

North Tyneside Council Report to Cabinet Member for Environment and Transport Date: 15 December 2020

Title: Traffic Regulation Order – Latimer Street, Tynemouth

Portfolio(s):	Environment and Transport	Cabinet Member(s):	Councillor C Johnson
Report from Service Area: Environment, Housing and Leisure			
Responsible Officer:	Phil Scott, Head of Environment, Housing and Leisure	(Tel: 0191 643 7295)	
Wards affected:	Tynemouth		

PART 1

1.1 Executive Summary:

This report seeks the approval of the Cabinet Member for Environment and Transport to amend the existing TM2 permit parking restrictions in Latimer Street, Tynemouth, which currently apply on weekends and bank holidays, to TM1 permit parking restrictions which apply every day, at all times, and set aside one objection received to the proposal.

1.2 Recommendation(s):

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

- (1) considers the objection;
- (2) sets aside the objection in the interests of reducing the volume of non-residential weekday parking on Latimer Street.
- (3) 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 2020 to 2024:

- Our places will:
 - have an effective transport and physical infrastructure

1.5 Information:

1.5.1 Background

The proposal, to amend the existing TM2 permit parking restrictions on Latimer Street which currently apply on weekends and bank holidays to TM1 permit parking restrictions which apply at all times, originated from requests from residents who raised concerns about the volume of non-residential parking in the area during the week. Concerns were also raised by residents of the northern half of Hotspur Street, which adjoins Latimer Street and is currently subject to TM2 restrictions.

Parking surveys were consequently conducted in Latimer Street and Hotspur Street to establish the amount of on-street parking occurring during the week and the proportion of this associated with non-residents. As the results of these surveys met the criteria set out in the North Tyneside Parking Strategy, residents of Latimer Street and Hotspur Street were asked to complete consultation forms specifying whether or not they supported the proposed amendment to the restrictions in their street. The results of the consultation exercise showed that in Latimer Street a majority of residents supported the proposal however this was not the case in Hotspur Street. Consequently, following discussions with ward councillors, a proposal to amend the permit parking restrictions in Latimer Street only was formally advertised.

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

One objection was received in response to the statutory Notice of Intention from a resident of Hotspur Street. A summary of this objection is provided below.

Taking into account the concerns raised by the objector regarding the consultation process and the potential for parking displacement between streets with differing restrictions, it was subsequently agreed that residents of Hotspur Street should be re-consulted. It was intended that this would give them a further opportunity to consider whether the restrictions operating in their street should be amended in the same way as those in Latimer Street. The consultation was carried out and once again the proposal did not receive sufficient support from residents of Hotspur Street to be taken further. The objector was contacted again and invited to reconsider his objection in light of this: he responded to confirm that he wished for it to remain.

1.5.2 Statutory Consultation

Parking proposals are subject to statutory legal process. Schemes must be advertised in the local press and the local authority must also take such other steps as it may consider appropriate for ensuring adequate publicity. In North Tyneside, this includes notices advertising proposals being displayed on affected streets and on the Authority's website.

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 Environment and Transport for consideration in accordance with the Scheme of Delegation for Cabinet Members.

1.5.3 Summary of Objections

Mr N, a resident of the adjoining Hotspur Street submitted an objection to the scheme based on his view that it would cause parking to be displaced into his street and would also prevent him and his neighbours from parking in Latimer Street. He suggested that when residents of Latimer Street and Hotspur Street were initially consulted about the proposed amendment to their parking restrictions during May/June 2019, it was not made clear that the results would be evaluated on a street by street basis and changes implemented accordingly. Mr N believed that if residents of Hotspur Street had been made aware of this then they may have been more likely to support the proposal.

An officer wrote to the resident to clarify that Hotspur Street had been consulted in the same way as Latimer Street but only 33% of residents consulted on Hotspur Street supported the proposal. As this was below the 51% threshold specified in North Tyneside Council's Parking Strategy, the proposed amendment was not taken forward in Hotspur Street. The objector was also advised that the parking situation in Hotspur Street (and other adjoining streets) would be monitored if the proposal in Latimer Street was implemented and appropriate action taken as necessary.

