TRO PANEL

TRO Panel – Objections to Proposed Hackney Carriage Stands – Union Street, Royton and Elliott Street, Lees

Report of Executive Director, Economy Place and Skills

Portfolio Holder:
Housing, Transport and Planning – Councillor D Hibbert

18 October 2012

Officer Contact: Sally Fletcher
Ext. 1963

Purpose of Report
The purpose of this report is to consider objections that have been received to the proposal to introduce hackney carriage stands on Union Street, Royton and Elliott Street, Lees.

Recommendation
Notwithstanding the objections received it is recommended that the original proposal be introduced and that the objectors be informed accordingly.
Objections to Proposed Hackney Carriage Stands – Union Street, Royton and Elliott Street, Lees

1 Background

1.1 A request was received from the Oldham Hackney Carriage Forum to introduce hackney carriage stands in Lees and Royton. The request was for overnight ranks from 22:00 to 04:00.

1.2 The proposed Hackney Carriage Stands were approved under delegated powers on 31 May 2012. A copy of the approved report is attached at Appendix A.

1.3 The proposal was subsequently advertised on site and two letters of objection received. An objection was received to each rank proposal. A letter of support for the rank in Lees was also received from Oldham Metropolitan Borough Taxi Owners Association (OMBTOA). A copy of the letters are attached at Appendix B.

2 The Objection

2.1 The Elliott Street, Lees rank was objected to by the Ward Councillors who felt that road safety in the area would be compromised by waiting taxis. The Councillors also felt that the rank would not be a facility for local people but would contribute to noise nuisance for local residents.

2.2 A single objection was received from the Oddies Club regarding the proposed rank outside the club on Union Street, Royton. They believe that there is suitable local provision within Royton from the local private hire company to meet demand.

2.3 Further to the above, a letter of support was received for the rank in Lees from OMBTOA. The letter stated that the rank would be operational in the evening and should eliminate the plying for trade on High Street, Lees which causes traffic congestion in an evening.
3 Consideration of the Objection

3.1 In Lees there have been reports of private hire vehicles parking in contravention of the parking restrictions late in the evening to pick-up from Legends night club. This causes traffic congestion and has a negative impact on road safety. The provision of a rank should enable customers to know where to find taxis in an evening and dissuade illegal plying on High Street. The proposed location is close to a busy junction and it is likely that waiting taxis will increase congestion. It should be noted though that the effect will be limited due to the rank only being operative at night.

3.2 The rank in Royton is to be sited where there are no current restriction therefore other parking can currently take place there. This location should not be detrimental to road safety and provide a convenient facility for the public.

4 Comments Of Royton North/Saddleworth West and Lees Ward Councillors

4.1 The Ward Councillors were consulted on the original proposal and Councillors Sedgwick and Beeley objected to the proposed rank in Lees. Ward Councillors have not commented on the proposal in Royton.

5 Financial Implications

5.1 See previous report.

6 Legal Services’ Comments

6.1 See previous report.

7 Cooperative Agenda

7.1 In respect of the proposed Hackney Carriage Stands there are no Co-operative issues or opportunities arising and the proposals are in line with the Council's Ethical Framework.

8 Human Resources Comments

8.1 None.

9 Risk Assessments

9.1 None.

10 IT Implications

10.1 None.
11 Property Implications
11.1 None.

12 Environmental And Health & Safety Implications
12.1 See previous report.

13 Equality, Community Cohesion and Crime Implications
13.1 See previous report.

14 Equality Impact Assessment Completed?
14.1 No.

15 Key Decision
15.1 No.

16 Forward Plan Reference
16.1 Not applicable.

17 Background Papers
17.1 The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act:

File Ref : TM3/765
Name of File : Hackney Carriage Stands – Union Street, Royton & Elliott Street, Lees
Officer Name : Ms Sally Fletcher
Contact No : 0161 770 1963

18 Appendices
18.1 Appendix A – Copy of Delegated Approval Report
Appendix B – Objection Letter

19.1 Proposal
19.1 It is proposed that a no waiting and no loading order (except for Hackney Carriages) be introduced on Union Street, Royton and Elliott Street, Lees in accordance with the following schedule.
Schedule

