

# North Tyneside Council Report to Cabinet Date: 9 September 2013

**ITEM 7(b)**  
Title: Traffic Regulation  
Order – Service Yard to  
side of North Shields  
Metro Station

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Portfolio(s): Economic Development

Cabinet Member(s): Cllr F Lott

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Report from Directorate: Chief Executive's Office

Report Author: Paul Buie, Head of Business and Economic Development (Tel: 0191 643 6091)

Wards affected: Riverside

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## PART 1

### 1.1 Purpose:

The purpose of this report is to detail, and request Cabinet to set aside, one objection received to the proposal to introduce parking restrictions in the service yard to the side of North Shields Metro Station.

### 1.2 Recommendation(s):

It is recommended that Cabinet:

- i. consider the objection;
- ii. set aside the objection in the interests of improved taxi management, to facilitate the free flow of traffic and support the operation of bus services in the area; and
- iii. confirm the Traffic Regulation Order, as drafted.

### 1.3 Forward Plan:

Objections relating to proposed Traffic Regulation Orders are a standard item on the Forward Plan.

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

The proposals in this report are not directly related to any of the priorities set out in the Council Strategic Plan 2012-2015.

Of the priorities set out in North Tyneside's Sustainable Community Strategy 2010-13, the proposals in this report are relevant to Priority 1 - Regeneration, which includes the aim to "enhance connectivity across the borough through improved transport choices".

## **1.5 Information:**

### **1.5.1 Background**

The service yard to the north side of North Shields Metro Station is owned by Nexus. Hackney carriages have for a number of years used an area within the service yard as an informal rank, which acted as a feeder facility to the formal hackney carriage rank, located outside Nobles Amusements on the un-named link road between the service yard and Nile Street. Both facilities were suspended during the refurbishment of North Shields Metro Station to facilitate storage and building works associated with the refurbishment.

Following negotiations with the Authority, Nexus have agreed to lease a section of the service yard to the Authority to enable the reinstatement of the ranks. To ensure effective management of the vehicles using this facility, the Authority proposes to formalise both ranks and introduce additional waiting restrictions in the service yard to discourage indiscriminate parking and provide a safe, unobstructed pedestrian route from the north platform of the Metro station.

In accordance with the statutory process, a Notice of Intention was displayed on site, in the local newspaper and on the Authority's website outlining the proposed restrictions.

One objection was received in response to the statutory Notice of Intention. A summary of the objection is provided below.

### **1.5.2 Statutory Consultation**

Parking proposals are subject to statutory legal process. Schemes must be advertised on site and in the local press. This enables members of the public or businesses 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 Objector**

Mr K submitted an objection on behalf of Central Taxis, a private hire company which operates from premises within the North Shields Metro Station building. The initial objection related specifically to the 'no entry' restriction at the junction of Nile Street and Russell Street. This restriction prohibits southbound traffic with the exception of buses, taxis and vehicles loading/unloading to the businesses located on the section of Nile Street / Railway Terrace between its junctions with Russell Street and Rudyerd Street.

For clarification, the exemption for taxis relates to hackney carriages only and not to Private Hire Vehicles. Loading/Unloading is the taking of items/goods to and from the vehicle but does not include waiting or picking up passengers at the office.

An Officer from the Authority responded advising that this restriction was not part of the Notice of Intention that had been advertised and therefore the objection was not relevant. Amendments to existing Traffic Regulation Orders are subject to statutory process and if the objector wished the Authority to consider an amendment to this restriction then he could submit a separate request to the Authority to do so.

Further correspondence was received on behalf of the objector suggesting that he would be prepared to withdraw the objection if the Authority were prepared to amend the existing No Entry Order at the junction of Nile Street and Russell Street. The objector also raised additional issues relating to lease charges that Central Taxis had paid to Nexus in relation to historical usage of the Service Yard and business rates that they had paid to the Authority. The latter is currently being dealt with by the Authority through the business rate appeals process. However the existing No Entry Order at the junction of Nile Street and Russell Street, which effectively prevented Private Hire Vehicles from gaining entry to the service yard, is not relevant to the Notice of Intention that was advertised.

The objector also referred to legislation which, it was suggested, prohibited the implementation of a feeder rank system. Investigation by the Authority confirms that this is not the case. The proposal has been discussed with licensing officers who confirm that the proposal is a suitable arrangement to accommodate demand and facilitate the expeditious movement of traffic around this area of the town centre while also allowing access for Nexus vehicles to their storage area within the service yard.

