

Cabinet – 8 February 2023

Private Hire Vehicles in Bus Lanes

Portfolio: Councillor A. Andrew - Deputy Leader and Regeneration

Related portfolios: None

Service: Place & Environment

Wards: All

Key decision: No

Forward plan: No

1. **Aim**

- 1.1. To optimise the transport network for the benefit of the travelling public by allocating limited road space in the most appropriate way.

2. **Summary**

- 2.1. On 9 January 2023 council approved a motion requesting cabinet to consider a change in policy to allow private hire vehicles (PHVs) to use bus lanes.
- 2.2. This report sets out the background to the current policy, the process required to make changes and the impact the changes are likely to have.
- 2.3. As the council is a member of the West Midlands Enhanced Partnership (EP) bus scheme, any changes to bus lanes are required to follow the process set out in the EP partnership agreement.

3. **Recommendations**

- 3.1. That Cabinet approve informal consultation with members of the Enhanced Partnership (EP) Reference Group to determine if the proposal to allow private hire vehicles in bus lanes is likely to be approved.
- 3.2. That Cabinet delegate authority to the Executive Director for Economy, Environment & Communities, in consultation with the Deputy Leader & Cabinet Member for Regeneration, to consider the outcome of the informal consultation

and if the proposal is likely to be approved, make a formal application to vary the EP agreement to allow private hire vehicles in bus lanes where taxis are currently permitted.

4. **Report detail - know**

Context

4.1. On 9 January 2023 Council approved the following motion:

This council:

- *notes the important role played by the taxi and licenced private hire trade in the public transport provision in Walsall;*
- *recognises the valuable work carried out by taxi and private hire drivers, not least during the period of the pandemic, providing an essential service for our residents; and*
- *notes the positive impact on reducing the number of vehicles on the borough's roads and therefore on the air quality for our residents, by the use of public transport including taxis and private hire vehicles.*

The Council therefore:

- *requests that Cabinet receives a report on the implications of a change in policy to allow private hire vehicles to use bus lanes in the borough of Walsall.*

4.2. The current policy to exclude PHVs from bus lanes was approved by cabinet on 9 February 2011 (background paper ref. 1). PHVs had been permitted in the majority of bus lanes up to that point.

4.3. The report considered the outcome of a Birmingham trial to permit PHVs to use bus lanes. Prior to this trial PHVs were excluded from using bus lanes in Birmingham.

4.4. The trial concluded that impacts on enforcement, bus journey times and accidents were not significant. The results also indicated that there were no clear benefits for PHVs or any other road user types from allowing PHVs in bus lanes.

4.5. The report also considered the national guidance contained in local transport note 1/97, Keeping Buses Moving (background paper ref. 2). This guidance is still current and includes the following:

“In some areas where taxis are permitted to use bus lanes there has been pressure from operators of cars available for private hire, most of which are indistinguishable from private cars, to be provided with the same priority; use of bus lanes by these vehicles is not recommended. The points about enforcement and interaction with buses mentioned above will be especially relevant to local authorities and police forces when deciding whether hire cars should be allowed to take advantage of bus priority measures.”

- 4.6. Formal partnership arrangements between bus operators, the West Midlands Combined Authority (WMCA) and local authorities in the West Midlands are set out in the West Midlands Enhanced Partnership (EP) agreement and the associated plans and schemes.
- 4.7. Very few local authorities allow PHVs in bus lanes. Wolverhampton is the only authority in the West Midlands where this is permitted. This was introduced prior to the commencement of the West Midlands EP agreement. Therefore, the requirements set out in the legal implications section below did not apply.
- 4.8. Bus lanes are provided to improve the journey time reliability of buses, which increases their attractiveness. Any increase in the numbers of vehicles using bus lanes will reduce their effectiveness.
- 4.9. The list of current bus lanes, times of operation and permitted vehicles is contained in **Appendix 1**, which forms part of the West Midlands EP agreement. It should be noted that taxis and cycles are not currently permitted in all bus lanes.

