

**Corporate and Scrutiny Management Committee 12<sup>th</sup> November 2012**

Report of the Assistant Director Governance & ICT

**Report – City Centre Ad Hoc Scrutiny Committee**

**Summary**

1. This report is an update to Corporate and Scrutiny Management Committee on the City Centre Access Ad Hoc Scrutiny Review. Councillor Gillies, the Chair of the Committee will be in attendance at today's meeting to answer any questions that may arise.

**Background**

2. In June 2011 Councillor Gillies submitted a scrutiny topic in relation to access and foot street enforcement in the city centre. This proposed topic was subsequently considered at a scrutiny work planning event held in July 2011 where it was decided that the topic should be progressed to review.
3. At the first meeting of the City Centre Ad Hoc Scrutiny Committee the following remit was set for the review:

**Aim**

How do we minimise vehicular movement in the city centre footstreets and immediate area to ensure the safety of pedestrians?

**Key Objectives**

- i. Do changes need to be made to the City Centre Area Action Plan/City Centre Access Study/Footstreets Policy to ensure:
  - Appropriate disabled access and parking provision
  - The safety of pedestrians during footstreet hours
  - City centre cycling storage facilities

ii. How could City of York Council and the Police improve partnership working in order to fully enforce the footstreets policy, including understanding:

- Who is responsible for what currently and should there be any changes
- The current barriers to enforcing the policy

### **Progress on the Review to date**

4. Since beginning this review the Committee have met as follows:

#### 14<sup>th</sup> November 2011

5. This was a formal meeting of the Ad Hoc Scrutiny Committee. Members considered a draft remit for the review, eventually agreeing on that set out at paragraph 3 of this report.
6. At this meeting Members were made aware that there was already ongoing work in respect of the Footstreets Review and the City Centre Movement and Accessibility Study. It was agreed that it was important not to duplicate work that was already ongoing.
7. Members also agreed that it would be useful to visit some of the key areas within the city centre to look at access points, disabled parking provision and accessibility/safety hazards for pedestrians.

#### 22<sup>nd</sup> November 2011

8. This was an informal meeting of the Ad Hoc Scrutiny Committee, who in the first instance, walked around the city centre to look at issues in respect of access and enforcement. The visit was timed to allow Members to look at the situation both before and during footstreet hours.
9. The situation was assessed at a number of points across the city centre and a number of initial and immediate observations were made, namely;

#### i. Davygate

- The large traffic sign that is in place is ugly in design and lacks clarity (e.g. it is unclear whether cyclists are permitted)
- The installation of a rising bollard may curtail traffic movement but would be expensive to install and maintain and may not be an appropriate option
- Consideration could be given to focussing on street design rather than relying on signage, for example the entry to Blake

Street could be altered to better deter unauthorised motorists from entering the street

ii. St Sampson's Square

- Once the disabled parking spaces are filled, this area becomes a through route for motorists looking for a place to park
- Members commented on the apparent inconsistencies in the issuing of blue and green badge permits, including misuse of the scheme by some people
- When events were taking place in St Sampson's Square the number of parking spaces was reduced but this appeared to be generally accepted by traders and the public
- The use of the area as a drop off point for people using the St Sampson's Centre was noted.

iii. King's Square

- The traffic congestion in this area was noted as vehicles sought to leave the footstreets area by 11am. This was exacerbated by utility work that was taking place
- Concerns were expressed regarding the signage at the entry to Low Petergate
- The narrow pavements make it difficult for pedestrians, particularly those with pushchairs or using wheelchairs
- The evening parking that is available in Goodramgate raises awareness of this route into the city centre

iv. St Saviourgate/Colliergate junction

- A very busy junction with a high number of vehicles turning left
- Taxis were seen driving down Fossgate, although only loading was permitted

v. Parliament Square/Piccadilly/Coppergate junction

- Looking towards Merchant Gate, the pinch point was noted.
- The taxi rank was not used; consideration could be given to alternative uses
- A bullion van was parked in the footstreets but delivering to premises outside of the footstreets area.
- Consideration could be given to relocating the cycle racks currently in Parliament Street
- The plans to demolish the building housing the toilets in order to open up the vista of Parliament Square were noted (this has now been demolished)

vi. Low Ousegate/Spurriergate junction and Coney Street

- The use of bollards was noted – these were installed and removed manually at the start and finish times of the footstreet hours
- A cyclist was seen riding down Coney Street

10. At the informal meeting of the Committee after the above visit, Members were made aware, by the Chair, that the York Civic Trust had produced a survey of traffic around Coppergate in April 2011. It was agreed that a representative of the Trust be invited to a future meeting to discuss the survey's findings with the Committee. The Ad Hoc Scrutiny Committee was due to do this as part of a consultation process referred to later in this report.

