

DERBYSHIRE COUNTY COUNCIL

**MEETING OF CABINET MEMBER – HIGHWAY, TRANSPORT AND
INFRASTRUCTURE**

26 April 2018

Report of the Strategic Director – Economy, Transport and Environment

**OBJECTIONS TO THE BUS AND HACKNEY TAXI LANES AND
STREETS, CHESTERFIELD**

(1) **Purpose of Report** To consider objections following the public advertisement and consultation on the (Rose Hill/Knivesmithgate, Beetwell Street, Church Way, Holywell Street, Park Road, Brimington Road, Chesterfield) (Bus Lanes & Bus Only Streets) Order 2017, and to recommend that the Order be made as advertised but on an 18 month experimental basis.

(2) **Information and Analysis**

Background

Officers from the Traffic and Safety Team at Derbyshire County Council meet quarterly with Chesterfield Borough Council (CBC), the Police and representatives of the Chesterfield Taxi Companies, known generally as 'The Trade' at the Taxi Consultative Committee (TCC). At these meetings the Licencing Manager at CBC discusses various changes or points of interest to The Trade. The Police discuss the reported crimes which have occurred in the last three months which involve The Trade, and Derbyshire County Council listen to requests from The Trade which, on occasion, lead to improvements on the highway.

Previously, the Council has improved and increased the number of taxi ranks in the town centre and a request, which has been ongoing for many years, is the allowance of Hackney taxis into the bus lanes and through the bus only streets in Chesterfield. The reason being the reluctance to increase the usage of these lanes is due to the potential conflict with the vast numbers of pedestrians which are ever present. There have also been concerns over the years that such facilities would be abused without the full enforcement support of the Police.

Hackney taxis provide a service where members of the public can turn up at a taxi rank marked on the highway and get a ride to their desired destination. Private hire firms are usually based at an office with drivers rung directly and

arrangements made for pick up over the telephone. Hackney taxis can also be used as private hire as many taxi companies own both types of vehicles. The number of Hackney taxis registered in Chesterfield is around 150 and the number of private hire is around 440, with hackney taxis distinguishable from a private hire taxi by their make, shape and livery.

In the centre of Chesterfield, there are six 'bus only' facilities which include bus lanes and bus only streets which also permit cyclists. The bus gate on Beetwell Street already allows Hackney taxis through it, however, a request has been made to allow motorcycles through it to gain access to the motor bike parking on Old Ship Lane and this has been included within the advertised Traffic Regulation Order (TRO). The proposals are shown on attached drawing No. HMT/BG/116/17A.

Following support from the local Police for enforcement, to ensure that such facilities are better managed, officers agreed to consult on a TRO to allow Hackney taxis in the bus facilities and the TRO was formally advertised in the Derbyshire Times and on street between 19 October 2017 and 10 November 2017.

Following the formal advertising process, the Council received one objection from an owner of a taxi company, however, they stated that they represented the whole of the private hire drivers which they estimated at 600.

The Objector states their grounds of objection on the discrimination to private hire vehicles and the variance in cost their customers will experience if using a Hackney taxi compared to a private hire vehicle if the customers' journey is able to use one of the available bus facilities in the town centre. They request that the bus facilities are made available for both Hackney and private hire vehicles or for none at all.

The Objector also states that they have discussed the issue with Stagecoach, the main bus operator in Chesterfield, which say that it was not aware of the proposals and does not think it is a good idea.

The Objector also states that they have gathered a petition from drivers and customers; however, this has not yet been received by the Council but this report will likely address the same concerns. They also state that there is very bad feeling amongst the private hire drivers and that they were planning a protest.

The Objector also believes that the proposal had never been discussed until the meeting dated 18 October 2017 which was one day prior to the formal advertising day. They also believed that they had four months to discuss the proposals and make representations and not the three weeks that were advertised.

