

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**LICENSING & APPEALS COMMITTEE**

**20 August 2007**

**Supplementary Report of the Chief Solicitor**

**Part 1- Public**

**Matters for Information**

**1 REQUEST FOR INCREASE IN TARIFF OF MAXIMUM HACKNEY CARRIAGE FARES**

- 1.1.1 Since my main report was published, I have received the following additional representations from Mr Hill:

*The NPHA magazine league tables published in August 2007 show Tonbridge and Malling to be at no 104, Tun Wells 12, Sevenoaks 14, Maidstone 25 and Medway 26.*

*All except Maidstone have had fare increases this year and Maidstone had one in April 2006.*

*The average 1 mile rate of these 4 areas is £3.55, ours is £3.00. The average fare for 2 Miles for these areas is £5.48, ours is £5.00.*

*Re **14.1** of the Chief Solicitor's report, I feel this is misleading. My application states that we are 'well below those of all other local authorities', local meaning those LOCAL to us. As the figures above show, we are well below our neighbouring boroughs.*

*I would also like to point out yet again that these fares do not take the time element of 'Time and Distance' into consideration. If this was shown then our real position would be very near the bottom 20% of fares in the country!*

*Sect **14.1** also states that only 44 of 377 councils have had an increase in 2007. The actual figure is 103, and only 67 boroughs have not had an increase since 2005.*

*I would like to also point out to the committee that since our last fare increase they have permitted increases of 30% in the cost of our 6 monthly test and similar increases in the cost of licensing. Fuel costs have increased by over 10% and occasionally that rises to over 15% above the May 2005 price.*

*Re Time and Distance*

*I have it on very good authority that we are the ONLY borough in England and one of only a handful in the whole of the UK that do not charge this. Can the panel please explain why we should stop earning any money when we are stuck in traffic? A bus driver, lorry driver etc will still get paid an hourly rate when*

*stationary even though they are not paying for their fuel that is still being used, yet we are expected to foot the cost of this while not earning a penny!*

*I would also like to take this opportunity to point out to the panel that the fare tariff is the maximum that can be charged by a Licensed Hackney Carriage and it is not compulsory to charge these fares. Any company or individual that wishes to charge a lower rate is quite entitled to do so, therefore any objections by other taxi companies should be overruled as they can charge a lower rate if they wish.*

*I hope to be at the meeting on 20th August but am awaiting confirmation of a booking to Zurich which may prevent me from doing so. Should this be the case I offer my apologies to the committee but would hope that common sense prevails.*

- 1.1.2 I should clarify that the "league tables" referred to in my original report were the latest available at the time the report was written and more recent figures have since been published, as reflected above. I have been unable to ascertain whether that assertion that we are the "only borough in England and one of only a handful in the whole of the UK that do not charge" time and distance is correct.
- 1.1.3 The vehicle inspection fee was introduced in 2001 at £60.00 and is currently £78.00, an increase of 5% per annum, which is the same rate as has been applied to all licence fee increases in accordance with the Council's adopted policy.

## **1.2 Legal Implications**

- 1.2.1 I have to remind members that they would be acting *ultra vires* were they to consider setting fare levels solely to secure an improved position in some league table or to consider adopting a time and distance tariff only on the basis that we are the "only borough in England and one of only a handful in the whole of the UK that do not charge this". The role of members, when considering this request, is to balance the interests of members of the public who might use the service as well as the commercial needs of the service providers.

## **1.3 Financial and Value for Money Considerations**

- 1.3.1 Not applicable

## **1.4 Risk Assessment**

- 1.4.1 Not applicable.

Background papers:

contact: Duncan Robinson

Addendum to Mr Hill's application received on 17 August 2007.

**Duncan Robinson**  
Chief Solicitor