

# North Tyneside Council Report to Cabinet Date: 9 July 2012

**Item 7(a)(ii)**  
Title: Traffic Regulation  
Order (Proposed Taxi  
Rank – Whitley Road,  
Whitley Bay)

Portfolio(s): Transport and the  
Environment

Cabinet Member(s): Cllr E Hodson

Report from Directorate: Chief Executive's Office

Report Author: Ken Wilson, Head of Regeneration, (Tel: 0191 643 6091)  
Development and Regulatory Services

Wards affected: Whitley Bay

## **PART 1**

### **1.1 Purpose:**

The purpose of this report is to inform Cabinet of an objection received to the proposal to introduce a part-time taxi rank in the bus stop on Whitley Road, Whitley Bay, and request that Cabinet confirm the relevant Traffic Regulation Order.

### **1.2 Recommendation(s):**

It is recommended that Cabinet:

- i. consider the objection received;
- ii. set aside the objection in the interests of reducing confusion for the public and support the operation of Hackney Carriages within the area; and
- iii. confirm the Traffic Regulation Order, with the revised operational hours of the Taxi Rank being 07:00pm – 07:00am Monday to Saturday (and all day Sunday & Bank Holiday's).

### **1.3 Forward Plan:**

This report appears on the Forward Plan for the period 1 July to 31 October 2012.

### **1.4 Council Plan and Policy Framework**

This report is not directly related to any of the priorities in the Council Strategic Plan 2012 - 2015

## 1.5 Information:

### 1.5.1 Background

In response to a request from the North Tyneside Hackney Carriage Association, the Council approached Nexus to confirm whether they would have any objection to removing the 24 hour bus stop clearway restriction within the bus stop on the north side of Whitley Road outside the Fire Station PH (see location plan in Appendix 3) during the evening and introduce a part-time taxi rank. Nexus confirmed that they had no objection to the proposal. In the case of Whitley Road being closed for an organised event, e.g. an open-air market, use of this taxi rank could be suspended for the duration of the road closure in line with standard procedure while other taxi ranks in the local area would remain available.

In November 2011 a statutory Notice of Intention was advertised to amend the bus stop clearway and introduce a Taxi Rank in the bus stop between 18.00 – 02.00 hours.

Initially two objections were received in response to the statutory Notice of Intention. One was from the North Tyneside Hackney Carriage Association, who were requesting an amendment to the hours of restriction. The second objection was from Eastcoast Taxis, a private hire company, that are based and operate within the Whitley Bay area.

In response to the first objection, the Council wrote to Nexus who confirmed that local services only operated from this bus stop between 07:00am – 07:00pm Monday to Saturday, so would have no objection to the taxi rank operating between 07:00pm – 07:00am Monday to Saturday (and all day Sunday & Bank Holidays). The North Tyneside Hackney Carriage Association therefore withdrew their objection on this basis.

The Council subsequently met a representative from Eastcoast taxis and confirmed that the proposal did not impact on their existing arrangements for pick-up and drop-offs in the area as they could not utilise the current bus stop area now. The adjacent double yellow lines restrictions in this area did not prevent a private hire vehicle from stopping on the restriction for so long as may be reasonably necessary for a passenger to board or alight and to load or unload any luggage of the passenger. The representative noted the comments but refused to withdraw their objection to the proposal.

A summary of the outstanding objection is provided in section 1.5.3 and the full text of the objection is reproduced in Appendix 1.

### 1.5.2 Statutory Consultation

Parking proposals are subject to statutory legal process under the Road Traffic Regulation Act 1984 and associated regulations. Schemes must be advertised on site and in the local press. This enables members of the public to object to the proposal. Any objectors are first sent a detailed response and invited to reconsider their objection. Any objections not withdrawn are referred to Cabinet for its consideration.

### 1.5.3 Summary of Objections

#### **Mr I (Representative from Eastcoast Taxis)**

The objector feels that the creation of the taxi rank would deny their passengers and those of all other Private Hire firms' access to that space. This would result in their vehicles having to stop in the main carriageway alongside the rank or on the opposite side of the carriageway. They felt that this had road safety implications.

In correspondence, the Council explained that Private Hire Vehicles could not currently stop in the bus stop so there was no change in their arrangements for dropping off or picking up passengers in this area.