## **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 provide an effective facility to accommodate the numerous Hackney Carriage vehicles that use the ranks in this area. Relocating the majority of Hackney Carriage vehicles off the public highway will aid traffic movements and Public Transport Services operating in the area.

## **1.8 Appendices:**

Appendix 1 Details of objection and associated correspondence

Appendix 2 Legal Notices of Intention as published in local press

Appendix 3 Plan of scheme will be displayed in each group room and will be available for inspection at Cabinet

## **1.9 Contact officers:**

Andrew Flynn, Client Manager - Integrated Transport, 0191 643 6083  
Kevin Ridpath, Highway Network Manager, Capita Symonds, 0773 028 5609  
Garry Hoyle, Parking Manager, Capita Symonds, 0191 643 6599  
Alison Campbell, Financial Business Manager, 0191 643 7038

## **1.10 Background information:**

North Tyneside Parking Strategy 2012 - 2016  
[http://www.northtyneside.gov.uk/browse.shtml?p\\_subjectCategory=360](http://www.northtyneside.gov.uk/browse.shtml?p_subjectCategory=360)

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

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

Funding is available from the 2013/14 Parking Control (New Parking Initiatives) 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 set out in the Road Traffic Regulation Act 1984 and the Regulations that flow from that Act, namely, the Local Authorities' Traffic Orders (Procedure)(England and Wales) Regulations 1996. All schemes are formally advertised and include a 21-day period for objections. In accordance with the Authority's policy, if any objections cannot be resolved, then Cabinet is asked to consider the objections.

The Legal Notice of Intent was published in local press and may be cited as the North Tyneside (Prohibition and Restriction of Waiting and Loading) (Consolidation) Order 2012 Variation Order No. 4 2013.

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

Consultation was carried out in line with statutory process as described in section 1.5.2.

### **2.4 Human rights**

The proposals within this report do not have direct implications in respect of the Human Rights Act 1998.

### **2.5 Equalities and diversity**

There are no adverse equalities or diversity issues arising from this report. There are potential positive equalities implications in that physical accessibility, particularly for people with disabilities, may be improved.

## 2.6 Risk management

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

## 2.7 Crime and disorder

There are no crime and disorder implications directly arising from this report.

## 2.8 Environment and sustainability

There are no environment and sustainability implications directly arising from this report.

### PART 3 - SIGN OFF

- Chief Executive
- Strategic Director(s)
- Mayor/Cabinet Member(s)
- Chief Finance Officer
- Monitoring Officer
- Strategic Manager  
Policy, Partnerships,  
Performance and Communication

**Details of Objection** (received 11 June 2013)

Dear Ms Geary,

We wish to object to the wording of The North Tyneside (Prohibition and Restriction of Waiting and Loading) (Consolidation) Order 2012 Variation Order No. 4 2013 – “North Shields metro Station”.

Although clause (b) excludes taxis from being prevented from dropping off / picking up, the word “taxi” in law relates only to Hackney Carriage vehicles and not Private Hire vehicles. We are the largest Private Hire firm in the area having 150 vehicles and have picked up customers (many of them elderly, infirm or disabled) from outside our office at North Shields Metro station and the Co Op store on Nile Street for over 40 years.

We respectfully request that the wording is amended to include Private Hire vehicles. To not do so would put the livelihood of 150 private hire drivers at serious risk.

I would also like to arrange to view the full proposals in more detail at your earliest convenience? If you require more information, or need to speak to me, please contact me at any time on [telephone number].

Yours Sincerely,

Mr K – Central Taxis Ltd.

**Council response** (sent 12 June 2013)

Dear Mr K,

I acknowledge receipt of your objection to the proposals for North Shields Metro Station as specified in "The North Tyneside (Prohibition and Restriction of Waiting and Loading) (Consolidation) Order 2012 Variation Order No. 4 2013" and enclose a plan showing details of the scheme for your information as requested.

With respect to your request for the restriction to be amended to include private hire vehicles, It should be noted that the land in question is owned by Nexus and leased to North Tyneside Council and the lease arrangements only allow parking provision for Hackney Carriages due to the limited capacity in this area. I should also clarify that entry to this section of Nile Street south of its junction with Russell Street is restricted to buses and hackney carriages only and this has been the case for some time.

