
NORTH AYRSHIRE COUNCIL

29 January 2019

Audit and Scrutiny Committee

Title:	Petition relating to the Bus Lane, Kilwinning Road, Stevenston
Purpose:	To advise the Committee of the terms of a petition requesting that taxis are permitted to use the bus lane at Kilwinning Road, Stevenston.
Recommendation:	That the Committee considers the terms of the petition and agrees, or otherwise, to make a recommendation to Cabinet.

1. Executive Summary

- 1.1 In terms of the Scheme of Administration, the Audit and Scrutiny Committee has a remit "To receive all petitions and deputations submitted to the Council except those relating to the Council's planning functions, which shall be considered by the Planning Committee. The arrangements for receiving petitions are as set out in Appendix B to the Standing Orders relating to Meetings and Proceedings of the Council and Committees".
- 1.2 This report sets out the background to a petition supported by 518 signatories in relation to a current request from TOA Taxis to allow taxis to use the bus lane at Kilwinning Road, Stevenston.

2. Background

- 2.1 The petition is detailed below:-

"You may have read the article in the Ardrossan and Saltcoats Herald which considered our ongoing fight to allow taxis to use the bus lane in Kilwinning Road, Stevenston.

We are approaching the festive season again and a lot of you may remember the dreadful traffic build up last year. Your taxis were up to 30 minutes late and then you were stuck in traffic for another 30 minutes trying to get home. This caused ALL of our customers, more stress, more time and more money. This is UNFAIR.

Please sign our petition to ask North Ayrshire council to amend the Traffic Order to a BUS, TAXI and Cycle Lane in line with every other Scottish Council and allow Hackney Licensed Taxis to use this lane."

- 2.2 The Head of Service (Economic Growth) has provided a briefing note on the background to this matter, which is set out as an appendix to the report.
- 2.3 In terms of the procedure for petitions and deputations set out in Standing Orders, representatives of the petitioners have been invited to attend the meeting and to address the Committee. Spokespersons should be restricted to addressing the specific points raised in their petition.
- 2.4 The spokespersons have, collectively, 10 minutes to address the Committee. This may be extended at the discretion of the Chair.
- 2.5 Once the Committee has heard from the spokespersons for the petitioners, the Chair will invite Members of the Committee to ask questions of the spokespersons.
- 2.6 While it is for the Chair to decide the stage at which officers should speak to their briefing, previous Committee practice has been for the Cabinet Member or Officer to speak to this after the Committee has heard from the petitioners. The Cabinet Member or Officer will then respond to any questions that Members of the Committee may have.
- 2.7 The Committee will then deliberate and determine the matter.

3. Proposals

- 3.1 It is proposed that the Committee considers the terms of the petition and agrees, or otherwise, to make a recommendation to Cabinet.

4. Implications

Financial:	None at this stage of consideration of the petition.
Human Resources:	None at this stage of consideration of the petition.
Legal:	None at this stage of consideration of the petition.
Equality:	None at this stage of consideration of the petition.
Environmental & Sustainability:	None at this stage of consideration of the petition.
Key Priorities:	None at this stage of consideration of the petition.
Community Benefits:	None at this stage of consideration of the petition.

5. Consultation

- 5.1 The Executive Director (Economy and Communities) and Head of Service (Economic Growth) were made aware of the terms of the petition and provided a briefing note which is attached as an appendix.

A handwritten signature in black ink, appearing to be 'CH', is written over a horizontal line.

CRAIG HATTON
CHIEF EXECUTIVE

For further information please contact **Angela Little, Committee Services Officer** on **01294 324132**.

Background Papers

Briefing paper by the Head of Service (Economic Growth)

Stevenston Bus Lane Briefing Paper

Background

North Ayrshire Council secured funding from the Public Transport Fund for a joint project with East Ayrshire Council for the development of a Quality Public Transport Corridor between Ardrossan and Kilmarnock. This delivered a range of improvements along the route including improved bus shelters, bus boarders and dedicated lanes between 2002 and 2006. These aimed to contribute to improved reliability and journey times as well as enhancing users' experience to encourage bus travel.

A bus lane was created on the A738 Kilwinning Road, Stevenston between the Pennyburn and Hayocks Roundabouts as part of this project. This was to address the delay at peak times between these locations which impacted significantly on the operation of the key quality bus route between Ardrossan and Kilmarnock. The location of the lane is outlined in the plan provided as Appendix A. Improvements to the route including Real Time Passenger Information (RTPI) were also funded through Strathclyde Partnership for Transport's (SPT) Capital Programme.

