

North Tyneside Council Report to Cabinet Member for Housing and Transport Date: 1 May 2018

Traffic Regulation
Order – The Links,
Whitley Bay

Portfolio(s): Housing and Transport	Cabinet Member(s): Cllr J Harrison
Report from Service Area:	Environment, Housing and Leisure
Responsible Officer:	Phil Scott, Head of Environment, Housing and Leisure (Tel: 0191 643 7295)
Wards affected:	St Mary's, Whitley Bay

PART 1

1.1 Executive Summary:

This report seeks the approval of the Cabinet Member for Housing and Transport to introduce a 30mph speed limit on The Links and set aside one objection to the proposal.

1.2 Recommendation(s):

It is recommended that the Cabinet Member for Housing and Transport:

- i. considers the objection;
- ii. sets aside the objection in the interests of reducing traffic speeds and improving road safety; and
- iii. determines that the Traffic Regulation Order should be made unchanged.

1.3 Forward Plan:

Considering objections relating to proposed Traffic Regulation Orders is a standing item on the Forward Plan.

1.4 Council Plan and Policy Framework

The proposals in this report relate to the following priority in Our North Tyneside, the Council Plan 2018-2021:

- Our places will:
 - have an effective transport and physical infrastructure - including our roads, cycleways, pavements, street lighting, drainage and public transport

1.5 Information:

1.5.1 Background

The proposal to reduce the existing 40mph speed limit on The Links to 30mph was developed following a road safety assessment carried out prior to the introduction of a land train on this route in August 2017. The intention was that the land train would be introduced initially on a temporary, trial basis to serve visitors and tourists during the summer. As the land train operates at a speed of less than 10mph, it was felt that the speed of all vehicles using this route should be reduced to create a safer environment for passengers of the land train and other road users alike. The proposal was also brought forward in light of a fatal road traffic collision which occurred on The Links in May 2017 and which involved excessive vehicle speeds. Feedback from local residents and the police following this incident was also taken into account.

Further investigations showed that prior to this incident, a total of 10 other collisions had occurred in the previous five years on the section of The Links between the access to St Mary's Lighthouse and the zebra crossing south of the Briar Dene public house, a distance of approximately 1000m. Two of the 10 collisions were formally classified as 'serious' in nature and the remainder were classified as 'slight'. Of the two serious collisions, one took place at the zebra crossing and involved a child pedestrian; the other involved a vehicle exiting the Westley Ave junction. There have been a total of three collisions at the zebra crossing of which one was serious and the other two slight.

Following the fatal collision, many local residents expressed concerns about road safety on The Links with excessive traffic speed and the issues this causes for pedestrians wishing to cross the road cited in particular. As a result, a consultation event was organised by Northumbria Police to discuss road safety in this area and was attended by officers of the Authority and ward members.

Following this consultation event, and bearing in mind the traffic speed and accident data, the following actions were taken:

- i. a section of The Links (from a point 200 metres south of Hastings Avenue to a point 150 metres east of Whitley Bay Holiday Park) was added to the list of mobile speed camera enforcement sites and the appropriate camera enforcement signs were subsequently installed; and
- ii. a 30mph speed limit was introduced on a section of The Links (from a point 200 metres south of Hastings Avenue to a point 235 metres west of the access road to St Mary's Lighthouse) under an experimental Traffic Regulation Order (TRO).

At this time an experimental TRO was used, rather than a proposal being brought forward for a permanent TRO, owing to the temporary nature of the situation, since the land train was initially scheduled to operate during the summer only. A notice of making relating to the 12 month experimental TRO was displayed on site, in the local newspaper and on the Authority's website on 10 August 2017: the order came into effect on 21 August 2017. Following the erection of the associated 30mph signs, it was brought to the Authority's attention that experimental orders for a reduction in the speed limit should only be used in conjunction with roadworks. As no roadworks were being carried out on The Links at this time, an experimental order was not appropriate.

Following further discussions with Northumbria Police it was agreed that in order to minimise confusion amongst motorists, the 30mph signs would remain in place whilst the Authority brought forward proposals for the introduction of a more suitable permanent 30mph traffic regulation order. In the meantime, it was agreed that Northumbria Police would not enforce the 30mph restriction.

A second consultation event was organised by Northumbria Police on the subject of road safety, including the proposal to reduce the speed limit, and was again attended by officers of the Authority and ward members. Letters were also sent to the emergency services, public transport operators, taxi organisations, cycling groups and elected members to notify them of the proposals and invite comments.

