

## LOCAL AUTHORITY NO<sub>2</sub> PLANS

### CHANGE REQUEST FORM

JAQU recognises that local authorities (LAs) may need to adjust some elements of the delivery of their local NO<sub>2</sub> plans based on their practical experience of implementation or a change in local circumstances. To consider such requests JAQU needs a clear audit trail to understand the reasons for, and the impact of, any proposed change to an FBC. Changes to measures or their delivery may have implications for compliance and/or the legal direction placed on LAs. This form asks local authorities to set out:

- What change is proposed and when?
- Why is the change needed?
- How is the change to be implemented?
- What is the impact of the proposed change?

Based on this JAQU should be able to consider changes to plans. Please discuss the change and the level of information needed with your account manager before completion. For significant and material changes further information may be requested.

CHANGE REQUEST FORM
<b>Local Authority:</b> Southampton City Council
<b>Change Title:</b> Alternative to Taxi and Private Hire Vehicle Bus Lane Authorisation - Updated
<b>Approver (senior LA approver):</b> Pete Boustred
<b>Requester (main LA contact):</b> Steve Guppy
<b>Date:</b> 4/9/20

### CHANGE OVERVIEW (LOCAL AUTHORITY TO COMPLETE)

## **The measure this request relates to**

This request proposes an amendment to the proposed 'Non-SCC Taxi Bus Lane Restriction' measure included in Southampton's Full Business Case for Achieving EU Nitrogen Dioxide Compliance in Southampton in the Shortest Possible Time (The Local NO<sub>2</sub> Plan), and relates to the associated ministerial direction set by Defra. It also refers to the previous change request regarding the same measure submitted to JAQU on 4/5/20 and associated letters addressed to The Head of the JAQU, dated 13/12/19 and 22/07/20.

In the first instance we would request that need for a change request for a ministerial direction amendment be

As originally proposed, the bus lane restriction measure would prevent any Private Hire Vehicle or Hackney Carriages (referred to together as 'taxis' for simplicity hereon) not licensed with Southampton City Council (SCC) from entering Southampton bus lanes. This measure was proposed principally as a mitigation needed to reduce unintended impacts on the taxi trade arising from stricter licensing conditions, also implemented as part of the Local NO<sub>2</sub> Plan. Since 7/1/20, these restrictions have required all newly licensed taxis to meet a minimum of Euro 6 diesel or Euro 4 petrol emission standards. Exclusive use of bus lanes was concluded to be a suitable incentive to prevent an unfair impact on the SCC trade.

Without the mitigation of exclusive bus lane access, the introduction of the stricter licensing conditions was expected to discourage the Southampton trade from relicensing in the city, as, by licensing in neighbouring local authorities, drivers could avoid the stricter emission requirements as well as additional standards, including those concerning safety, which are also stricter in Southampton. For those vehicles operating within the city bus lane access provides much increased efficiency for trips made during peak times and is valued by the taxi trade.

It is worth noting that while the primary aim of the measure was not to deliver direct air quality benefits, it was anticipated that it would maintain the proportion of taxis licensed in Southampton, and therefore ensure the introduction of our stricter emissions based licensing standards was effective. The positive impact this would have on emissions from the fleet operating in Southampton is assumed as part of the Clean Air Zone feasibility modelling work under non-charging measures.

## **Why Now?**

Access to bus lanes is managed by Traffic Regulation Orders (TRO) which requires a statutory a public consultation process prior introduction or amendments. Following approval of our Local NO<sub>2</sub> Plan a consultation with Southampton and surrounding local authorities' taxi trade was held in November 2019 in readiness for its introduction with the emission based licensing requirements in January 2020. 44 responses were received, all of which opposed to the proposal. 82% of the objections were received from Eastleigh Borough

Council operators. Objections were also received from several major Southampton operators.

The following points were raised as part of the objections:

- By removing non-SCC taxis from bus lanes, the TRO could increase congestion and subsequent emissions;
- Taxis can provide a useful public transport service that SCC should be supporting and not restricting in this manner;
- Disabled passengers would be restricted access to some parts of the city centre;
- Home to school (H2S) operators not licensed with SCC would be limited in the service they provide.

As a result of the unsuccessful consultation, there has been substantial delay in implementing bus lane authorisation which has overrun the implementation of licensing conditions in January. As anticipated, the licensing department reported a decrease in the number of Southampton licensed vehicles in January – the first decrease in approximately eight years. It was reported that 40% fewer private hire vehicles were licensed between January and March 2020 compared to the same period in 2019. While licensing numbers have decreased further since March, it is difficult to separate possible causes.