The A738 Kilwinning Road Stevenston (Bus Lanes) Order made in July 2006 restricts the use of the lane to buses adapted to carry eight or more passengers (exclusive of the driver) and pedal cycles. The bus lane is used by a range of vital bus services for local communities including:

- Service 11 which operates every 10 minutes between Kilmarnock and Ardrossan; and
- Service 585 which operates every 30 to 45 minutes between Ayr, Ardrossan and Greenock.

Improvements have been made to the bus lane since its introduction, a number of which aimed to improve vehicle flow and bus travel. Funding was secured from SPT's Capital Programme in 2016/17 to examine the feasibility and design improvements at Hawkhill Roundabout. This was to allow eastbound buses to continue along the existing nearside lane around the roundabout. This removed the need for buses continuing eastbound along the A738 required to change lanes from the bus lanes into the general traffic lane on the approach to Hawkhill Roundabout which at peak times resulted in delays. The design was then implemented in 2017/18 funded again through SPT's Capital Programme.

Current Position

Requests were received from TOA Taxis in 2008 and 2018 to amend the Traffic Regulation Order (TRO) to enable taxis to utilise the bus lane. In 2008, the request was rejected informed by consultation with Police Scotland, then Strathclyde Police. This was on the basis that:

1. The purpose of the bus lanes on this section of the Quality Bus Corridor was to improve and stabilise journey times for public service vehicles carrying a significant number of passengers which in turn would encourage more people to use public transport.
2. In the eyes of the public a private hire taxi is no different to any other car/van using the road. All motorists consider their journey to be important and also feel frustrated by short term localised congestion at this location. As such, it would be anticipated that general road users would be aggrieved by taxis driving in the bus lanes especially when off hire or not carrying passengers. This in turn would likely encourage further abuse of bus lanes by other motorists.
3. Strathclyde Police are not generally in favour of such a proposal as they anticipate that it would make enforcement of the Order more difficult.

In their 2018 enquiry, TOA requested that the bus lane be opened to taxis on the basis that congestion in this area was resulting in delays and increased passenger fares. This advised that TOA operate a free phone from Morrison's and estimated that their average hire was around 1200 hires per month from this location. It also noted that they serve the neighbouring Hawkhill and Ashenyards Retail Parks but are finding it increasingly difficult to meet their customer demands. It claimed that this is due to congestion in the vicinity of the bus lane with drivers being held up in traffic for up to 40 minutes at peak times.

It highlighted that a large proportion of their customers are elderly or have mobility issues and have to meet the costs of the increased fares. It advised that TOA believe that access to the bus lane would address this issue, reduce fares and enable them to meet their customers' needs. It also highlighted that every other Council in the West of Scotland allow taxis who are subject to Hackney Licence rules and regulations to use the bus lanes.

The position taken in relation to the 2008 request was reconsidered at this stage. This was informed by consultation with the relevant organisations including SPT, Police Scotland, the main local bus operator and internal Council Services. The outcome of the consultation was as follows:

- Police Scotland – advised that they would have no objection in principle to extending use of the bus lane to taxi licensed vehicles provided road safety would not be negatively affected.
- SPT – as the Regional Transport Partnership and previous funder of the scheme advised that they noted the previous refusal of this proposal and did not see any compelling reason why the current situation should be altered. SPT may object to the inclusion of taxis in the bus lane on the basis of the impact on the bus transport network.
- Stagecoach West Scotland – advised that they have identified this area as being a major pinch point on their network and as a key section of the 11 service route. They stated that the inclusion of taxis in the bus lane would: increase traffic in the bus lanes; increase the potential for bus / taxi / cyclist conflict; and slow down the frequent bus services. The request raised road safety concerns regarding the potential for conflict between buses and taxis in particular at the Hawkhill and Pennyburn Roundabouts. They also advised that this would also be against the objectives of the planned improved bus priority measures on the 11 service route and not support the air quality agenda. They advised that they would object to any relaxation of the current restrictions on which vehicles can use the bus lane at this location.

Accident data for this section of road was also reviewed this identified that in the last:

- 3 years between 1 May 2015 and 30 April 2018 there had been 1 Fatal, 1 Serious and 3 slight accidents; and
- 5 years between 1 May 2013 and 30 April 2018 there had been 1 Fatal, 1 Serious and 5 slight accidents.