In accordance with the statutory process, a Notice of Intention for the Traffic Regulation Order to introduce a permanent 30mph speed limit was displayed on site, in the local newspaper and on the Authority's website on 30 November 2017, outlining the proposed restriction.

One objection was received in response to the statutory Notice of Intention. A summary of this objection is provided below. One of the St Mary's ward councillors also provided officers with details of 14 local residents who wished to express their support for the proposed reduced speed limit.

1.5.2 Statutory Consultation

Speed limit reduction 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 the Cabinet Member for Housing and Transport for consideration.

1.5.3 Summary of Objections

Mr M wrote to Democratic Services and indicated that he wished to object to the TRO for the introduction of a permanent 30mph speed limit on the grounds that the correct procedures had not been followed. Mr M stated that the Authority had acted outside its powers by erecting the 30mph signs prematurely and also that the legal notice was incorrect as it did not include a statement of intent.

An email was sent to Mr M from the Authority's Legal & Democratic Services confirming that the speed limit would not be enforced until his objection was resolved and the legal order made. It was explained that the legal notice for the permanent order referred to by Mr M complied with the appropriate regulations but it was acknowledged that a statement contained in the notice, which stated that full details of the proposal were available on the Authority's website, was inaccurate.

Mr M responded reiterating his belief that the introduction of 30mph signs had prejudiced the Authority's position in relation to the proposal and asking for the 40mph signs to be reinstated and the proposal re-advertised. He emphasised that his comments in relation to the Authority's actions were informed by his extensive experience of dealing with TROs in local government. He also requested further speed and collision data and asked for confirmation that his comments would be referred to the Cabinet Member for Housing and Transport for consideration.

The requested survey data was then provided to Mr M along with confirmation that the details of his objection would be included in a report to be considered by the Cabinet Member for Housing and Transport.

Having reviewed the survey data, Mr M responded to officers stating that he could see no real justification for the proposed speed limit reduction. He also asked if he could be provided with a copy of the officer's report prior to it being presented to the Cabinet Member. An officer responded confirming that the report had been drafted and that it would be available for public inspection following the Cabinet Member's decision in accordance with regulation 14 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The officer also stated that the Authority's Highway Network Manager would appreciate the opportunity to discuss Mr M's concerns and the contents of the report with him prior to it being presented to the Cabinet Member for Housing and Transport.

A telephone conversation between the two took place on 4 April 2018 during which Mr M confirmed that whilst he could see merit in the proposed speed reduction, he wished for his objection to be presented to the Cabinet Member for Housing and Transport on the grounds that the Authority had not followed due process initially in attempting to implement an experimental order in the absence of roadworks, and then by advertising a permanent order without first removing road signs displaying the proposed new speed limit. The Authority's Highway Network Manager noted these points and, acknowledging Mr M's experience in dealing with traffic and highway orders, confirmed that officers would ensure that due process was correctly followed in future.

1.6 Decision options:

The following decision options are available for consideration by the Cabinet Member for Housing and Transport:

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 proposal will help to reduce traffic speeds and improve road safety.

1.8 Appendices:

- Appendix 1 Details of objection and associated correspondence
- Appendix 2 Legal Notice for Experimental 30mph Speed Limit
- Appendix 3 Legal Notice for Permanent 30mph Speed Limit
- Appendix 4 Plan of scheme
- Appendix 5 Summary of traffic survey

1.9 Contact officers:

Andrew Flynn, Integrated Transport Manager, 0191 643 6083
Nicholas Bryan, Highway Network Manager, Capita, 0191 643 4808
Nick Saunders, Senior Traffic Engineer, Capita, 0191 643 6598
Alison Campbell, Senior Business Partner, 0191 643 7038

1.10 Background information:

- (1) North Tyneside Transport Strategy
http://www.northtyneside.gov.uk/browse-display.shtml?p_ID=568803&p_subjectCategory=41

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

Funding for the provision of speed limit signs was provided from the 2017/18 (Road Safety Initiatives) Local Transport Plan capital budget. There are no financial implications arising from this report.

2.2 Legal

Speed limit reduction proposals that involve revocations or amendments to existing traffic regulation orders 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. Before making a Traffic Regulation Order the Authority must consider all objections made and not withdrawn, and can decide whether to make the Order unchanged, to make the Order with modifications or not to proceed with the Order.

In accordance with the Authority's scheme of Delegation to Cabinet Members, if any objections cannot be resolved, then the Cabinet Member for Housing and Transport is asked to consider those objections made and not withdrawn and to determine the Traffic Regulation Order.

