

Report of the Assistant Director - Legal & Governance

Schedule of Petitions

Summary

1. Members of this Committee are aware of their role in the initial consideration of petitions received by the Authority. The current petitions process was considered by the Audit and Governance Committee on 2 October 2014 and endorsed by Council on 9 October 2014. This process aims to ensure scrutiny of the actions taken in relation to petitions received either by Members or Officers.

Background

2. Following agreement of the above petitions process, Members of the Corporate and Scrutiny Management Policy and Scrutiny Committee (CSMC) had been considering a full schedule of petitions received at each meeting, commenting on actions taken by the Executive Member or Officer, or awaiting decisions to be taken at future Executive Member Decision Sessions.
3. However, in order to simplify this process Members agreed, at their June 2015 meeting, that the petitions annex should in future be provided in a reduced format in order to make the information relevant and manageable. At that meeting it was agreed that future petitions reports should include an annex of current petitions and agreed actions, but only following consideration of the petitions by the Executive or relevant Executive Member or Officer.
4. This was agreed, in the knowledge that the full petitions schedule was publicly available on the Council's website and that it was updated and republished after each meeting of the Committee.

<http://democracy.york.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13020&path=0>

5. **Current Petitions Update**

A copy of the reduced petitions schedule is now attached at Annex A of the report which provides a list of new petitions received to date together with details of those considered by the Executive or relevant Executive Member/Officer since the last meeting of the Committee in November. Further information relating to petitions which have been considered by the Executive Members/Officers since the last meeting are set out below:

Petition Number

58. Ownership of Property and Land in York Plans

This e-petition asked the Council to publish the identities of the owners and beneficial owners, when proposals for the development of land and/or property were made in the city. This included the enhanced value given by the grant of planning permission where it was estimated to exceed £1m, with estimates of the value of the granted planning permission being published and the dates at which the ownership and beneficial ownership commenced or when options were purchased.

The petition ran from 8 August 2016 to 29 September 2016 and gained 14 signatories. The petition was reported to the Local Plan Working Group meeting on 5 December 2016 at which time the Group agreed to note receipt and asked officers to investigate further with a view to bringing back a report to a future Decision Session. This report will be considered by the Executive Member for Transport & Planning at his next Decision Session on 9 February 2017, details of which will be reported to CSMC.

59. “A-Frame” advertising boards

This hard copy petition urged the Council to amend the proposed ban on advertising boards to ensure that it only prevented the placement of hazardous boards, or boards in cluttered or unsafe locations. The petition was handed in at the Executive meeting on 25 August 2016 by Sean Gill of Og Games and considered by the Executive Member for Transport and Planning at his decision session on 10 November 2016.

The Executive Member agreed to reaffirm the decision of the Executive on 25 August 2016 which was to approve:

- (i) The implementation of the Draft ‘A’ Board Policy, relating to the area of city centre as outlined in Option A and as shown on the plan at Appendix A of the report; along with,

- (ii) Option B, a 5 month transition period, to allow the policy to become fully communicated and put into practice for 1st February 2017, and
- (iii) Option D, the trial of Remote 'A' Board (RAB)/Shared 'A' Board (SAB) criteria/approvals, for 12 months.
- (iv) Option E, the undertaking of further assessment and consultation with regards to potential policy content for all areas outside of the city centre zone, requiring a further report and recommendations within 12 months, and
- (v) Option F the undertaking of analysis of the initial city centre policy, with a subsequent report one year post full implementation.

This decision had been made in order to provide adequate control of the many and varied obstructions (particularly for those with impaired mobility for example, blind and/or partially sighted) temporarily located on the public highway. It also took into account the Council's responsibilities under the Highways Act 1980, the Equality Act 2010 and Town & Country Planning Act 1990 and mitigated the impact on the visual amenity of the conservation area and setting of the many listed buildings in the city centre and contributed further to the removal of street clutter and improvement of the street scene and public realm.

61. St Peters Quarter Parking

A hard copy petition was presented to Cllr Cannon and a Council Officer on 6 October 2016 containing 116 signatories relating to 107 properties in the St Peters Quarter area. The petition requested the Council to engage in consultation with residents of the St Peter's Quarter in the selection of appropriate parking measures, including resident's priority parking, for the developments roads.

Consideration was given to the petition at a Decision Session of the Executive Member Transport and Planning on 10 November 2016 when the Executive Member agreed to approve initial consultation with residents to include Carlisle Street and Carleton Street, to progress the resident's requests.

62. Save the Old Manor School Playing Fields for Acomb Residents

This petition requested the Council to open up part of the Old Manor School playing fields for use by the community, with money paid to the

council from housing developers in the area to be used to develop leisure facilities.

