

**Body:** General Licensing Committee  
**Date:** 12<sup>th</sup> June 2007  
**Subject:** Taxi Fares  
**Report Of:** Kareen Plympton, Licensing Manager  
**Ward(s):** All  
**Purpose:** To consider a representation in relation to an increase in the current fare structure following advertisement post Committee decision in January 2007, to consider such and determine whether there should be a further revision to the fare structure.  
**Contact:** Kareen Plympton, Licensing Manager, Telephone 01323 415937 or internally on extension 5937  
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**Recommendation:** To consider representations following advertisement of a proposed fare increase and determine such accordingly.

## **1. Introduction**

- 1.1 Under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, the Council, as the Licensing Authority, exercises a discretionary power to set the maximum fare for journeys undertaken by hackney carriage taxis. There are currently 84 licensed hackney carriage taxis that are permitted to ply for hire in the Eastbourne Borough, with a further 6 wheelchair accessible vehicles joining the fleet shortly.
- 1.2 Fares charged by taxis can not be more than the fare set by the Licensing Authority, unless a prior contract is reached with the passenger. The Council do not set the fares for private hire vehicles.
- 1.3 Whilst it is the Local Authority which agrees any formula and/or fare increase, this has always been undertaken in consultation with the trade.
- 1.4 The issues surrounding a change in the fare tariff are complex one, with the trade being unable to reach a consensus on any proposed increase nor a formula which appropriately reflects the purported costs to the trade.
- 1.5 The initial consultation process in relation to a proposed fare increase was undertaken in two stages throughout 2006. All hackney carriage proprietors were contacted via letter in order to enquire whether these interested parties wanted a fare increase, wished the situation to remain unchanged or wanted to offer a revised fare formula. The Licensing Department received responses from 10 individuals. Those individuals who responded were invited to attend a meeting to discuss the options at Eastbourne Town Hall on the 12<sup>th</sup> December 2006.
- 1.6 Of the original responses received, nine proposals were presented.

1.7 At the meeting on the 12<sup>th</sup> December 2006 following discussions, the number of proposals considered to be viable was reduced to three. It was decided that all three proposals be presented to all Hackney carriage proprietors to inform them of the options and to enable a ballot to be undertaken, thereby ascertaining a range of responses, both positive and negative to the three proposals.

## **2.0 The Three Proposals**

2.1 The three proposals were submitted at the meeting by three of the parties who attended the meeting on the 12<sup>th</sup> December 2006.

- Proposal A, included at Appendix 1
- Proposal B, included at Appendix 2
- Proposal C, which suggested that there should be no rise before April 2007.
- The current Eastbourne Borough Council fare tariff structure is included at Appendix 3

2.2 The suggested implementation date for proposals A & B was April 2007, subject to no representations being received.

## **3.0 Outcome of Ballot**

3.1 The ballot regarding proposals A, B and C, resulted in a 56% response rate.

3.2 The results of the ballot are as follows:

- 23% of respondents in favour of Proposal A
- 28% of respondents in favour of Proposal B
- 49% of respondents in favour of Proposal C

3.3 At the Full Licensing Committee on January 23<sup>rd</sup> 2007, the Committee opted for Proposal B.

## **4.0 Public Consultation**

4.1 In accordance with section 65(2)a of the Local Government (Miscellaneous Provisions) Act 1976, the Authority is required to advertise a summary of the proposed fare increase in a local newspaper, in this instance, the Herald for a period of not less than 14 days. It was also advertised at the Town Hall, 68 and 1 Grove Road, with the full documentation available for inspection on request. A copy of the advertisement is included at Appendix 4.

4.2 As a result of this consultation process, the Authority has received one representation from Hackney Carriage Proprietor, Mr Martin Reeves, which the Council must duly consider.

## **5.0 Representation**

5.1 The representation received centres on the purported complexity of the proposed fare card and tariff, and cites various Council Committees where a wish has been expressed to simplify the current fare structure.

- 5.2 It also incorporates concerns that the "extras" system, currently enabling drivers to charge additional fares for additional passengers, luggage is open to abuse by "less scrupulous drivers," and recommends a revised approach, which is included at Appendix 5. This slightly revises the recommendation lodged by Mr Reeves, considered by the Licensing Committee on 23<sup>rd</sup> January 2007 in so far as it recommends revisions to rates where there are 5 or more passengers and a pre-determined charge of £5 for small removals.
- 5.3 As part of his representation, Mr Reeves also encloses copies of correspondence from previous Council Officers and a Committee Report, dating back to 2003 – 2004. A full copy of this is included at Appendix 6.

## **6.0 Community Safety Issues**

- 6.1 The overriding concern that Council, as the Licensing Authority must consider is the provision of an accessible service where public safety is of paramount importance. Consideration should also be given to the level of understanding required on the part of the travelling public to understand any material provided to them, including an appropriate fare structure.
- 6.2 It is fair to submit that currently, Eastbourne has one of the most complicated fare structures in the country, making it difficult to understand and complex for taxi meter providers to calculate and install within hackney carriages as a means of fare calculation.

## **7.0 Human Resource & Financial Implications**

- 7.1 The cost of administering the Taxi & Private Hire Licensing function is fully recovered via the licence fee income.

## **8.0. Human Rights Act 1998 - Implications**

- 8.1 The provisions of the Human Rights Act, 1998, must be borne in mind by the Full 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. Article 8 - which relates to the right to respect for private and family life, home and correspondence - should also be borne in mind. 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.

## **9.0 Summary of Options**

- 9.1 The Committee must consider the representation received and approve one of the following:

- 1) Agree to revise the approach to any fare increase in respect of such

- 2) Uphold the decision taken by the Full Licensing Committee on the 23<sup>rd</sup> January 2007, and implement such accordingly
- 3) The Full Licensing Committee may Implement its own fare structure and/or fare increase as they see fit.

### **Background Papers**

- Local Government (Miscellaneous Provisions) Act 1976
- Town Police Clauses Act 1847
- Taxis, Licensing Law and Practice, James T.H Button 2004
- Various Eastbourne Borough Council Committee Reports – 2003 – 2007 relating to fare increase issues for the hackney carriage trade.