### **1.6 Decision options:**

Cabinet may:

Option 1

Approve the recommendations set out in section 1.2.

Option 2

Not approve the recommendations set out in section 1.2.

Option 1 is the recommended option.

### **1.7 Reasons for recommended option:**

Option 1 is recommended as the proposals will reduce confusion for the public and support the operation of Hackney Carriages within the area. It also offers no change to the current drop off and pick up arrangements for Private Hire Vehicles.

### **1.8 Appendices:**

Appendix 1: Letters of objection and associated correspondence

Appendix 2: Legal Notice of Intention as published in local press

Appendix 3: Plan of scheme.

### **1.9 Contact officers:**

Derek Smith, Senior Manager, (0191) 643 6106

Kevin Ridpath, Network and Transportation Manager (0191) 643 6089

Garry Hoyle Parking Manager (0191) 643 6599

Alison Campbell, Financial Business Manager, (0191) 643 7038

### **1.10 Background information:**

None.

## **PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING**

### **2.1 Finance and other resources**

Funding is available from the 2012/13 Parking Control Local Transport Plan capital budget.

### **2.2 Legal**

Parking proposals that involve revocations or amendments to existing parking orders and any new parking restrictions are subject to statutory legal process. All schemes are formally advertised and include a 21-day period for objections. In accordance with Council policy, if any objections cannot be resolved, then Cabinet is asked to consider the objections.

The required legal Notice of Intent was published in the local press and the proposed order may be cited as Whitley Road (A193), Whitley Bay North Tyneside (Prohibition and Restriction of Waiting and Loading) Order 2010 Variation Order 2011. A copy is attached as Appendix 2.

### **2.3 Consultation/community engagement**

Consultation carried out with residents and Ward Members during the development of the scheme is outlined in paragraph 1.5. The process is also subject to statutory consultation as described at paragraph 2.2.

### **2.4 Human rights**

The proposals within this report do not have direct implications in respect of human rights obligations.

### **2.5 Equalities and diversity**

There are no adverse equalities or diversity issues arising from this report. The scheme may have potential positive equal opportunity implications in that physical accessibility, particularly for people with disabilities, may be improved as a result of the scheme.

### **2.6 Risk management**

There are no adverse risk management implications arising from this report.

### **2.7 Crime and disorder**

There are no direct crime and disorder issues arising from this report.

### **2.8 Environment and sustainability**

There are no direct environment and sustainability issues arising from this report.

### **PART 3 - SIGN OFF**

- Chief Executive  X
- Mayor/Cabinet Member(s)  X
- Chief Finance Officer  X
- Monitoring Officer  X
- Strategic Manager for Policy and Partnerships  X

## **Appendix 1 Letter of objection and associated correspondence**

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Mrs V Geary  
Head of Legal, Governance and Commercial Services  
c/o Democratic Services  
North Tyneside Council  
Quadrant  
The Silverlink North  
Cobalt Business Park  
Newcastle upon Tyne  
NE270BY

Dear Madam,

Objection to proposal to create a part-time taxi rank in the bus stop outside the former Woolworths store on Whitley Road (A193), Whitley Bay under the North Tyneside (Prohibition and Restriction of Waiting and Loading) Order 2010 Variation Order 2011 by virtue of the provisions of sections 1 and 1 and Part IV of Schedule 9 to the Road Traffic Regulations Act 1984 (as amended)

As the only licensed private hire operator based in Whitley Bay and one of the largest three operators in the whole of North Tyneside, our vehicles undertake more journeys into and out of Whitley Bay town centre than any other firm or, I dare say, the whole of the hackney carriage trade.

Whether it be during the day, evening or night, approximately 90 per cent of our customers travelling to or from Whitley Bay town centre want dropping off at, or picking up from outside the former Woolworths store, irrespective of how they describe the location when booking.

The creation of a taxi rank for the exclusive use of hackney carriages by way of civil parking enforcement powers outside the former Woolworths store will create traffic, customer and pedestrian conflict, especially at times of peak demand.

Whilst I cannot describe in detail the conflict or quantify it, because I have not undertaken any form of traffic management survey, I fear that the Council is equally uninformed of the current situation, let alone the impact of its proposed changes. In the circumstances, before the Council makes a final determination of this proposal, I respectfully ask that Members of Planning Committee defer this matter for officers to conduct an appropriate survey before presenting a further report to Members, should officers still consider it desirable to pursue their current proposal.

