a correct record.

## **14. Public Participation (10:00am)**

It was reported that there had been 5 registrations to speak at the session under the Council's Public Participation Scheme, 4 of these speakers were in attendance.

Cllr Whitcroft Spoke in support of officers recommendations; he noted that residents should be able to park outside their own houses. He asserted that visitors should use paid car parks, park and rides etc instead of free on-street parking spaces outside residents houses.

Lucy Shaw – Spoke as a resident, non-residents parking in the area have increased. Not just students but people commuting, attending events in Barbican, working on construction sites or living in neighbouring areas with respark but not wanting to pay for more than one car. HMOs.

Pippa Cole – Spoke as a resident saying that the scheme had failed to meet 50% support. Unfairly penalised because in an area between university and holiday lets so unlikely to meet this threshold due to short term interest of many in area. Sig cost to low income families.

Andy D'Agorne – Speaking as someone who has represented people in Fishergate for 20 years. Scheme no longer fit for purpose. 50% threshold has no basis in law, is something a previous council leader put in place over a decade ago. Called for further spending on sustainable/active travel.

**15. Consideration of results received from the consultation to introduce residents' priority parking restrictions within the Heslington Road area to be known as R66 Wellington Street (10:18am)**

The Executive Member discussed the possibility of switching the sides of Heslington Road allocated to parking and Traffic Enforcement near St Lawrence's School and requested this be explored before proceeding to formal consultation.

The Executive Member also requested exploration of the remaining usage levels of parking on Heslington Road if these recommendations are adopted, stating that she wished to review this to ensure all parking remains in laybys so as not to not excessively impede uphill cycle traffic and key bus routes to the university.

With these concerns expressed, the Executive Member

**Resolved:**

To approve Option 2 - Advertise an amendment to the Traffic Regulation Order to introduce new Residents' Priority Parking restrictions for the whole of the consultation area, to be known as R66, to operate 24hours Monday to Sunday. In addition, progress the proposed separate restrictions on Heslington Road to statutory



consultation and legal advertisement, as outlined on the decision plan, included as Annex D.

**Reason:**

The Executive Member believed that the only way to establish the level of support for the scheme in this location was through statutory consultation.

**16. Mansfield Street TRO Consultation (10:26am)**

**17. Stockton Lane/Seymour Grove TRO Consultation (10:29am)**

**Resolved:**

To approve Option 1, outlined in paragraphs 22-23 of the Decision Report – implementation of the originally advertised proposal.

**Reason:**

This option removes the obstructive parking that is currently occurring, which is reducing visibility of vehicle exiting Seymour Grove. Vehicles parking between Seymour Grove and the roundabout are also leading to vehicles approaching the roundabout in the centre of the carriageway and into the path of vehicles exiting the roundabout.

**18. Proposed diversion and upgrade of public footpath Acaster Malbis 3 (10:31am)**

**Resolved:**

That the Executive Member approve Option 1 as outlined in paragraph 26 of the Decision Report, authorising the making of a public path order to divert and upgrade to bridleway public footpath Acaster Malbis 3.

**Reason:**

This is the best option for the public because it reopens a long obstructed route and allows more classes of user to enjoy it.

This benefits the landowner because it removes the existing public footpath from their garden. This is the best option for the council because it discharges the council's duty as Highway Authority to ensure public highways are not obstructed whilst costing the least amount of money.

The new route will be laid out as part of the redevelopment of the site. The route will have a smooth hard surface. The council will ensure that the new route is made available for public use, to the agreed standard, before the Order is confirmed.

Cllr K Ravilious, Chair

[The meeting started at 10.00 am and finished at 10.35 am].



<b>Meeting:</b>	Executive Member for Transport Decision Session
<b>Meeting date:</b>	12/11/2024
<b>Report of:</b>	Director – James Gilchrist
<b>Portfolio of:</b>	Cllr K Ravilious - Executive Member for Transport

## **Decision Report: Walker Lane, Wheldrake**

### **Subject of Report**

1. A property owner requested Walker Lane, Wheldrake, a two-way road, be changed to a one-way road.
2. The decision is requested as damage was being caused to an adjacent residential property by vehicles failing to negotiate the adjacent junction into/out of the narrow roadway, and, because of the narrow width of the road, opposing vehicular conflicts could occur.
3. The report requests approval to undertake Statutory Consultation to amend the Traffic Regulation Order (TRO) to propose a One-Way restriction on Walker Lane Wheldrake.

### **Benefits and Challenges**

4. The benefit is that a one-way road would eliminate or minimise risks of damage being caused to the property concerned and will eliminate the risk of opposing vehicular conflict.
5. The challenges are the introduction of a one-way will not be welcome by all residents as it will increase some vehicle movements. There will also be opposing views on which direction the one-way travel should be signed, and whether to allow cyclists to travel in either direction.