I have also discussed your request with our Licensing team who have confirmed that the operation of private hire vehicles need not rely on designated parking places. However, if you are able to demonstrate a particular requirement for parking in the restricted area, this will be taken into consideration.

Please let me know if you require any further information or have any queries relating to this matter.

Yours faithfully,

Nick Saunders  
Senior Traffic Engineer - Parking Control

**Further correspondence from Objector** (received 12 June 2013)

Dear Mr Saunders,

Thank you for your reply. With the greatest of respect, I think you may have mixed 2 issues. The variation order seems to largely concern Nile Street and not the goods yard owned by Nexus.

With respect to the "goods yard" – I am aware it is owned by Nexus. Indeed I have just asked North Tyneside Council to refund me 30 years of business rates (see attached invoice) they have charged for alleged parking rights there! I understand it is not your responsibility nor within your remit. My reason for writing to you was not for the goods yard (I am dealing with that separately) but to allow us to pick up and drop off at our office front door!

I am aware that "our" part of Nile Street is no entry. I was there some years ago when one of my staff (who is legally qualified) challenged the North Tyneside Council site manager at the time. The NTC manager did not know the difference between private / public hire and said he expected us to continue travelling to our office door as normal. He said "you are taxis aren't you?" The no entry has never, at any time, been enforced against us by the police or the Council.

In a nutshell – all I require is confirmation in writing that we are able to pick up passengers from our office door on Nile Street and the North Shields Co Op. We do not need to park on Nile Street ever, only to load / unload passengers quickly and efficiently from where they have always been picked up. If this requires the changing of the no entry sign to reflect the current conditions, then so be it. In my opinion it was not properly thought through when originally erected.

If you need more information, I am happy to meet or discuss. I would also like to see the proposals the notice refers to in full at your earliest convenience.

Thank you for your time

Mr K – Central Taxis Ltd

**Further correspondence from Objector** (received 13 June 2013)

Mr Saunders,

As an afterthought – if the prohibition notice relates only to the goods yard and not any of Nile Street then please let me know. At the time I spotted it (Monday evening 10th June) I did not have any measuring equipment with me and noticed there was only one day left to object!

However, even if this is the case, the no entry sign on Nile Street should still be amended so that we can access our premises!

Many thanks for your time

Mr K – Central Taxis Ltd

**Council response** (sent 13 June 2013)

Dear Mr K,

The variation order in question (notice attached) does in fact relate to the goods yard rather than Nile Street itself as shown on the plan previously sent. I was not involved in the introduction of the no entry restriction on Nile Street south of Russell Street but can confirm that it does prohibit private hire vehicles from accessing the area and therefore from picking up/dropping off passengers from outside your office. A change to this arrangement would involve an amendment to the legal order supporting the no entry restriction as well as the associated signage. In order to amend the legal order, we would have to seek approval from the appropriate Council and Cabinet Members and consult with key stakeholders in the area.

I am happy to initiate this process but as you have pointed out, this matter is separate from the proposals concerning the goods yard itself. On this basis therefore, I would be grateful if you could confirm if you wish to uphold your objection to “The North Tyneside (Prohibition and Restriction of Waiting and Loading) (Consolidation) Order 2012 Variation Order No. 4 2013”.

Yours faithfully,

Nick Saunders  
Senior Traffic Engineer - Parking Control

**Further correspondence from Objector** (received 13 June 2013)

Mr Saunders,

Thank you for taking the time to speak to me today.

As discussed, Mr K, the Managing Director of Central Taxis does wish to continue with and uphold his objection for several reasons, amongst which are:

- We have an on going argument with Nexus that we have always been charged in our lease for parking in the goods yard and can rely on a right of continuous use there
- We have proved that NTC have charged us business rates for the same for over 20 years (I have supplied copy invoice to you in previous email)
- We must have passed the “no entry” sign in order to access the goods yard in the past!
- The no entry sign has never been enforced – the council officers who oversaw its erection thought “taxis” meant private hire too!



- The Hackney Rank at the top of this yard is for 3 vehicles. The current position is clearly intended to avoid the correct application procedure for increasing rank spaces by creating an artificial "feeder rank" – against the Council's own byelaws!