In the event that this matter is to be considered by Planning Committee, as I understand is usual in the case of an objection, I confirm that we would wish to attend to present our objection, should that be permitted by the rules of committee.

Yours faithfully,

Mr I

## **Initial response to Mr I's objection from Garry Hoyle (Parking Manager)**

Dear Mr I

I have been forwarded a copy of your recent objection to the proposal to amend the bus stop on Whitley Road to a taxi rank during the evening.

To enable the Council to consider whether this is a valid objection, I would be grateful if you could provide some additional information:

You have suggested that the creation of a taxi rank during the evening will create traffic, customer and pedestrian conflict. As your vehicles are not currently permitted to stop in the bus stop, I would be grateful if you could clarify why the establishment of a taxi rank during the evening is likely to create potential conflict.

You have suggested that the proposal may lead to safety or congestion concerns, although you have indicated that you have not undertaken any form of traffic management survey. Can you clarify what safety or congestion issues you feel that this proposal would create.

In regard to objections to Traffic Regulations Orders, the protocol associated with consideration of these has now changed. Reports relating to objections to TROs are no longer considered by Planning Committee but presented to Cabinet for consideration and determination. I have been informed that Members of the Public can attend these meeting but are not permitted to speak.

Regards

Garry Hoyle

## **Response from Mr I to Mr Hoyle's initial e-mail**

Dear Mr. Hoyle,

Our objection to the proposal was lodged in the context of information provided at a meeting of the North Tyneside Hackney Carriage and private hire taxi forum, convened by Mr Colin MacDonald and Ms Joanne Lee - officers of the Council with responsibility for taxi-related issues.

We understand that the relevant bus operators have indicated that they have no need to use the bus stop at that location in evening hours and possibly at all.

The Hackney Carriage Association wish to see a rank established on a 24 hours basis, not merely for the hours proposed although there would be little if any demand for a rank at that point before 6pm., except on the few Bank Holidays.

A Hackney Carriage stand must not be used by any vehicle to stop or stand in the hours it is in force.

Were the Council to create a Hackney Carriage stand of the length proposed (with removal of the Bus Stop) there would be no possibility for licensed private hire vehicles and indeed Hackney Carriages to set down or pick-up legitimate pre-booked fares at this extremely busy point.

Currently we are able to set down and collect fares from this point lawfully without infringing the 'Bus Stop' regulations, provided there is no parking permitted to the West of the Bus Stop. The creation of the HC Stand would deny our passengers and those of all other taxi firms (except NTC licensed Hackney Carriages) access to that space - and even then the space could be fully occupied by HC's standing for hire. The result would be vehicles stopping in the main carriageway alongside the rank or being forced to stop on the opposite side of the carriageway outside the 'could be' Delicatessen shop.

The risks to passengers and other road users from this outcome are blindingly obvious, when many of our passengers are persons who have consumed considerable amounts of alcohol.

The creation of a rank in the position suggested is fraught with danger if there is to be no space available for other road users to set down and pick up passengers. Any suggestion of dropping off or picking up around the corner in York Road/Oxford Street is wholly impractical and would result in considerable loss of trade by this and other firms as passengers were unable to locate a vehicle booked for pick-up from the premises noted above.

We have suggested that the Council should carry out any survey deemed appropriate in respect of this proposal and in the light of the objection we have lodged.

We are more than willing to provide booking details for all hours and days for this location (noting the previous comment that many journeys into Whitley Bay, particularly in the evening by this company's vehicles and those of numerous other operators are usually terminated at this location, irrespective of the booking details given prior to the journey - which in many cases will simply be that the passengers are intending to go into Whitley Bay). The public houses at this point are recognised as the 'starting point' of the evening drinking circuit for the Whitley Bay night time economy.

The current 'ad hoc' and unauthorised arrangements are already problematical with  
HACKNEY CARRIAGES IN MANY INSTANCES BLOCKING ANY POSSIBILITY FOR  
DROPPING OFF OR PICKING UP AT THIS LOCATION - WHETHER AT A LAWFUL OR  
OTHER POINT.

