

Title of meeting: Cabinet Member for Transport Decision Meeting

Date of meeting: 16 November 2023

Subject: London Road Taxi Rank - Experimental Traffic Regulation Order 87/2022

Report by: Kerri Farnsworth - Interim Director of Regeneration

Report author: Gareth James - Transport Strategy Team Leader

Wards affected: Nelson

Key decision: No

Full Council decision: No

1. Purpose of Report

This report considers responses to the Experimental Traffic Regulation Order (ETRO) in operation since 5 August 2022 for the trial of a 22 hour (9am to 7am), two-car, taxi rank located at the southern end of the southbound bus lane on London Road, close to the junction with Laburnum Grove. A plan showing the trial taxi rank is included with this report as Appendix A.

2. Recommendations

It is recommended that the Cabinet Member for Transport:

- 2.1 Considers the responses received to ETRO 87/2022 during the six-month consultation period from March to September 2022;**
- 2.2 Approves making permanent the provisions of ETRO 87 2022 for the continuation of a 22-hour, two car, taxi rank on London Road southbound (near to its junction with Laburnum Grove);**
- 2.3 Notes the existing night-time (7pm - 7am) taxi rank and associated shelter will remain.**

3. Background

- 3.1 In September 2020, a review of Hackney Carriage stands was presented at the Licensing Committee and included a proposal for a 24-hour taxi rank on London Road, North End.
- 3.2 Several locations were considered and following site observations, assessment and feasibility including highways designs, road safety audits, and engagement with key stakeholders and ward councillors, a final location and operating details were proposed.
- 3.3 Following the technical work and stakeholder engagement, the March 2022 meeting of the Cabinet Member for Traffic and Transportation approved implementing an ETRO to trial a 22 hour (9am to 7am), two-car, taxi rank located at the southern end of the southbound bus lane on London Road, close to the junction with Laburnum Grove. The rank was limited to two cars to minimise potential vehicular conflict, and the hours of operation were limited to 22 hours to minimise bus journey time delays during the peak period.
- 3.4 It was agreed that the existing night-time (7pm - 7am) taxi rank and associated shelter would remain operational during the trial.
- 3.5 An independent stage 1 / 2 Road Safety Audit was undertaken in January 2022, ahead of this trial going live. A detailed design was provided to the independent auditor which included the measurements and proposed operating hours. The issued report outlined that there were "No problems identified".
- 3.6 An independent stage 3 Road Safety Audit was undertaken in March 2023, incorporating a site visit on 26 February 2023, to assess the scheme whilst in operation. The auditor's report outlined that there were "No problems identified".
- 3.7 A report providing an update following six months of operation was presented at a [meeting of the Cabinet Member of Traffic and Transportation on 23 March 2023](#), and forms the basis of the monitoring section of this report that follows.

4. Monitoring the trial taxi rank

- 4.1 Ahead of proposing this location for the trial, there were a number of considerations on the impact on the immediate area and other road users, and as such these were to be monitored throughout the trial:
- Bus delays due to traffic waiting to turn into Derby Road.
 - The manoeuvring required by buses to pull out of the bus lane and

navigate the taxis present in the rank.

- London Road being among the highest cycle casualty routes in Portsmouth (there were 33 slight and eight serious pedal cycle casualties along London Road between the Portsbridge Roundabout and Kingston Crescent / Kingston Road junction in the five years to May 2023).
- Bus lanes being shared with cyclists and rental e-scooters.
- Over-ranking by taxis or other vehicles stopping in the rank.

Bus delays and turning movements

- 4.2 Both bus operators using this route, First and Stagecoach, have indicated that there has been no adverse impact on their services.
- 4.3 Data received from Stagecoach shows the time taken to travel between the stops either side of the rank. Public transport officers and bus operator representatives agreed that times exceeding five minutes could indicate disruption and should be investigated. Through CCTV observations, the five-minute exceedances have been reviewed where possible. A full breakdown of exceedances for the first six months of the trial was provided in the March 2023 update and showed that while there was an average of 8.5 exceedances per month, none of these were attributable to the presence of taxis or other vehicles in the trial rank or waiting traffic close to the Derby Road junction. During the seven subsequent months, there was a small increase to 9.9 exceedances per month. However, none of these exceedances were considered attributable to the trial, thereby continuing to indicate that the taxi rank does not cause delays.
- 4.4 CCTV footage was reviewed for the first six months of the trial to determine the incidence of taxis stopping in the bus lane between 7am and 9am, when they are not permitted to do so. The council ensured taxi drivers were aware of the timings through direct engagement, and a media release including this information was published in local newspaper The News on 12 August 2022. The contravention rate (approximately one per week) had not changed compared to the pre-installation baseline, so based on feedback from bus operators, this aspect of monitoring was discontinued to focus on exceedances.

