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**Economic & City Development Overview &  
Scrutiny Committee**

8<sup>th</sup> December 2009

**Feasibility & Assessment Report - Councillor Call for Action  
(CCfA) in relation to Maintenance, parking & safety issues at  
Broadway Shops**

**Summary**

1. This report asks Members to consider a Councillor Call for Action (CCfA) submitted by Councillors D'Agorne and Taylor in relation to maintenance, parking and safety issues at Broadway shops in Fishergate Ward. A copy of the registration form is attached at Annex A to this report.

**Background Information on CCfA process**

2. Ward Councillors play a central role in the life of a local authority, as a conduit for discussion between the Council and its residents and as a champion for local concerns. To strengthen Councillors' ability to carry out the second role the Government has enacted in the Local Government and Public Health Act 2007, provisions for a 'Councillor Call for Action' (CCfA). This provides Councillors with the opportunity to ask for discussions at scrutiny committees on issues where local problems have arisen and where other methods of resolution have been exhausted.
3. CCfA is a tool that can be used by Councillors to tackle problems on a neighbourhood or ward specific basis that it has not been possible to resolve through the normal channels. CCfA is a means of last resort when all other avenues have been exhausted and the Council has been unable to resolve the issue. A copy of the guidance to both Officers and Members regarding CCfA, along with a CCfA flowchart, are attached at Annex B & B1 to this report.

**Background Information on Steps Taken to Resolve the  
maintenance, parking and safety issues at Broadway Shops**

4. The topic registration form, along with discussions with Councillor D'Agorne and relevant officers within the Council indicate that the following have taken place to try and resolve the safety issues being experienced in the Broadway shops area:
  - A Pedestrian Scheme Assessment was undertaken in December 2003 by Faber Maunsell (Ward Committee reference FS-03-06) and this led to work

being carried out, in 2004, on land that was the Council's responsibility to help improve safety issues (improved dropped kerb crossing & rationalisation of street furniture on the central island)

- Ward funding has made available towards feasibility studies regarding the safety issues since 2004
  - A detailed review of the private forecourt and service road was undertaken in 2006 and presented to the Fishergate Ward Committee. This report and its associated appendix can be found at Annex C to this report
  - A residents' petition to Full Council presented on 25th September 2008.
  - An officer report to the Executive Member & Advisory Panel for City Strategy (EMAP) dated 8<sup>th</sup> December 2008 which is at Annex D to this report (this report highlights the fact that this is an ongoing issue. It also details the legal duty of the Council as they do not own the land in question)
  - Various Ward Councillor meetings & discussions with council officers and with the retailers re hazards, such as loose kerb stones in the area and the possibility of using smaller delivery vehicles
  - A meeting in January 2009 with one of the Ward Councillors and a representative of the Co-op, who at the time were refitting the shop. The Ward Councillor understood that the Co-op would look at possibilities for the frontage as part of this.
  - A meeting in late September 2009 between Councillor D'Agorne and the Senior Portfolio Manager at the Co-op
5. The clerk to the Ward committee provided the following information, which details schemes undertaken over the years to try and appease the safety issues being experienced in the Broadway Shops area.

2004/05

- Study and subsequent implementation of certain measures to ease pedestrian crossing of Broadway to access shops.

2005/06

- Improve access for pedestrians outside Broadway shops.

2006/07

- Expand/finish (subject to agreement from shopkeepers) improvements to area in front of Broadway shops.
- Install no entry signs at Broadway shops.

6. The issues outlined in the topic registration form have been ongoing for some time and the information in paragraphs 4 and 5 of this report may, therefore, not be complete.

## **Criteria**

7. The Ward Councillors, in their topic registration form, have stated that the topic fits with the following eligibility criteria:

- Public interest (i.e. in terms of both proposals being in the public interest and resident perceptions)
- Under performance/service dissatisfaction
- In keeping with Corporate Priorities

## **Consultation**

8. The following persons were consulted as part of the feasibility process and comments received are set out in Annex E to this report:
  - Councillor Stephen Galloway – Executive Member for City Strategy
  - Richard Bogg - Divisional Head – Traffic, Development & Transport – City Strategy Directorate at City of York Council
  - Andy Binner – Neighbourhood Services – City of York Council.
9. Retailers at Broadway Shops, Fulford Parish Council and the Secretary of Broadway Area Good Neighbour and Residents' Association (BAGNARA) were also contacted as part of the consultation process. BAGNARA have responded and the letter received is at Annex F to this report. They will also bring photographs, illustrating the problems being experienced, to the meeting.
10. As of going to print no written responses have been received from the retailers in the area. Initial informal telephone conversations with some of the retailers indicated a willingness to be involved in discussions.