## Policy Basis for Decision

The policy basis for this decision is to achieve a reduction in the likelihood of road traffic collisions resulting in injury and/or damage to residential properties and the highway network. The removal of two way travel will help to remove the footpath overrun and property damage that has been occurring, which will help to manage effective maintenance of the highway network.

## Financial Strategy Implications

6. There are no high-level financial implications of any of the recommendations or long-term financial implications, and the costs of implementation are relatively low.

## Recommendation and Reasons

7. Option B - approve statutory consultation to propose an amendment to the TRO and make Walker Lane one-way from Main Street to North Lane (recommended): Is to change the road to one-way travel south to north, Main Street to North Lane. The advantages are that this eliminates the risk of vehicular conflict, meets the majority of consultees wishes, and provides better visibility owing to the 'visplay' available at the Walker Lane/North Lane junction. The disadvantage may be that vehicles turning too sharply into Walker Lane may strike the structure of 45 Main Street (as has previously happened), but this is thought less likely as the possibility of opposing conflict with oncoming vehicles has been eliminated.

## Background

8. A property boundary wall along the frontage on Walker Lane, has been hit several times, due to the available width on the lane, the maintenance of the wall has been at the expense to the property owner. The vehicles exiting Walker Lane on to Main Street, Wheldrake have also been witnessed over running the footpath, which is a safety concern for user of the footpath and potentially an additional maintenance cost for the footpath.
9. The width of Walker Lane varies between 3 metres and 3.8 meters (Annex A), so it is very narrow for two vehicles to safely pass each other. Walker Lane does not have any footpaths, so all

movements along Walker Lane are required to be undertaken on the carriageway.

10. The decision is requested as damage was being caused to the residential property by vehicles failing to negotiate the adjacent junction into the narrow roadway, and, because of the narrow width of the road, opposing vehicular conflicts could occur.
11. There has also been a request to maintain two way cycle travel on Walker Lane should approval be granted to make the road one way. LTN 1.20, states there should be a general presumption in favour of cycling in both directions in one-way streets, unless there are safety, operational or cost reasons why it is not feasible. In urban areas where vehicle speeds are low, the recommended minimum carriageway width is 2.6m, if there is no carriageway parking occurring. Walker Lane does not have any carriageway parking, but one property does have off street parking for one vehicle adjacent to the carriageway. LTN 1.20 does recommend an additional 500mm width at vertical features over 600mm high, whilst this advice is for cycle tracks it may be pertinent to consider it here, due to the high hedges and walls along the lane.
12. There have been no previous Member decisions on the subject.

## **Consultation Analysis**

13. A letter was sent to all property owners with a frontage on to Walker Lane on 14<sup>th</sup> July 2023 (Annex B), to advise that the Council were considering the introduction of a One-Way system and ask their views including preference for direction of travel.
14. There are seven properties with a frontage on to Walker Lane and all seven property owners/residents were in favour of the introduction of a One-way restriction introduced on the street (Annex C).
15. Out of seven property owners/residents consulted five preferred the Main Street to North Lane direction of travel, one was happy with either direction, whilst one requested the direct of travel be North Lane to Main Street.

## **Options Analysis and Evidential Basis**

16. Option A take no further action (not recommended): Is to do nothing and to leave the road as it is, a two-way road. The advantages are that local residents are familiar, and there is no cost. The disadvantages are that vehicular and pedestrian conflicts would continue and the risk of road traffic collisions with injury and/or property damage would remain. There is evidence of prior collisions with a residential property, and reports of vehicular conflict.

Option B approve statutory consultation to propose an amendment to the TRO and make Walker Lane one-way from Main Street to North Lane (recommended): Is to change the road to one-way travel south to north, Main Street to North Lane. The advantages are that this eliminates the risk of vehicular conflict, meets the majority of consultees wishes, and provides better visibility owing to the 'visplay' available at the Walker Lane/North Lane junction. The disadvantage may be that vehicles turning too sharply into Walker Lane may strike the structure of 45 Main Street (as has previously happened), but this is thought less likely as the possibility of opposing conflict with oncoming vehicles has been eliminated.

Option C approve statutory consultation to propose an amendment to the TRO and make Walker Lane one-way from North Lane to Main Street (not recommended): Is to change the road to one-way travel north to south, North Lane to Main Street. The advantage is that this eliminates the risk of vehicular conflict and reduces the risk of damage to 45 Main Street. The disadvantage is that the majority of the consultees are not in favour owing to their concerns regarding limited views available at the Walker Lane/Main Street junction owing to parked vehicles.

Option D approve statutory consultation to propose an amendment to the TRO to create an access only restriction to Walker Lane (not recommended): Is to change the vehicular access right to enter the road to access only. The advantages are that opposing vehicular conflict would be minimised but not eliminated. The disadvantages are that this option only benefits those residents with a right of access onto the lane and limits the opportunity for any vehicle to make a journey between Main Street and North Lane, forcing them to either end of Main Street to make a 'go round' to get onto North Lane. An access restriction is only enforceable by North Yorkshire Police, this is low on their list of priorities for enforcement, due to the labour-intensive nature of the enforcement. Any future

proposal for an access restriction is likely to receive an objection from North Yorkshire Police. If the restriction is unlikely to be enforced, it is unlikely that it will be adhered to.