- We wish to know who took the decision to exclude private hire and pay for spaces for hackney carriages only. And, more importantly - why was this decided?

- We would like to know exactly where the money to lease / licence this goods yard is coming from

As discussed, I am sure Graeme will be as flexible as possible in relation to this objection once he has clarification that he can pick customers up from his own office and the Cooperative store and drop passengers (often disabled) at North Shields Metro Station.

Our intention is for all of the trade (private hire and hackney) to work together to provide a good level of service to the public and not to exclude anyone from carrying out their jobs

I have copied Joanne Lee into this email as she sits on the Licensing Forum where the issue of this goods yard is due to be discussed.

Thank you

Mr W – Central Taxis Ltd

#### **Council response** (sent 14 June 2013)

Mr W

Thank you for providing further clarification regarding the nature of your objection to the proposals. I would like to address the points you have raised as follows:

1. We do not currently have any information regarding the lease arrangement between Nexus and yourselves but if you can provide supporting documentation, this will be taken into consideration.
2. I acknowledge receipt of your copy of a rate demand notice for 2011/2012. However, although this is related to your premises it does not include any specific information regarding parking arrangements.
3. I appreciate that private hire vehicles may have passed the no entry sign in the past but can confirm that the existing access restriction which prohibits private hire vehicles has been in place for at least 15 years.
4. I am unable to comment on any discussions which took place during the installation of the no entry signs but can confirm that any enforcement of the restriction would be carried out by the Police.
5. I am not aware of a byelaw relating to feeder ranks but if you can provide evidence of this legislation, this will be taken into consideration.
6. The proposals for the goods yard have been designed to rationalise the existing situation rather than to exclude private hire vehicles in particular. As mentioned above, the longstanding no entry restriction prohibits private hire vehicles from entering this area anyway. This access restriction would have been authorised by the Cabinet Member at the time.
7. As far as I am aware, there is no charge for the lease of the car park to North Tyneside Council. It is leased on a peppercorn rent basis.

I would be grateful if you could let me know as soon as possible if your position regarding Variation Order Number 4 changes and also if you would like North Tyneside Council to initiate proposals to amend the no entry restriction on Nile Street.

Regards,

Nick Saunders  
Senior Traffic Engineer - Parking Control

**Further correspondence from Objector** (received 14 June 2013)

Mr Saunders,

We would like to officially request that the no entry restriction on Nile Street is amended to allow Private Hire vehicles to pick up and drop off only (not to park).

In response to the points you made regarding the goods yard:-

1. We are attempting to obtain lease information from Nexus. Although there is general verbal consensus from Nexus that we used to have parking, we are having trouble obtaining documentation. I will let you have this as soon as I know more.
2. The rates demand clearly shows under property description "R/O (rear of) Nile Street car park". There is no other area that this could possibly relate to. We have spoken to the rates department several times and they have confirmed that it is the Nexus goods yard to which this relates
3. The access restriction has never, at any time, been enforced against a Private Hire driver to my knowledge. We have computer booking records for the past 4 years showing our vehicles picking up 2500 passengers per week from the office door and Cooperative store on Nile Street! That is 780,000 passengers per year (assuming we pick none on a Sunday) without any police enforcement or council enforcement of any kind! It is very clear in our opinion that the intention behind the no entry sign was not to exclude buses, taxis or private hire, but to stop the public from using it as a short cut. Unfortunately it was worded by some department with poor knowledge of licensing law at the time.
4. This is answered in point 3 above
5. I will supply you the relevant byelaw information by Monday. I do not have my legal resources to hand at the moment. I think we should also point out that in addition to this byelaw there is a second, equally important point – NTC has its own clearly defined procedures for increasing the size of a Hackney rank (I will supply these to you Monday also). Why have these procedures been completely ignored by creating an artificially extended rank? The council is avoiding its own rules and guidelines in this instance.
6. Rationalising the situation would require all those who previously used the yard to still use it after the Metro redevelopment. Even NTC taxi licensing officers and NTC rates department are in no doubt that we have had daily use of that goods yard for many years. We believe it is irrational, 15 years after the erection of a no entry sign, to suddenly decide to use it to exclude the vast majority of the trade. Transporting customers from North Shields Metro safely and efficiently should be the paramount concern here – surely that is the most rational view?