The Council should be looking to manage this matter for the benefit of ALL and NOT for the particular deemed needs of one segment of the public transport sector.

I look forward to hearing further from you and would be obliged to have notice of when it might be intended to take this matter before full Council for approval, which date I would earnestly hope would not be before the quantitative data I have suggested is needed has been obtained and evaluated, in terms of the displacement of existing traffic movements that this proposal would engender.

Regards,  
Mr I

### **Response to Mr I's objection from Garry Hoyle (Parking Manager)**

Thank you for your response Mr I.

I wish to clarify that following subsequent discussions with the Hackney Carriage Association and Nexus the proposal is to establish a Taxi Rank between 1900 – 0700 Monday to Saturday (and all day Sunday & Bank Holiday's), it will not apply for 24 hours.



I have noted your comments 'Currently we are able to set down and collect fares from this point lawfully without infringing the 'Bus Stop' regulations, provided there is no parking permitted to the West of the Bus Stop.' I must reiterate however that private hire vehicles are not permitted to set down or pick-up legitimate pre-booked fares in a bus stop. Regulation 29 Schedule 19 of the TSRGD lists exemptions to parking in bus clearways and permitted purposes for use. The exemptions include (d) a taxi which is stationary only for so long as may be reasonably necessary for a passenger to board or alight and to load or unload any luggage of the passenger

A taxi means a vehicle licensed under Section 37 of the Town Police Clauses Act 1847. This does not include Private Hire Vehicles.

Obviously if there has been some local agreement that I am not aware of then please forward me details of the officers involved and when this was agreed. I have copied Alan Newton into my response in case you need to discuss the issue further with him or in case he is aware of any local agreement.

I have noted your comments about the frequency that you drivers pick up and drop off in Whitley Bay and would not dispute this however the current restrictions would suggest that you cannot do so from the bus stop. The establishment of a taxi rank during the evening would therefore not change the situation for your drivers.

If your objection however is that the Taxi Rank is unnecessary as the area is sufficiently served by Private Hire Vehicles and you feel that the establishment of the Taxi Rank would create an unsafe situation because it would cause an increase in traffic movements adjacent to a signalised junction with significant pedestrian movements, then I would be happy to consider this as the basis for your objection.

Regards

Garry Hoyle

**NORTH TYNESIDE COUNCIL**

**WHITLEY ROAD (A193), WHITLEY BAY**

**NORTH TYNESIDE (PROHIBITION AND RESTRICTION OF WAITING AND LOADING)  
ORDER 2010 VARIATION ORDER 2011**

North Tyneside Council gives notice that it proposes to make an Order under Sections 1 and 2 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984, as amended.

The effect of the Order, if made, will be to amend the bus stop clearway and introduce a No Stopping except taxis between 18.00 – 02.00 hours at the following:

The north side of Whitley Road, from a point 9 metres west of its junction with Oxford Street/Victoria Terrace in a westerly direction for a distance of 36 metres.

The proposed order is necessary to reduce confusion and support the operation of Hackney Carriages within the area. Buses will not operate from the bus stop during this period.

Full details of the intended Order, together with a map showing the restriction may be examined at the address below between 9.30am and 3.30pm on Mondays to Fridays, except Public Holidays.

If you wish to object to the proposed Order you should do so in writing to the address set out below by 15 December 2011 and include the grounds for the objection. Any objections received will be placed in the working file and can be viewed by the public if requested.