The resident was invited to reconsider his objection in light of this information by responding to officers in writing by 24 January 2020. The objector responded confirming that he wished to proceed with his objection.

As a result of Mr N's concerns and following discussions with senior officers and ward councillors, it was agreed that residents of the TM2 section of Hotspur Street should be re-consulted about the proposal to change their permit parking restrictions to TM1. The consultation was carried out in September 2020 and it was made clear that based on the results of the previous consultation, the proposed change was due to be implemented in Latimer Street. The results of the second consultation showed that 42% of residents living in the TM2 section of Hotspur Street now supported the proposal. As this was again below the required 51% threshold, the proposed amendment could not be taken forward. An officer wrote to Mr N following the consultation exercise and invited him to reconsider his objection in light of the result: he confirmed that he wished for it to remain.

1.6 **Decision options:**

The following decision options are available for consideration by the Cabinet Member for Environment 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 in the interests of reducing the volume of non-residential weekday parking on Latimer Street.

1.8 Appendices:

Appendix 1 Details of objections and associated correspondence
Appendix 2 Traffic Regulation Order advertised on site
Appendix 3 Copy of Proposed Plan

1.9 Contact officers:

Andrew Flynn, Integrated Transport Manager, 0191 643 6083
Nick Saunders, Senior Traffic Engineer, Capita, 0191 643 6598
Cathy Davison, Principal Accountant Investment (Capital) and Revenue, 0191 643 5727

1.10 Background information:

[North Tyneside Parking Strategy](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

Funding is available from the 2020/21 (Parking Management) Local Transport Plan capital budget.

2.2 Legal

Parking proposals that involve revocations or amendments to existing traffic regulation orders and any new 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 Environment 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 (On Street Parking Places) (Consolidation) Order 2019 – Variation Order 2019

2.3 Consultation/community engagement

2.3.1 Internal consultation

Ward members' views on the proposal were sought as described in section 1.5.1.

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

- Chief Executive ☐
- Head of Service ☐
- Mayor/Cabinet Member ☐
- Chief Finance Officer ☐
- Monitoring Officer ☐
- Head of Corporate Strategy and Customer Service ☐

Details of Objection – Mr N (Dated 13th November 2019)

My wife and I live in Hotspur Street, Tynemouth. I understand from reading a notice on a post in Latimer Street that it is proposed that the Parking Permit restrictions for Latimer Street are changed so that Permit Parking applies all day every day. I also understand from talking to Council staff that the intention is that the street becomes a TM1 zone (it is currently TM2). The notice requests any objections to these proposals to be emailed to you, hence I am sending this email. The reasons for my objections are set out below:

I understand that when considering changes to Parking Permit schemes, the Council is supposed to have regard to the impact of the changes on the parking situation on other streets i.e. to avoid simply transferring 'the problem' from one street to another. I do not think that consideration has been given to the impact of the proposed change on the parking in Hotspur Street, particularly at the top end. Non-residents who currently park in Latimer Street on weekdays will simply park on the top part of the TM2 zone in the already congested parking spaces in Hotspur Street. This will make weekday street parking for Hotspur Street residents even more difficult than it is already. The proposal to make Latimer Street a TM1 zone at the same time has two very unhelpful consequences. Firstly, there will be nothing stopping any weekday visitors to Latimer Street residents from parking in Hotspur Street. Secondly, Hotspur Street residents will not be able to park in Latimer Street if (as happens now) there are parking spaces in Latimer Street but not at the top TM2 end of Hotspur Street. I believe that the Council should be treating Latimer Street and Hotspur Street as one area, with identical parking arrangements rather than treating them separately. I know that residents of Hotspur Street had the opportunity to 'vote' to enable for Hotspur Street what is being proposed for Latimer Street, and insufficient residents voted in favour. However, I would be very surprised if many of the residents of Hotspur Street would have realised that Latimer Street would be treated separately, with the consequences set out above.

