

# Cheltenham Borough Council

## Full Council – 15 December 2025

### Adoption of Hackney Carriage Byelaws

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**Accountable member:**

Councillor Victoria Atherstone, Cabinet Member for Safety and Communities

**Accountable officer:**

Michelle Bignell, Licensing and Public Protection Manager

**Ward(s) affected:**

All

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**Key Decision:** No

**Executive summary:**

In November 2023, the Department for Transport (DfT) published revised model byelaws for hackney carriages and are best practice for licensing authorities to adopt.

**Recommendations:**

- 1. That Council RESOLVE to the Hackney Carriage byelaws dated 26<sup>th</sup> June 2012 be repealed and the revised model byelaws attached at Appendix 2 be adopted.**
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#### **1. Implications**

##### **1.1 Financial, Property and Asset implications**

There are no financial implications arising from this report.

##### **1.2 Legal implications**

As contained in the report, the new byelaws are intended to replace the existing out-dated byelaws.

A resolution will need to be published, and the revised byelaws will need to be sealed by the Secretary of State.

**Signed off by:** One Legal, [legalservices@onelegal.org.uk](mailto:legalservices@onelegal.org.uk)

### **1.3 Environmental and climate change implications**

There are no financial implications arising from this report.

### **1.4 Corporate Plan Priorities**

This report contributes to the following Corporate Plan Priorities:

- Ensuring residents, communities and businesses benefit from Cheltenham's future growth and prosperity
- Being a more modern, efficient and financially sustainable council

### **1.5 Equality, Diversity and Inclusion Implications**

Not required.

### **1.6 Performance management – monitoring and review**

Through normal service delivery.

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## **2 Introduction**

2.1 The Local Government (Miscellaneous Provisions) Act 1976 does not permit a Local Authority to attach conditions to a Hackney Carriage driver licence.

2.2 The only means of conditioning a Hackney Carriage driver's licence is by way of byelaws made under Section 68 of the Town Police Clauses Act of 1847 and Section 171 of the Public Health Act 1875.

2.3 Cheltenham Borough Council's current byelaws date back to March 2012 and, therefore, need updating. A copy of the current byelaws is attached at **Appendix 2**.

2.4 The Department for Transport ("DfT" hereafter) has developed model byelaws. Attached at **Appendix 3** is a copy of the current DfT Model Byelaws for Hackney Carriages.

2.5 The Council's constitution delegates the power to make and revoke byelaws to Full Council on the recommendation of the Licensing Committee the Council is therefore asked to consider the adoption new model byelaws for Hackney Carriages.

## **3 Background**

3.1 As already mentioned, the only means to deal with Hackney Carriage driver licence conditions is by way of byelaws.

3.2 By virtue of section 68 of the Town Police Clauses Act of 1847, bye laws can be used for:-

- (a) regulating the conduct of proprietors and drivers of hackney carriages plying for hire within the Borough of Cheltenham, determining whether such drivers shall wear any and what badges, and for regulating the hours within which they may exercise their duty,
  - (b) regulating the manner in which the number of each carriage shall be displayed,
  - (c) regulating the number of persons to be carried by hackney carriages, and in what manner such number is to be shown on vehicles,
  - (d) fixing the stands of such hackney carriages, and the distance to which they may be compelled to take passengers,
  - (e) fixing the rates or fares and for securing the due publication of such fares,
  - (f) securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof.
- 3.3 The current Hackney Carriage byelaws are out of date with modern life and as a result, the effect of this is that the current Hackney Carriage driver licence “conditions” are largely irrelevant and therefore also largely unenforceable.
- 3.4 The DfT model byelaws have been brought up to date and is a nationally accepted set of byelaws adopted by most Local Authorities in England and Wales. The model byelaws therefore provide a pragmatic solution to Cheltenham Borough Council's current out of date byelaws.
- 3.5 When considering making hackney carriage byelaws the DfT suggests that as a first step, licensing authorities will want to consider whether their regulatory objectives - in terms of exerting controls over taxi owners and drivers - can best be achieved by attaching conditions to licences or by making byelaws.
- 3.6 Having considered the matter carefully, the DfT takes the view that the byelaw making power in the 1847 Act should be considered in the context of local authorities' wider responsibilities in relation to hackney carriage licensing i.e. that the purpose of the power is to enable local licensing authorities to regulate hackney carriage drivers and proprietors in such a way as to ensure that they are fit and proper persons and in order to ensure the safety of the travelling public.
- 3.7 Any request for provisional approval of byelaws which deviate from the model should be accompanied by an explanation of the policy objective, a justification of their validity and confirmation that the byelaws have been approved by legal advisers.
- 3.8 The Local Government Act 1972 gives the Secretary of State power to confirm or refuse byelaws which are submitted to her/him and confirmation depends on validity.
- 3.9 Although there is scope for the Council to deviate from the model, officers do not consider this to be necessary. The Council has recently adopted a comprehensive Taxi and Private Hire policy that took effect in July 2025. This policy together with the model byelaws is considered sufficient to ensure applicants are fit and proper persons and to ensure the safety of the travelling public. It is therefore considered that the model byelaws provide a pragmatic solution to Cheltenham Borough Council's current out of date byelaws.

## 4 Consultation

4.1 At the March Licensing Committee, members agreed to carry out a 12-week consultation with all licence holders.

4.2 There were two responses made which were irrelevant to the proposed byelaws.

## 5 Alternative options considered

5.1 The Council can resolve not to adopt the updated DfT model byelaws. However, this is not a desirable outcome and could pose a number of risks to the Council as outlined in Appendix 1.

## 6 Key risks

6.1 As outlined in Appendix 1.

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### Appendices:

Appendix i: Risk Assessment

Appendix ii: Current byelaws

Appendix iii: Proposed model byelaws

### Background information:

1 [DfT Best Practice Taxi and Private Hire Guidance](#)

## Appendix 1: Risk Assessment

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
	The Council can resolve not to adopt the updated DfT model byelaws. However, this is not a desirable outcome.	Head of Public Protection	2	2	4	Accept	Adopt byelaws	Licensing and Public Protection Manager	December 2025
	If the Council does not resolve to adopt the updated byelaws there is a risk that public safety could be comprised by out of date control measures.	Head of Public Protection	2	2	4	Accept	Adopt byelaws	Licensing and Public Protection Manager	December 2025
	If the Council does not resolve to adopt the updated byelaws there is a risk that the Council could be subject to legal challenge for not enforcing its own adopted byelaws.	Head of Public Protection	2	2	4	Accept	Adopt byelaws	Licensing and Public Protection Manager	December 2025