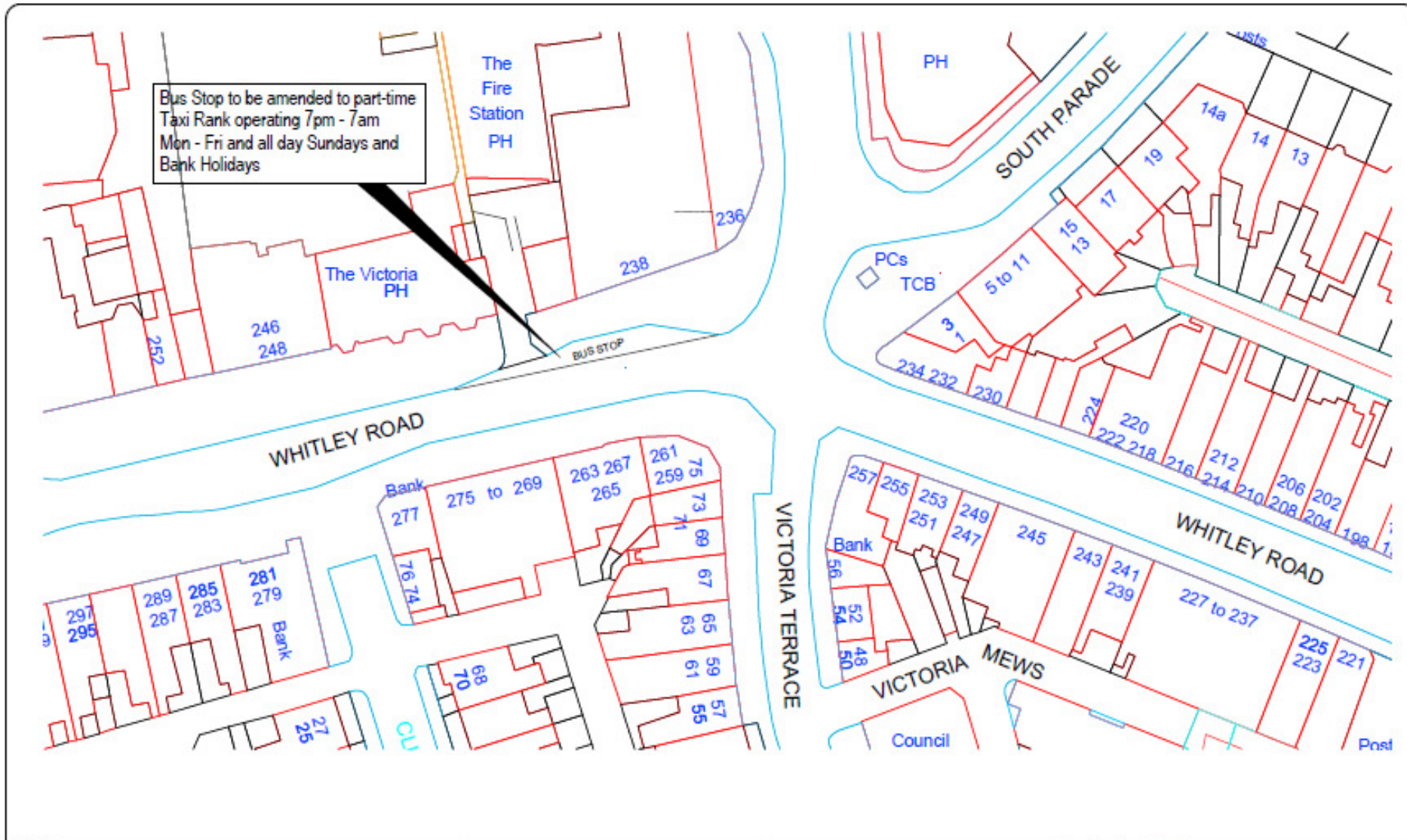
24 November 2011

V Geary - Head of Legal, Governance and Commercial Services  
c/o Democratic Services, Quadrant, The Silverlink North, Cobalt Business Park,  
North Tyneside, NE27 0BY

[democraticsupport@northtyneside.gov.uk](mailto:democraticsupport@northtyneside.gov.uk)



Appendix 3



**NOTES**  
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 2. All dimensions are in millimetres and all levels are in meters unless otherwise stated.  
 3. The Contractor is to take all reasonable precautions for the location and protection of any public or private apparatus in the vicinity of the works.

Client  
  
 Project Title

Drawing Title  
**Proposed Part-time Taxi Rank  
 Whitley Road, Whitley Bay**

Project No.	Dwg. No.	Drawn By G Hoyle	Checked
Date 17/5/12	Scale NTS	Revision	Sheet Size

Engineering Services  
 Regeneration, Development and  
 Regulatory Services  
 Cobalt 10 The Silverlink North  
 Quadrant, Cobalt Business Park  
 West Allotment  
 Newcastle Upon Tyne  
 NE27 0BY  
 E-mail: [highways.environment@northtyneside.gov.uk](mailto:highways.environment@northtyneside.gov.uk)  
 Web: [www.northtyneside.gov.uk](http://www.northtyneside.gov.uk)



**North Tyneside Council**