



Customers failing to pay - “runners”

Taxi Compliance Information Sheet 8

When customers fail to pay their fare, it's not just lost income. You are out of pocket as you've had to pay fuel and running costs for the journey. If the matter is not dealt with, the offender may be tempted to do it again to another driver.

Is it a criminal offence to fail to pay the fare ?

That all depends on the circumstances. There are 3 pieces of law that cover this :

1. **When someone runs off** - Section 3 Theft Act 1978 “a person who, know that payment on the spot for any good supplied or a service received is required or expected from him, dishonestly makes off without having paid as required or expected and with intent to avoid payment of the amount due shall be guilty of an offence”
2. **If someone pretends they will pay “going to a cash machine” “my friend will pay when we get there”** – Section 2 Fraud Act 2006 “if he dishonestly makes a false representation, and intends by making the false representation to... cause loss to another or to expose another to risk of loss” ~ note that a representation is false if a person knows it is, or might be, untrue or misleading
3. **When someone else is involved, orders a cab for someone else** – Section 11 Fraud Act 2006 “if he obtains services for himself or another by a dishonest act ... intends that payment will not be made, or will not be made in full

The common theme is that there has to be **intent** and **dishonesty**. Genuine mistakes or misunderstandings are not dishonest, such as confusion over who is paying or some contactless payment issues (see the section following for details). Dissatisfaction with service or a disagreement about the price may mean it's not a crime. It only covers the fare, so any extras such as soiling charges aren't covered. At Court we have to prove they were dishonest beyond reasonable doubt and that they intended to avoid payment.

No dishonesty = no crime.

How do I report it ?

It's really important to report these crimes. It shows us how often it happens, and we can identify trends and repeat offenders.

The best way is to report online at <https://www.avonandsomerset.police.uk/report/theft-stolen-property> and you can also call Tel No 101. If you are a Private Hire driver, please give us the booking reference and which Operator the job was from.

If the crime is in progress call 999. Be clear on exact location, that a crime has been committed and that the suspect is present or nearby.

What will the police do ?

We will assess the information you give us and decide if a crime has been committed. If we believe it hasn't we may pass you the customer's details to make a civil claim. We will also consider if it is proportionate and in the public interest to investigate further. For example, for a £5 fare we would certainly record it as a crime, but might take limited action because of the value. If we identify a suspect, you may be required to make a statement about what has happened. If we can't locate a suspect or the suspect denies it and there isn't enough evidence the matter will be filed. If the suspect admits the offence and has not been in much trouble before they may be given a Conditional Caution. This is a criminal record and they may have to pay you the fare due. If the suspect denies it and there is sufficient evidence then they may have to go to Court and you may need to give evidence.

Contactless payments :

Bristol Hackney Carriages are required to have contactless payment facilities and many private hire drivers also use them. There have been some issues with these reported to me, and here are some things to bear in mind :

- Don't put your own card too near the card reader. One driver paid for the journey himself this way. I do have some RFID card covers to prevent this happening – see me to get one.
- You are quite entitled to request an initial payment before setting off, even just a nominal £1 so you can make sure the card is actually working – particularly if it's a high value journey
- Double check the amount you input (unlike the driver who charged £13 for a £130 journey)
- Ask the customer to remain with you until the payment goes through.

I know there have been some issues with Apple Pay too, but I don't yet have enough information to make any suggestions on how to deal with that. Look out for a future version of this Information Sheet for developments.

Top Tips :

- Getting home safe to your family is more important than a fare. Remain professional. Be calm and avoid strong or threatening language.
- Avoid following or detaining suspects. Although legally you can arrest the suspect using reasonable force, it could make you unsafe or open to civil action. It's usually best to avoid doing this – especially for a small amount of money. That includes locking the suspect in your vehicle or taking them to a police station
- You are quite entitled to ask for a surety for the fare, such as a driving licence, passport or mobile phone.
- Make sure you know how to quickly start recording on your phone or other recording device if safe to do so. Try to get the person to confirm how much they owe on the recording.
- Provide a way of paying by phone or card – consider a bank transfer.
- Remember descriptions and anything said that may identify the suspect later - particularly if you are a Hackney Carriage driver.
- When a suspect is due to pay compensation to you and we ask you for a cost, don't forget to include your time making a statement etc as well as the fare.
- If you have to call 999, the first thing they will want to know is your location. Be prepared to give an accurate location – you could use What3Words, a postcode or a road name.

Finally :

If you feel that the police have not investigated your runner properly, send me the Crime Number so I can check for you.

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This is one of a series of information sheets produced for the benefit of Driver, Vehicle and Operator licence holders by Police Constable 4645 Patrick QUINTON, Taxi Compliance Officer, The Bridewell Police Station, Bristol, BS1 2AA taxis@avonandsomerset.police.uk

Some of this information is specific to Bristol and South Gloucestershire drivers, and may not be the case in other parts of the country

To join the "Taxi Cop" WhatsApp group, and get information about PC Quinton's work, news updates and licensing/law updates, send a message to 07469 400832. Your details will not be visible to any other members of the group and your privacy is protected.

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