In relation to TOA's 2018 request it was determined that the position remained that it would not be appropriate to amend the existing TRO to allow taxis to use the bus lane. The rationale for this was similar to that of 2008 in that:

1. The purpose of the bus lanes on this section of the Quality Bus Corridor continue to be to improve and stabilise journey times for public service vehicles. Buses carry a significant number of passengers and this measure aims to encourage more people to use public transport.
2. All motorists consider their journey to be important and can be frustrated by short term localised congestion at this location. Private hire taxis appear no different to other road users than any other car/van using the road. As such, it would be anticipated that general

road users would be aggrieved by taxis driving in the bus lanes especially when off hire or not carrying passengers. This in turn could encourage abuse of bus lanes by other motorists.

3. The main local bus operator has indicated that they would object to an amendment to the TRO. They have already raised concerns about delays to public transport in this area to ourselves and Strathclyde Partnership for Transport. They are of the opinion that these issues would increase if taxis were allowed to utilise the bus lanes.

A further response was received to this position from TOA which advised that they took issue with point 2 in that T.O.A are clearly identifiable as taxis. This stated that TOA are Hackney Licensed vehicles with roof signs displaying our telephone number and taxi call sign and as such could not be mistaken for private vehicles. It reiterated the point that customers travelling to Morrison's and the Retail Parks were paying a higher price for a comparable length of journey in the opposite location.

It also highlighted that there is no direct bus journey from either Hayocks or Ardeer areas so customers without access to a car have limited options other than to use a taxi. It also noted that whilst the main local bus operator may object TOA were of the opinion that this should not present a barrier to consulting on the proposal and all interested parties should have the right to hear the objections and present their case.

This response was considered with further input from SPT and Council Services. TOA were advised in writing that the position remained that it would not be appropriate to progress this request. This was on the basis of the: information provided; the potential resource implications of progressing an amendment to the TRO; and aforementioned consultations.

A meeting was then held with representatives of TOA and SPT to further consider the request. This was attended by Councillor Montgomerie and Officers from Economic Growth and Commercial Services. The meeting considered the perspectives of all parties. It was agreed surveys would be undertaken of the bus lane and adjacent road to establish the levels of current and potential use. This would then be used to assess the impact of the additional vehicular traffic on the bus operations and inform a final decision on the request. The TOA representatives requested that Officers also consider amending the TRO for the section between Cemetery and Hawkhill Roundabout in isolation on the basis that this is the most congested section and within peak periods. The petition being considered by this Committee was presented by TOA representatives to Council Officers at the end of the meeting. This requests that the full bus lane be opened up for use by taxis at all times.

Traffic Surveys

The traffic survey was commissioned in December 2018 from an independent company, Traffic Data Collection. This was comprised of a full junction count at of the bus lane and associated junctions on a weekday and Saturday. This counted all vehicles including buses and taxis with taxis being separated into Hackney and Private Hire. To reduce the potential for increased levels of traffic associated with the festive period, the counts were undertaken on Saturday 5 January and Tuesday 8 January 2019. The survey company advised that not all Private Hires could be counted due to difficulties distinguishing them from private cars.

The outcome of the survey is presented in Appendix B. This illustrates that:

- A greater number of Private Hire cars entered and exited the Hawkhill Retail Park than Hackney taxis. This equated to 105 private hire cars on the Tuesday and 150 on the Saturday in comparison to 34 Hackneys on the Tuesday and 40 on the Saturday.

- On the Tuesday 265 taxis used the length of road between Hawkhill and Hayocks roundabouts and 295 on the Saturday.
- On the Tuesday 151 buses used the length of road between Hawkhill and Hayocks Roundabouts and 144 on the Saturday.
- Based on the count data the estimated number of taxis accessing the Hawkhill Retail Park would be in the region of 1,500 to 1,600 per month.

The impact of this volume of traffic on bus operations including journey times is not known at this stage and further assessment would be required. Stagecoach, as the main local bus operator, advise that it would have a detrimental impact on local services.