Option E Include an exemption for two-way cycling on Walker Lane for the proposals to create a One-way restriction (not recommended): This option relates to the matter of whether cyclists should be allowed two-way travel in the event a decision is made for vehicular traffic to become one-way, in either direction. This option would maintain an opposing conflict between vehicles and cyclists, and the risk of a road traffic collision with injury and/or damage would remain, contrary to the intentions of implementing a one-way system.

## Organisational Impact and Implications

17. The report has the following impacts and implications:
- **Financial:** None, the cost of implementation will be met from existing available signing and lining budget, if approved.
  - **Human Resources (HR):** None. The work will be undertaken by existing CYC staff trained to complete such installations if approved.

### **Legal:**

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. In making decisions on TROs, the Council must consider the criteria within Section 122 of the Road Traffic Regulation Act 1984 and, in particular, the duty to make decisions to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians).

The proposal would require an amendment to the York Traffic Management Order 2014

The statutory consultation process for TROs requires public advertisement through the placing of public notices within the local press and on-street. Formal notification of the public advertisement is given to key stakeholders including local Ward Members, Town and Parish Councils, Police and other affected parties.

The Council, as Highway Authority, is required to consider any objections received within the statutory advertisement period of 21 days, and a subsequent report will include any such objections or comments, for consideration. Where the Council does not “wholly accede” to any objection, it is required to provide reasons for this in its notification of the making of an order to any person that has objected.

The Council has discretion to amend its original proposal if considered desirable, whether or not, in the light of any objections or comments received, as a result of such statutory consultation. If any objections received are accepted, in part or whole, and/or a decision is made to modify the original proposals, if such a modification is considered to be substantial, then steps must be taken for those affected by the proposed modifications to be further consulted.

The recommendation in this report is for the decision maker to consider the initial consultation and approve the advertisement of an amendment to the TRO and undertake the required statutory consultation period.

- **Procurement:** Any public works contracts required at each of the sites as a result of a change to the TRO (e.g. signage, road markings, etc.) must be commissioned in accordance with a robust procurement strategy that complies with the Council’s Contract Procedure Rules and (where applicable) the Public Contract Regulations 2015. Advice should be sought from both the Procurement and Legal Services Teams where appropriate.).
- **Health and Wellbeing:** None.
- **Environment and Climate action:** None.
- **Affordability:** None.
- **Equalities and Human Rights:**
- 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 recommendation on protected characteristics has been considered as follows:

- Age – Positive, the recommended option will remove two way vehicle movements from the street and allow more space for walking on the street, which will make a safer environment for all road users;
- Disability – Positive, the introduction of a one-way restrictions will remove some vehicle movements and increase the available area for use by all user;
- 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 – Neutral;
  - Veterans, Armed Forces Community– Neutral
- It is recognised that individual traffic regulation order requests may impact protected characteristics in different ways according to the specific nature of the traffic regulation order being considered.
- **Data Protection and Privacy:** None. The outcome of a decision does not involve any particular named individual.
- **Communications:** Consultation has taken place and any subsequent decision will be published and advertised accordingly.
- **Economy:** None.

## Risks and Mitigations

18. There are no known risks.

## Wards Impacted

19. Wheldrake only.

## Contact details

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

## Author

<b>Name:</b>	James Gilchrist
<b>Job Title:</b>	Director of Place
<b>Service Area:</b>	Place
<b>Telephone:</b>	Please insert
<b>Report approved:</b>	Yes/No
<b>Date:</b>	DD/MM/YYYY

## Co-author

<b>Name:</b>	Peter Marsland
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<b>Service Area:</b>	Highway Regulation
<b>Telephone:</b>	Please insert
<b>Report approved:</b>	Yes/No
<b>Date:</b>	DD/MM/YYYY