11. Discussions also took place around the theme of the second key objective of the remit set for this review. It was acknowledged that there were various difficulties in enforcing the footstreet arrangements that were currently in place. The following were also mentioned:

- It was unlikely that the Government would enact Part 6 of the Traffic Management Act (relating to the civil enforcement of moving traffic offences)
  - Details of a scheme in operation in Oxford whereby CCTV was used to assist in enforcement, including arrangements that had been put in place in respect of bus lanes. In relation to the above a motorist who had been issued with a penalty notice, had challenged the decision and had taken the case to the High Court but the judge had ruled in favour of the local authority. Although officers were asked to give clarity as to whether this type of arrangement was something that York could consider, this was deferred in light of the consultation referred to at a later part in this report.
  - It was suggested, in Oxford, that the local authority had provided CCTV evidence to Police/Crown Prosecution Service who had then taken action.
- It was noted that exemptions to enforcement measures were in place, including bullion vans and vehicles from the various utility companies.

12. Members referred to the congestion in the Coppergate area of the City and felt that this could make some members of the public reluctant to travel by bus; the congestion making it less likely that buses would keep

to their timetable. Members initial thoughts were that action would need to take place to alleviate this; they therefore requested that a representative from the Quality Bus Partnership and a representative from a taxi company be invited to a future meeting to discuss this matter further. Again, these parties were to be consulted by the Ad Hoc Scrutiny Committee as part of the consultation process on the Footstreets Review referred to in a later part of this report.

13. At this stage of the review the Ad Hoc Scrutiny Committee agreed that the arrangements that were currently in place within the city centre were not working effectively in the areas identified in the above paragraphs.

19th December 2011

14. At this, the second informal meeting of the Committee, Members considered the following:
  - A briefing note on City of York Council's Traffic Regulations (which was discussed with CYC officers and a representative from North Yorkshire Police) – this detailed the City of York Council's Traffic Regulations which are contained in four traffic orders namely:
    - Parking, Stopping and Waiting Order
    - Traffic Management Order
    - Speed Limit Order
    - Off-Street Parking Places Orders
  - A report which had been presented to the Cabinet Member for City Strategy on 1<sup>st</sup> December 2011 entitled 'City Centre Footstreets Review' and the decisions he made at that meeting
  - An e-mail from a Member of the Ad Hoc Scrutiny Committee containing options for raising pedestrian safety in the city centre
  - Potential consultation questions to put to key groups in the city who may be affected by any recommendations made by the Committee
15. The Committee sought the views of both CYC officers and a North Yorkshire Police Officer regarding partnership working to enforce the footstreets policy.
16. The City of York Council's City Centre Enforcement Officer highlighted the following issues:
  - The Council has limited powers in terms of enforcement and does not have the power to stop moving traffic
  - There are particular problems with vehicles using Goodramgate and Davygate

- Signage is too high and not always clear to understand
- It is difficult to identify vehicles with disabled drivers or passengers as often permits are not displayed until the vehicles are parked
- There is abuse of the permit scheme
- Because taxis are permitted to drop off and collect permit holders, it is difficult to ascertain if taxis are in the area legitimately
- Deliveries to shops needed to be taken into consideration and there needed to be enough loading/unloading bays available

17. The North Yorkshire Police Officer detailed the following concerns:

- Signage is poor and is too high to be easily visible. A case is currently going through the Courts in relation to signage in Coppergate
- The city has good Park and Ride facilities and the buses drop people off close to the city centre. Could more be done to encourage more use of this provision to discourage vehicles from entering the city centre?
- Many of the problems originate at Goodramgate
- Consideration should be given to a bollard type arrangement at Church Street/Colliergate and at St Helen's Square
- There should be greater consistency in footstreets times
- A very high number of tickets are being issued. More could be issued if officers were available but the Police have to prioritise.
- Some drivers find it difficult to understand the differences between the blue badge and the green badge schemes, particularly when signage refers to 'permit holders'
- Not all cyclists abide by one way systems. Because of the lack of repeater signs it is sometimes difficult to issue tickets to offenders. The footstreet signage does not explicitly show no cycling and some cyclists do not class themselves as vehicular traffic
- Most of the complaints that the Police received related to motor vehicles in the city centre rather than cyclists
- PCSOs (Police Community Support Officers) do not have the power to stop moving traffic

18. In addition to the above discussions Members commented on:

- The need to ensure sufficient, secure and covered parking for cyclists. However, they did query whether this should be situated within pedestrian areas. It was noted that at the moment it was permissible to use the cycle parking facilities in the footstreet areas

without actually being able to cycle there. An added complexity was the fact that the cycle parking facilities could be used after footstreet hours, when it was also acceptable to cycle in these streets.

