

Body: General Licensing Committee
Date: 20 August 2008
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 90 licensed hackney carriage taxis that are permitted to ply for hire in Eastbourne. Fares charged by hackney carriage taxis within the Borough can not be more than the fare levels set by Eastbourne Borough Council.
- 1.2 Journeys that extend out of the Borough must not exceed agreed tariffs, unless a prior contract is agreed with the hirer. Eastbourne Borough Council do not set the fares for private hire vehicles.
- 1.3 The last fare tariff revision and associated increase was implemented in June 2007. The Licensing Team have subsequently been approached in March 2008 by 2 members of the hackney carriage trade seeking an increase to the current maximum metered fare.
- 1.4 Following this request, it was decided that all hackney carriage proprietors should be consulted to ascertain the level of demand in any proposed increase. In addition, it was determined that a consultation exercise be undertaken to get a range of views and to increase transparency in the decision making process.

2.0 Consultation Process

- 2.1 A letter seeking the views of all hackney carriage proprietors in relation to a tariff change was sent out on the 29th April 2008. A copy of this correspondence and "ballot paper" is attached at Figure 1.
- 2.2 Figures 2 & 3 were sent to all hackney carriage proprietors requesting they consider the content and action as follows:
 - Vote for one of the proposals A or B,
 - Option C. Propose another fare amendment and to include a draft fare card
 - Option D. Vote for no change to the existing fare tariff
 - Option E. Vote for the implementation of a fuel surcharge.

2.3 In respect of Option E, the Licensing Sub Committee met to consider a Fuel Surcharge of 30 pence per journey on the 26th June 2008 as an interim measure taking account of the changes in fuel prices and other costs incurred by the Trade. This was agreed and was duly advertised in accordance with the legislative requirements. It has been implemented and adopted by 60 members of the hackney carriage trade at the time of writing this report.

3.0. The Proposals

3.1 A further proposal was received from the trade during the course of the consultation. The three proposals were submitted at the meeting by the following individuals:

- Proposal A, Figure 2, presented by Mr Martin Reeves
- Proposal B, Figure 3, presented Mr Peter Smith
- Under Option C of the ballot, Eastbourne & Country Taxis presented a proposal. This is included at Figure 4, however this has not been consulted upon with the wider trade, and is submitted as a proposal in its own right.

3.2 The current Eastbourne Borough Council hackney carriage tariff is illustrated in Figure 5.

4.0 Outcome of Ballot

4.1 Figure 6 graphically represents the outcome of the consultation and ballot. Response rates to the ballot had a 39% turnout.

4.2 The results are as follows:

- Proposal A was voted for by 6% of respondents
- Proposal B was voted for by 54% of respondents
- Proposal C was voted for by 34% of respondents
- Proposal D was voted for by 6% of respondents

4.3 At a meeting with the Licensing Manager, Councillor Morris and Councillor Thompson, Mr David Stonecox and Mr Peter Smith on the 15th May 2008, a slightly amended version of Proposal B was presented, since Mr Smith had noted errors. This is included at Figure 7. However, it must be noted that this has not been consulted upon with the rest of the trade, but is a proposal in its own right.

5.0 Human Resource & Financial Implications

5.1 All activities are funded from the licence fee income. A significant amount of time has been spent by the Licensing Team in the consultation process, and the subsequent calculation of costings associated with the proposals.

6.0 Health, Safety and Enforcement Implications

6.1 Taxis provide a safe and effective means of transport for passengers. The safety and welfare of the public 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 town's 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.

7.0 Summary of Options

7.1 The Committee can:

- Agree any one of the proposals out forward by the trade.
- Agree with modifications any one of the proposals put forward by the trade.
- The Committee may decide to formulate its own fare card and associated fare card structure.

7.2 The Committee must give due weight and consideration to those parties making representations.

8.0. Outcome of Decision by Members

8.1 Any 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 by hackney carriages in the Borough. The fare structure agreed may have to be materially altered to cater for this.

8.2 In addition, any change to the fare structure will not be effective immediately. Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 requires that any change to the Council's maximum fare tariff and the changes proposed are advertised on one occasion in at least one local publication and at the Council Offices inviting objections to such within 14 days of the date of the notice.

8.3 This objection period then enables members of the public and other "interested parties" to object to the proposed changes. Where objections are considered to be valid, a further Licensing Committee will need to be convened to consider such.

9.0 Human Rights Implications

9.1 The provisions of the Human Rights Act, 1998, must be borne in mind by the Committee when taking licensing decisions Particular regard should be had 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 for purposes of 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:

- Has a basis in law;
- Is intended to pursue a legitimate purpose
- Is necessary and proportionate; and
- Is not discriminatory.

10.0 Background Material

- Taxis Licensing Law and Practice 2004, James Button