## Annexes

Annex A – Walker Lane Wheldrake Road Width

Annex B – Walker Lane Consultation Letter

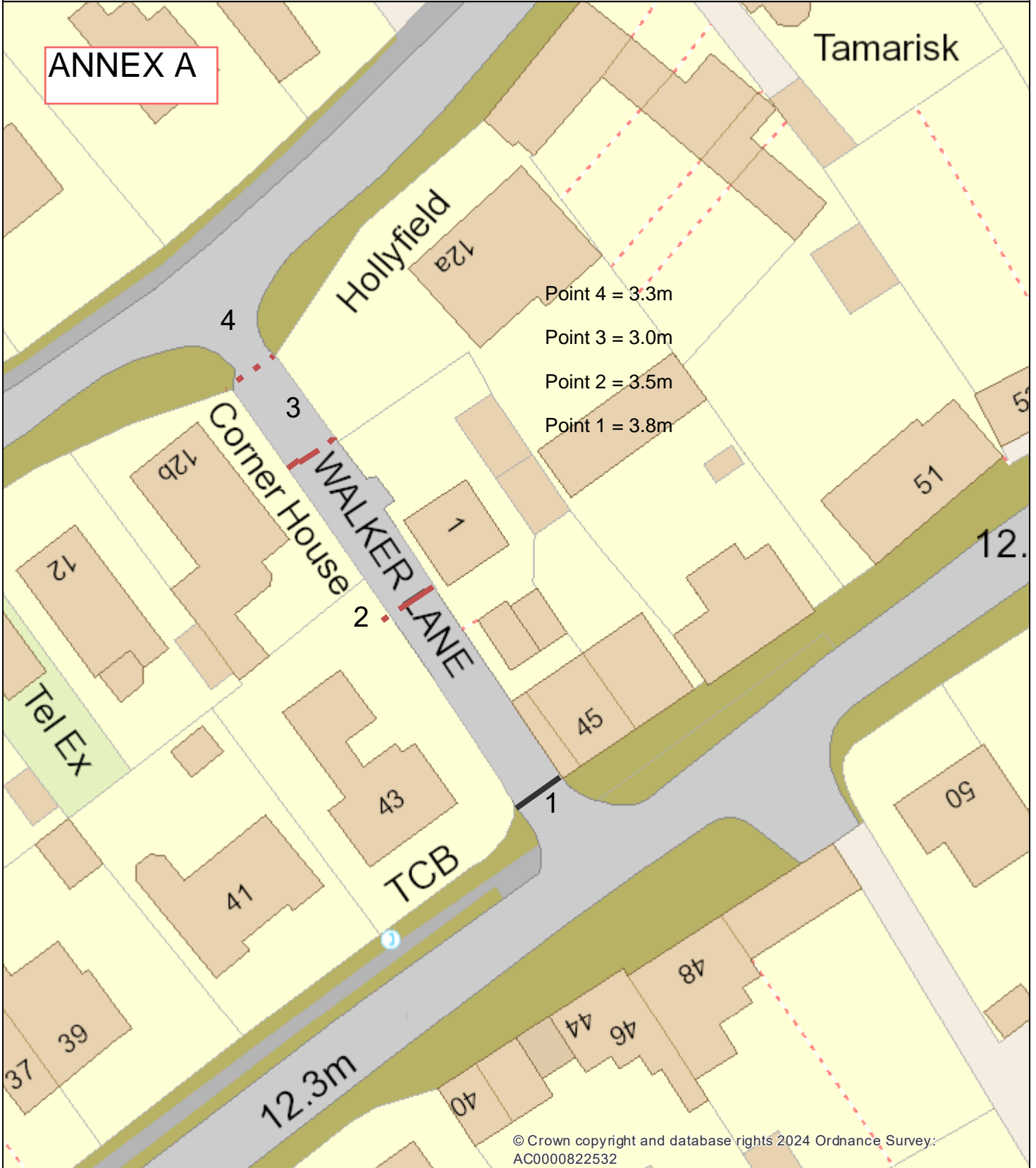
Annex C – Consultation Responses

# Walker Lane Wheldrake - Road Width de



ANNEX A

Tamarisk



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**Date:** 19 Jun 2024  
**Author:** City of York Council  
**Scale:** 1:500



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AThe Occupier  
Properties on or adjacent to:  
Walker Lane  
Wheldrake  
York

Place Directorate

West Offices, Station Rise  
York  
YO1 6GA

Email: [highway.regulation@york.gov.uk](mailto:highway.regulation@york.gov.uk)

Date: 14<sup>th</sup> July 2023

Dear Resident

### **Walker Lane, Wheldrake – Consultation for One-Way Street**

We are writing to you because we received a representation from a resident, asking for the Council to review the Traffic Management arrangements for Walker Lane, due to the available road width and damage that has been caused to private property.

The Council is proposing a One-Way direction of travel in Walker Lane to help ease the concerns of the residents, who have had property damaged due to two-way travel.

We are proposing to introduce a One-Way direction of travel on Walker Lane to improve road safety and avoid conflicts of vehicles travelling in opposite directions in the Lane. We are asking all households with a frontage on to Walker Lane if they would be in favour of the proposal and if they have a preference for the direction of travel.

### **Consultation documents**

The following information and documents are enclosed:

1. A ballot form
2. A Freepost Envelope

We can only accept one ballot sheet from each household. **Please complete and return to us in the Freepost envelope provided by the 11<sup>th</sup> August 2023.**

If you prefer you can email your response to [highway.regulation@york.gov.uk](mailto:highway.regulation@york.gov.uk) you will need to give all the information we have asked for on the ballot sheet, including your name and address.

Because your preference will determine whether we take this proposal forward and initiate the legal process to amend the Traffic Regulation Order, to introduce a One-Way direction of travel in Walker Lane, it is important that you either return your ballot or email your response as outlined above.

We will write to you again when the results of the consultation process are known and let you know what will happen next.