Drawing Number 47/A4/1258/1

Add to the Oldham Borough Council (Royton area) Consolidation Order 2003

<table>
<thead>
<tr>
<th>Item No</th>
<th>Length of Road</th>
<th>Duration</th>
<th>Exemptions</th>
<th>No Loading</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Union Street (West side)</td>
<td>22:00 to 04:00</td>
<td>Hackney Carriages</td>
<td>22:00 to 04:00</td>
</tr>
<tr>
<td></td>
<td>From a point 15 metres south of its junction with Middleton Road for a distance of 18 metres in an southerly direction</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Elliott Street (South Side)</td>
<td>22:00 to 04:00</td>
<td>Hackney Carriages</td>
<td>22:00 to 04:00</td>
</tr>
<tr>
<td></td>
<td>From a point 20 metres north of its junction with High Street for a distance of 18 metres in an northerly direction</td>
<td></td>
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</table>

Report Tracking

<table>
<thead>
<tr>
<th>Where</th>
<th>When</th>
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<tr>
<td>EMT</td>
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<tr>
<td>Leadership</td>
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<td>Joint Leadership</td>
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<tr>
<td>Overview &amp; Scrutiny</td>
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</table>
APPENDIX A

COPY OF DELEGATED APPROVAL REPORT
DELEGATED ITEM

Proposed Hackney Carriage Stands – Union Street, Royton and Elliott Street, Lees

Report to Executive Director, Economy Place and Skills

Portfolio Holder :
Neighbourhoods – Councillor J Stretton

Officer Contact : Sally Fletcher
Ext. 1963

Purpose of Report
The purpose of this report is to consider requests for new hackney carriage stands at Union Street, Royton and Elliott Street, Lees.

Recommendation
It is recommended that a Traffic Regulation Order be introduced in accordance with the schedule at the end of this report.
Proposed Hackney Carriage Stands – Union Street, Royton and Elliott Street, Lees

1 Background

1.1 Requests have been received from the Hackney Carriage Forum that new ranks be introduced in Royton and Lees. These were also identified in a recent report on taxi provision within the Borough.

2 Justification

2.1 Hackney carriages provide an important form of public transport, in particular in suburban areas in the evening.

2.2 At the moment there is good provision of taxi ranks in Oldham town centre which are well used both in the day and evening.

2.4 In the districts there are few ranks and the trade has requested that these ranks be provided in Lees and Royton where there is demand.

2.3 In view of the above it is felt that the introduction of hackney carriage stands in accordance with the schedule at the end of this report and as shown on drawing numbers 632/A4/65/1 and 632/A4/66/1, would provide an improved access to taxi for residents and visitors to Royton and Lees.

3 Consultations

3.1 G.M.P. View - The Chief Constable has been consulted and has no objection to this proposal.

3.2 T.f.G.M. View - The Director General has been consulted and has no comment on this proposal.

3.3 G.M. Fire Service View - The County Fire Officer has been consulted and has no comment on this proposal.

3.4 N.W. Ambulance Service View - The County Ambulance Officer has been consulted and has no comment on this proposal.
4 Comments Of Ward Councillors

4.1 The Ward Councillors have been consulted. The Royton Councillors have made no comment on the proposal. With regard to the Lees proposal, Councillors Beeley and Sedgwick have registered their objection to the proposal. They object on the grounds that both hackney carriages and private hire vehicles cause congestion on High Street when the night club closes and that this proposal will not change or manage this situation. Also the location of the rank on Elliott Street will cause difficulties for the bus service.

5 Financial Implications

5.1 The cost of introducing the Order is detailed below:-

<table>
<thead>
<tr>
<th></th>
<th>£</th>
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</thead>
<tbody>
<tr>
<td>Advertising Costs</td>
<td>600</td>
</tr>
<tr>
<td>Lining Costs</td>
<td>200</td>
</tr>
<tr>
<td>TOTAL</td>
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<tr>
<td>Annual Maintenance Costs</td>
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</table>

5.2 Summary Implications

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<tr>
<td>Capital</td>
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<tr>
<td>Revenue – one off</td>
<td>800</td>
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<tr>
<td>Revenue – maintenance (recurrernt)</td>
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5.3 Revenue Implications

The cost of introducing the order is detailed below:-

<table>
<thead>
<tr>
<th></th>
<th>£</th>
<th>Budget charged</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advertising</td>
<td>600</td>
<td>Unity Core charge</td>
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<tr>
<td>Lining</td>
<td>200</td>
<td>Unity Core charge</td>
</tr>
<tr>
<td>TOTAL</td>
<td>800</td>
<td>Cost centre 40350</td>
</tr>
</tbody>
</table>

The proposal has a one off cost of £800 which forms part of the Unity core activity for Highways Network Management in 2012/13.