Concerns were also raised from the bus operator Stagecoach after the closing date, which states that it was not aware of the proposals. It states that current traffic congestion in Chesterfield is at its worst in 20 years and the Council needs to invest in more bus priorities in the town centre. It also states that currently there is no enforcement in the existing facilities with predominately private hire taxis currently breaking the law with parking in bus lanes and using the Church Way bus only street. With all its concerns and without any enforcement, it cannot support the proposal.

Officer Comment

Officers have not taken the decision lightly to introduce Hackney taxis into the bus facilities and have discussed it at length at numerous TCC meetings and not just at the meeting in October 2017. Minutes of previous meetings show that this proposal has been discussed and a separate meeting was held with The Trade representatives on 9 January 2018 with officers to discuss the proposal in more detail and to approve them prior to the formal advertisement.

Research has been carried out with neighbouring authorities regarding the use of Hackney and private hire taxis in bus lanes. Derby City Council only allow Hackney taxis, Nottingham City Council only allow wheelchair accessible Hackney taxis and Sheffield City Council allows both Hackney and private hire. Whilst Sheffield City Council allows both private hire and Hackney taxis in them, it has a much greater bus lane infrastructure which can easily accommodate all types of taxis, as well as cyclists and buses. Chesterfield's demographic is completely different to other towns and cities, and is a small market town with one main bus lane running along one side of Rose Hill Street and Knivesmithgate, and the other facilities are bus only streets where by buses and cyclists can cut through 'plugs' in the highway to gain access to restricted areas to reduce travelling time for some journeys.

Due to the relatively small number of licenced Hackney taxis in Chesterfield, officers felt that this number, if support with an enforcement presence, would not adversely affect the operational needs of the bus companies and more importantly compromise road safety on those streets for more vulnerable road users, including cyclists and pedestrians. Having an additional 400 plus private hire vehicles using these limited facilities would clearly have an operational effect on the current bus services and to be open to further abuse by members of the public thinking that normal vehicles are permitted into these bus facilities. Having only Hackney taxis permitted in the lanes makes them more enforceable due to the make and style of these vehicles.

Officers consulted with the Council's Public Transport officers and, in April 2017, the initial proposals were e-mailed to Stagecoach but no response was received. Officers did send out the proposals again at a later date inviting comment. Stagecoach, however, do not see any difference from what

happens now as the bus facilities are constantly abused. It had concerns over the Cavendish bus gate but have not stated what those concerns are.

It is keen that all the bus gates and lanes are policed otherwise, just like at present, everyone, including private hires, trucks and cars, will just abuse and use the bus lanes.

The Police are present at the TCC meetings and have given their support on the proposals providing that it is only Hackney taxis and have agreed to enforce this restriction. They support it because Hackney taxis are distinguishable from private hire and ordinary cars so it reduces the risk of other drivers thinking they can do the same. The Council will look at alternative methods of enforcement to aid the Police in the future.

Officers are sympathetic to the concerns expressed by the objector, however, the majority of representatives from The Trade which sit on the TCC operate both types of taxi service and they are all very supportive of the proposal to allow only Hackney taxis into the bus facilities. Officers understand that there will be discrepancies for some journeys depending upon which service customers take but allowing private hire into the bus lanes in Chesterfield, as well will simply grind down the centre of the town.

Officers also accept the concerns expressed by the local bus operators but hope that some pedestrian improvements planned at the top of Church Way junction with Burlington Street this financial year will alleviate some of their concerns. They will be consulted on this at a later date when final plans have been drawn up.

Hackney taxis can also operate as private hire vehicles and, whilst operating as a private hire, they will be allowed into the bus facilities but this is accepted and does not add to the overall number of registered Hackney taxis in Chesterfield. Officers, however, have recently been made aware of a loop hole in taxi licensing in that Hackney taxis registered in neighbouring towns and cities can operate as private hire in Chesterfield. This is a particular concern to the Council as this could increase the number of Hackney taxis operating in Chesterfield. It is unclear at this stage how many extra Hackney taxis from outside Chesterfield operate in the town centre but the TRO cannot lawfully exclude these vehicles.

