

5 December 2019

Agenda Item: 12

**REPORT OF CORPORATE DIRECTOR, PLACE****THE NOTTINGHAMSHIRE COUNTY COUNCIL (CASTLE GATE, NEWARK)  
(TAXI CLEARWAYS) TRAFFIC REGULATION ORDER 2019 (3293)****CONSIDERATION OF OBJECTIONS****Purpose of the Report**

1. The purpose of this report is to consider the objections received in respect of the above traffic regulation order and whether it should be made as advertised.

**Information**

2. B6166 Castle Gate is a local distributor road immediately adjacent to the north-west of Newark on Trent town centre. It comprises of a range of commercial and residential properties, generally with limited off-street parking. The road is subject to a range of waiting restrictions, with double yellow lines along much of its length and there are a series of laybys which contain bus stop clearways, taxi clearways and limited waiting parking bays. The layby on the north-west side of Castle Gate (outside nos.22-40) is split into two parking bays. Both sections offer limited waiting parking during the day, whilst from 8pm the north-western bay (outside nos. 22-30) is subject to a taxi clearway; which prohibits waiting and stopping for all vehicles except taxis.
3. Newark and Sherwood District Council, as the taxi licensing authority, has expressed concern that the taxi clearway is being habitually obstructed by parked vehicles. The layby currently operates as a limited waiting bay (6am to 6pm, all days), with the north-eastern section, outside numbers 22 to 30 Castle Gate, becoming a taxi clearway in operation from 8pm to 6am. The south-western section of the layby becomes unrestricted after 6pm and is available for unrestricted parking until the following day at 6am.
4. Nottinghamshire County Council is aware that in the period between 6pm and 8pm drivers are parking their vehicles, legally, in the bay, however they are not removing the vehicles when the clearway restriction commences at 8pm. These vehicles then obstruct the operation of the rank and are in contravention of the clearway restriction. Additional enforcement has not eradicated the problem and the Via District Manager has endorsed the need to consult on the District Council's preferred option, which is to amend the restriction to improve driver awareness of and compliance with the clearway.
5. The County Council therefore proposes to amend the hours of operation of the north-eastern section of the bay, outside numbers 22 to 30 Castle Gate, to operate as a taxi clearway from

6pm, when the bay ceases to be a limited waiting bay. The proposed changes will remove the anomaly of the two hour unrestricted parking period. The proposed revisions are detailed below:

- Current Operation
  - 6.00 am – 6.00pm, 1 hour limited waiting;
  - 6.00 pm – 8.00pm, unrestricted parking;
  - 8.00 pm – 6.00am, Taxi Clearway.
- Proposed Operation
  - 6.00 am – 6.00pm, 1 hour limited waiting;
  - 6.00 pm – 6.00am, Taxi Clearway.

6. The statutory consultation and public advertisement of the proposals, as shown on drawing H/MN/3068/01, was carried out between 28th March to 26<sup>th</sup> April 2019.
7. Thirty responses were received during the consultation, one of which made a comment regarding obstructive parking. Twenty-nine responses are considered to be outstanding objections to the proposals.

### **Objections Received**

8. Objection – Extension of clearway hours not required  
Eighteen respondents stated that the proposals were not required or not justified stating that taxis did not use the rank earlier in the evening or during weekdays. Also, that alternative ranks were available within the town centre which were busier and better placed to meet the needs of passengers.
9. Response – Extension of clearway hours not required  
Newark and Sherwood District Council, as the taxi licensing authority, has expressed concern that the taxi clearway is frequently obstructed by parked vehicles. Drivers are parking their vehicles in the bay after the limited waiting restriction ends but failing to move their vehicles by the time the clearway restriction begins at 8pm. There are different parking restrictions in force in adjacent parking bays and it is considered that this inconsistency is a factor in driver non-compliance with the clearway. The south-western end of the parking bay is available for unlimited evening parking after 6pm as is the bay across the road. It is considered that the two-hour window of unrestricted parking in the north-eastern bay, is contributing to driver mis-understanding of the waiting restrictions in force during the rest of the evening.
10. Additional enforcement has not addressed compliance amongst drivers has remained low. Removing the anomaly of 2 hours unlimited parking between 6pm and 8pm will create consistency in the restrictions and aid driver understanding and compliance.
11. Objection – Loss of on-street parking  
Sixteen respondents objected to the proposals on the grounds of the loss of on-street parking. Comments referred to the use of the bay as a safe and convenient location to drop off and pick up children attending a nearby gym. Other respondents stated that it was used as parking by customers and users of local facilities. They commented that the bay provided a valuable on-street parking facility and opportunities for free on-street parking in the area were already limited; this would be exacerbated by the proposed change.

12. Response – Loss of on-street parking

The rank is regularly obstructed by parked vehicles in the evenings after 8pm and despite increased parking enforcement in the area, this has continued to be the case.