Risk Management

- 4.10. There are some busy signalised junctions where any additional activation of the bus lane signals by additional authorised vehicles will have a disproportionate impact on the operation of the junction. There will need to be detailed individual evaluations at these locations, which include:
 - The Arboretum junction;
 - Wolverhampton Road/Hollyhedge Lane/Pleck Road junction; and
 - Ablewell Street/Town Hill/Upper Rushall Street gyratory.
- 4.11. Any increase in the number of vehicles using bus lanes will increase the risk to cyclists, who are also allowed to use most of them.

Financial Implications

- 4.12. By joining the partnership Walsall benefits from a share of £88M of bus service improvement plan (BSIP) funding.
- 4.13. All associated signing would need to be changed, with any replacement signs meeting current standards (TSRGD 2016). These standards would require the use of 'authorised vehicle' rather than 'PHV' on signs, which may lead to confusion regarding which vehicles are permitted.
- 4.14. Additional cost will be incurred with reviewing and processing the automatically captured digital evidence packs created by PHVs using bus lanes.

Legal implications

- 4.15. The EP plans and scheme is made under the Transport Act 2000 and is legally binding. The Enhanced Partnership Plans and Schemes (Objections) Regulations 2018 (background paper ref. 5) requires any changes to bus priority measure to be submitted to a meeting of the EP scheme reference group, which includes bus operators. If objections are made, a formal variation process (set out in the EP scheme) would be required. The formal process requires bus operators to be consulted on the proposed changes. If sufficient objections are submitted the variation cannot be made. The criteria for operator objections are set out below.
- 4.16. Criteria 1:
- The combined registered distance of all the qualifying local services operated by objectors in the relevant EP area is at least 25% of the total registered distance of all local bus services operated by all the bus operators in that area; and
 - where there are four or more operators in the relevant EP plan or scheme area, at least three are objectors; or
 - where there are less than four operators in the relevant EP plan or scheme area, all are objectors.
- 4.17. Criteria 2:
- At least 50% of the total number of operators of qualifying local services within the relevant plan or scheme area have objected; and
 - the combined registered distance of qualifying local services operated by the objectors in the relevant area is at least 4% of the registered distance of all local bus services operated by all the bus operators in that area.

- 4.18. Some of Wolverhampton's traffic regulation orders for bus lanes refer to 'private hire vehicles licenses by Wolverhampton City Council'. Further work is required to determine if PHV authorisation to use bus lanes could be restricted to those registered in Walsall, and whether it is Wednesbury reasonable balancing all the necessary considerations.

Procurement Implications/Social Value

- 4.19. No issues identified.

Property implications

- 4.20. No issues identified.

Health and wellbeing implications

- 4.21. As noted above, any increase in the number of vehicles using bus lanes will have an impact on cyclists, who are also allowed to use most of them.

Staff Implications

- 4.22. Further work is required to determine how much of the enforcement process could be automated if PHVs are permitted to use bus lanes. However, it is likely that more staff time would be required. Every violation may have to be checked by a civil enforcement officer to determine if the vehicle involved was a PHV and being used as such i.e. not being used for personal journeys or other uses such food deliveries. There are 973 licences PHVs in the borough. There will also be a large number of PHVs operating in the borough that are licenced elsewhere.

Reducing Inequalities

- 4.23. Access to a wide range of opportunities (such as employment, education, training, healthcare and leisure) are important to all residents. Bus lanes help to enable high-quality public transport, which can help ensure that young people, elderly people, people with disabilities and non-car drivers/owners, have access to the full range of services available in the Borough and wider West Midlands.
- 4.24. Most buses are fully accessible for wheelchair users and parents with buggies.
- 4.25. Some PHVs are wheelchair accessible, and these can provide door to door transport to residents with limited mobility.