The annual maintenance cost which is estimated at £10 will be a charge against the Highways Operations budget. If there are significant pressures in this area as the year progresses, the Directorate will have to manage its resources to ensure that there is no adverse overall variance at year end. (Sadrul Alam)
6 Legal Services’ Comments

6.1 Under section 63 of the Local Government (Miscellaneous Provisions) Act 1976, the Council may appoint stands for hackney carriages in any highway maintainable at the public expense in the Borough. However, it is a criminal offence punishable in the magistrates’ court for a vehicle other than a hackney carriage to wait on a hackney carriage stand, which means that it is a lengthy and time consuming process to take enforcement action against anyone who parks illegally on a hackney carriage stand. Alternatively, the Council may make a traffic regulation order under the Road Traffic Regulation Act 1984 which has the same effect as a hackney carriage stand, by prohibiting any vehicle except a hackney carriage from waiting at the location of the proposed stand, but which is easier to enforce by way of a penalty charge notice, rather than a prosecution in the magistrates’ court. It is proposed that the hackney carriage stands be created using the powers in the Road Traffic Regulation Act.

6.2 The Council must be satisfied that it is expedient to make the Traffic Regulation Order in order to avoid danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or for facilitating the passage on the road or any other road of any class of traffic, including pedestrians. The Council must also have regard to the need to secure the expeditious convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.

6.3 In addition to the above, under section 122 of the Road Traffic Regulation Act 1984, it shall be the duty of the local authority so to exercise the functions conferred on them by the Act as to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway. Regard must also be had to the desirability of securing and maintaining reasonable access to premises, the effect on the amenities of any locality affected and the importance of regulating and restricting the use of roads by heavy commercial vehicles so as to preserve or improve the amenities of the areas through which the roads run, the strategy produced under section 80 Environmental Protection Act 1990 (the national air quality strategy), the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles and any other matters appearing to the local authority to be relevant. (A Evans)

7 Cooperative Agenda

7.1 In respect of the proposed Hackney Carriage Stands there are no Co-operative issues or opportunities arising and the proposals are in line with the Council’s Ethical Framework.
8 Human Resources Comments
8.1 None.

9 Risk Assessments
9.1 None.

10 IT Implications
10.1 None.

11 Property Implications
11.1 None.

12 Procurement Implications
12.1 None.

13 Environmental And Health & Safety Implications
13.1 Energy – Nil.
13.2 Transport – Nil.
13.3 Pollution – Nil.
13.4 Consumption and Use of Resources – Nil.
13.5 Built Environment – Nil.
13.6 Natural Environment – Nil.
13.7 Health and Safety Implications – Nil.

14 Equality, Community Cohesion and Crime Implications
14.1 By creating a safer environment the proposal will have a positive effect on community cohesion.

15 Equality Impact Assessment Completed?
15.1 No.

16 Key Decision
16.1 No.
17 Forward Plan Reference
17.1 Not applicable.

18 Background Papers

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File Ref : TM3/765
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Officer Name : Miss S Fletcher
Contact No : 0161 770 1963

19 Proposal

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<th>Column 3</th>
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<th>Column 5</th>
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<td>Assistant Executive Director Liveability</td>
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APPENDIX B

COPY OF OBJECTION
Jeanette Whitney

From: Cllr B Beeley
Sent: 16 April 2012 16:27
To: Sally Fletcher; Jeanette Whitney
Cc: Cllr V Sedgwick
Subject: RE: Proposed night time hackney carriages stand - Elliot Street, Lees

Sally,

Sorry this is a little late but Val and I wish to register strong objections to the proposal for a taxi rank on Elliott Street, Lees.