- The footstreet hours – some thought these should be from 10am to 4pm whilst others felt that they should be extended to 5pm.
- It was noted that whilst it was a highways offence to cycle on pavements, this legislation did not extend to footstreet arrangements.

19. Further discussions ensued on some of the points raised above; in particular in relation to the following;

- It is apparent from evidence received to date that there is an issue about the clarity of current signage. The 'Reinvigorate York' initiative includes proposals to de-clutter where possible. There needs to be less signage but it has to provide greater clarity.
- One way in which it could be made clearer that an area is pedestrianised is by changing its physical appearance so that people are aware that they are moving from one type of environment to another – however, this may be cost prohibitive
- Consideration is being given to addressing issues in respect of moving and non-moving traffic offences, including the legalities of enforcement in respect of bus lanes
- The background of the introduction of the green permit scheme
- Issues in respect of enforcement, including the difficulties that would be faced in reducing traffic in the city centre unless bollards were used
- There was some confusion in relation to who was empowered to stop traffic and who was not; this led to a general feeling amongst the Ad Hoc Scrutiny Committee that road traffic offences and contravention of local by-laws went largely unenforced within the city centre
- The indiscriminate way that some lorries/vehicles parked when delivering goods outside of the footstreet hours

20. In relation to the report that had been considered at the Cabinet Member for City Strategy's Decision Session Members had questioned how the work of the Ad Hoc Scrutiny Committee fitted with that already taking place on the Footstreets Review and Reinvigorate York. It was explained that the Decision Session had enabled the Cabinet Member to provide direction in respect of the work but further consultation still needed to take place. It was suggested at this point that the Ad Hoc Scrutiny

Committee had input into putting together the consultation that would form part of the Footstreets Review. They would then hold some focus groups with specific organisations to further gauge their views. The Ad Hoc Scrutiny Committee suggested that the following would be a good cross section of organisations to meet with:

- Representative of Reinvigorate York
- Representative from York Civic Trust
- Representative from the retail sector
- Representative from a cycle organisation
- Representative from the Independent Living Network
- Representative(s) from disability groups
- Representative from the Quality Bus Partnership
- Representative from a taxi association
- Representative from Shopmobility

21. The results of this exercise could then have been taken into account by the Cabinet Member as part of the Footstreets Review and would also have helped towards the Ad Hoc Scrutiny Committee formulating some recommendations arising from this review.

### **Consultation**

22. The Ad Hoc Scrutiny Committee consulted with various officers and North Yorkshire Police during the course of this review.

### **Options**

23. Members have the following options:

**Option 1** Agree that there is no further role for this Ad Hoc Scrutiny Committee in relation to this review

**Option 2** Continue the work of this Ad Hoc Scrutiny Committee giving clear objectives in order that it can be completed

### **Analysis**

24. The Cabinet Member for City Strategy attended the meeting of the Ad Hoc Scrutiny Committee on 14<sup>th</sup> November 2011 and was supportive of this review. He felt that the work being undertaken by the Scrutiny Committee could complement the work already being undertaken on the Footstreets Review (detailed in a report received by him on 1<sup>st</sup> December 2011). This led to, both the Cabinet Member and the Chair of the Ad Hoc Scrutiny Committee being involved in formulating some consultation



questions which were used as part of this Scrutiny Review and as part of the Footstreets Review.

25. However, there were significant delays in putting together the consultation questions which meant that this review was left uncompleted by the end of the last municipal year. The then Scrutiny Management Committee agreed that due to these delays the review could continue into the 2012/13 municipal year.
26. It was originally envisaged that the Ad Hoc Scrutiny Committee would further consult various organisations as set out in **paragraph 20** to this report as to their thoughts on some of the proposed changes that were highlighted in the consultation document. The purpose of which would have been to gain more in depth information from them. However when the Committee met again on 13<sup>th</sup> July 2012 it was agreed that due to the time already spent on this review and the delays with the consultation document being produced by City and Environmental Services (this was eventually released towards the end of June 2012 with a deadline for responses of 27<sup>th</sup> July 2012) this part of the review be abandoned.
27. Whilst the Chair of the Ad Hoc Scrutiny Committee had seen the consultation document and had had some input into the questions contained within it, the actual Ad Hoc Scrutiny Committee did not have sight of the document until their 13<sup>th</sup> July meeting. With the deadline for the responses to the consultation being 27<sup>th</sup> July, they felt that they only realistically had 14 days within which to arrange a focus group for several external parties and did not believe this was sufficient time to allow for a good turn out; they therefore abandoned this planned stage of the review.
28. They also acknowledged that the focus groups would really only be duplicating what had already been done via the Footstreet Review consultation and all parties they had planned inviting to a focus group had actually already been consulted via this document. The Committee therefore looked at possible next steps based on the information they had received to date, including the consultation document. On consideration of this they felt trialling a temporary (but manually removal) bollard at the place where St Helen's Square and Davygate met would be the best option. They asked that this be installed for between 6 and 18 months and the results of whether this was working be surveyed and reported back to the Cabinet Member for Transport, Planning and Sustainability.