Order Amendment

The petition submitted by TOA Taxis requests that the Council amend the TRO to allow Hackney taxis to use the lane. There are options available to the Council are to:

- a) Uphold the previous decisions and reject the request to allow taxis to use the bus lane on the basis of the previous positions. This would be on the basis of the reasons previously stated.
- b) Agree to pursue the inclusion of taxis within the bus lane through the promotion of a modification to the TRO. It should be noted that this would result in the lane being available for use by both Private Hire and Hackney Licenced vehicles. For this a decision would be required as to the extent of bus lane that can be used by taxis. For this two options are available:
 1. To promote an Experimental TRO. This offers Local Authorities the opportunity to introduce changes to a permanent TRO for a limited period of time for up to a maximum 18 months. This process still requires consultation with Police Scotland and SPT however there is no requirement to publish the proposals and no right to objection. This trial period could be monitored and assessed for any negative impact on bus operations and misuse by non-taxi vehicles. The cost of the time and resources required to promote this would also require to be borne by the Council.
 2. To promote an amendment to the existing TRO would require to be promoted under the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999. The cost of the time and resources required to promote the Order would require to be borne by the Council. The timeline for introducing an amendment for the inclusion of Taxis in the Bus Lanes to the existing permanent TRO could take anything between 6 and 18 months. This is informed by the knowledge that Stagecoach, SPT and potentially other affected parties may lodge objections which would be difficult to seek a withdrawal. For this:
 - The Council would require to agree a reason for the change to the Order.
 - Advertise the proposal and invite representations. This would include consultation with Police Scotland, SPT and other potentially affected parties.
 - Objections would then be formally submitted to the Council by affected and interested parties.
 - The Council would then require to discuss these with the objectors to alleviate their concerns with a view to where possible obtaining a withdrawal of the objection.
 - If no objections are received, or if all objections made are then withdrawn, the proposal would then be approved under delegated authority in accordance with the Scheme of Delegation.
 - Where objections cannot be resolved through further explanation or alterations to the proposals, the proposal would then require either to be abandoned or a public hearing held by a Reporter appointed by the Planning and Environmental Appeals Division (DPEA). The costs of time and resources for which will require to be met by the Council

- The conduct of the hearing will follow the procedure set out in Regulations and be led by the Reporter.
- Once the Reporter has made their recommendations. A report on the outcome would require to be considered by the Council's Cabinet in accordance with the Scheme of Delegation.

Service Recommendation

It is noted that an experimental TRO would provide the opportunity to assess the impact of the inclusion of taxis in the bus lane however there would be costs associated with option. For example it would require to be monitored and assessed for any negative impact on bus operations and misuse by non-taxi vehicles. The potential cost of this is estimated as between £6,800 and £8,000 and includes the: cost of the experimental TRO; advertisement of the TRO; additional signage; and cost of monitoring usage over the trial period. This does not include Officer time to respond to issues during the operation of an experimental TRO.

There are currently no budgetary allocations available to meet these costs. These would therefore require to be met from existing budgets which could have an impact on service delivery. It is therefore recommended that Committee remits to the relevant Officers to further investigate this option alongside complementary measures to improve the traffic flow and ease congestion within this localised area.

This would include further consultation with relevant stakeholders including SPT, Police Scotland, bus operators, taxi companies and cyclists. This process would aim to address stakeholder's concerns, further consider road safety implications and the impact on bus services and identify solutions where possible. It should be noted that Stagecoach West Scotland has been in touch with the Council more generally about network performance and congestion amongst other matters. This proposal would need to be considered within that context. The outcome of this would then be reported to Cabinet for a recommendation thereafter.



NORTH AYRSHIRE COUNCIL
ROADS SERVICES
PERCETON HOUSE, IRVINE, KA11 2AL

HEAD OF ROADS
R J SMALL BSc., cEng., M.I.C.E.

