

## Highways Committee

9 April 2014

**The County Council of Durham  
Claypath & A690 Claypath : One  
Way & Two Way Slip Roads,  
Durham City**



### Traffic Regulation Order 2014

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#### **Report of Ian Thompson, Corporate Director, Regeneration and Economic Development Councillor Neil Foster, Portfolio Holder Regeneration and Economic Development**

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#### **1.0 Purpose**

- 1.1 To advise Members of the objections received to the formal consultation on the experimental traffic regulation order relating to the waiting restrictions on Claypath, the A690 Claypath One Way Slip road and the A690 Claypath Two Way Slip Road.
- 1.2 To request members consider the objections made during the Experimental Traffic Regulation Order (ETRO) consultation period.
- 1.3 Should the objections to this ETRO be upheld then the restrictions will revert back to how they were prior to October 2012. Should the objections to the ETRO be set aside, then the restrictions held within the ETRO will be made permanent.

#### **2.0 Background**

- 2.1 The Claypath area of Durham has become popular in recent years and it attracts large numbers of visitors, particularly on a weekend owing in the most part to its thriving night time economy. As a result of this activity and increased footfall, there is a clear demand for taxi provision in this part of the City.
- 2.2 Whilst this increased activity has had a positive impact on the local economy it has also brought some concerns relating to the traffic movements in the area. The majority of these concerns are associated with the taxi provision in the area during the evening. This has led to many requests for change over a prolonged period of time from the residents of Upper Claypath. These residents have been subject to antisocial behaviour / noise and disturbance created by taxis queuing to the front of their properties.

- 2.3 Prior to the implementation of the experimental order the designated taxi area on Claypath was located on the carriageway fronting the takeaways / businesses towards the southern end of the street. Whilst this in itself was not viewed as a problem, the number of taxis using the city often meant that the taxi queue extended up through the Providence Row traffic lights and at times, right up to the Gilesgate roundabout.
- 2.4 In light of these complaints and concerns, discussions took place between various Sections and Departments of the County Council and Durham Constabulary to ascertain the most appropriate course of action to take in this instance.
- 2.5 Consideration was therefore given to amending the areas where taxis operate on Claypath. Several alternatives were considered before the decision was made to experiment with a split taxi area that would be operated from 8am – 9pm on the one way Claypath slip road and 6pm – 8am on the two way Claypath slip road.
- 2.6 When implementing this new taxi area provision it was proposed to monitor its effects over the 18 month experimental period to ascertain its effects and determine whether or not the order should be made permanent.
- 2.7 During the initial 6 month objection period following the introduction of the order we received 25 objections. The majority of these objections were from taxi drivers and are addressed below.

### **3.0 Proposals**

- 3.1 An announcement regarding the proposed changes was made well in advance of the operational start date of the Experimental Traffic Regulation Order via the County Taxi Working Group and various Press Statements. Leaflets were also printed and distributed to all taxi drivers and posters were provided and displayed in prominent locations throughout the City.
- 3.2 The ETRO came into force on the 26<sup>th</sup> October 2012 and as with all ETRO's could be in operation for a maximum period of 18 months. After the 18 month period, a decision must be made to either make the Order permanent or revert back to the situation prior to its implementation.
- 3.3 Some of the parking arrangements within the ETRO were modified in September 2013 to maintain the expeditious, convenient and safe movement of traffic within Claypath.

## **4 Objection 1 – Taxi Drivers still use Claypath**

- 4.1 A number of taxi drivers have reported that whilst the majority of drivers adhere to the rules and use the new arrangement, some are still using Claypath. The view is that these taxis are poaching the majority of the fares and this has led to a rise in ill feeling between drivers. The majority of responses noted that the new system worked reasonably well in the initial

weeks when joint Durham County Council and Durham Constabulary enforcement action was applied. Unfortunately it has not been possible to sustain enforcement at the level required and when there is no enforcement present, drivers revert back to using the old rank on Claypath.

## **5.0 Response**

- 5.1 The Traffic Regulation Order (TRO) and associated lines and signs on site clearly state that there are now no designated taxi areas on Claypath.
- 5.2 Licenced Hackney Carriages are legally entitled to drive down Claypath and can pick up passengers if they are 'hailed' by them. Passengers may also board and alight taxis within this area.
- 5.3 As with all traffic regulation orders a robust and effective enforcement regime is required to ensure that regulations are adhered to. Unfortunately the level of enforcement offered during the initial period was unsustainable. That said, the County Council are currently operating a mobile enforcement camera in Claypath. It is anticipated that this camera will lead to a greater compliance with the current traffic restrictions.

## **6.0 Objection 2 – The New Designated Taxi Area is Unsafe / Does Not Have Sufficient Capacity for Number of Taxis**

- 6.1 Comments have been received in relation to the above noting that on weekends and other busier times that taxi queues on the Two Way Slip road extend onto Elvet and into the area near the traffic lights / Elvet bridge.
- 6.2 It has also been noted that the Two Way Slip Road Taxi Area is not large enough to accommodate the number of taxis using it at busier times of the week

## **7.0 Response**

- 7.1 A number of potential taxi areas were considered during the feasibility stage prior to implementing this ETRO. Whilst it is appreciated that the current provision is not ideal it is considered the most suitable location for taxis supplying the busy night time trade originating from the Claypath area.
- 7.2 The previous designated taxi areas on Claypath had provision for approximately 10 taxis. It must be noted however that taxis did extend onto the waiting restrictions through Providence Row traffic lights and at times up to Gilesgate roundabout. Therefore whilst the impression was that there was far more space on Claypath, in reality there was a similar 'official' amount.