Please contact me on 01904 552616 or email [highway.regulation@york.gov.uk](mailto:highway.regulation@york.gov.uk) if you:

- Require any further information or clarification
- Want to discuss any special needs/circumstances that you believe would be disadvantaged by the introduction of a One-Way direction of travel
- Details of landlords for rented properties

Yours faithfully

Peter Marsland  
Traffic Project Officer

**Consultation Ballot**

Walker Lane, Wheldrake – One Way Street



Please indicate your preferences by ticking the appropriate box.

	YES	NO
Would you support the proposal to introduce a One-Way Street on Walker Lane?		

Please indicate your preferred direction of travel for the One-Way direction of travel should a scheme be implemented, please indicate your preference even if you are against the proposal:

North Lane to Main Street	
Main Street to North Lane	

Title: (Mr. Mrs. Miss Ms) -----Initial: -----

Surname: -----

Address: -----  
-----

Postcode -----

*Please return in the freepost envelope provided by Friday 11<sup>th</sup> August. We will only accept one completed ballot from each household and your preferences will be kept confidential. Alternatively if you prefer please email your details, preference and comments to: [highway.regulation@york.gov.uk](mailto:highway.regulation@york.gov.uk)*

**Please provide any further comments you wish to make overleaf**  
(Alternatively use a separate sheet)

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**Consultation Responses**

Address	Support Yes/No	Preferred direction
45 Main St	Yes	North Lane to Main Street
12b North Lane	Yes	Main Street to North Lane
43 Main Street	Yes	Either
1 Walker Lane	Yes	Main Street to North Lane
12a North Lane	Yes	Main Street to North Lane
1a Walker Lane (Hairdressers)	No	Main Street to North Lane
45 Main St	Yes. He also wants us to consider weight limiting the road and DYL's as well. This is because his property has been damaged on at least two occasions by vehicles turning into Walker Lane from Main Street, and some customers of the hairdressers at 1a Walker Lane are parking outside allegedly causing an obstruction for other residents and road users. He is also concerned that larger goods vehicles are using the lane which he considers a further risk to his property.	Main Street to North Lane

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<b>Meeting:</b>	Executive Member for Transport Decision Session
<b>Meeting date:</b>	12 November 2024
<b>Report of:</b>	James Gilchrist - Director of Environment, Transport and Planning
<b>Portfolio of:</b>	Councillor Ravilious, Executive Member for Transport

## **Decision Report: Review of the House of Multiple Occupancy (HMO) Parking Permit**

### **Subject of Report**

1. In March 2021, Executive considered a report seeking to improve standards in the private rented sector. The options presented included an analysis of the opportunity to utilise additional licensing powers for smaller houses in multiple occupation (HMOs).
2. The council already has a licensing regime for HMO's which contain 5 or more residents, but these changes have seen an expansion of the licensing programme to include HMOs with 3 and 4 residents in certain parts of the city.
3. As a result of this we are seeing a significant increase in HMO applications and requests to change Household customers to HMO customers who now fall under the expanded licensing.
4. This report is in response to these changes and the knock-on effect it will have on the parking capacity where HMOs are located. The report recommends the removal of the HMO permit and moving all HMO properties to household permits.

### **Benefits and Challenges**

5. With the information from our back-office system supplier the number of properties in the residents parking zone which currently

have an HMO permit is 83 with 113 residents currently paying £202.50 for a HMO parking permits.

6. These are broken down as follows: -

- 60 HMO properties which have 1 HMO permit.
- 18 HMO properties which have 2 HMO permits.
- 4 HMO properties which have 3 HMO permits.
- No HMO properties currently have 4 HMO permits.
- 1 HMO property which has 5 HMO permits.

Please note this figure may well have gone up or down since this information was provided in September.

7. The cost of each HMO permit is £202.50 whereas the cost for the Household permits are: -

- First Household permit is £109.95
- First additional Household permit is £240
- Second additional Household permit is £500.

8.

9. This means that currently 83 residents will see a saving of £92.55 but the 23 residents will see an increase of £37.50 for the first additional household permit. Whilst 5 residents will have an increase of £297.50 for the second additional household permit and two residents would no longer be eligible for a residents parking permit.

10. If the HMO permits were to remain, with the increasing number of HMO properties coming about there will be a potential increase in the number of residents applying for permits, as there is no limit on the number of HMO permits available per property. This will see an increase in demand on already overstretched capacity we see across most of the resident parking zones we have.

11. As the recommended option is to remove the HMO permit and move all properties onto the Household permit. Household permits are on a first come first served basis, those who move from the HMO permit and can buy the first Household permit will make a significant saving. However, those who buy the first or second additional Household permit will be paying more.