It is not apparent at this stage how these external Hackney taxis will influence the safety and operation of the bus facilities in Chesterfield and, therefore, after much deliberation, officers have decided that the best way forward is to make the TRO experimentally for the maximum 18 months and monitor the usage and safety of the bus facilities. This was discussed at the TCC Committee on 16 January 2018 and whilst the majority of taxi companies were very disappointed that the TRO was not going to be made permanent, they

accepted officers' reasons why. This was supported by some of CBC's Councillors who were present at the meeting. This experimental basis will also give private hire companies the time to assess the perceived discrepancies and make representations with factual evidence prior to the decision to make the TRO permanent in 18 months' time.

This period will also give the bus companies time to monitor their operational needs and the Police will also be able to advise on how effective the enforcement of the TRO is.

Due to the TRO not being formally advertised on an experimental basis, officers seek approval from the Cabinet Member to allow this TRO to be made on an experimental basis in order to review how the scheme is working on safety and congestion grounds and to get feedback from the Police and private hire companies on the effect of allowing Hackney taxis into the bus facilities in Chesterfield.

Local Member Comment

Councillor Sharon Blank (Chesterfield) and Councillor Stuart Brittain (Brimington South) have been consulted on the proposal. Any comments received will be reported at the meeting.

(3) **Financial Considerations** This work forms part of the approved Local Transport Plan 2016-17 Capital Programme of works at an approximate cost of £60,000.

(4) **Legal Considerations** Section 122 of the Road Traffic Regulation Act 1984 states that it shall be the duty of every Local Authority exercising the functions in that Act (so far as practicable having regard to the matters listed below) 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.

The matters referred to above are:

- 1) the desirability of securing and maintaining reasonable access to premises;
- 2) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) 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; 2ii) the national air quality strategy prepared under Section 80 of the Environment Act 1995;
- 3) 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

- 4) any other matters appearing to the Local Authority to be relevant.

Section 2 of the 1984 Act states what a TRO may provide for and this includes prohibition of waiting. Notice of proposals must be given in accordance with Regulation 7 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 and at least a minimum of 21 clear days for the receipt of written objections must be allowed. Objections can then be considered by the Local Authority.

Regulation 14 of the 1996 Regulations enable an order making authority to modify an Order in consequence of any objections or otherwise, before it is made. Where substantial changes are to be made, the order making authority must notify those likely to be affected by the modifications, giving them an opportunity to make a representation which the Authority shall consider. In this matter, it is considered that the modifications constitute a reduction and are therefore not a substantial change.

Experimental Orders are made under subsections 9 and 10 of the Road Traffic Regulations Act 1984. Experimental Orders can only stay in force for a maximum period of 18 months. Changes can be made during the first 6 months to any of the restrictions (except changes) if necessary, before the Council decides whether or not to continue with the changes brought in by the Experimental Order on a permanent basis.

Once the Order is in force, objections may be made to the order being made permanent and these must be made within six months of the day the Experimental Order comes into force.

If the Order is changed as set out above, objections may be made within six months of the date the Order is changed.

Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property, social value and transport considerations.

- (5) **Key Decision** No.

