

HACKNEY CARRIAGE STAND IN MARKET STREET SERVICE ROAD

Relevant Portfolio Holder	Councillor Taylor
Portfolio Holder Consulted	No
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	St Johns (directly) All Wards (indirectly)
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 To advise members of a proposal to amend the current appointed hackney carriage stand in the Market Street service road, to request that Officers are instructed to conduct a 28-day public consultation on the proposals; and that if no representations or objections are received, officers are given delegated authority to carry out the remaining legal processes required to make the amendment to the relevant hackney carriage stand.

2. RECOMMENDATIONS

Members are asked to RESOLVE that:

Officers be instructed to advertise the proposal to amend the District Council of Bromsgrove (Hackney Carriage Stands) Order 2020 (No.1) and,

That if any representations or objections are received, these will then be brought back before the Licensing Committee for consideration before a decision is taken about whether to proceed with the amendment being made to the Order; or,

That if no representations or objections are received regarding the proposed amendment, officers be directed and given delegated authority to carry out the remaining legal processes required to make the amendment to the Order.

3. KEY ISSUES

Financial Implications

- 3.1 The cost of the public notice and other administrative costs will be met from existing budgets held by Worcestershire Regulatory Services.
- 3.2 In the event that the amendment to the Order is made the cost of any additional signage and road markings required would be met by Worcestershire County Council.

Legal Implications

- 3.3 Licensing Authorities have power under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 to create, amend and revoke hackney carriage stands (ranks). This allows district councils to “appoint stands for Hackney Carriages” either on public highways or private land and the stands can be for either continual or part-time use.
- 3.4 Under the Local Government (Miscellaneous Provisions) Act 1976 s63 a district council is required to publish a notice in a local newspaper and wait 28 days from publication, after which Members will need to consider any written representations of objections made.
- 3.5 Before appointing any stand for hackney carriages or varying the number of hackney carriages to be at each stand a district council is required to give notice to the chief officer of police.
- 3.6 Additionally a district council cannot create a hackney carriage stand:
 - (a) so as unreasonably to prevent access to any premises;
 - (b) so as to impede the use of any points authorised to be used in connection with a local service within the meaning of the Transport Act 1985 or PSV operator’s licence granted under the Public Passenger Vehicles Act 1981, as points for the taking up or setting down of passengers, or in such a position as to interfere unreasonably with access to any station or depot of any passenger road transport operators, except with the consent of those operators;
 - (c) on any highway except with the consent of the highway authority; the maximum number of permissible points has been reached, is taken at the appropriate level, based on the merits of each individual case.

Service / Operational Implications

- 3.5 In 2019, the Licensing Committee were made aware of some improvements being made by Worcestershire County Council to walking and cycle routes around Bromsgrove.
- 3.6 One aspect of these improvements impacted on the existing hackney carriage stand appointed by Bromsgrove District Council in the Market Street service road (the bus station).
- 3.7 The improvement works required the relocation of the hackney carriage stand and the County Council committed to ensure that the same number of spaces would be retained for hackney carriages to stand and ply for hire, albeit they would be on the opposite side of the road.
- 3.8 A plan showing the location of the hackney carriage stand prior to the changes is shown at **Appendix 1**. A plan showing the new location of the hackney carriage stand is at **Appendix 2**. These plans show that it was intended that space for five hackney carriages to stand for hire was going to be retained.
- 3.9 Having consulted on and advertised the proposal to relocate the hackney carriage stand, the Licensing Committee instructed and delegated authority to officers to carry out the required legal processes to appoint a new hackney carriage stand at the location.
- 3.10 The District Council of Bromsgrove (Hackney Carriage Stands) Order 2020 (No.1) was subsequently made in December 2020 and the hackney carriage stand was relocated as part of the improvements made to walking and cycling routes in Bromsgrove.
- 3.11 Unfortunately since the relocation of the hackney carriage stand it has become apparent that the relocated stand is only actually long enough to be able to accommodate four vehicles and not the five originally intended and that were previously provided for prior to the relocation to the opposite side of the road.
- 3.12 Following engagement with Worcestershire County Council, it has been agreed that a further space for a hackney carriage to stand and ply for hire can be located in the bus station area. The location of this additional space is shown on the drawing at **Appendix 3**.
- 3.13 Worcestershire County Council has confirmed that once Bromsgrove District Council has carried out the required legal processes to amend the current Hackney Carriage Stand Order, they will get relevant signage and road markings in place.

- 3.14 The first stage of the legal process when amending a Hackney Carriage Stand Order is to consult on the proposals with the chief officer of police and via a public notice that needs to be published in a local newspaper.
- 3.15 Members are therefore asked to instruct officers to carry out the required consultation and to arrange for the required public notice to appear in a local newspaper.
- 3.16 If any representations or objections are received these will then be brought back to the Licensing Committee for consideration later in the year.
- 3.17 However Members are asked to resolve that, if no such representations or objections are received, officers are instructed and given delegated authority to carry out the remaining legal processes in order to make the amendment to the Hackney Carriage Stand Order. This would enable officers to move forwards more quickly with the legal processes if there are no representations or objections that need consideration by Members.

4. RISK MANAGEMENT

- 4.1 No risk management implications have been identified.

5. APPENDICES

- Appendix 1 – Plan showing original location of hackney carriage stand
- Appendix 2 – Drawing showing intended layout of hackney carriage stand from 2020
- Appendix 3 – Drawing showing proposed location of the additional space for a hackney carriage to stand for hire

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