Climate Change

- 4.26. The City Region Sustainable Transport Settlement from the Department for Transport incentivises local authorities to actively promote sustainable modes by only funding capital schemes that can demonstrate that they are placing the needs of pedestrians, cyclists and bus users ahead of other road users. Guidance to local authorities published in July 2021 highlights the importance of carbon reduction, the need to develop schemes in accord with Local Transport Note 1/20 - Cycle Infrastructure Design, and the importance of helping deliver against the objectives set out in the National Bus Strategy.
- 4.27. Transport represents around 37% of the borough's total carbon emissions. Assuming Walsall's traffic is similar to the national average, around 19% of emissions are produced by taxis, cars and PHVs and 0.7% are produced by buses. There are no disaggregated statistics for PHVs.
- 4.28. PHVs are increasingly being used for delivery services. The use of bus lanes by these vehicles would be detrimental to passenger services.

Consultation

- 4.29. Any changes to bus lanes will require consultation with bus operators through the EP reference group (see legal section above for details).
- 4.30. The local policing unit has been consulted and does not support allowing PHVs in bus lanes.

5. Decide

- 5.1. Taxis, PHVs and buses all play an important role in the affordable and sustainable movement of our residents.
- 5.2. The decision to prohibit PHVs from bus lanes was informed by a trial that indicate that there were no clear benefits for PHVs or any other road user types from allowing PHVs in bus lanes.
- 5.3. Allowing PHVs in bus lanes may speed up PHV journeys; however, it is likely to have a negative impact on bus journey times, cyclist safety and the capacity of some junctions. Costs will be incurred for changes to signage and increase resources for enforcement.
- 5.4. If the decision is made to allow PHVs to use bus lanes, this will be subject to a consultation process with the EP Reference Group. If the EP Reference Group does not support the change, the council would need to consider its ongoing participation in the Enhanced Partnership, approved in November 2022.

6. Respond

- 6.1. Given the factors listed above, it is recommended that informal consultation is carried out with the EP scheme reference group.

7. Review

- 7.1. If informal consultation indicates that an application to allow PHVs in Walsall's bus lanes is likely to be approved a formal application should be made.

Background papers

Ref.1 - Report to cabinet 9 February 2011, Bus Lane Usage ([link](#)).

Ref. 2 - Local Transport Note 1/97, Keeping Buses Moving ([link](#)).

Ref. 3 - Report to cabinet, 10 February 2021 – West Midlands Enhanced Partnership Plan and Scheme ([link](#))

Ref. 4 - Report to cabinet 2 November 2022 - West Midlands Enhanced Partnership (EP) Scheme ([link](#)).

Ref. 5 - The Enhanced Partnership Plans and Schemes (Objections) Regulations 2018 ([link](#)).

Ref. 6 - Transport and environment statistics 2022 ([link](#))

Appendices

Appendix 1 – List of Bus Lanes

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Simon Neilson
Executive Director

30 January 2023



Councillor Adrian Andrew
Portfolio Holder

30 January 2023

Appendix 1 – List of Bus Lanes

Description	Type	Times of Operation	Vehicles Permitted
Hatherton Road, Walsall (The area of carriageway of Hatherton Road from its junction with Lichfield Street, following the southern and then eastern kerb line of Hatherton Street for a distance of 314 metres in a north westerly then south westerly direction to a point 10 metres north east of St Pauls Bus Station entrance)	Contra-flow Bus Lane	Any Time	Buses and pedal cycles
B4210 Stafford Street, Walsall (The area of southbound carriageway of Stafford Street which extends from its junction with Ryecroft Park for a distance of 72 metres in a southerly direction to its junction with Ryecroft Street)	With-flow Bus Lane	08.00 - 09.30 & 16.00 - 18.30, Monday - Friday	Buses and pedal cycles
A34 Birmingham Road, Walsall (a distance of 650 metres in a north-westerly direction from the Walsall/Sandwell boundary)	With-flow Bus Lane	Any Time	Buses, pedal cycles, taxis & motorcycles
A34 High Street, Bloxwich (from a point 19 metres west of its junction with Pinfold for a distance of 90 metres in a westerly direction)	With-flow Bus Lane	Any Time	Buses, pedal cycles, taxis & motorcycles
A4148 Pleck Road, Walsall (The area of northbound carriageway of A4148 Pleck Road which extends from a point 58 metres north of the northern kerblines of Moat Road for a distance of 160 metres in a northerly direction to its junction with A454 Wolverhampton Street)	With-flow Bus Lane	Any Time	Buses, pedal cycles, taxis & motorcycles
B4464 Somerford Place, Willenhall (The area of westbound carriageway of Somerford Place which extends from a point 70 metres west of its junction with Summer Street for a distance of 155 metres in a westerly direction)	With-flow Bus Lane	08.00 - 09.30 & 16.00 - 18.30, Monday - Friday	Buses, pedal cycles, taxis & motorcycles