The petition was handed over at Full Council on 20 October 2016 by Cllr Stuart Barnes and was signed by 284 residents on the paper copy and 262 online signatories. www.change.org/p/city-of-york-council-save-the-old-manor-school-playing-fields-for-acomb-residents

Consideration was given to the petition at the Executive Member for Finance & Performance at his Decision Session on 19 December 2016. An Officer report accompanying the petition confirmed that once a satisfactory planning consent had been obtained for the British Sugar site and, if appropriate, an option notice had been served on the Council by the owners of the British Sugar site to acquire land on the Council's site for an access road, then at this time discussions could take place on options for future uses of the remainder of the Council's site. This would also include the British Sugar site to ensure that the two sites were sympathetically developed. Any proposed disposal or re-use of the Council's land would then be reported to the Council's Executive at the appropriate time for a decision to be made. The Executive Member agreed to receive and note the contents of the petition and the Officer report.

64. Strensall to Haxby (Moor Lane, Crossmoor Lane, Haxby Moor Lane)

This e-petition was report to the City of York Council on 4 July 2016 and requested the lowering of the speed limit and the introduction of traffic calming measures such as chicanes and kerb extensions between Strensall and Haxby (Moor Lane, Crossmoor Lane, Haxby Moor Lane). The petition received 148 signatories and was considered at an Executive Member for Planning and Transport Decision Session, held on 10 November 2016.

Officers provided the Executive Member with a report which suggested that it would be unusual to introduce traffic calming measures of the type requested in this location, however there may be other features that could be considered if further investigation was carried out and resources were available.

The Executive Member agreed to note the petition and consider it as part of the annual accident and prevention measures across the city.

65. South Bank Avenue, Between Trafalgar Street and Bishopthorpe Road

This hard copy petition was presented to Highway Network Management on 13 June 2016 and had been signed by 28 signatories representing 27 of the 41 properties between Bishopthorpe Road and Trafalgar Street. This petition requested the introduction of a Residents Parking Zone for this part of South Bank Avenue. Written representations had also been received from Cllr Gunnell in respect of the petition.

Officers noted that the petition only represented part of the street and that the provision of a residents parking zone would not normally be confined to part of a street. However as the other section of the street mainly had properties on one side Officers felt that the parking issues may not have been of concern.

It was also noted that a new residents parking zone had just been implemented in Nunthorpe Grove. Officers noted that, whilst it would be usual to create a new zone for a new scheme it was suggested that if a scheme was progressed to implementation for South Bank Avenue (or part) then it should be proposed as an extension of the Nunthorpe Grove scheme. The reason suggested for this was that a larger scheme could be more flexible in meeting the residents' needs when looking for a parking space.

The Executive Member agreed to approve the initial consultation for the whole of the street, but bearing in mind the differences in the two parts of the street to agree the fall back option of taking forward a scheme if just the petition section of the street was in favour.

66. Railway Terrace, St Paul's Terrace and surrounding Areas

This hard copy petition, also requesting consultation on a Residents' Parking Scheme, was presented to Network Management on 7 July 2016 and contained 27 signatures which represented 26 of the 33 properties in the street. In addition, the local Liberal Democrat focus team had carried out some wider consultation in the area that indicated that there was reasonably strong support for residents parking in the surrounding streets.

This petition was also considered at the 10 November Executive Member for Transport and Planning Decision Session when Officers highlighted that within the area there were two private roads (Wilton Rise and Enfield Crescent). However, providing that all the residents of the private streets agreed then it would be possible for the necessary Traffic Regulation Order to be implemented. Although this situation complicated the usual

process slightly Officers noted that it shouldn't hinder the creation of a new residents parking zone in the adopted streets if, following the initial consultation, the usual majority of residents wished a scheme to be taken forward to the legal order phase.

Following consideration of the comments made under Public Participation and representations received the Executive Member agreed to undertake the initial consultation with minor amendments by Officers in the coverage of the area of consultation.

67a. Millennium Bridge Area

67b. Beresford Terrace and Finsbury Avenue

The first of these petitions was emailed to Officers on 15 April 2016, signed by seven residents requesting consultation on the implementation of a residents' only parking scheme in the Millennium Bridge area.

The second was a hard copy petition presented to Network Management on the 13 September 2016 signed by 23 local residents, representing 66% of properties in the area also requesting that consideration be given to a Residents' Parking Scheme.

These petitions were also considered at the Executive Member Decision Session on 10 November together with a number of enquires from other residents regarding the possibility of a residents parking scheme. In view of this and following receipt of comments under public participation the Executive Member agreed to approve initial consultation of a wider area, with a view to initially putting this area forward as an extension of the new residents' parking zone implemented to the immediate north of the area.

63. Finsbury Street, York

This petition was handed into West Offices reception on 28 October 2016 and requested the Council to consider balloting residents with a view to implementing Residents' Priority parking in Finsbury Street. The petition was signed by 41 local residents.

As this petition came in following preparation of the Officers report on parking petitions it was considered as an annex to the Officers report on at the Executive Member for Transport and Planning Decision Session held on 10 November. In conjunction with petitions 67a and 67b above the Executive Member agreed to undertake initial consultation for the wider area to include Finsbury Street.