The Legal Notice of Intent was published in the local press and may be cited as the North Tyneside Council Proposed 30mph Speed Limit – A193 The Links and Blyth Road, Whitley Bay

It was acknowledged in correspondence with the objector that the statement contained in the notice that "Full details" could be examined on the Authority's website was inaccurate in that a statement setting out the reasons why the Authority was proposing to make the order was not published on its website. A statement was however included in the deposited documents available for inspection at the Authority's offices, as required under the regulations.

2.3 Consultation/community engagement

2.3.1 Internal consultation

Ward members' views on the proposal were sought as described in section 1.5.

2.3.2 Community engagement

Local residents' views on the proposal were sought as described in section 1.5.1. The proposal was advertised 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.

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

- Deputy Chief Executive

- Head of Service

- Mayor/Cabinet Member

- Chief Finance Officer

- Monitoring Officer

- Head of Corporate Strategy

Details of Objection – Mr M (dated 19 December 2017)

I wish to object to the above proposal on the following grounds:-

1. The Councils ULTRA VIRES actions in erecting signs stating:-

"New 30MPH Speed Limit now in force" HAS CLEARLY prejudiced their position in considering objections "FAIRLY"!!!

2.The removal of the EXISTING 40MPH sign is ALSO ULTRA VIRES as the Council HAS NO LEGAL AUTHORITY to remove them!!

3.The Notice of Intention is flawed:-a) as it does not give the REASONS why the Council is seeking to introduce the New Limit NOR does it state what the existing Limit is,

b)the Notice states "Full details etc" may be examined on the Councils website which is wrong as AGAIN there is NO Statement of Reasons!!

Please acknowledge this objection

Mr M

Council Response (dated 21 February 2018)

Dear Mr M,

Thank you for your e-mail relating to the proposed 30mph restriction on A193 The Links.

Your letter sets out a number of concerns relating to the process followed, rather than the merits of the proposal and these are addressed below.

The 30mph signs erected on The Links are not yet enforceable as a traffic regulation order has yet to be made. The Council have been in continuous dialogue with Northumbria Police with regards to this issue and the Police are aware that the 30mph speed limit cannot be enforced until this matter is resolved by way of making an Order.

When the Council receives objections to the making of traffic regulation orders, the final decision as to whether to proceed with the making of the Order rests with the Cabinet Member for Transport and Housing. The Cabinet Member will consider the merits of the proposals together with the arguments put forward in any representations before making a decision. As the Cabinet Member has had no involvement in the process to date, there is nothing to indicate that he will have prejudged the matter.

The process for making traffic regulation orders is laid down in Regulations and these prescribe the particulars to be included in a press notice. The Notice of Intention published on 30 November complies with these regulations. The statement contained in the notice that "Full details" may be examined on the website is inaccurate in that a statement setting out the reasons why the authority is proposing to make the order was not published on the Council's website. A statement was however included in the deposited documents available for inspection at the Council's offices, as required under the regulations. For your information the statement was as follows "The purpose of the speed restriction is to improve road safety for all highway users at this location."

If, in the light of this information, you wish to object to the merits of introducing a 30mph speed limit on The Links, Whitley Bay, please do so in writing by 2 March 2018 so that the matter can be referred to the Cabinet Member for Housing & Transport for consideration. You will of course be informed of the decision in due course.

Further correspondence from Mr M (dated 26 February 2018)

Dear Mr Robson,

A193 The Links, Whitley Bay

“Proposed” 30MPH Speed Limit

Having worked in Local Government for over 20 years, dealing with Traffic + Highway Orders I find it incredulous that your Council are blatantly ignoring their “Ultra Vires” actions in this matter, Such actions I believe Have A DIRECT IMPACT into the merits of the proposal since they confirm the fact that regardless of my “Proper Due Process” the 30Mph is to be introduced. As you have stated the purpose is to improve road safety one must ask what is the average percentile speed as this is a vital consideration in any speed limit proposal??

Without our lawful authority the council removed the legal 40mph signs stating that there is a 30mph speed limit in force, these signs are clearly illegal.

Such action without complying will all necessary statutory requirements is clearly ULTRA VIRES. To be seen to be acting within their powers the council should replace the original legal signage and re-advertise the proposal in full compliance with statutory requirements. Therefore I must object to the proposals as basically the councils ULTRA VIRES actions have effectively introduced the 30mph speed limit prior to complying with statutory regulations. I trust the full content of this objection is placed before the cabinet member so they are fully informed of the whole situation.