The city's bus priority network is to be expanded under the recently awarded Transforming Cities fund - this would magnify the above issues caused by restrictions. These unintended consequences were considered significant enough to warrant a review of the proposal. SCC officers have;

- Considered if disabled travellers might be disadvantaged if using taxis that cannot access bus lanes for safe and convenient drop-offs. It has been concluded that there is sufficient access around the city without bus lanes to ensure that this is not a problem;
- Sought the opinion of our strategic highways partner, Balfour Beatty, regarding the capacity of bus lanes and whether restrictions on taxi numbers might benefit journey times for licensed taxis. It was identified that bus lanes have sufficient capacity for both SCC and non-SCC licensed taxis and that there will be further capacity under the transforming cities work;
- Assessed the opportunity to whitelist vehicles that provide the H2S service so they can access bus lanes during key school times. This appears difficult as trips can occur outside of normal school hours and use any vehicle from a pool maintained by the operator. In some cases that pool of vehicles can be very large. It was also identified that non-SCC taxis and PHVs provide some of the H2S service in the city. Consequently, an effective whitelist would offer H2S operators with the same benefits across their fleets that SCC operators would have.

### **Alternative Options**

Having considered its options SCC proposed an alternative to the original bus lane restrictions as reported in the previous change request dated 04/05/2020. In this change request further clarification on that decision making process has been provided by the following table;

Options	Option Scoring criteria						Average score
	Ability to deliver compliance by providing a suitable mitigation for the SCC taxi trade in the shortest possible time (score doubled)	Congestion impact	Home to School (H2S) service impact		Impacts on taxi operation	Acceptability to the SCC trade	
			Without mitigation (not scored, mitigation assumed)	With mitigation			
Current situation/ Business as usual	Continued impact on SCC trade. Does not comply with the requirements of the Ministerial Direction	No impact	No impact	No impact	No impact	Lack of action to mitigate impacts to the taxi trade	-6
Original - Allow only SCC licensed vehicles exclusive access to bus lanes at all times	Large benefit for SCC trade. Alternative previously agreed on internally	Displacement of non-SCC vehicles from bus lanes	Many H2S vehicles not licensed with SCC. Loss of capacity (Without mitigation for non-SCC H2S vehicles)	See home-to-school mitigation section. The general consensus is that there is capacity for the home-to-school service to be delivered without using non-specialist and/or non-CAZ compliant vehicles. There are some residual risk that in certain circumstances non-compliant vehicles may need to use bus lanes. While not deemed to be significant, this residual risk will be greater for options with greater restriction	Large restrictions to non-SCC vehicles. Negatively impacts service these taxis can provide in the city	No change from original option. Likely to be perceived as a lack of action	-1
Alternative 1 - Allow access to all vehicles that meet new SCC licensing standards at all times	Little benefit for SCC trade. Does not account for other licensing conditions. Approach has not yet received approval internally, resulting in further delay	Low impact during peak hours	Some non-SCC H2S registered vehicles will be exempt from restrictions		Equal emission requirements for all taxis and consistent treatment in bus lanes	Benefit unlikely to be sufficient for SCC trade.	+1
Alternative 2 - As per original change request; allow access to all taxis that meet new SCC licensing standards during peak hours only (provisionally weekdays 7.00-9.30 and 16.00-18.00)	Substantial benefit for SCC trade. Approach is already agreed on internally, less delay expected compared to alternative 1	Reduced impact during peak hours	Some non-SCC H2S registered vehicles will be exempt from restrictions, but only during peak times		Some difference in experience may exist between low and higher emission vehicles  We do, however, anticipate that the majority of the non-SCC fleet will be compliant and that the incentive for switching to a low emission vehicle will encourage further low emission vehicles	Reasonable action taken to mitigate impacts. Likely to be acceptable to trade	+1/+2

Colour code	Related number for score	Rating
	-2	Very negative impact
	-1	Negative impact
	0	No/ negligible impact
	+1	Positive impact
	+2	Very positive impact

Alternatives 1 and 2 both offer significant benefits over the original option, ensuring that improvements in air quality and assumptions made are maintained and achieved, while mitigating the unintended consequences identified.

