

# Committee Report

**Body:** General Licensing Sub Committee  
**Date:** 26 September 2005  
**Subject:** Determination of Fare Structure For All Taxis Within The Eastbourne Area  
**Report Of:** Karen Plympton, Licensing Manager  
**Ward(s)** All  
**Purpose** To assess the evidence and determine a fare increase for all taxis in Eastbourne  
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## **1.0 Introduction & Background**

- 1.1 The Council exercises a discretionary power to set the maximum fares for taxi journeys in the Borough. There are currently 84 licensed taxis that are allowed to ply for hire in Eastbourne. Fares charged by taxis within the Borough can not be more than the fare levels set by Eastbourne Borough Council (EBC). Journeys that extend out of the Borough must not exceed agreed tariffs, unless a prior contract is agreed with the hirer. EBC do not set the fares for private hire vehicles.
- 1.2 Following a proposed fare increase in January and February 2005, it was decided that *all taxi proprietors* should be consulted in order to increase transparency in the decision making process.
- 1.3 Following a General Licensing Sub Committee held on the 5<sup>th</sup> of July 2005 a new table of fares was initially agreed upon by members. This can be seen in Figure 1.

## **2.0 Consultation Process**

- 2.1 In line with a statutory requirement, the table of fares which was agreed by the Committee was tabulated in a public notice which appeared in the Herald on the 3<sup>rd</sup> of August 2005 inviting representation from interested parties. This can be seen in Figure 2.
- 2.2 Correspondence has been received from a number of individuals, raising concern about the proposed fare structure. (Appendix A)

- Mr Adrian Attwater – Hackney Carriage Driver
- Mr Robert Cooper - Member of the travelling public
- Mr Richard Doxford – Hackney Carriage Driver
- Mr Martin Reeves – Hackney Carriage Driver
- Mr John Schofield – Hackney Carriage Driver
- Four other members of the trade (countersigned)

- 2.3 The Committee must give due weight and consideration to those parties making representations.
- 2.4 As highlighted in the report on the 5<sup>th</sup> of July 2005 there is concern both from members of the trade and the wider public with regard to the **maximum "Extra Charge"** proposals.
- 2.5 It is argued that unscrupulous members of the trade may seek to overcharge members of the public, using the "extra charge" facility. If there is a relatively low cap then this potential abuse can be kept to a minimum.
- 2.6 There is a great deal of difficulty in successfully obtaining evidence and securing a conviction in relation to overcharging involving "extra charges." It is a matter of the passenger's word against the driver.
- 2.7 Many authorities do not have the "extras charge" facility at all. This point is exemplified in the **correspondence received from Mr Robert Cooper and Mr Richard Doxford.** (Appendix A)
- 2.8 The letter received from the four Eastbourne and Country **Multi-Seater/Wheelchair Accessibility drivers** highlights the fact that these vehicles are excluded from obtaining any "extra charges" where they fall within the 5-8 band tariffs. Figure 3 offers a suggested way forward to regularise the position.

### 3 Health, Safety and Enforcement Implications

- 3.1 Taxis provide a safe and effective means of transport for passengers. The safety and welfare of the public and the drivers are of paramount importance. Taxis and the transport service they provide offer an invaluable resource used to assist in the dispersal of patrons during key periods, for example, when the towns pubs and clubs turn out. Therefore taxi drivers should be encouraged and supported in fulfilling this function, forming part of an integrated transport system which enables an accessible, efficient service for the travelling public.

### 4 The Decision Making Process

- 4.1 The Licensing Team therefore ask the Committee to consider the issue of the £5 maximum charge, which appears to be the focus of representations received.

- 4.2 The £5 maximum "extras" charge was originally instigated to enable drivers of larger vehicles to participate in removal work. This only applies to a fraction of the trade, since the primary purpose of the taxi trade is the transportation of persons as opposed to goods. The Committee may wish to include a **surcharge** of £5 for work of this nature.
- 4.3 This could be included on an amended fare table as shown in Figure 3, and charged separately from the metered fare. This would dispense with the need for a £5 "maximum tariff" to be built into the meter and reduce the likelihood of unscrupulous drivers misleading members of the public by overcharging via the "extras" facility.
- 4.4 It could be argued that it would be more appropriate to have a higher flag fall and work towards the elimination of "extras." This may create a more transparent system which is easier to enforce and understand, since the travelling public will know exactly what they are expected to pay for a journey related to distance and time of day, as opposed to the amount of luggage they may have. "Extras" are not popular in many authorities and have been eliminated entirely because it leads to ambiguity and potential abuse.
- 4.5 Discussions have been held with companies who deal with the technical configuration of the meters, since the more complex the tariff, the more meter memory is utilised. It is recognised that Eastbourne has a complicated tariff structure, which makes meter configuration challenging.
- 4.6 Rationalisation of the current tariff system. Is likely to have two overarching effects:
- The travelling public would know how much they pay per mile/Km. Therefore avoiding confusion and possible confrontation
  - Given a proposed simplified tariff structure, it may make meter configuration less complex.

## 5. Human Resource & Financial Implications

- 5.1 A significant amount of time has been spent by the Licensing Team in the consultation process, and the subsequent calculation of castings associated with the yardage of the proposed tariff and constructing the public notice. The costs involved in this are recouped via the licence fees; however the process is time consuming and has diverted resources from other licensable activities.

## 6. Outcome of decision by members

- 6.1 Any agreed tariff and/or fare structure agreed by the Committee is constrained by associated technical implications. Tariffs and/or fares need to be compatible with the meters that are utilised in the town. The fare structure agreed may have to be materially altered to cater for this.

## 7. Summary of Options

- 7.1 Each case must be considered on its merits. The Committee must take the steps it considers necessary for the maintenance of an effective taxi transport system across Eastbourne and may-:
- a. Maintain the current fare structure as agreed in July 2005
  - b. Change the fare tariff and adopt the recommendations above in light of the representations received
  - c. Modify by adding to or omitting aspects raised in the report

### **Human Rights Implications**

- 7.2 The provisions of the Human Rights Act, 1998, must be borne in mind by the Committee when taking licensing decisions. Particular regard should be made to Article 1 of the First Protocol, which relates to the protection of property and the peaceful enjoyment of possessions and property, since it has been determined that Hackney Carriage vehicles and licences are generally viewed as possessions by the ECHR. While the Human Rights Act makes it unlawful for a local authority to act or to fail to act in a way that is incompatible with a Convention right, Article 1 of the First Protocol and Article 8 are both qualified rights which means that interference - to a justifiable extent - may be permitted as long as what is done:

- (i) The interference must be in pursuit of a legitimate aim
- (ii) The interference must be "prescribed by law"
- (iii) The interference must be "necessary in a democratic society"

## **8.0 Background Material**

- Taxis Licensing Law and Practice 2004, James Button