Council response to Mr M (dated 5 March 2018)

Dear Mr M,

Thank you for your email below.

I have passed on your request for information relating to percentile speeds and accident records to the Council’s traffic engineers together with a request that they respond directly to you.

I can advise you that the relevant Cabinet Member is Councillor John Harrison, the Cabinet Member for Housing and Transport, whose contact details are available on the Council’s website [here](#).

Please note however any objections to the proposed traffic regulation order should be submitted to Law and Governance so that they may be formally reported to the Cabinet Member.

Follow up response to Mr M (dated 22nd March 2018)

Dear Mr M

Thank you for your recent e-mail to our democratic support team regarding the above and firstly please accept my apologies for the delay in our response.

Please find attached a copy of the latest survey data as requested

With regard to your request for collision history, may I direct to the site below which should have the information you require

<http://www.crashmap.co.uk/>

For your information we are currently preparing a report which will be presented to our Cabinet Member for a decision to be made on how to proceed.

I will of course contact you again once this has taken place to let you the outcome of the decision.

Further correspondence from Mr M (dated 26 March 2018)

Hi John

Having viewed the relevant Speed & Accident data I can see no real "Traffic "argument as to why the existing & LEGALLY AUTHORISED 40MPH Speed Limit should be reduced!! With that in mind I should be pleased if I could receive a copy of the Report PRIOR to any decision, which as far as I recall, from my time in Local Government , was the practise to give objectors the opportunity to see if their objection was being addressed properly & fairly !!

Regards

Mr M

Council response to Mr M (dated 27 March 2018)

Dear Mr M,

I can confirm the report has now been drafted however prior to it being presented to the Cabinet Member, our Highway Network Manager would like to discuss your concerns with you. I would be grateful if you could please provide a contact number so he can give you a call.

A contact number was provided by Mr M on 28th March and a telephone conversation took place between him and North Tyneside Council's Highway Network Manager on 4th April during which the proposal and objection were discussed in detail as described in section 1.5.3 of the main report.

**NORTH TYNESIDE COUNCIL
Experimental Traffic Regulation Order 2017
The Links, Whitley Bay, 30mph Speed Limit**

North Tyneside Council gives notice that it has made an Experimental Variation Order under Sections, 9, 82, 83 and 84 of the Road Traffic Regulation Act 1984 and all other enabling powers. The effect of the Order is to modify the North Tyneside Council Speed Limits (Consolidation) Order 2011 so that:-

- a) the existing 40mph speed limit on Links Road, Whitley Bay between from a point 225 metres north of its junction with Gerrard Road in a southerly direction to a point 200 metres south of its junction with Hastings Avenue, be reduced to 30mph; and
- b) a 30 mph speed limit be introduced on Links Road, Whitley Bay from a point 225 metres north of its junction with Gerrard Road in a westerly direction for a distance of 235 metres.

The Experimental Order shall come into operation on the 21 August 2017 for a period not exceeding 12 months when the Council will decide whether to continue with the restriction indefinitely. Documents setting out more detailed information about the Order may be examined at the address below between 9.00am and 4.30pm on Mondays to Fridays for the duration of the Order or on the Council's website (under Statutory Notices).

If you wish to question the validity of the Order or any of the provisions contained within it, on the grounds that they are not within the powers conferred on the Council by the 1984 Act, or that any requirement of the Act or of any instrument made under the Act has not been complied with, you may within six weeks from the 9 August 2017 apply to the High Court for this purpose.

10 August 2017

V Geary, Head of Law and Governance

Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY

NORTH TYNESIDE COUNCIL
Proposed 30mph Speed Limit
A193 The Links and Blyth Road, Whitley Bay

North Tyneside Council gives notice that under Sections 82, 83, 84 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 it proposes to make a Variation Order to vary the North Tyneside (Speed Limits)(Consolidation) Order 2011. The effect of the order will be to introduce a 30mph speed limit on the A193, The Links and Blyth Road, Whitley Bay, from a point 200m south of Hastings Avenue to a point 150m east of the entrance to Whitley Bay Holiday Park.