Between these options, alternative 2 is preferred internally. It has been approved by key taxi representatives as well as internally by senior officers and cabinet members for the following reasons:

- The mitigation provided by the measure, while not as large as the original, is considered substantial in its ability to reduce the impact the trade has experienced as a result of licensing conditions.
- It can be implemented faster due to it already being approved of by internal senior management and cabinet members. This further reduces risks associated with any subsequent delay.
- It represents a good compromise to mitigate previously unaccounted for factors raised in the first consultation by:
  - Reducing contributions to congestion non-SCC taxis may have caused.
  - Reducing congestion from lower emission, non-SCC taxis during peak hours.
  - Offering incentives for taxis operating in Southampton to license with other authorities to invest in lower emission vehicles.
- Trade representatives broadly support this alternative. As such, this option presents the lowest reputational risk of the options, demonstrating that action has been taken in line with the aim of the measure, while mitigating unintended impacts. It will also reduce the risk of a large negative response to consultation and the considerable delay which that would bring.

## Updates to the local context

Several social and political factors have changed since the submission of the original change request; it is advised to consider these when assessing each option:

- **Commitments to the Green City and Local NO<sub>2</sub> Plan**
  - Measures to reduce environmental impacts are becoming an increasingly large political priority and commitment in the council with the launch of the Green City Charter and Plan, in addition to continued requirements to introduce air quality specific measures as part of the Local NO<sub>2</sub> Plan and the associated Ministerial Direction.
  - Delay to the introduction of measures, or the introduction of measures deemed insufficient, associated with the Green City and, more so, the Local NO<sub>2</sub> Plan raise a reputational and legal risk for SCC and central government.
  - A recent enquiry from Client Earth to local authorities reinforced the need to ensure measures are implemented in a timely manner.
- **Transforming Cities Programme**
  - SCC, in partnership with Hampshire County Council, was awarded £57m from the Transforming Cities Fund to implement long-term, large scale measures to encourage modal shifts towards sustainable transport. Improvements to the bus priority network – including signal priority and bus lanes/ sustainable transport corridors – comprise a large aspect of the programme.
  - Expansions to the bus lane network will magnify constraints and/or benefits associated with each alternative and associated restrictions to bus lane access.
- **Green Transport Recovery Plan (GTRP) and Covid-19.**
  - SCC published the GTRP Transport Strategy 2040 in May 2020. It outlines how SCC will facilitate active travel and encourage social distancing by widening pavements, introducing new pop up lanes and more. It also includes plans to fast-track measures under the Transforming Cities work, notably the expansion of Southampton's bus priority network during the 'recovery' phase of the plan.
  - Taxis can be considered to provide a useful public transport service for residents who don't have access to a private vehicle and during a time where use of buses is being discouraged.
  - The taxi trade has been impacted heavily by Covid-19 and associated lockdown measures. Incentives for SCC drivers would help the trade recover in the city. Conversely, restricting access to non-SCC drivers might be seen as discriminatory. Pressure from the trade has gradually risen since the original measure was delayed last year – SCC representatives are now insisting on a sufficient measure be implemented as soon as possible to support the trade and have suggested they may resort to protesting this.
  - It may also be worth considering changes to what are considered 'peak times' that may arise from the rise in prevalence of home and flexible working as a result of the pandemic measures.

## **How is the change to be implemented?**

### Timescales

The implementation of restrictions has been thus far been delayed for almost 8 months. After the appropriate alternative approach is agreed with JAQU, providing the chosen option is not alternative 1, it will then need to be presented to and approved by internal relevant senior managers and cabinet members. Following approval, a works order will need to be completed and submitted to Balfour Beatty, SCC's strategic highways partner, to formalise the content of the TRO and begin a second formal consultation with the taxi trade. The consultation will last a maximum of 12 weeks before responses are consolidated and post-consultation approvals are given.

Given the above dependencies, in an optimistic scenario, where approval is given on the w/c 7<sup>th</sup> of September, and the consultation begins on the w/c 21<sup>st</sup> September, it might be expected that responses to the consultation would be received on w/c 14<sup>th</sup> December. After responses are consolidated and post-consultation approvals are given, implementation of the TRO might be expected to begin early January 2021.

### Enforcement

Use of Southampton's bus lanes is currently monitored by fixed ANPR cameras. Through informal consultation with officers, it has been concluded that it is feasible to amend the existing whitelist to remove non-SCC taxis. It is also feasible to amend this whitelist to include non-SCC taxis that meet SCC's new licensing standards, in the case that alternative 2 is chosen. Compliant non-SCC vehicles will be encouraged to submit their vehicle to SCC parking services and business support teams through signage and a communications campaign on the run up to the implementation of the TRO.