68. Save Lowfield Playing Fields

This petition requested the City of York Council not to build on the Lowfield Sports Field. The petitioners believed that any changes to the use of the field should only be considered after a Local Plan for the whole of the city has been subject to full consultation and formal adoption. This petition was emailed to the Executive on 6 December 2016, signed by Lowfield Residents Action Group (signed by 44 Households).

On 6 December the Executive gave consideration to the final report of the Older Persons' Accommodation Programme, relating to the Lowfield Green development which set out the business case to enable the programme to move forward for delivery of a care home, health facilities and housing.

Feedback on public engagement in respect of the spatial plan for the site was presented which it was noted had been supported by the majority of residents. However, Officers reported on opposition to the scheme from a small number of residents on the north and south west boundaries of the site and confirmed receipt of a petition signed by 44 households in opposition to the scheme.

Following concerns raised, amendments had been made to the scheme which would ensure that there was no 'cut through' from Tudor Road to Dijon Avenue. A review of the house layout and other uses on the north-west boundary would also be undertaken.

The Executive had subsequently agreed to note feedback from the public engagement for the redevelopment of the Lowfield site in Acomb following the previous agreement by Executive in July 2016 to move forward with the development of the Lowfield School site.

69. Save Our Clifford's Tower

This petition, objecting to the proposed English Heritage Visitor Centre planned for the base of the mound of Clifford's Tower, York was handed in at Council on 15 December by Cllr Hayes. The petition contained 3,617 online signatories and 164 hard copy signatories.

A planning application by English Heritage for the erection of a visitor centre at the base of the motte together with a café unit on the roof deck, installation of a new staircase, tower floor, walkways, balustrading, roof-deck and restoration works had been considered by the Planning Committee on 27 October 2016 and approval had been granted subject to the imposition of a number of conditions.

Since then Councillor Hayes, has submitted an application for judicial review of the lawfulness of the Planning Committees' decision taken in October 2016 and this is currently awaiting the outcome of the application to the courts to judicially review the planning decision.

In the meantime, Executive at their meeting on 26 January 2017 considered reports on the York Castle Gateway and the disposal of land for the proposed Clifford's Tower Visitor Centre. The Executive agreed the vision for the Castle Gateway and the development of a masterplan for the area and the granting of a long lease for the land required for the construction of the English Heritage Visitor Centre to the Historic Buildings and Monuments Commission (HBMCE) for England. The decisions in relation to the disposal, lease and transfer of land to HBMCE have subsequently been called in for further consideration and scrutiny by Councillors Hayes, Flinders, Craghill and Warters. A meeting of the Corporate & Scrutiny Management Policy & Scrutiny Committee (Calling-In) will now be arranged to consider the reasons for call-in of the decision on a date to be agreed.

Members may wish to consider requesting Officers to refer this petition to English Heritage for their consideration.

6. **The Process**

There are a number of options available to the Committee as set out in paragraph 7 below, however these are not exhaustive. Every petition is, of course, unique, and it may be that Members feel a different course of action from the standard is necessary.

Options

7. Having considered the reduced Schedule attached which provides details of petitions received and considered by the Executive/Executive Member since the last meeting of the Committee; Members have a number of options in relation to those petitions:

Request a fuller report, if applicable, for instance when a petition has received substantial support;

- Note receipt of the petition and the proposed action;
- Ask the relevant decision maker or the appropriate Executive Member to attend the Committee to answer questions in relation to it;

- Undertake a detailed scrutiny review, gathering evidence and making recommendations to the decision maker;
- Refer the matter to Full Council where its significance requires a debate;

If Members feel that appropriate action has already been taken or is planned, then no further consideration by scrutiny may be necessary.

8. Following this meeting, the lead petitioner in each case will be kept informed of this Committee's consideration of their petition, including any further action Members may decide to take.

Consultation

9. All Groups were consulted on the process of considering more appropriate ways in which the Council deal with and respond to petitions, resulting in the current process. Relevant Directorates are involved and have been consulted on the handling of the petitions outlined in Annex A.

Implications

10. There are no known legal, financial, human resource or other implications directly associated with the recommendations in this report. However, depending upon what, if any, further actions Members agree to there may, of course, be specific implications for resources which would need to be addressed.

Risk Management

11. There are no known risk implications associated with the recommendations in this report. Members should, however, assess the reputational risk by ensuring appropriate and detailed consideration is given to petitions from the public.

Recommendations

12. Members are asked to consider the petitions received and actions reported, as set out in paragraph 5 above and on the attached Schedule at Annex A, and agree an appropriate course of action in each case.

Reason: To ensure the Committee carries out its requirements in relation to petitions.

Contact Details:

Author:
Jill Pickering
Democracy Officer
Tel: (01904) 552061
e: jill.pickering@york.gov.uk

Chief Officer Responsible for the report:
Andrew Docherty
AD - Legal & Governance

Report
Approved



Date

1 February 2017

Wards Affected:

All



Background Papers: None

Annexes:

Annex A – Extract from schedule of petitions received and action taken to date