

## **CCfA – Broadway Shops Consultation Comments**

### Councillor Stephen Galloway – Executive Member for City Strategy

This issue has already been through the Executive Member and Advisory Panel (EMAP) process. While I can appreciate the frustration of local representatives when they fail to gain the support of business owners for improvements to areas, which are available for public access, I am clear that the CCfA process is designed to address public service issues. In this area, the Council's powers are limited and it would require a change in the law to provide the Authority with new directional powers. The matter needs to be progressed through the Ward committee.

### Richard Bogg – Divisional Head – Traffic, Development & Transport – City Strategy Directorate at City of York Council

I can provide some comments on this from the highway authority position in terms of our responsibility on the regulatory side. However, as the topic paper requests the engagement of a wider audience, then my advice is that you also seek comments from others.

A report was taken to City Strategy EMAP on 8 December 2009. This sets out the history, including reference to previous reports and clarifies the Council's position, from the highway authority perspective. A key and fundamental point being that the highway authority has no legal right or duty to promote a scheme to upgrade or improve areas of privately maintained highway. That position remains the same.

Having said that, opportunities to make some improvement, certainly to tackle the perceived safety problems, were identified as being something that the shopkeepers could collectively take forward, and council officers would be able to provide technical advice on such.

My understanding is that despite the concerns raised through the petition (submitted by BAGNARA), that engagement by the shopkeepers (who are responsible for the forecourt) has not come about.

As legislation does not permit the highway authority to promote such requests and as understandably the council do not have a policy that deviates from this, from an officer perspective it is difficult to suggest anything other than that which we have tabled in the last report. Members approved the recommendations within the report.

As per that decision I am happy to meet with the stakeholders listed in the CCfA and offer advice on what measures could be achieved by the parties concerned.

I should highlight that responsibility for highway maintenance now rests with the Neighborhood Services Directorate. The forecourt/land concerned is private and as above Neighbourhood Services can neither promote a scheme or expend public funding on such. However, under the Highways Act 1980, they can undertake repairs or works considered essential from a safety perspective and re-charge the frontagers accordingly. Works of this nature were undertaken in the Autumn of 2008.

The benefits that could arise from the topic going forward are in all honesty very difficult to envisage, from a Highway Authority's perspective.

Andy Binner - Neighbourhood Services – City of York Council

Concurs with the comments made by Richard Bogg above.