Our reasons are as follows:
Whilst the actual entrance to Elliott Street from High Street is quite wide it contains bollards and narrows very quickly.
The 315 bus has to negotiate that junction from Elliott Street to turn left up the High Street and will not be able to do this manoeuvre if there are taxis parked there.
There is already illegal parking of taxis on High Street outside Legends on Friday and Saturday evenings and illegal parking on Mellor Street at its junction with Elliott Street (exiting onto Elliott Street which is illegal as it is one way into Mellor Street Crossing the High Street from Legends (probably the main source of business) to Elliott Street is dangerous because of the width of the junction
It is unlikely to be used by local residents at that time of night
If it is to go ahead how will the hours and the limit on the number of vehicles parked there be enforced?
The local residents in Ancoats Street, Cross Street and Acorn Mill, St John Street will not want the noise associated with a taxi rank near their properties.
Which properties are to be notified of these proposals?

Regards

Barbara & Val

Barbara Beeley
Liberal Democrat Councillor Saddleworth West & Lees
Chair Saddleworth & Lees District Partnership
Shadow Cabinet Member Communities and Co-operatives
0161 652 0930
THE ODDIES,
12 UNION STREET
ROYTON
OLDHAM, OL2 5JD
0161 2841001
VAT REG NO, 937423316

Dear Sir,

Re-Proposed Traffic Regulation Order the Oldham Royton and Lees Consolidation Order Prohibition of Stopping Loading and Waiting Amendment Order 2012.

I refer to the public notice in the Oldham evening chronicle with particular interest to Union Street, Royton. I note and understand the facts in the notice and wish to make the following objections as they relate to my establishment.

The restrictions as proposed will cause much inconvenience to myself, my staff, clientele and deliveries to my business and as such will transfer problems to our neighbours and streets in the area.

To further explain the only parking available to us, is outside our establishment with only enough room for 3/4 vehicles. My staff and I use this space while working and are monitored on CCTV. We are in a popular residential area and there are no other areas to park and although most deliveries are during the day we still need 24 hour access.

There’s already a Borough taxi rank within 2 minute’s walk from us, and we already use 2 other local taxi companies (radio contact) to collect our customers, both of which provide us with brilliant service, 1 of them being only 50 yards away. So why would we possibly need a rank outside.
We have had problems with Borough taxis in the past, as on several occasions they have parked outside and all the way on to Middleton Road waiting for customers, causing much mayhem by blocking the roads to and from our establishment. Once there was 12 of their cars parked outside, some with engines running, it took 4 phones calls to Borough taxis to get them to move their vehicles, and I imagine it would be like that all the time if this proposal is granted. This is going to cause more disturbance to our neighbours and as we have never had a complaint with how we do things at the moment and have done so for the last 4 years, I can’t understand why you feel the need to place a rank right outside our building now.

I trust that further consideration will be given to this ill thought out proposal and await your comments in due course prior to the order being imposed.

Yours Faithfully,

Gail Clarke

Licensee
Oldham Metropolitan Borough Taxi Owners Association
2 Spring Garden Street Royton Oldham OL2 5QS

F.A.O Paul Entwistle Borough Solicitor to the council
Civic Centre West Street
Oldham
OL1 1UL

13th July 2012

TRO Elliott Street Lees Ref: LJM/TO/22/12

Dear Mr. Entwistle,

I am writing with reference to the above proposed part-time Hackney Carriage Rank.

This rank will be operational part-time between evenings from 22.00 to 01.00 hours. Our trade representatives have visited the site and they could not see any issues related with pedestrian safety or any negative impact on other forms of public transport i.e. buses or general traffic. On the contrary we think the proposed taxi rank will improve public safety, as there have been reports of vehicles (Private hire Vehicles) parked on High Street (a dangerous bend) waiting to pick passengers from a busy local Bar. The elected members from the area have raised serious concerns about Road safety due to the issues parked vehicles on High Street in front of Legends Bar.

The trade feels that the presence of Hackney Carriage rank on Elliott Street Lees will improve public safety and eliminate illegal plying for hire and illegal parking on a very sharp bend of High Street Lees.

I hope the Taxi Trade’s view will be taken into consideration. Should further information be required, please do not hesitate to contact me on the mobile number: 07791 010 586.

Yours sincerely,

Abdul Rehman Khayal
Chairman OMBTOA