7. Thank you – I would like to confirm this as this would only add further insult to injury. Not only did the private hire industry pay Nexus rent for the land but we also paid NTC business rates on it! It now appears the Hackney Carriage trade (who have used it gratis without permission or knowledge of Nexus for 20 years) have free use of it!. We find that difficult to rationalise in any way?

Once again, many thanks for your time. I appreciate you have had this rather heavy burden dropped on you by no fault of your own, but it affects the livelihood of almost 200 people and we would be negligent if we ignored it.

Mr W

**Further correspondence from Objector** (received 15 June 2013)

Mr Saunders,

I must correct the figures in point (3) of my previous email. We do indeed carry out 2500 jobs per week from beyond the no entry sign. This equates to 130,000 jobs per year. Over the 15 year period you refer to, this is just short of 2 million “contraventions” that have gone completely unchallenged by both police and council. Add to that the number of Private Hire cars from other firms that pick up / drop off at the Cooperative store or Metro station and the true figure is significantly higher!

Our booking records are available for your inspection at any time and support these figures.

The byelaws you asked about in point (5) of your previous email:

The Model Bylaws were contained in the Annex to Department of Transport circular 8/86. The Department further stated in its Guidance Note of July 2005 to licensing authorities that “*The Model bylaws cover the range of standard controls which most local authorities would want to impose and we would expect local authorities to base their bylaws on the Model.*”

The Model byelaws state in relation to hackney ranks:

‘7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired-

- (a) proceed with reasonable speed to one of the stands appointed by the Council;
- (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand’

It is quite clear that NTC are attempting to use Nexus to aid them in avoiding the correct procedure. While we understand that NTC are keen to avoid a problem with traffic on Nile Street the law provides a solution for this – they can create extra taxi ranks in other places under current legislation. (I can supply a description of the proper procedure if you require it.) However this would cost them money. Significantly more money than bypassing the law by creating an artificial “feeder rank”.

Once again thank you for your time. I hope we, and any other relevant persons, can put our heads together and come to a common sense conclusion that satisfies all concerned.

Mr W

**Council Response** (sent 19 June 2013)

Mr W

Thank you for providing additional information in support of your objection to Variation Order No. 4. This will be taken into consideration along with your previous representations.

Regards,

Nick Saunders  
Senior Traffic Engineer - Parking Control

**Further correspondence from Objector** (received 19 June 2013)

Mr Saunders,

Thank you. In addition to what I have already given, I also believe there is case law which would enable us to rely on our regular and uninterrupted use of both the goods yard and of Nile Street (beyond the no entry sign) in *Calder Gravel Ltd v Kirklees MBC [1990] P & CR 322*

We look forward to hearing from you regarding our objection.

Thank you

Mr W

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**NORTH TYNESIDE COUNCIL**

**The North Tyneside (Prohibition and Restriction of Waiting and Loading) (Consolidation)  
Order 2012 Variation Order No. 4 2013**

**North Shields Metro Station**

North Tyneside Council gives notice that it proposes to make Variation Orders under Sections 1, 2, 32, 35 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 and all other enabling powers. The effect of the Order, if made, will be to introduce the following restrictions on the unnamed service road to the north of North Shields Metro Station:-

- a) no waiting at any time and no loading or unloading any time on its:-
  - i) north west side, between its junction with Nile Street and a point 7 metres south west of that junction;
  - ii) north west side, between a point 22 metres south west of its junction with Nile Street and a point 51 metres south west of that junction; and
  - iii) south east side, between its junction with Nile Street and a point 64 metres south west of that junction,
- b) no stopping except taxis:-
  - i) on its north west side, between a point 7 metres south west of its junction with Nile Street and a point 22 metres south-west of that junction;
  - ii) on its north west side, between a point 51 metres south west of its junction with Nile Street and a point 87 metres south-west of that junction; and
  - iii) on its south east side, between a point 64 metres south west of its junction with Nile Street and a point 87 metres south-west of that junction.

Details of the proposals, including plans, may be examined at the address below between 8.30 am and 4.30 pm on Mondays to Fridays. If you wish to object to the proposals, you should send the grounds for your objection in writing to the undersigned by 11 June 2013. Any objections received will be placed in the working file and can be viewed by the public if requested.

21 May 2013

V Geary, Head of Law & Governance  
c/o Democratic Services, Quadrant, The Silverlink North, Cobalt Business Park, NE27 0BY