Incidentally, it was only by chance that I became aware of the proposed changes for Latimer Street - the only notices were in Latimer Street itself - there were none in Hotspur Street (i.e. for those who would be adversely affected to see) so there has been no real opportunity for many of those affected to object. The change would be more acceptable if Latimer Street remained in the TM2 zone, albeit on an all-day every day basis, as it would at least allow Hotspur Street residents to park in Latimer Street and vice versa.

In summary, I object to the current proposals, which favour Latimer Street residents at the expense of Hotspur Street residents. I would be grateful if you would make a determination that would be fair to all.

Officer Response (Dated 18th December 2019)

I am writing following your formal objection to the proposed amendments to the existing permit parking scheme on Latimer Street.

Whilst I appreciate that the installation of TM1 permit parking on Latimer Street could potentially have a negative impact on Hotspur Street, I can confirm that Hotspur Street was offered the option to change from TM2 to TM1 at the same time as Latimer Street as part of a wider review of the existing TM2 permit zones however only 33% of residents supported the proposal, therefore, it was not taken forward.

If the proposal goes ahead then we would continue to monitor the surrounding streets for any displaced parking and would be assessed for additional restrictions again.

If you would like to withdraw your objection in light of the information provided above I would be grateful if you could let me know in writing by 24th January. If I do not hear from you before then, I will assume that you still object to the proposed scheme and your objection will be included in a report to be presented to the Cabinet Member for Environment and Transport for consideration in the near future. You will be notified of the Cabinet Member's decision about this scheme in due course.

Mr N Response (Dated 18th December 2019)

Thank you for your email sent earlier today.

The information you have provided merely repeats information I gave to you in my earlier email and unfortunately has not even attempted to address the issues I raised. In the circumstances, I am not sure why you would think I might wish to withdraw my objections. On the contrary, your email causes me to wish to reassert my objections even more strongly, and I hope that the relevant Cabinet Member takes full account of these.

Further correspondence from Officer (Dated 2nd November 2020)

Following our last correspondence earlier this year, I liaised with the local ward members, the cabinet member as well as the other senior engineers within the council. It was decided that we would conduct a second consultation following comments received during the first consultation. During this consultation, there was not enough support once again for the proposal from those consulted on Hotspur Street (those properties currently in the TM2 Zone).

Whilst the percentage of those consulted did increase from the previous 33% to 42%, it is still lower than the required 51% support for the proposal. As a result of the results from the second consultation, we will not be conducting any further consultations on Hotspur Street within the foreseeable future.

As I stated previously if the proposal does go ahead in Latimer Street, we will monitor the surrounding streets for any displaced parking.

If you would like to withdraw your objection in light of the updated information provided above I would be grateful if you could let me know in writing by 13th November if I do not hear from you before then, I will assume that you still object to the proposed scheme and your objection will be included in a report to be presented to the Cabinet Member for Environment and Transport for consideration in the near future. You will be notified of the Cabinet Member's decision about this scheme in due course.

Mr N Response (Dated 6th November 2020)

Thank you for your email. I do not wish to withdraw my objection, thank you.

NORTH TYNESIDE COUNCIL

North Tyneside Council gives notice that it proposes to make Variation Orders under Sections 1, 2, 32, 35, 45, 46 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 and all other enabling powers. The effect of the Orders, if made, will be to vary:

1) the North Tyneside (On Street Parking Places) (Consolidation) Order 2019 so that:

a. the permit holder parking places at the following locations will become operational at all hours on all days:

(i). Latimer Street, Tynemouth on its north side, from a point 3 metres east of its junction with Percy Park Road to a point 5 metres west of its junction with Hotspur Street and on its south side, from a point 3 metres east of its junction with Percy Park Road to a point 5 metres west of its junction with Hotspur Street.

Further details of the proposals, may be examined at the address below between 8.30am and 4.00pm 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 or via email to democraticsupport@northtyneside.gov.uk by 22 November 2019. Any objections received will be placed in the working file and can be viewed by the public if requested.

31 October 2019

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