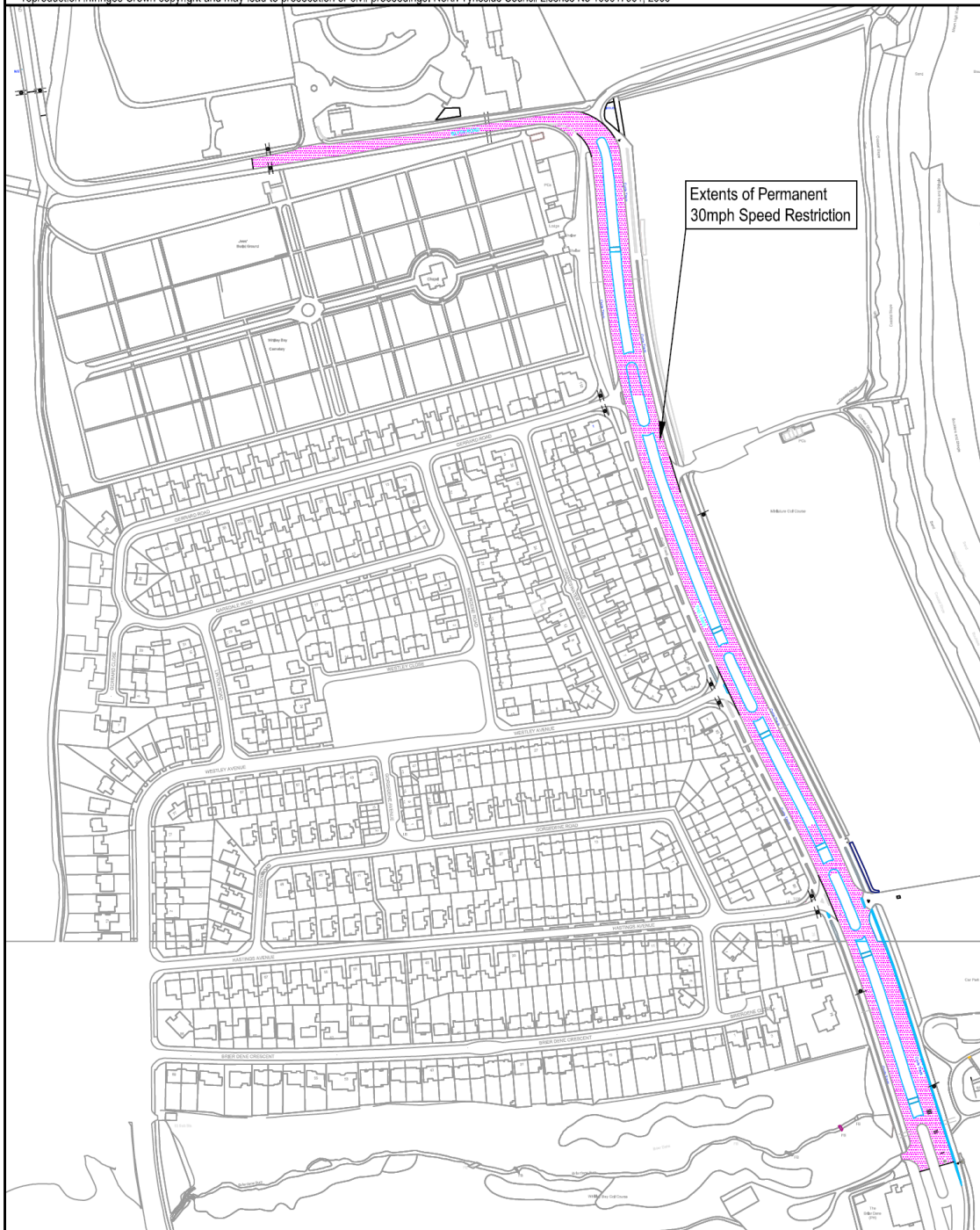
Full details of the proposals may be examined at the address below between 8.30am and 4.30pm on Mondays to Fridays or on the Council's website www.northtyneside.gov.uk (Statutory Notices). If you wish to object to the proposals you should send the grounds for your objection in writing to the undersigned by 22 December 2017 or to democraticsupport@northtyneside.gov.uk.

Any objections received may be viewed by the public if requested.

30 November 2017

V Geary, Head of Law & Governance
Quadrant East, Silverlink North, Cobalt Business Park, NE27 0BY

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Client

Project Title
The Links, Whitley Bay

Drawing Title
Implementation of Permanent 30mph Restriction

Project No. LINK30MPH	Dwg. No. 005	Drawn By JK	Checked NS
Date May 2017	Scale NTS	Revision	Sheet Size A4

Engineering Services

Regeneration, Development and Regulatory Services
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