

**Body:** General Licensing Committee  
**Date:** 16<sup>th</sup> December 2008  
**Subject:** Determination of Fare Structure for all Taxis within the Eastbourne Area  
**Report Of:** Kareen 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 maximum fare levels set by Eastbourne Borough Council.
- 1.2 Eastbourne Borough Council does 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 were subsequently approached in March 2008 by 2 members of the hackney carriage trade seeking an increase to the current maximum metered fare.
- 1.4 The current Eastbourne Borough Council hackney carriage tariff is illustrated at Appendix 1.
- 1.5 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 from the trade, and to increase transparency in the consultation and decision making process.
- 1.6 The consultation process with the trade took place in two phases.

## **2.0 Stage 1 of The 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 29<sup>th</sup> April 2008 offering a range of options to the trade, including an increase in the current fare tariff, and revisions in the format of the current tariff card.
- 2.2 This was in line with suggestions received from a minority of individuals within the hackney carriage trade. Respondents were also asked to consider whether there should be no change to the current tariff structure.

- 2.3 A Licensing Sub Committee met to consider a Fuel Surcharge of 30 pence per journey on the 26<sup>th</sup> June 2008 as an interim measure to cover the increased costs. It took into account the increase in fuel prices and associated costs incurred by the Trade and agreed that a surcharge was an appropriate interim measure to counter such.
- 2.4 The surcharge 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, albeit with the reduction in the cost of fuel, many are withdrawing this surcharge.
- 2.5 Three proposals were submitted to the Full Licensing Committee for determination at its meeting in August 2008.
- 2.6 The majority of the Full Committee favoured the format of the tariff card submitted by an independent hackney carriage proprietor, on the grounds that it was easier for the travelling public to understand and dispensed with the "extras" charging system.
- 2.7 The Full Committee considered all submissions made to them by the trade, and agreed that a simplified fare tariff card minus the "extras" system should be implemented.
- 2.8 It also agreed that any new tariff should reflect the new simplified structure based on 3 rates and include a increased rate of an additional 50% on rates 1 – 3 for 5 -8 passengers, a £6 surcharge for small removals and £50 charge for fouling the vehicle.

### **3.0 Stage 2 of The Consultation Process**

- 3.1 The Full Licensing Committee, following a recommendation by the Licensing Manager, agreed that an 8 week consultation process be undertaken with the hackney carriage trade in order to seek their views as to how the card should be populated.
- 3.2 A copy of the correspondence sent to the 90 proprietors and the blank tariff card are included at Appendix 2. The proprietors were also asked to consult with their journeymen in relation to the population of the fare tariff card.

### **4.0 Overview Of Results**

- 4.1 84 hackney carriage proprietors and 27 journeymen\*\* responded to the consultation exercise. In total, 6 proposals were received as follows:

	Votes Received from Proprietors
Proposal A	12
Proposal B	9
Proposal C	30
Proposal D	31
Proposal E	1
Leave the fare card as is currently (No change)	1
<b>Total</b>	<b>84</b>

	Votes Received from Journeymen
Proposal A	1
Proposal B	0
Proposal C	13
Proposal D	13
Proposal E	0
Leave the fare card as is currently (No change)	0
<b>Total</b>	<b>27</b>

\*\*Journeymen drive the vehicle on behalf of/ or in addition to the Proprietor of the licensed vehicle.

- 4.2 It is a significant challenge to quantify the results received as a result of the consultation process, since many of those consulted offered multiple responses to several versions of a tariff card.
- 4.3 There have been several consultation exercises and discussion via the Taxi and Private Hire Forum and direct with the Licensing Manager to try and achieve a way forward regarding the format and content of any new tariff card.
- 4.4 In the main, however, the Trade have indicated that they are keen to retain the current Eastbourne Borough Council fare tariff format.
- 4.5 However, many individuals have populated the new tariff card and have made comments regarding the format of the new tariff card. These include:
- *"As a working member of the Eastbourne Hackney Carriage Trade, it is my predominant wish that Eastbourne Borough Council to retain the current fare tariff, which includes the provision to charge extra..."*
  - *"Sunday and late evening surcharge and a 5 mile radius to accommodate out of town work..."*
  - *"I have not been given the opportunity to give my opinion on the proposed fare tariff but I feel that you should be aware of my opinion..."*
  - *"The prescribed form does not allow me to include what I feel is necessary for me to carry out my trade in a reasonable and fair manner..."*
  - *" I would like the facility, as previous to have a mileage charge up to 5 miles and thereafter an adjusted mileage charge for journeys over 5 miles..."*
  - *"The waiting time has been imposed on your supplied chart does not equate to a reasonable amount and the wording should be modified to allow for the payment of services."*
  - *"The revisions to the new Council tariff card are necessary as follows:*