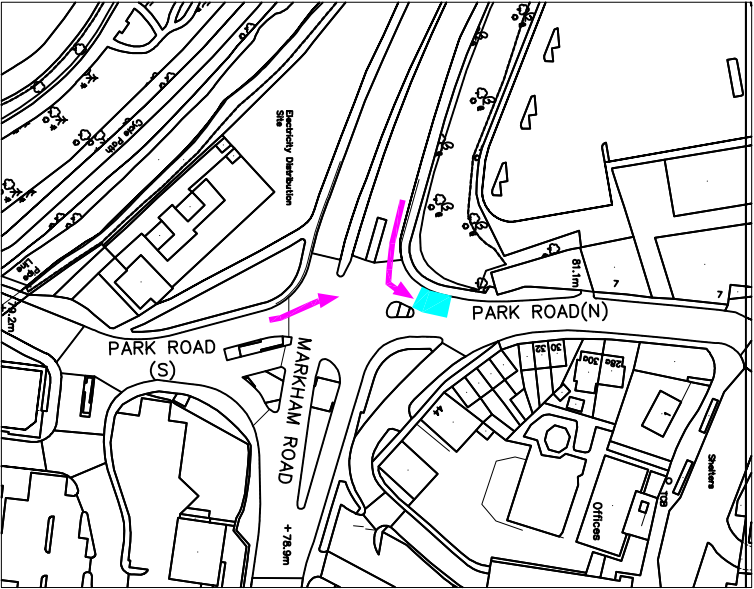
- (6) **Call-In** Is it required that call in be waived in respect of the decisions proposed in the report? No.

- (7) **Background Papers** Held on file within the Economy, Transport and Environment Department. Officer contact details – Bridget Gould, extension 38579.

(8) OFFICER'S RECOMMENDATIONS That:

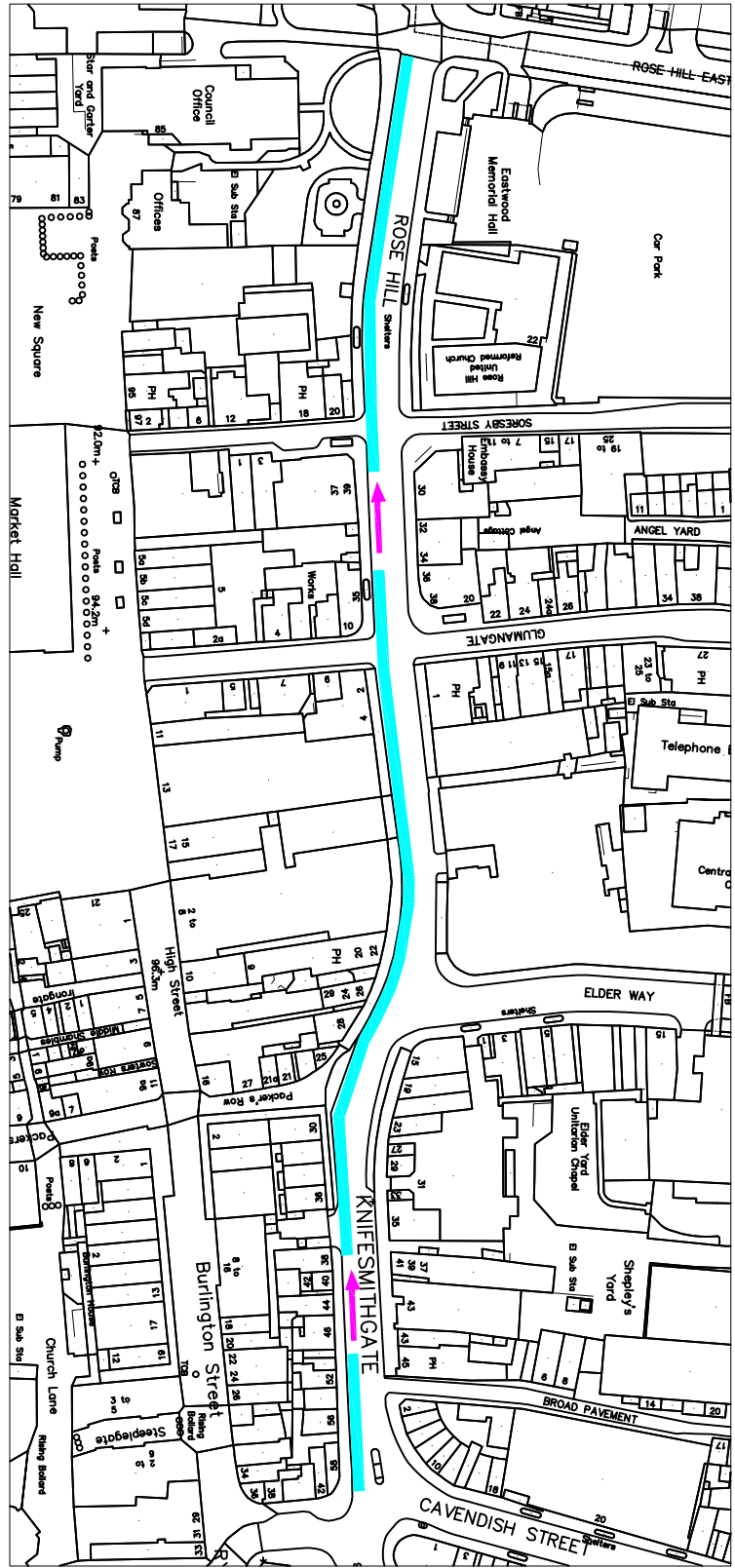
- 8.1 The Cabinet Member approves the introduction of the (Rose Hill/Knivesmithgate, Beetwell Street, Church Way, Holywell Street, Park Road, Brimington Road, Chesterfield) (Bus Lanes & Bus Only Streets) Order 2017 but on an experimental basis only with a view to reviewing the situation in 18 months' time.
- 8:2 The Local Members, objectors, Chair of the Taxi Consultative Committee, and the Chief Constable be notified accordingly.

