

British Rail Western Region  
Area Manager, Bristol

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CSM/609

03/07/1989

The Solicitor  
British Railways Board  
MacMillan House,  
Paddington

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TAXIS PLYING FOR HIRE AT BRISTOL TEMPLE MEADS

In 1974 an agreement was made between BR and representatives of the taxi trade which provided that the taxi rank at the station would be designated as a taxi stand by consent of BR and City Council Bye-Laws were established on that basis. You wrote to me on 29th August, 1985, under reference LW/23/1187/CJK signed by Mr Kemp, and copy attached for reference.

The negotiations came to nothing at the time but I am reviewing the situation with a view to introducing charges at Temple Meads which would be likely to produce revenue to BR of at least £15,000 per annum.

I would appreciate it if you could kindly unearth your file from 1985 and advise me as to whether there has been any change in the law or decided court case which changes the legal position, since then. It would be my intention to give notice to terminate the 1974 agreement and introduce charges for the right to ply for hire at Temple Meads.

  
Area Customer Services Manager





Bye (and 22) - ...  
contact from Ed.

# British Railways Board

BR 27/20

to Area Manager  
Bristol

from Chief Solicitor & Legal Adviser  
Melbury House, Melbury Terrace, NW1 6JU

ext. 015 5973

y/r CSM/601  
date 21 August, 1985

o/r LW/23/1187/CJK  
date 29 August, 1985

RE: TAXI FRANCHISE AT TEMPLE MEADS

I thank you for your letter of the 21 August and note the position that is developing in regard to the introduction of charges at Bristol (Temple Meads) which I assume is on the principle of the fuller implementation of the "open and charged" principle which has been applied throughout the Board's network following the Brighton case.

I would firstly comment on the Agreement of April, 1974 which I assume has never been vetted by this Department since it is in a somewhat informal format and uses a number of inaccurate expressions (such as "the Railway Police"). It nevertheless seems adequate to cover the situation that the Board wish to now progress.

It is to be noted in particular that the Agreement refers to the open and uncharged system applying at Temple Meads "for an experimental period" and that "during the period of experiment" the board would consent to the City Council designating the taxi stand as a public stand which would thereby "become temporarily subject to the same Bye-Laws as the other taxi stands in the City". These are important points to make in response to aspects of the letter from the Principal Solicitor to the City of Bristol dated 13 August, 1985.

You ask me in particular to comment on paragraphs 3, 4 and 5. Adopting the same numbering as the letter of 13 August, the reply I would suggest would be along the following lines:

- "3. The Board will judge the level of staff and British Transport Police presence that will be necessary when the new arrangements apply as you will be aware this change is inspired as far as the Board is concerned by the fuller implementation of the "open and charged" principle approved by the Director-General of Fair Trading arising out of his investigation into the Board's arrangements at Brighton. It would be the view of the Director-General that many of the problems to which you refer will not require official intervention since they will be resolved by market forces which any open system whether charged or uncharged will allow to operate without quantitative restraint.
- "4. Though the public have unfettered access to Temple Meads Station for the purposes of railway business, it is not a public highway and your taxi Bye-Laws only apply by virtue of the consent that the Board agreed to give for an experimental period in the Agreement of April, 1974. The introduction of an "open and charged" arrangement at Temple Meads means that the experimental period is brought to an end and that therefore the Board no longer consent to the application of the Bye-Laws to their private property or to the designation of land not a public highway as a taxi stand. I am advised that under the Local Government (Miscellaneous Provisions) Act, 1976 such consent is a pre-condition to designation. Certainly this is the basis of an arrangement which I am advised the Board is currently finalizing with Newcastle City Council for the taxi rank at Newcastle Station to be designated under the City Taxi Bye-Laws.

"4. - Continued

In that case, the City Council have negotiated an Agreement whereby all licenced taxis in Newcastle will be permitted to ply for hire and the proportion of that affiliation fee will be taken into account in fixing the annual licencing fee that the Local Authority collect. Would your Council be interested in a similar arrangement to that which has been negotiated successfully with Newcastle and as operated without difficulty there for some 15 months?

"5. With every respect my advice is that this point is based on a misconception and ignores the fact that the Board's consent in this matter was for an experimental period which experiment will be brought to an end when the "open and charged" arrangements become effective."

You will see that I have mentioned in the suggested reply the parallel situation that has developed at Newcastle and the possibility of a similar solution being adopted to that which has applied successfully at Newcastle for the past 15 months.

If you feel that my further advice or assistance in this matter is required I have no doubt that you will let me know. In connection with the Newcastle matter I visited the Station on two or three occasions and had at least two meetings to negotiate the Agreement with the City Council and this experience may be of some assistance to you in progressing the immediate problem. There were even parallels with regard to the taxi mens rest room in that the previous franchise holders at Newcastle had a Tenancy of a Taxi Office which was initially thought to have been a complicating factor but which in the event did not prove to be so.

for CHIEF SOLICITOR & LEGAL ADVISER