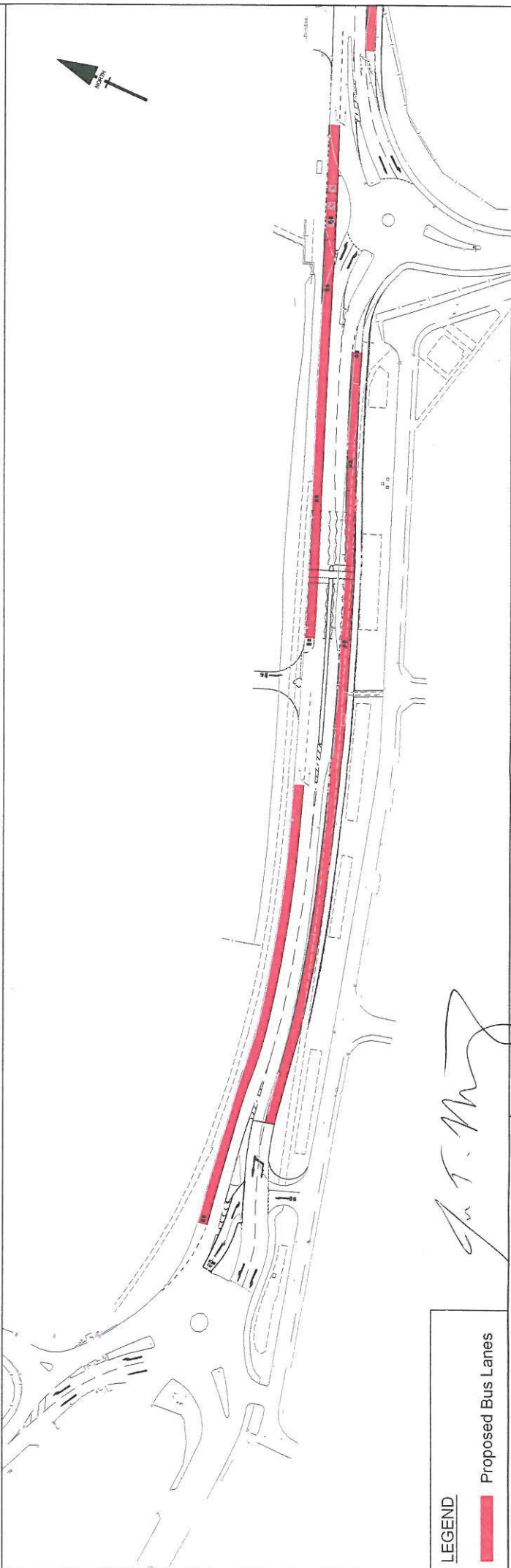
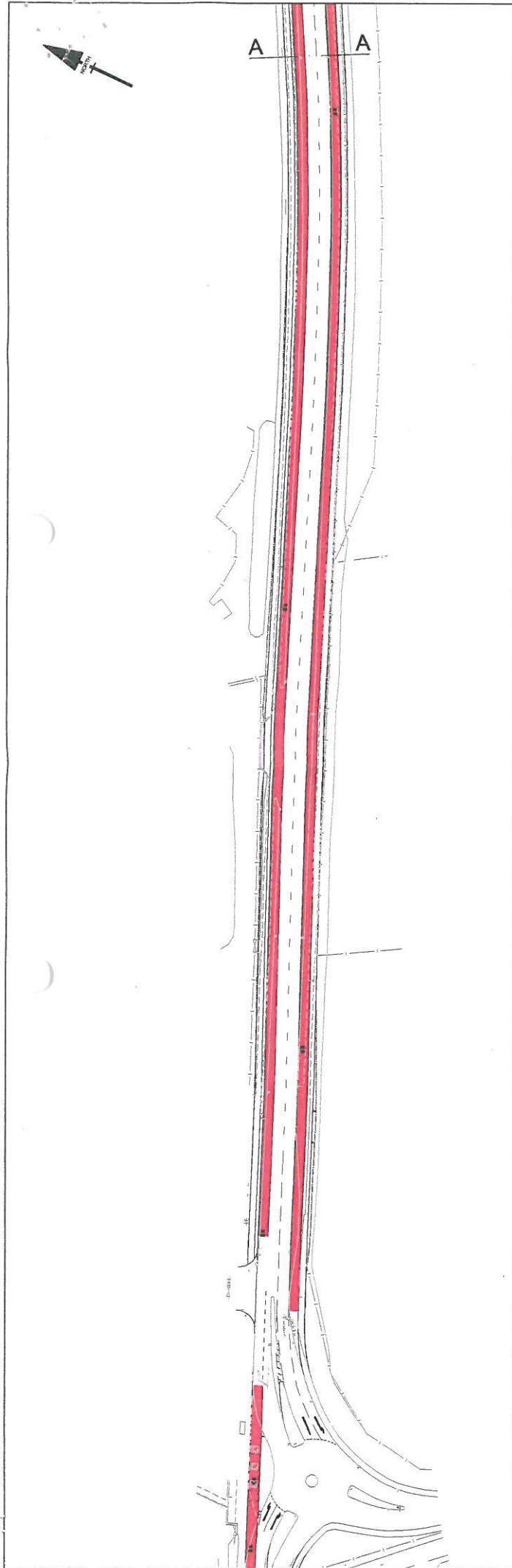
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Prepared by	D HILDITCH
Acad by	D. HILDITCH
Checked by	
Date	27 APRIL 2006
Issued by	

NORTH AYRSHIRE COUNCIL
(A738, KILWINNING ROAD,
STEVENSTON)
(BUS LANES) ORDER 200..