Mike Ashworth
Strategic Director – Economy, Transport and Environment



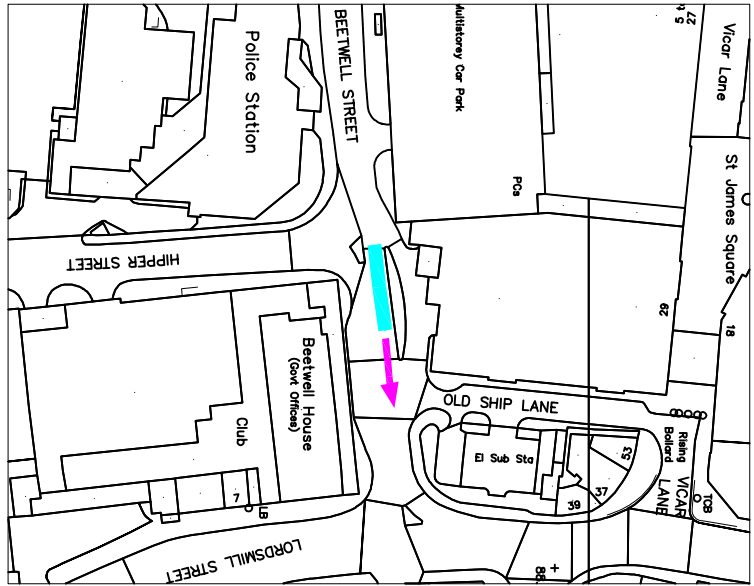
1.PARK ROAD/ MARKHAM ROAD JUNCTION- BUS ONLY STREET

Hackney Taxis and Pedal Cycles permitted to enter Park Road (North) from Park Road (South) and turn left in from Markham Road.