- (i) *Fares over 5 miles – at present this is not taken into account. I feel that if this remains as such, this will create a problem and dissuade drivers from making such journeys.*

*Sundays/Bank Holiday Fare Rate – This has not been included. I would suggest this is necessary to continue to provide a good service to the travelling public. If there is not an additional rate for Sunday as in the majority of employments, drivers will not work”*

- (ii) *Domestic Pets – this has always been on the fare card, and it is usually necessary to brush the car out afterwards, therefore delaying you from the next fare.*

- (ii) *All three have been established for many years and would result in a net decrease in fares at these times/occasions for the Trade.”*

4.6 The populated versions of A – E and visual imagery showing response rates are included at Appendix 3. It is apparent that consensus amongst the trade cannot be reached.

4.7 It is suggested by the Licensing Manager that the Committee consider the two most popular options, those being:

- Option C voted for by 43 individuals. Supporting information in the form of a letter was submitted in conjunction with this option and is included.
- Option D voted for by 44 individuals. Supporting information in the form of a letter was submitted in conjunction with this option and is included.

4.8 Whilst included at Appendix 3 to illustrate the range of tariffs suggested, options C and D have been separated, along with supporting documentation, and can be found at Appendix 4.

4.9 Full Committee are reminded that they must consider any tariff proposals put forward by the Hackney Carriage Trade, however Members are not legally bound by such, and can determine their own fare tariff structure if it deems appropriate.

## 5.0 **Overview of Option C**

5.1 This proposal mirrors the format proposed by the last Full Committee, and corresponds with the waiting time suggested.

## 6.0 **Overview of Option D**

6.1 This proposal mirrors the format proposed by the last Full Committee, albeit that the waiting time and resultant charge is different and also includes a rate per mile for journeys over 5 miles. The proposed card also includes the following wording regarding Eastbourne and “outside of” Eastbourne journeys.

## 7.0 **Supplementary Considerations**

7.1 The supporting documentation received by the majority of respondents indicates the following:

7.2 *"Supplementary charges for more than one passenger and items of luggage."*

A re-introduction of this proposal would mean the resurgence of an "extras" system, something that the Full Committee was keen to move away at the previous meeting, creating a retrograde step.

7.3 - *"Transportation of domestic pets"*

It is reasonable for this factor to be included in any new fare tariff card. It should also include the following

"Transportation per domestic pet: £1. No charge for registered assistance dogs."

7.4 *"Provision to charge extra for working on a Sunday, Bank Holiday and late evening surcharge"*

The mechanism for charging extra for working on bank holidays, and late evenings is already included as part of Rates 2 and 3.

7.5 However, it is supported by the Licensing Manager that an incentives rate is included within any fare tariff on a Sunday to encourage individuals to work. This could be achieved by modifying the time periods at Rate 1 to cover the period 6am – 11pm Monday – Saturday, and then including Sunday with Rate 2 to cover the period 6am – 11pm and 11pm – 6am on a Sunday.

## **8.0 Human Resource & Financial Implications**

8.1 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.

## **9.0 Community Safety Implications**

9.1 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 close. 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.

## **10.0 Summary of Options**

10.1 The Committee can:

- Agree any one of the proposals put forward by the trade.
- Agree, with modifications as Members see fit, any one of the proposals put forward by the trade.
- The Full Committee may decide to formulate its own fare card and associated fare card structure.

10.2 The Committee must give due weight and consideration to those parties making representations. However, they are not legally bound by these suggestions and may choose to implement its own tariff structure and rates.

### **11.0. Outcome of Decision by Members**

11.1 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.

11.2 The fare structure agreed may have to be materially altered to cater for this.

11.3 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.

11.4 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 Full Licensing Committee will need to be convened to consider such.

### **12.0 Human Rights Implications**

12.1 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.

### **Background Material**

- Taxis Licensing Law and Practice 2004, James Button

kap/taxi/Licensing Sub Committee