29. In addition to this they themselves agreed that they would set up a stall in St Helen's Square and write a brief questionnaire asking those in the area what they thought the pros and cons of the temporary bollard were. This was scheduled to take place on 11<sup>th</sup> September 2012 and a short questionnaire was produced by the Ad Hoc Scrutiny Committee to use on this occasion. However, it was later understood that the bollard could not be installed this quickly as it was subject to the analysis of the results arising from the Footstreets Review Consultation document and the ongoing Access and Mobility Audit. This led to a further meeting of the Ad Hoc Scrutiny Committee taking place on 11<sup>th</sup> September 2012 in lieu of the above.
30. At this meeting the Committee again considered their next steps and were informed that the Footstreets Review had now finished and the results were being analysed and there had been 180 responses. Secondly they were informed that Cabinet had recently agreed the Reinvigorate York programme and this included new permanent access controls for the Footstreet areas.
31. In light of this officers advised the Committee that they had several ways forward to progress this review namely;
- Review the responses from the consultation document, specifically those around access controls/disabled parking and analyse them – maybe talking further to some of the respondents to gather more information
  - Receive a presentation from the consultants who have undertaken the city centre Access and Mobility Audit (which would cover the consultants' recommendations and their findings/insights from speaking to interested parties)
32. The Ad Hoc Scrutiny Committee would then be in a position to make recommendations on measures and make the case for any trials/experiments that they thought were necessary.
33. On consideration of the options put to them (**paragraph 23** refers) the Committee decided to recommend to Corporate and Scrutiny Management Committee that there was no further role for the Ad Hoc Scrutiny Committee in relation to this issue. They felt that the options put to them were duplications of what officers and consultants were already undertaking and there was no further value they could add by continuing with this review. However, the Ad Hoc Scrutiny Committee did express their disappointment with the length of time it had taken to reach this

point without actually feeling able to add any value. They also expressed concerns that not enough weight and explanation had been given to the Scrutiny Committee's work in the introductory paragraphs of the Footstreets Review Consultation document. Finally, and in addition to the above the Ad Hoc Scrutiny Committee expressed their dissatisfaction that they had received, what they believed to be contradictory information from different officers about the possibility of and timeframes for installing a trial bollard at the junction of Davygate and St Helen's Square. Overall they felt that an opportunity had been missed to improve the environment of the City of York Council Centre Core and review the enforcement of traffic regulations.

### **Council Plan 2011-2015**

34. This review directly relates to the 'Get York Moving' theme set out within the Council Plan 2011-2015. As part of the 'Get York Moving' theme there is a commitment to look at 'improving movement in the city centre'. Many of the areas being explored as part of this review complement this.

### **Implications**

35. **Financial** – There are no known financial implications associated with the recommendations in this report.
36. **Human Resources** – There are no Human Resources implications associated with the recommendations within this report. However already tight resources have been committed to support this review both in officer and Member time.
37. **Legal** – There are no known legal implications associated with the recommendations within this report.
38. There are no other known implications associated with the recommendations within this report.

### **Risk Management**

39. There are no known risks associated with the recommendations within this report. However there is a lesson to learn in ensuring robust and feasible scrutiny topics are selected and dedicated officer support time identified to support any review undertaken.

## Recommendations

40. Members are asked which of the two options set out in **paragraph 23** of this report they wish to support.

**Reason:** To keep Corporate and Scrutiny Management Committee aware of the progress made on this Ad Hoc Scrutiny Review.

## Contact Details

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**Report  
Approved**



**Date** 24.09.2012

**Specialist Implications Officer(s)** None

**Wards Affected:** Guildhall Ward

**All**

**For further information please contact the author of the report**

### Background Papers:

*(Available on request from the Scrutiny Officer)*

- City Centre Footstreets Review Report to the Cabinet Member for City of York Council Strategy (and associated annexes and decision) – 01.12.2011
- Briefing Note – City of York Council of York Council's Traffic Regulations (*considered by the Ad Hoc Scrutiny Committee on 19.12.2011*)
- City Centre Footstreets Traffic Management Review – Consultation Document

### Annexes

None