LEGEND		Proposed Bus Lanes	
Drawing No:	QPTC/TM06004/ORDER PLAN 1	Revision	
File No:			
Scale :	1 : 1250		
Status	P	C	T R

ODS 420/237



J. T. M.

NORTH AYRSHIRE COUNCIL
ROADS SERVICES
PERCETON HOUSE, IRVINE, KA11 2AL

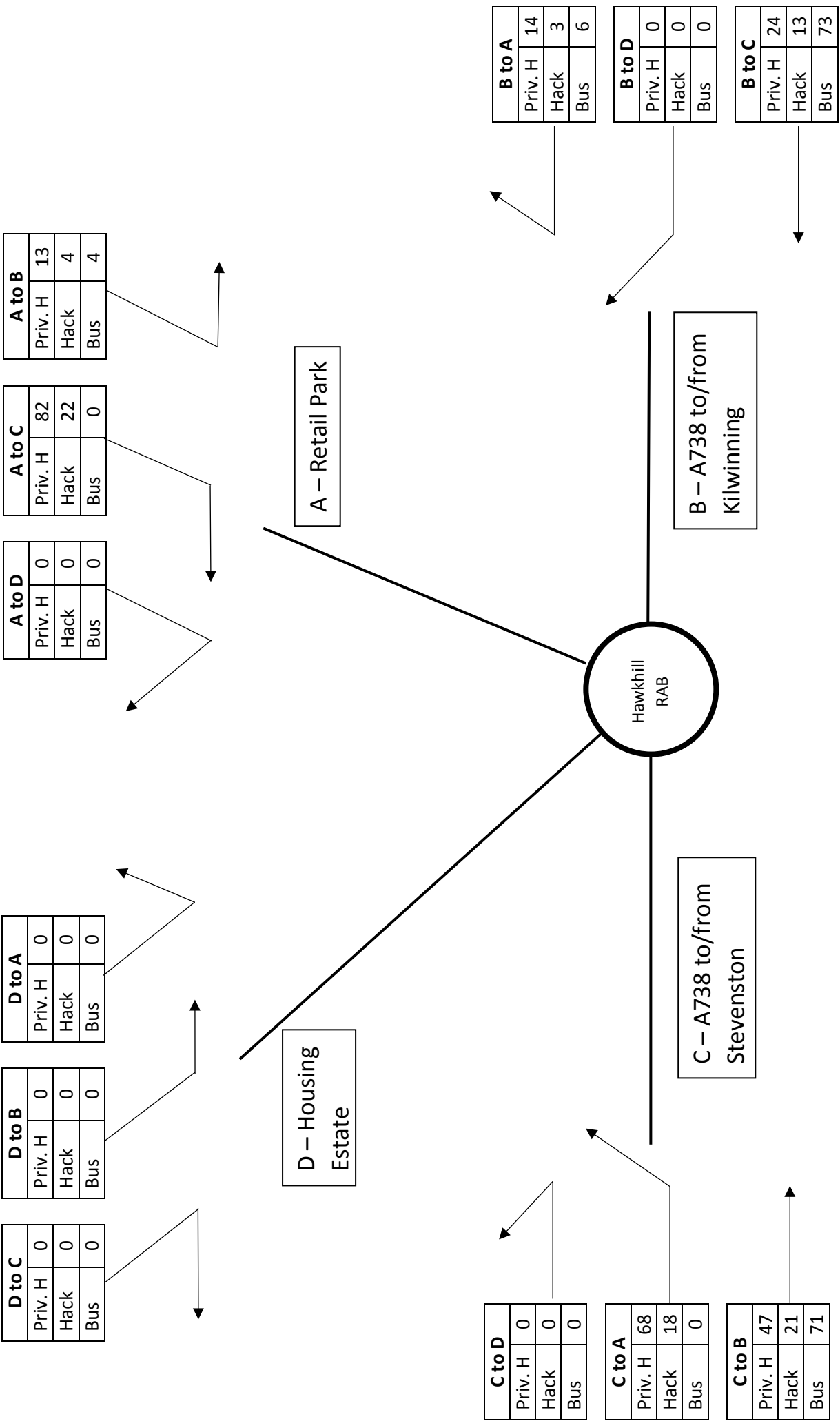
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R J SMALL BSc, CEng, MICE.

Proposed Bus Lanes

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Hawkhill Roundabout, Stevenston – Taxi and Bus Traffic Counts
Saturday 5 January 2019, 7am to 7pm

Total Flows



Hawkhill Roundabout, Stevenston – Taxi and Bus Traffic Counts
Tuesday 8 January 2019, 7am to 7pm

Total Flows