Casualty data, and bus lanes being shared with cyclists and rental e-scooters

- 4.5 From May 2018 to May 2023, the casualty data for the area shows four casualties classified as 'slight', the most recent of which took place in September 2021. There have therefore been no recorded casualties since the trial began in August 2022.
- 4.6 A 'Near Miss' is defined as an unplanned event that did not result in injury,

illness, or damage – but had the potential to do so. Cyclists who experience a near miss while cycling on Portsmouth's roads can record the near miss incident on the Portsmouth City Council (PCC) online form, which can be found here: <https://travel.portsmouth.gov.uk/schemes/near-miss/>.

- 4.7 Between April 2018 and the start of the trial in August 2022, 8 near misses were recorded on London Rd between Stubbington Avenue and Laburnum Grove.
- 4.8 From the start of the trial in August 2022 until September 2023, one near miss has been reported. The non-deliberate incident occurred in October 2022 and involved a cyclist travelling south along London Road and a private car turning into Laburnum Grove. It was not deemed to have occurred because of the trial taxi rank.
- 4.9 Site observations were undertaken by transport officers from 9am to 6pm on 7 February 2023 and 11 February 2023, to monitor usage of the rank by cyclists, rental e-scooters, buses, and taxis. A full summary of the observations was included in the March 2023 report, and it did not indicate that the taxi rank caused any additional challenges for cyclists or rental e-scooter users.

Non-taxis stopping in the rank, or over-ranking by taxis

- 4.10 The council's parking enforcement team has monitored the trial taxi rank for parking by unauthorised vehicles during the trial. From the start of the trial until August 2023, regular site visits by Civil Enforcement Officers did not detect any use by unauthorised vehicles, and no Penalty Charge Notices (PCNs) have been issued. The council is not aware of any non-compliance issues at this site.
- 4.11 Traffic Management Centre operators made 109 CCTV observations at random times of the day between 7am and 10pm throughout the first six months of the trial, indicating that taxis were present in the rank on ten occasions, or just under 10% of the time.
- 4.12 The existing night-time (7pm - 7am) taxi rank and shelter has been seen in use and is not causing any detriment to the rank's operation or to other road users.

5. Stakeholder feedback

- 5.1 As previously referenced, representatives from the bus operators engaged in discussions ahead of the trial, and they have not raised any issues during the trial in their regular communications with the council in meetings and via email.
- 5.2 An email was sent to all 234 members of the council's taxi driver and operator distribution list in December 2022 asking for feedback on the trial. 34 responses

were received, with 65% stating that they use the trial taxi rank and 71% stating that they would like it to remain. 21 responses were received to a subsequent email in August 2023 indicating that usage by taxi drivers had increased to 81% - possibly due to increased awareness as the trial progressed.

- 5.3 Most feedback received from the businesses close to the trial taxi rank has been positive, with Iceland and Minutka both stating they felt their customers benefitted from the presence of the taxi rank. The only negative comment from a business was not due to a negative impact of the rank, but because they said their customers use private hire apps, implying that the rank may not be needed.

6. ETRO consultation responses

- 6.1 One response was received during the six-month ETRO consultation period following the start of the trial. It was submitted by Portsmouth Cycle Forum in February 2023 and expressed concern over the Private Hire Vehicles in Bus Lane trial and the safety of cyclists navigating around taxis in the trial rank. They suggested instead considering an alternative site on the western side of London Road. A copy of the objection received is included with this report as Appendix B.
- 6.2 In response to those concerns, it should be noted that the trial taxi rank is exclusively for use by hackney carriage taxis. Also, this section of bus lane is not within the current Private Hire Vehicle (PHV) trial and the specifics of the PHV trial do not permit PHV taxis to park within the bus lane. Any proposed changes to the PHV trial would be required to be approved by the Cabinet Member for Transport as part of that scheme.
- 6.3 As mentioned in Section 3 of this report, the independent Road Safety Audits conducted before and during the trial did not outline any safety concerns to cyclists, while site visits undertaken by transport officers did not indicate that the taxi rank caused additional challenges for cyclists or rental e-scooter users.
- 6.4 As detailed in Section 4 of this report, casualty and near miss data has been closely monitored and has not raised any cause for concern regarding the safety of the taxi rank for cyclists or other road users.
- 6.5 Prior to installation, and as further reviewed during the trial, several alternative locations were considered including the suggested area on the western side of London Road. While the chosen location was deemed most suitable, it was considered that the closure of the Halifax bank and the removal of the associated cashpoint may have had an impact on the use of this area. Having reviewed the suitability, the chosen location is still considered most feasible, as reinforced by the monitoring activity conducted during the trial. Furthermore, proposed future works to improve cycling facilities on the western side of London Road are likely to be less compatible with the installation of a taxi rank.

