

**CHANGE TO HACKNEY CARRIAGE STAND IN MARKET STREET  
SERVICE ROAD  
CONSIDERATION OF REPRESENTATIONS / OBJECTIONS RECEIVED**

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 The Licensing Committee previously instructed officers advertise a proposal to amend the District Council of Bromsgrove (Hackney Carriage Stands) Order 2020 (No.1). The Licensing Committee also resolved that if any representations or objections were 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.
- 1.2 The advertisement of the proposal has been completed and a representation has been received that Members now need to consider.

**2. RECOMMENDATIONS**

**That the Licensing Committee considers the responses received and if minded to do so, RESOLVE to direct officers to undertake the required legal processes to make, alter or revoke the District Council of Bromsgrove (Hackney Carriage Stands) Order 2020 (No.1) as necessary in order to implement the additional space for hackney carriages to stand for hire, as shown on the plan at Appendix 3.**

**3. KEY ISSUES**

**Financial Implications**

- 3.1 The cost of the public notice and other administrative costs were met from existing budgets held by Worcestershire Regulatory Services.

- 3.2 Any further administrative costs involved in amending the District Council of Bromsgrove (Hackney Carriage Stands) Order 2020 (No.1) would be met from existing budgets held by the Legal Services team and Worcestershire Regulatory Services.
- 3.3 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**

- 3.4 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.
- 3.5 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.
- 3.6 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.
- 3.7 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;

and in deciding the position of stands a district council shall have regard to the position of any bus stops for the time being in use.

**Service / Operational Implications**

- 3.8 In 2019, the Licensing Committee were made aware of some improvements being made by Worcestershire County Council to walking and cycle routes around Bromsgrove.
- 3.9 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).
- 3.10 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.
- 3.11 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.
- 3.12 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.
- 3.13 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.
- 3.14 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.
- 3.15 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**.
- 3.16 Worcestershire County Council has confirmed that once Bromsgrove District Council has carried out the required legal processes to alter the current Hackney Carriage Stand Order, they will get relevant signage and road markings in place.

- 3.17 The first stage of the legal process when altering 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.
- 3.18 On 12<sup>th</sup> January 2024, the Licensing Committee resolved to instruct officers to carry out the required consultation and to arrange for the required public notice to appear in a local newspaper. The Committee also resolved that if any representations or objections are received these will then be brought back to the Licensing Committee for consideration later in the year.
- 3.19 The required public notice was published in the Bromsgrove Advertiser on Wednesday 31<sup>st</sup> January 2024 and gave until Wednesday 28<sup>th</sup> February 2024 for any representations or objections to be given to the Council in respect of the proposed changes.
- 3.20 Notice of the proposed changes was also given to the Chief Officer of West Mercia Police on 23<sup>rd</sup> January 2024.
- 3.21 One representation was received during that period of time given for the making of representations and objections. The representation received can be seen at **Appendix 4**.
- 3.22 The representation questions the process that has been followed to advertise the proposed changes. The representation also questions what impact the changes would have on buses and those that use them, asserting that Crown Close is a very busy area.
- 3.23 The advertising of the proposed changes has been carried out in accordance with the requirements of section 63 of the Local Government (Miscellaneous Provisions) Act 1976.
- 3.24 Officers have been advised that providers of bus services have been consulted on the proposed changes by relevant officers at Worcestershire County Council and have raised no objections.
- 3.25 No objections or representations have been received from West Mercia Police in respect of the proposed changes.
- 3.26 Section 63 (3) of the Local Government (Miscellaneous Provisions) Act 1976 states that:

*Nothing in this section shall empower a district council to appoint any such 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;*

*and in deciding the position of stands a district council shall have regard to the position of any bus stops for the time being in use.*

- 3.27 Officers believe that making the proposed change to the stand for hackney carriages would not unreasonably prevent access to any premises and would not impede the use of any points authorised for the taking up or setting down of passengers by a local service or PSV operator's licence.
- 3.28 Officers also believe that the location of the additional space would not interfere unreasonably with access to any station or depot of any road passenger transport operators.
- 3.29 The highway authority not only consents to the changes being proposed, they have been instrumental in drawing up the proposals and deciding exactly where the additional space should be provided.
- 3.30 There are a number of bus stops in use in Crown Close, which acts as the town's main bus station. Members should have regard to the position of the bus stops when making their decision, and should note that officers have been advised that no objections have been received from providers of bus services when they have been consulted by relevant officers at Worcestershire County Council officers.
- 3.31 When preparing this report, officers have considered the section of the Department for Transport's "Taxi and Private Hire Vehicle Licensing Best Practise Guidance for Licensing Authorities in England" entitled "Taxi Ranks and Roadside Infrastructure. Officers do not believe that that implementing the changes that are being proposed would contradict anything contained in this guidance.

- 3.32 Officers have also taken into account the Department for Transport's publication "Inclusive Mobility - A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure." Chapter 10 of this guide relates to "Taxi Ranks" and is shown at **Appendix 5**.
- 3.33 The additional space being provided is intended to be used as a somewhere for hackney carriage drivers to park whilst they wait for a space to become available on the existing hackney carriage stand. Therefore, passengers should not be boarding or alighting vehicles when they are parked in the additional space.
- 3.34 Provided that passengers only board or alight vehicles from the existing hackney carriage stand, this will ensure that passengers board or alight onto the footway from the near-side of the vehicle. The position of the existing rank also provides access to sufficient unobstructed footway to allow the deployment of wheelchair ramps and adequate manoeuvring space for wheelchair users.
- 3.35 Members are also reminded that these proposals have been brought forwards to provide room for another hackney carriage to stand for hire in order to reinstate the same number of spaces that were available for the purpose prior to the improvements made by Worcestershire County Council to walking and cycle routes around Bromsgrove in 2020.
- 3.36 Having considered the representation received and all of the relevant circumstances, it is recommended that the Licensing Committee should direct officers to undertake the required legal processes to make, alter or revoke the District Council of Bromsgrove (Hackney Carriage Stands) Order 2020 (No.1) as necessary in order to implement the additional space for hackney carriages to stand for hire, as shown on the plan at **Appendix 3**.

#### **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
- Appendix 4 – Representation received
- Appendix 5 – Excerpt from “Inclusive Mobility - A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure.”

**AUTHOR OF REPORT**

Name: Dave Etheridge – Principal Licensing Officer  
Worcestershire Regulatory Services

E Mail: [dave.etheridge@worcsregservices.gov.uk](mailto:dave.etheridge@worcsregservices.gov.uk)

Tel: (01905) 822799