13. Whilst the demand for convenient off-street parking is acknowledged it should be noted that three other parking bays are available in the vicinity of the rank (two to the south-west of the zebra crossing and one to the north-east) in addition to a bay on Stodman Street. These provide alternative locations for both short term and overnight parking. There is always a balance to be struck between competing demands for a finite resource such as free, on-street parking. The provision of taxi ranks on the highway improve accessibility of the town centres for those without access to a private vehicle or who choose to travel by other modes. As such the provision of roadspace for taxi ranks is considered appropriate and meets the Highway Authority's Network Management duty to facilitate the movement of all vehicles on the highway, including pedestrians.

14. Objection – Detrimental effect on local businesses

Seventeen respondents, including several local business owners, objected to the restrictions on the grounds that it would negatively impact on the economic sustainability of shops and businesses on Castle Gate. Concerns raised included the impact on trade which could occur if customers were unable to park in proximity to their destination and the potential for these users to choose to shop or train elsewhere. One respondent stated that it would negatively impact on their ability to extend their opening hours and as such the potential to grow their business.

15. Response – Detrimental effect on local businesses

There are many competing demands for free, convenient on-street parking in town centres and when dealing with this finite supply it is not possible to meet all demands for parking. The importance to businesses of parking availability on Castle Gate is acknowledged, however the provision of this must always be balanced with meeting the needs of all highway users, including non-drivers. The continued obstruction of the taxi rank impacts on its ability to operate and therefore limits the travel modes available to users of the town.

16. The proposals are designed to improve driver compliance with the clearway by removing the anomaly of the two-hour period of unrestricted parking. Unrestricted on-street parking remains available after 6pm in four neighbouring parking bays on Castle Gate and Stodman Street, as well as on the wider highway network. This on-street parking, in addition to the town centre off-street car parks, provide a variety of parking opportunities for visitors and other users.

### **Other Options Considered**

17. Other options considered relate to the operational period of the clearway, which could have been either lesser or greater. Other clearways within the town centre operate at all times, however the period 6pm to 6am was considered to provide a reasonable balance between the need to reduce obstructive parking in the clearway and recognition of the demand for on-street parking.

### **Comments from Local Members**

18. Councillor Saddington did not comment on the proposals during the consultation.

## **Reasons for Recommendations**

19. The proposed scheme offers an appropriate solution to mitigate road safety concerns and facilitate the safe operation of the highway and junction with minimum loss of parking availability. It is considered that the proposed scheme presents a reasonable and proportionate balance between the needs of all highway users, including non-drivers, who live in or visit the area.

## **Statutory and Policy Implications**

20. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## **Crime and Disorder Implications**

21. Nottinghamshire Police did not comment on the proposals. No additional crime or disorder implications are envisaged.

## **Financial Implications**

22. The scheme is being funded by Newark and Sherwood District Council with an estimated cost to implement the works and traffic order of £5,000.

## **Human Rights Implications**

23. The implementation of the proposals within this report might be considered to have a minimal impact on human rights (such as the right to respect for private and family life and the right to peaceful enjoyment of property, for example). However, the Authority is entitled to affect these rights where it is in accordance with the law and is both necessary and proportionate to do so, in the interests of public safety, to prevent disorder and crime, to protect health, and to protect the rights and freedoms of others. The proposals within this report are considered to be within the scope of such legitimate aims.

## **Public Sector Equality Duty implications**

24. As part of the process of making decisions and changing policy, the Council has a duty 'to advance equality of opportunity between people who share a protected characteristic and those who do not' by thinking about the need to:

- Eliminate unlawful discrimination, harassment and victimisation;
- Advance equality of opportunity between people who share protected characteristics (as defined by equalities legislation) and those who don't;
- Foster good relations between people who share protected characteristics and those who don't.

25. Disability is a protected characteristic and the Council therefore has a duty to make reasonable adjustments to proposals to ensure that disabled people are not treated unfairly.

## **Implications for Sustainability and the Environment**

26. The proposed alteration to the taxi clearway restrictions are designed to facilitate multi-modal access to the town centre and as such potentially reduce reliance on the private car.

## **RECOMMENDATION/S**

It is **recommended** that:

- 1) The Nottinghamshire County Council (Castle Gate, Newark) (Taxi Clearways) Traffic Regulation Order 2019 (3293) is made as advertised and the objectors advised accordingly.

**Adrian Smith**  
**Corporate Director, Place**

### **Name and Title of Report Author**

Mike Barnett – Team Manager (Major Projects and Improvements)

### **For any enquiries about this report please contact:**

Helen North – Improvements Manager, Tel: 0115 9772087

## **Constitutional Comments (SG 31/10/2019)**

27. This decision falls within the Terms of Reference of the Communities & Place Committee to whom responsibility for the exercise of the Authority's functions relating to traffic management has been delegated.

## **Financial Comments (RWK 31/10/2019)**

28. The estimated cost to implement the works and traffic order detailed in the report is £5,000. This cost will be funded entirely by Newark and Sherwood District Council and there will be no net additional cost to the County Council.

## **Background Papers**

All relevant documents for the proposed scheme are contained within the scheme file which can be found in the Major Projects and Improvements section at Trent Bridge House, Fox Road, West Bridgford, Nottingham.

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

## **Electoral Division(s) and Member(s) Affected**

Farndon and Trent ED

Councillor Sue Saddington