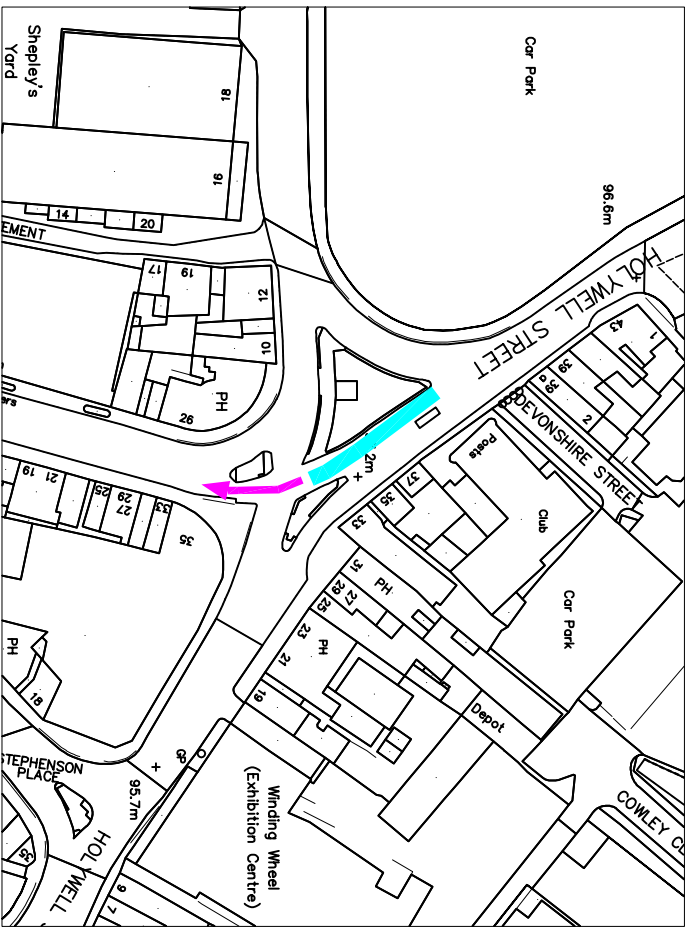
3.KNIFESMITHGATE / ROSE HILL BUS LANES

Hackney Taxis and Pedal Cycles permitted to enter the Knifesmithgate Bus Lane from Cavendish Street through to Rose Hill



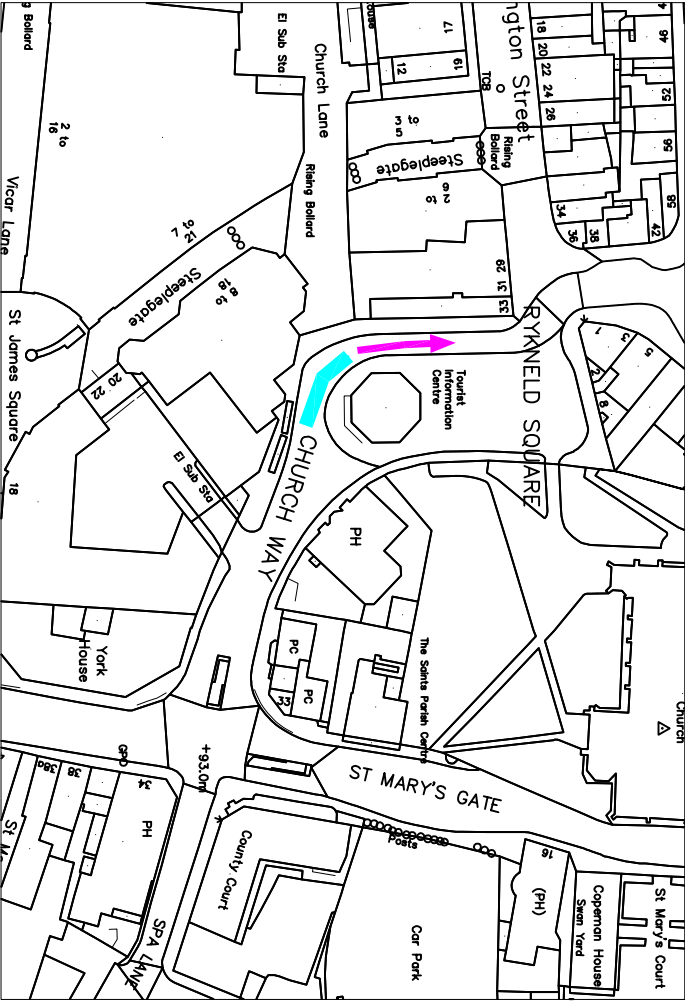
5. BEETWELL STREET - BUS ONLY STREET

Hackney Taxis, Pedal Cycles and Motor Cycles Permitted to travel east along Beetwell Street from its junction with Hipper Street