Description	Type	Times of Operation	Vehicles Permitted
<p>A454 Wolverhampton Road, Walsall (The area of eastbound carriageway of Wolverhampton Road which extends from its junction with Pargeter Street for a distance of 205 metres in an easterly direction)</p>	With-flow Bus Lane	07.00 - 10.00 & 16.00 - 19.00, Monday - Friday	Buses, pedal cycles, taxis & motorcycles
<p>A454 Wolverhampton Road, Walsall (The area of eastbound carriageway of Wolverhampton Road which extends from a point 112 metres west of its junction with Hollyhedge Lane for a distance of 100 metres in an easterly direction_</p>	With-flow Bus Lane	Any Time	Buses, pedal cycles, taxis & motorcycles
<p>A34 Birmingham Road, Walsall (The area of southbound carriageway of Birmingham Road, Walsall which extends from a point 14 metres south east of its junction with Skip Lane for a distance of 265 metres in a south easterly direction to the Walsall / Sandwell borough boundary)</p>	With-flow Bus Lane	07.00 - 19.00	Buses, pedal cycles, taxis & motorcycles
<p>B4210 Stafford Street, Walsall (The area of southbound carriageway of Stafford Street which extends from its junction with Ryecroft Park for a distance of 72 metres in a southerly direction to its junction with Ryecroft Street)</p>	With-flow Bus Lane	Any Time	Buses and pedal cycles
<p>B4210 Stafford Street, Walsall (The area of southbound offside carriageway of Stafford Street which extends from a point 15 metres south of its junction with Short Acre Street for a distance of 116 metres in a southerly direction to its junction with Day Street)</p>	Contra-flow Bus Lane	Any Time	Bus Only
<p>B4210 Stafford Street, Walsall (The area of southbound carriageway on Stafford Street which extends from its junction with Day Street for a distance of 121 metres in a southerly direction to its junction with Littleton Street West)</p>	Contra-flow Bus Lane	Any Time	Bus & Pedal Cycles

Description	Type	Times of Operation	Vehicles Permitted
Ablewell Street, Walsall (The area of northbound carriageway on Ablewell Street which extends from a point 65 metres south of its junction with Town Hill for a distance of 195 metres in a northerly direction to its junction with Upper Rushall Street)	Contra-flow Bus Lane	Any Time	Bus & Pedal Cycles
Hatherton Road, Walsall (The area of eastbound carriageway of Hatherton Road from a point 22 metres west of its junction with Hatherton Street, for a distance of 27 metres in an easterly direction)	Bus Gate	Any Time	Buses, pedal cycles & licenced taxis
Lichfield Street, Walsall (The area of eastbound carriageway of Hatherton Road from a point 22 metres west of its junction with Hatherton Street, for a distance of 27 metres in an easterly direction)	Bus Gate	Any Time	Buses, pedal cycles & licenced taxis
St. Paul's Street, Walsall (The area of north-westbound carriageway of St. Paul's Street which extends from its junction with Hatherton Road for a distance of 15 metres in a north-westerly direction)	Bus Gate	Any Time	Buses, pedal cycles & licenced taxis
B4464 Wolverhampton Road West, Bentley (The area of westbound carriageway of Wolverhampton Road West which extends from its junction with the roundabout of junction 10 of the M6 motorway for a distance of 80 metres in a westerly direction)	Bus Gate	Any Time	Buses, pedal cycles & licenced taxis
Unnamed Link Road between A452 Chester Road and Wood Lane, Streetly	Bus Only Streets	Any Time	Bus Only
Great Croft Street, Darlaston (In its entirety)	Bus Only Streets	Any Time	Bus Only