12. In addition any properties which have four or more HMO permits in will see a reduction in available number of permits for the property, given the maximum number of 3 Household permits per property.
13. However, the benefits for this recommended change are to protect the capacity for all residents. HMO permits may be used in the C and GM bays only within the permit holders resident parking zone. Therefore, an increase in HMO permits will likely mean many permit holders won't be able to get a parking space.
14. The move of these properties to the Household permit, will mean they will have access to the whole of the resident parking zone. Therefore, striking a balance between the number of permits per property but the expansion of the access to the whole of the resident parking zone, their property is within, will be of a benefit to them.
15. We do receive a number of complaints about the availability of HMO parking capacity the recommendation to remove the HMO permit altogether will have overall benefits but it is appreciated that the limitation of Household permits available will mean some customers will have to make alternative arrangements to park if they wish to continue ownership of a vehicle within a resident parking zone.

## **Policy Basis for Decision**

16. With the increase in HMO properties, where an initial figure of 1200 has so far been identified that will need to become HMOs, it is clear that this will far exceed any available parking capacity for the small number of C and GM bays each resident's parking zone has.
17. Therefore, while there are 3 options to consider, the upshot of it is there really is only one decision to make where the limited capacity dictates the option to choose is the removal of the HMO permit and moving all current HMO properties to access the Household permits only.
18. As a result of these options being developed, the decision to ask customers to remain as Household permit customers who would normally move to becoming HMO customers has been made to reduce the impact on customers as much as possible. If the decision was made to agree to the recommended option, then the

new HMO properties would not have to be moved for a second time and significantly reduce any impacts on back office teams to make these changes and issue any refunds for the monetary difference between the two types of permits.

19. In the Local Transport Strategy the principle that private cars for people who have a choice to choose a more sustainable mode are at the bottom of the transport hierarchy continues so while the councils transport and parking policies need to reflect this, officers will do what they can to ensure the transition is done as smoothly as possible for effected customers and allow them time to transit and where required consider and make alternatives to park if they will no longer be able to buy a parking permit.
20. The recommended option will have a negative impact on some low income residents who do not have access to the first household permit. If the recommended option is approved and the HMO permit is removed then currently 28 residents will see a yearly increase in their parking permit of either £37.50 or £297.50.

## **Financial Strategy Implications**

21. Despite the reason that has informed the development of these options, and the recommended option is to do with capacity, this will also see the councils parking permit revenue decreasing by £6,749.15 (from current figures in this report) if the HMO permit is removed due to the cost difference between the Household and HMO permits and the number of permits per property.
22. Therefore, any loss or increase in revenue is deem negligible.

## **Recommendation and Reasons**

23. The Executive Member is asked to review the report and consider the following 3 options: -
  - a) To change the name of the HMO permit, so it does not have a connection to the changes in HMO licensing.

*Reason: The removal of a permit named HMO Permit form the available permits in the Parking services system and replace*

*with a new permit name, which would have the current definition, this would remove any connection with properties identified as an HMO, through the licensing of properties. While this would help to minimize the impacts from these licensing changes on current permit holder, this would mean another permit will need to be created. The residents that are moved to the new permit, would still be able to see the older version of the permit on the parking system but not able to access, which may create an issue for complaints from Parking Services. For this and other reasons listed in this report, this option is not recommended.*

b) to change the HMO definition in the TRO to be in line with the legislation.

*Reason: This would create a clear link between the changes to the HMO licensing and the HMO parking permits. This would allow the residents of new HMO properties to apply for HMO permits and would not affect existing HMO residents' eligibility for a permit. However, if this was approved there would be a large cost implication associated with this proposal, due to the consultation and signage requirements and significant impact on customers both HMO and residents. For this and other reasons listed in this report, this option is not recommended.*

c) To remove the HMO parking permit and allow current HMO permit holders to become eligible to apply to purchase Household parking permits instead. (recommended option)

*Reason: This would help remove the confusion over the eligibility of a property with the changes of housing classification of a HMO, as no one would be eligible. This would require all HMO permit holders moving to household permits with an escalating fee which increases with the number of permits and all properties would be restricted to three permits , so depending on the size of the HMO, it is likely to create a reduction in permit holders, where permits will continue to be available on a first come first served basis. This is the recommended option.*

## **Background**

24. The Councils housing team received approval from the Executive Member of Housing and Safer Neighbourhoods on 28th July 2022

(<https://democracy.york.gov.uk/%28S%28dv4yyj45ufq5szjf2lxmmk45%29%29/ieDecisionDetails.aspx?Id=6603>), to change how they licence Houses in Multiple Occupation (HMO) from 1st April 2023, to bring it in line with national legislation.

25. Under additional HMO Licensing, from 1 April 2023, an HMO licence is required for any HMO occupied by 3 or 4 people who are from more than one household, where householders share facilities such as the kitchen, bathroom, or toilet. Occupants of a house are part of the same household (Section 258 Housing Act 2004) if they are all members of the same family. That includes:
  - people living together as a cohabiting couple.
  - others related to these people such as:
    - parent
    - grandparent
    - child
    - grandchild
    - brother or sister
    - uncle or aunt
    - nephew or niece
    - cousin
26. A half-blood relationship is treated the same as full blood and a stepchild is treated the same as a child. 3 unrelated friends sharing together are 3 households; a couple sharing with a third unrelated person would constitute 2 households; a family renting a property is a single household.
27. The change has led to more properties requiring to be licenced as an HMO, the council housing team are currently processing the change of these properties and actively door knocking to advise tenants/landlords of these requirements.
28. The change in approach has led to residents contacting the Councils Parking Services team to check if their current Household permit is still valid for an HMO property and requesting their accounts be changed to HMO's. This is creating an issue as not all resident parking zones allow HMO parking permits and in the zones that do allow the permits, they are only available to park in certain bays, which in turn will very likely create parking capacity issues.
29. Household permits are also restricted to three permits per household, whereas HMO permit is one per qualified applicant, so



as a property is considered an HMO if at least 3 tenants live there, forming more than one household. This will increase eligibility in the zones that they are allowed in, which potentially means an increase in demand for permits that surpasses the availability of parking in those zones. There is a bigger issue in zones where HMO permits are not eligible, as there will be household permit holders, who will no longer be eligible for a permit at all.

30. The wording in the TRO does not define an HMO by the legal definition as defined within the relevant legislation related to HMO's, the TRO defines the HMO as:

*“House in Multiple Occupancy” for the purposes of this Order, means a unit of living accommodation occupied by a number of unrelated and independently recruited tenants each tenant occupying a self-contained lockable room for which that tenant has personal responsibility and which provides, at least, a sleeping facility with provision within that unit of living accommodation of a shared cooking facility and, additionally, shared washing and toilet facilities where such additional facilities are not provided within the self-contained lockable room.*

31. This change in licencing of HMO's, requires the council to respond from a parking perspective to ensure the residents eligibility to parking is continued throughout and to ensure the customer is always aware of the parking permits that are available to them.

## **Consultation Analysis**

32. As the recommended option will require a change to the Traffic Regulation Order (TRO), this would need to go out for consultation through the TRO process with the findings brought back to the Executive Member at a later date for consideration.

## **Options Analysis and Evidential Basis**

33. There are three options available for progression to ensure residents are clear on how they apply for a permit, and which is the most appropriate permit, they are:
- a) Change the name of the HMO permit.
  - b) Change the HMO definition in the TRO to be in line with the legislation.

c) Remove the HMO permit

Option A

34. Option a), would be to change the permit name and above description to remove the link to HMO changes that the housing team are putting into operation.
35. This would require a TRO change, but it would not affect any resident's eligibility for a permit, as the terms and conditions would stay the same. As it is solely a name change that would not affect anyone's eligibility for a permit and therefore would not require a wide consultation with permit holders. This would hopefully make for a quick process and be a cost-effective change.
36. This would also help to minimise the impact on the end user and reduce any uncertainty on the changes, as they would continue to receive a permit under the same justification as before.
37. This would require a new permit to be created on the Parking System, the permit name cannot just be changed, as it would change the historic permit name and look like the resident had always received that named permit. This may need a comms plan following the amendment to the TRO, so permit holders are aware what the new permit is called and will require a change to the Council Website to update the available permits. The Council Customer Services team would also need to be briefed on the change to ensure that they are able to provide up to date permit information, so there would be an internal communication plan required as well.
38. The issue with this proposal is we will have residents of two similar properties, both of which are HMO properties, paying different rates for permits, with the HMO residents having a flat rate and the resident with the household permits paying more the more permits they have and potentially not all residents being eligible to apply for permits. This will leave customer service/parking services team in the difficult situation of trying to justify and differentiate between the different permits. With the potential high turnover of HMO properties in Student areas, this will be a yearly argument, and lead to a lot of confusion for the customer.

39. This option is not recommended, although it will have minimal impact on customers in the short term, this would create confusion and longer term issues.

### **Option B**

40. Option b, would be to change the HMO definition in the TRO to be in line with the legislation
41. If the definition of a HMO in the TRO is changed and the permit name remains the same then this would change the eligibility of permit holders for both HMO permits and Household permits, with some applicants no longer eligible to park within the zone. This would require a large consultation, including all permit holders, and would be a long process, during which residents would not be able to access permits.
42. The TRO change would also need to review the available parking in the affected zones to ensure that the increase in HMO permits would have sufficient available parking places. Therefore, the TRO amendment would also need to change the eligibility in some zones and also create additional community parking bays, which would need signage changing. As a result, this would reduce the parking capacity for Household parking permits, which normally make up the majority of permit holders in a zone.
43. As stated above this change would require a change to signage and bay markings, which would have a financial implication, to ensure that the bays were marked correctly.
44. This is not recommended, if this was approved there would be a large cost implication associated with this proposal, due to the consultation and signage requirements and significant impact on customers both HMO and residents.

### **Option C**

45. Option C to remove the HMO Permit completely from the available permits. This would help remove the confusion over the eligibility of a property with the changes of housing classification of a HMO, as no one would be eligible. This would require all HMO permit holder moving to household permits and all properties would be restricted to three permits, so depending on the size of the HMO, it

is likely to create a reduction in permit holders, where permits will continue to be available on a first come, first served basis.

46. This may create an impact on capacity in some zones, due to an increase in household permit holders but it would free up capacity in community parking bays, which is already an issue in some zones with a high number of guest houses. We may need to review some zones, but this would not require a review of all zones like the previous two suggested options, so would not be as labour intensive or cost restrictive.
47. The removal of the HMO permit would require all current permit holders to move to household permits, which would create an additional cost to some permit holders, as the additional Household permits are incrementally more expensive. This has previously run on a first come first served basis and is how this would need to operate going forward. This may create some complaints from 2nd and 3rd permit holders.
48. The areas that housing is looking at enforcement and change to HMO properties do incorporate a lot of areas of student housing and both Universities do commit to being 'car free' Universities. The Universities do discourage students from bringing their own cars, so the increase on additional permits cost would hopefully help to push the Universities commitment for their students to use more sustainable forms of transport.
49. The council do already have many different permit types available; this can be confusing for the resident when looking to apply for a permit, removal of HMO type permits would help to reduce the number of permits and simplify the situation.
50. This is the recommended option as it removes confusion for the applicant and customer service officers, who advise on permits in respect of HMO types. Although there may be some changes due to capacity, they would not be large.

## Organisational Impact and Implications

- **Financial,**
- **Human Resources (HR),** None. The work to amend the Traffic Regulation Order (TRO) and communicate the change with residents will be undertaken by existing CYC, as part of their agreed service level.

**Legal**, The Council regulates parking by means of 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. In making decisions on TROs, the Council must consider the criteria within Section 122 of the Road Traffic Regulation Act 1984 and, in particular, the duty to make decisions in accordance with s.122 of that Act so far as practicable having regard to the matters in s.122(2) to “secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians ) and the provision of suitable and adequate parking facilities on and off the highway”. The matters set out in s.122(2) are:

- a) the desirability of securing and maintaining reasonable access to premises;
- b) the effect on the amenities of any locality affected and the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;
- bb) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);
- c) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and
- d) any other matters appearing to the local authority to be relevant.

The proposal would require an amendment to the York Parking, Stopping & Waiting Order 2014

The statutory consultation process for TROs require public advertisement through the placing of public notices within the local press and on-street. Formal notification of the public advertisement is given to key stakeholders including local Ward Members, Town and Parish Councils, Police and other affected parties.

The Council, as Highway Authority, is required to consider any objections received within the statutory advertisement period of 21 days, and a subsequent report will include any such objections or comments, for consideration. Where the Council does not “wholly accede” to any objection, it is

required to provide reasons for this in its notification of the making of an order to any person that has objected.

The Council has discretion to amend its original proposal if considered desirable, whether or not, in the light of any objections or comments received, as a result of such statutory consultation. If any objections received are accepted, in part or whole, and/or a decision is made to modify the original proposals, if such a modification is considered to be substantial, then steps must be taken for those affected by the proposed modifications to be further consulted.

The recommendation in this report is for the decision maker to consider the initial consultation and approve the advertisement of an amendment to the TRO and undertake the required statutory consultation period.

Case law has confirmed that the Traffic Regulation Act 1984 cannot be used to raise revenue, but that charges can be set to reflect the costs of administering the schemes and the authority's parking policies.

- **Procurement**, None.
- **Health and Wellbeing**, None.
- **Environment and Climate action**, None.
- **Affordability**, None.
- **Equalities and Human Rights**, 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 recommendation on protected characteristics has been considered as follows:
  - Age – Neutral, the recommended option will have an impact, as residents of HMO properties are generally young adults, but due to the lower cost of the first permit it will have a positive impact on some resident but a negative impact on residents of additional permits as the cost increases;

- 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 – Neutral, the recommended option will have an impact, as residents of HMO properties are low income groups, but due to the lower cost of the first permit it will have a positive impact on some resident but a negative impact on residents of additional permits as the cost increases.;
  - Veterans, Armed Forces Community– Neutral

It is recognised that individual traffic regulation order requests may impact protected characteristics in different ways according to the specific nature of the traffic regulation order being considered.

- **Data Protection and Privacy**, None. The outcome of a decision does involve any particular named individual.
- **Communications**, The recommended option will require statutory consultation to be undertake, with all affected residents notified.
- **Economy**, *contact: Head of City Development.*

## Risks and Mitigations

1. *There are no known risks*

## Wards Impacted

- Hull Road
- Guildhall
- Fishergate
- Clifton
- Heworth
- Micklegate
- Osbaldwick and Derwent
- Fulford and Heslington.

## Contact details

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

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## Background papers

<https://democracy.york.gov.uk/%28S%28dv4yyj45ufq5szjf2lxmmk45%29%29/ieDecisionDetails.aspx?Id=6603>

## Annexes