There is an existing appeals process operated by SCC's licensing department for current bus lane enforcement which would be used to add compliant, non-SCC vehicles that had not previously applied for an exemption to the whitelist.

Non-compliant vehicles will be issued with Penalty Charge Notices, as with other vehicles in bus lanes.

TROs for the alternative options, and the related amendments to enforcement camera contract statements, will not be finalised before formal approval is given by JAQU. This is to ensure that resources are only allocated to implementing the formally agreed upon alternative. As the TRO and contract statement are not yet complete, there is some risk that certain technical aspects of implementation, particularly those regarding enforcement timings and the whitelisting process, may not have been previously addressed. However, we have received assurances from internal traffic and parking enforcement officers, and our external partner that provides the cameras and enforcement system, that existing enforcement system has the capability to enable these alternatives.

There is a very slight risk that, by carrying out these remaining steps, it is identified that time-based enforcement is not possible, due to unforeseen reasons. In this instance it is proposed that the second-most preferred alternative is implemented. SCC is of the opinion that alternative 1 should be considered as this secondary option. This would reduce the substantial impact of further delay resulting from another change request submission.

#### Home-to-School (H2S) service mitigation

Non-SCC taxis contribute a significant amount to the H2S service which shuttles vulnerable children to and from school. In order to mitigate any impact on the Home to School Service, exemptions will be given at the discretion of the Home to School Service Team Leader and only when satisfied that the vehicle is; a specialist vehicle with adaptations needed to accommodate the needs of passengers on that Home to School journey and; the service provider has limited capacity to otherwise provide a vehicle that satisfies the required emission standard. The service provider will need to provide a written request seeking an exemption and include a business case demonstrating that all necessary criteria are met.

The appeals process will ensure vehicles which are not captured by this process can apply for an exemption.

#### Communications and Signage

Prior to implementation of the agreed upon TRO, and given a successful consultation, a communications programme will be established to ensure all operators are aware of the new requirements.

As set out in the full business case, the TRO will be supported by signage, including variable messaging and fixed signs, on all routes with bus lanes, summarising the changes and what non-SCC taxis need to be aware of. A works order will be raised for Balfour Beatty to design and implement these signs, once the approach is agreed on. *Signage will be implemented on the lead up to enforcement... (6 weeks before previously)*

#### **Impacts (Implementation measures)**

The original measure did not aim to deliver any air quality benefits directly, it instead principally served as a mitigation to impacts on the taxi trade as a result of stricter licensing conditions. Nevertheless, it would result in some air quality impact by providing an incentive for lower emission, SCC licensed taxis, although this is unlikely to significantly affect the date for compliance with NO<sub>2</sub> limits.

The alternatives proposed are deemed to be more beneficial in terms of air quality compared to the original measure as, to different degrees, they will:

- Reduce congestion on main roads by allowing more taxis into bus lanes at certain hours;
- Encourage uptake of lower emission vehicles in taxi fleets outside of Southampton and reduces emissions from those fleets in and outside of Southampton.



## **Implementation Funding**

This measure is not funded through implementation funding.

## **Clean Air Fund grant variations only**

It is not expected that additional Clean Air Fund awards to that already provided will be considered. This form is expected to address any variation LAs may wish to make in delivery.

## **CAF Impacts and delivery to date**

As mentioned previously, the previous TRO was deemed to not be appropriate as a result of the formal consultation.

Implementation costs is expected to be roughly £7,000 less than what was budgeted for. A second consultation will therefore fall within budget considering the previous cost £5,900. Other implementation costs and signage will be costed in line with the business case.

No more individuals or businesses will be denied access to the additional measure than as originally set out in the FBC. The alternative will provide further access to this measure to low emission taxis outside of Southampton and suppliers of the home to school service.

£88,500 has been assigned to deliver this measure from the Clean Air Fund. £5,900 has been spent to date on the initial consultation. As stated, anticipated underspend on signage will allow a second consultation to be absorbed by the same funding budget. There is likely to be some underspend, depending on any variations to the cost of a second consultation and implementation.

## **Agreement to Proceed**

JAQU to complete

### **Approved / Declined**

Authorised Approver:

Date: \_\_\_\_\_

**Conditions of Approval/Reason for rejection:**