## **Options**

11. Members have the following options open to them:

**Option A**      Proceed with the CCfA and progress this topic to review

**Option B**      Suggest alternative avenues that could be explored by the Ward Councillors to assist with resolving the current issues i.e. a round table discussion between all parties

**Option C**      Do not progress the topic to review

## **Analysis**

12. On consideration of the information contained within this report and its annexes there are clearly some public safety issues outside the parade of shops in Broadway.
13. Much of the argument as to why the Council has not previously addressed this issue is set out in the report dated 8<sup>th</sup> December 2008 (Annex D refers) and there is little point in repeating it in detail here. Improvements to public safety are difficult in this area due to the fact that the forecourt in front of the shops is private property thus the Local Authority is not in a position to carry out works on this area of land. The only works that the Local Authority can undertake are

those that are prescribed within Section 230 of the Highways Act 1980. Richard Bogg, the Divisional Head, Traffic, Development & Transport at the Council also clarifies this in Annex E to this report.

14. Whilst BAGNARA put forward the solution of converting the traffic island into permanent parking bays this is counter argued in the report at Annex D to this report because it would be considered to be a comprehensive re-design and construction of both the public highway, the private forecourt and the service road. From a transport policy perspective this is not considered appropriate, as it is essentially asking the Council to promote a scheme to improve parking arrangements for private/commercial businesses.
15. Both the letter from BAGNARA at Annex F and the report at Annex D of this report suggest that another way forward would be for the retailers to place street furniture at a sufficient distance in front of their premises to allow a clear pathway for pedestrians. The management of the car parking could be greatly improved should this be done and a safer pedestrian zone defined.
16. In light of all the above the suggested way forward, to solve immediate concerns, is to undertake a round table discussion between all parties (should they be willing), to explore the possibility of using street furniture to define a safer pedestrian path in front of the shops. Any such discussion should also include a site visit to the area in question.
17. It is within a Scrutiny Committee's remit to assist with such a discussion and this Committee, or representatives of this Committee, in conjunction with the Scrutiny Officer, could help facilitate such a process. Technical officers have also offered their help and expertise and are willing to offer guidance on low cost tenable measures aimed at improving arrangements for pedestrians.
18. Members of the Committee may be able to suggest further alternatives to improve the situation.
19. At this stage, the Committee is not advised to progress this topic to full formal review. The report at Annex D to this report provides fairly comprehensive information regarding the pedestrian safety concerns in the area, possible solutions to these problems and the Council's legal position. From the information gathered during the preparation of this report it is not clear what could be achieved by progressing this topic to review. It is also unlikely that any recommendation(s) arising from a review could be implemented, especially if the recommendation(s) were aimed at a particular retailer or retailers. The only viable focus for a review would be a further investigation into the possibility of removing the traffic island in order to put in designated parking places. This has already been explored in part and is detailed in the report at Annex D to this report.

### **Conduct of Any Formal Review**

20. If however; Members do decide to progress this topic to a full formal review it is suggested that they aim to look at the following two key objectives:

### Immediate

- To define a safe pedestrian route across the shop frontages

### Longer Term

- To investigate the possibility of removing/remodelling the traffic island in order to put a designated parking area in place
21. The topic registration form sets out suggestions regarding consultees should Members decide to progress this topic to full formal review.
  22. A full formal review would take approximately 3 to 6 months to complete and Members would need to take into consideration commitments already in their work plan and decide where any review would be best placed.

### **Corporate Strategy 2009/2012**

23. The contents of this report and the focus of any review that may be undertaken are directly linked to the 'Safer City' element of the Corporate Strategy 2009/2012.

### **Implications**

24. **Financial** – There are no financial implications associated with the recommendations within this report however; should Members of the Committee choose to progress this topic to review implications may arise. There is a small amount of funding in the scrutiny budget to enable reviews to take place.
25. **Legal** – There are no known legal implications associated with the recommendations within this report however; should a review take place it is evident that there are legal issues, which have an impact on the Council's ability to deliver any change in this area.
26. **Human Resources** – There are no known Human Resources implications associated with the recommendations within this report.
27. There are no equalities, crime & disorder, information technology or property implications associated with the recommendations within this report.

### **Risk Management**

28. In compliance with the Council's Risk Management Strategy, there are no risks associated with the recommendations in this report.

## Recommendations

29. In order to offer some support from Scrutiny, Members of the Committee are advised to proceed with Option B of this report and are advised to offer to facilitate a round table discussion between all willing parties.

Reason: To address the concerns raised in this CCfA in light of the difficulties pertaining to private land ownership and the Council's legal status in relation to this.

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Feasibility Study  
Approved



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**Specialist Implications Officer(s)** None

**Wards Affected:** Fishergate Ward

All

For further information please contact the author of the report

### Background Papers:

Pedestrian Access & Parking, Broadway Shops, Fulford – Report to the Meeting of the Executive Member for City Strategy & Advisory Panel – 8<sup>th</sup> December 2008

### Annexes

- Annex A** Topic Registration Form
- Annex B** Guidance on CCfA for Officers and Members
- Annex B1** Councillor Call for Action Flow Chart
- Annex C** Report to Fishergate Ward Committee 2006
- Annex D** Report to the Meeting of the Executive Member for City Strategy & Advisory Panel – 8<sup>th</sup> December 2008
- Annex E** Comments from Consultees
- Annex F** Letter from BAGNARA