## **8.0 Objection 3 – Public Safety Is At Risk on New Taxi Rank**

- 8.1 Concern has been raised with regards public safety relating to the new taxi area location.

## **9.0 Response**

- 9.1 The head of the new taxi area is at the top of the Two Way Slip Road near to the zebra crossing / Market Place entrance. Whilst this location is perhaps not viewed as convenient as the previous taxi area, public safety matters are not considered to be an issue.
- 9.2 The area is located in close proximity to a zebra crossing in a well-lit part of the City. Footpaths in the vicinity are considered to be ample in terms of width.
- 9.3 The manner in which taxis previously operated from Claypath could have been considered unsafe and as previously noted the back of the queue extended into the residential part of this street. Inappropriate parking coupled with the volume of pedestrians exiting the Gala zone and various fast food outlets in this area resulted in an increased risk of pedestrian / vehicle conflict.

## **10.0 Objection 4 – The Taxi Rank Should Revert back to Claypath and the One Way Slip Road should be available for Taxi Use after 9pm**

- 10.1 A number of drivers consider that the previous taxi provision on Claypath should be reinstated. They consider that this area was more appropriate for taxi usage and was a better solution than the current ETRO.
- 10.2 It has also been suggested that the One Way Slip Road could be used for taxis beyond its current 9pm limit.

## **11.0 Response**

- 11.1 As mentioned initially, the rank needed to be relocated from its previous position on Claypath owing to the volume of complaints from residents in the area and the concerns relating to pedestrian safety. Of the alternative solutions investigated, the current one outlined in the ETRO was considered the most appropriate.
- 11.2 The possibility of utilising the One Way Slip Road beyond its current 9pm limit was investigated. However, following discussions between Durham County Council and Durham Constabulary it was decided not to pursue this option owing to the potential road safety hazard created by vehicles queuing back onto the A690.

## **12.0 Objection 5 – Taxi Numbers Should be Capped**

- 12.1 Representation was made in relation to the number of taxis now using Durham City on a weekend and that consideration should be given to restricting the amount that are able to do so.

### **13.0 Response**

- 13.1 This is not a highways matter and is not considered an appropriate reason for objection in this instance.

### **14.0 Objection 6 – Claypath Should be Made a Pedestrian Zone**

- 14.1 Suggestions were put forward that Claypath should be made a pedestrian zone during the evening.

### **15.0 Response**

- 15.1 This suggestion has been investigated but the presence of public transport vehicles and a number of businesses that require access mean that this option is not feasible at this present time. Restrictions would need to have exemptions for the aforementioned vehicles and as a result it is considered that abuse would be likely and the proposal was not progressed.

### **16.0 Objection 7 – Taxis Should Use Walkergate**

- 16.1 A suggestion was made that taxis should queue on Walkergate and exit via the slip road on the A690.

### **17.0 Response**

- 17.1 Again, this suggestion has been investigated and was rejected on public safety grounds. It is also worth noting that amendments would need to be made to the one way system between Walkergate and the A690 to allow this area to operate as noted above.

- 17.2 Road safety concerns were also highlighted with regards to this proposal relating to vehicles turning right onto the A690. Provision would need to be made to restrict right turning vehicles which would essentially mean that any vehicle wanting to travel east would have to negotiate Milburngate roundabout to do so.

### **18.0 Objection 8 – Claypath should be made Taxi Only**

- 18.1 A suggestion was made that Claypath should be made a taxi only zone.

### **19.0 Response**

- 19.1 As was the case with the lower end of Claypath being made a pedestrian only zone, there are a number of issues that make this suggestion unfeasible.
- 19.2 As well as access being required for public transport vehicles and loading / unloading associated with the businesses in this area, there are also a number of disabled parking bays in this area that are well used and are a vital facility for road users with limited mobility.

19.3 Successful City Centres require good management of the competing demands for kerb space and the removal of all provision other than that of designated taxi areas is considered a contradiction of this.

## **20.0 Objection 9 – There is no Provision for Personal Hire Taxis.**

20.1 Representation was made that following the changes implemented during the experimental order there is now no provision for personal hire taxis within Claypath.

## **21.0 Response**

21.1 It is not possible to provide dedicated road space for private hire vehicles in this area. Such provision is not catered for within the current regulations outlined in the Traffic Signs Regulations & General Directions (TSRGD) 2002.

21.2 It is considered that private hire taxis should arrange their pick ups with their customers so that they do not have to wait within the busy Claypath area.

## **22.0 Local member consultation**

22.1 The Local members have been consulted and offer no objection to the proposals.

## **23.0 Recommendation**

23.1 It is RECOMMENDED that the Committee endorse the proposal having considered the objections and proceed with the implementation of the Traffic Regulation Orders.

## **Background Papers**

Correspondence and documentation on Traffic Office File and in member's library.

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## **Appendix 1: Implications**

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**Finance** – LTP Capital

**Staffing** – Carried out by Strategic Traffic

**Risk** – Not Applicable

**Equality and Diversity** – It is considered that there are no Equality and Diversity issues to be addressed.

**Accommodation** - No impact on staffing

**Crime and Disorder** - This TRO will allow effective management of traffic to improve economic activity, reduce congestion and improve road safety

**Human Rights** - No impact on human rights

**Consultation** – Is in accordance with SI:2489

**Procurement** – Operations, DCC.

**Disability Issues** - None

**Legal Implications:** All orders have been advertised by the County Council as highway authority and will be made in accordance with legislative requirements.