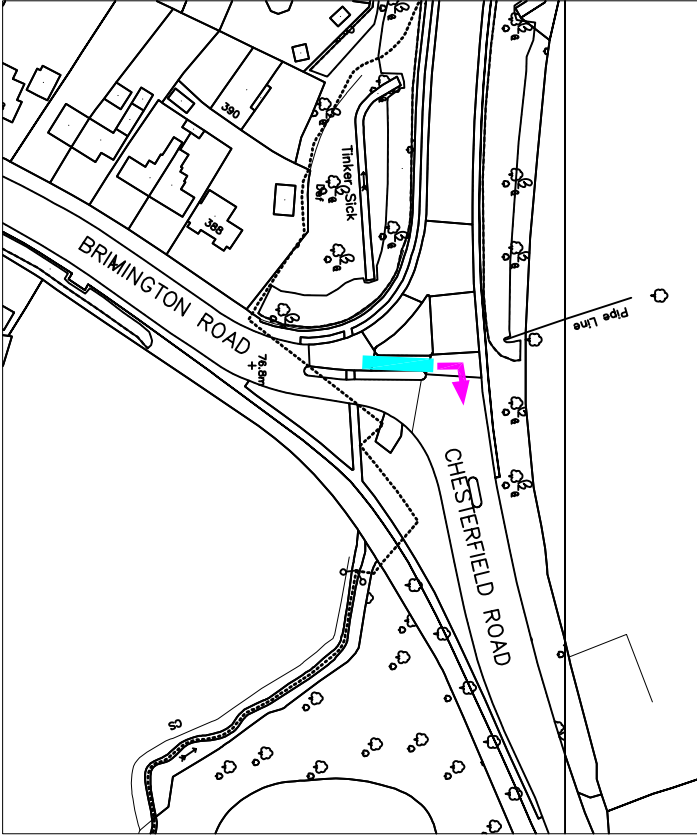
2.HOLYWELL STREET BUS ONLY STREET INTO CAVENDISH STREET

Hackney Taxis and Pedal Cycles exempt from the 'No Right Turn' and 'No Entry' at Holywell Cross into Cavendish Street.



4. CHURCH WAY - BUS ONLY STREET

Hackney Taxis and Pedal Cycles Only permitted along Church Way



6. BRIMINGTON ROAD / CHESTERFIELD ROAD JUNCTION - BUS ONLY STREET

Hackney Taxis and Pedal Cycles exempt from turning right out of Brimington Road onto Chesterfield Road

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MIKE ASHWORTH
Strategic Director - Economy, Transport and Environment

1. PARK ROAD/ MARKHAM ROAD JUNCTION - BUS ONLY STREET

2.HOLYWELL STREET BUS ONLY STRET TO CAVENDISH STRET

3.KNIFESMITHGATE BUS ONLY STREET

4. CHURCH WAY - BUSE ONLY STREET

5. BEETWELL STREET BUS ONLY STREET

6. BRIMINGTON ROAD BUS ONLY STREET

PROJECT TITLE

PROPOSED EXEMPTIONS FOR HACKNEY TAXIS IN EXISTING
BUS LANES AND BUS ONLY STREETS, CHESTERFIELD

DRAWING TITLE

CONSULTATION PLAN

DRAWN

B.GOULD

Date

MARCH.2017

CHECKED

S.STRANTER

Date

MARCH.2017

APPROVED

S.STRANTER

Date

MARCH.2017

Project / Confirm

Reference No.

Drawing

Number

SCALE

N.T.S.

ORIGINAL DRAWING SIZE A20 x 297 (A3)