7. Reasons for recommendations

- 7.1 As detailed in this report, the trial taxi rank is being used by taxi drivers. There is support for the rank from local businesses who state it represents a good travel option for their customers, and bus operators have not experienced any issues.
- 7.2 The formal consultation response by Portsmouth Cycle Forum highlighted safety concerns. Safety considerations, especially for vulnerable road users including cyclists, were paramount in developing and monitoring this trial, and the Road Safety Audits and safety data have not indicated any cause for concern.
- 7.3 It should be noted that this recommendation only applies to the taxi rank in question, as do the audits and data referred to. This recommendation does not set a precedent for any other taxi rank that may be considered in future.
- 7.4 ETROs can only remain in place for up to 18 months, and the ETRO for this trial is scheduled to expire on 5 February 2024. The provisions of the ETRO must be made permanent in advance of this date for the taxi rank to continue thereafter.

8. Integrated Impact Assessment

- 8.1 An Integrated Impact Assessment (IIA) was undertaken at the trial's commencement; an updated version is included with this report as Appendix C.

9. Legal implications

- 9.1 An experimental order is similar to a permanent traffic regulation order in that it is a legal document which imposes traffic and parking restrictions such as road closures, one-way streets, banned turns, bus/cycle lanes, controlled parking, and on-street parking places. Such Orders are made under Sections 9 and 10 of the Road Traffic Regulation Act 1984 and all other enabling powers after consultation with the chief officer of police in accordance with Schedule 9 to the 1984 Act.
- 9.2 Unlike a permanent order, an experimental order can stay in force for a maximum of 18 months while its effects are monitored and the council decides whether or not to make the provisions permanent. There is no public consultation before the experimental traffic order is brought into effect, but from its commencement date, there is a 6-month period that allows representations to be submitted based on experience of the traffic scheme in operation.

- 9.3 Provided the sole effect of the order is to reproduce and continue in force indefinitely the provisions of an ETRO without modification, an experimental order can be made permanent providing the following requirements are adhered to.
- 9.4 The following statements were included in the notice of making the experimental order:
- that the order making authority will be considering in due course whether the provisions of the experimental order should be continued in force indefinitely
 - a person may object to the experimental order continuing for an indefinite period within 6 months of the order beginning on the date the order came into force (or within 6 months beginning on date the order is varied or modified)
 - that any objections must be in writing, state the grounds on which it is made and be sent to an address specified in the notice.
- 9.5 The following documents were deposited and kept available for inspection beginning from the date on which the advertisement of the experimental order is first published and ending on the date the order ceases to have effect:
- a) a copy of the relevant notice of proposals and, if the order has been made, of the relevant notice of making;
 - b) a copy of the order as proposed to be made or as made (as the case may be);
 - c) a map which clearly shows the location and effect of the order as proposed to be made or as made (as the case may be) and, where appropriate, alternative routes for diverted traffic;
 - d) a statement setting out the reasons why the authority proposed to make the order including, in the case of an experimental order, the reasons for proceeding by way of experiment and a statement as to whether the authority intends to consider making an order having the same effect which is not an experimental order;
 - e) if the order varies, revokes, applies or suspends another order, a copy of that other order;
 - f) if the order has been made after the holding of a public inquiry, a copy of the report and recommendations (if any) of the inspector;
 - g) where the experimental order has been modified in accordance with section 10(2) RTRA a statement of the effect of each such modification
- 9.6 If objections are received to an ETRO during the 6-month consultation period, the matter must go before the appropriate executive member for a decision whether to make the order, taking into account the comments received from the public during the consultation period.

9.7 If it is decided to make the order permanent, any person who objected to the ETRO within the 6-month period should be notified in writing within 14 days of the making of the order and given reasons for the decision.

10. Director of Finance's comments

10.1 The conversion of the ETRO to a permanent order, if approved, will not have any financial implications for the council.

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Signed by: Kerri Farnsworth - Interim Director of Regeneration

Appendices:

- Appendix A - Plan showing trial taxi rank and restrictions
- Appendix B - Copy of Portsmouth Cycle Forum's ETRO objection
- Appendix C - Integrated Impact Assessment (IIA)

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
The Portsmouth City Council (London Road) (Taxi Rank) (No.87) Experimental Traffic Regulation Order 2022	https://www.portsmouth.gov.uk/wp-content/uploads/2022/08/ETRO-87-2022-Sealed-London-Road-Order.pdf
London Road Taxi Rank Trial - 6 Month Update (Information Only Report to the 23 March 2023 Meeting of the Cabinet Member for Traffic and Transportation)	https://democracy.portsmouth.gov.uk/documents/s45278/London%20Rd%20Taxi%20Rank%20Trial%20-%206%20month%20update%20-%20Info%20only.pdf
Proposed Taxi Rank London Road report for Cabinet Member for Traffic and Transportation - 18 March 2022	https://democracy.portsmouth.gov.uk/documents/s37391/Proposed%20Taxi%20Rank%20London%20Road.pdf

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by

..... on

..... Signed by: