

# TONBRIDGE & MALLING BOROUGH COUNCIL

## LICENSING & APPEALS COMMITTEE

23 March 2009

### Report of Central Services Director

#### Part 1- Public

#### Matters for Recommendation to Council

#### **1 ANNUAL REVIEW OF LICENCE FEES IN RESPECT OF HACKNEY (TAXI) AND PRIVATE HIRE LICENSING**

##### **1.1 General**

- 1.1.1 The Licensing and Appeals Committee of 26 January 2009 recommended that the proposed scales of fees set out in Table 1 (Annex 1) be adopted with effect from the expiration of the period allowed for objections in the Public Notice notification (06/03/09).
- 1.1.2 Two objections (emails) have been received from Mr T King of Tonbridge Taxis and Mr R Parker of Streamline Travel (Annex 2).
- 1.1.3 On 18 February 2009 a Taxi and Private Hire trade meeting was held between council officers and drivers from the taxi and private hire trade. Approximately 30 drivers were present and the meeting was chaired by Councillor Homewood. Seven Members also attended together with the Director of Central Services.
- 1.1.4 A number of verbal objections were raised to the proposed increases with a request that the issue be reviewed in the light of the current economic climate and that the fees be either reduced from their current level or frozen at their current level for the foreseeable future.
- 1.1.5 A more specific objection was made by the drivers in respect of the cost and frequency of the twice yearly requirement to have their vehicles MoT and compliance tested. This is currently carried out at two contracted garages and the fee for each test is £85. This fee incorporates the maximum fee for a MoT test of £53.10, the remainder being the charge for the compliance test. This fee is paid by the applicant directly to the garage.
- 1.1.6 The basis for this Authority's requirement for a twice yearly testing structure was that hackney and private hire vehicles incur a far higher annual mileage than private vehicles and additionally there is no age restriction on vehicles entering the hackney/private hire trade in this Authority.

- 1.1.7 The contract for vehicle testing and compliance is under review and expressions of interest have been sought from suitably qualified garages to undertake a new contract.
- 1.1.8 A comparison of adjoining authority's requirements for the testing of hackney and private hire vehicles is set out in Table 2 (Annex 3).
- 1.1.9 It is my view that with effect from the start of the new testing contract, hackney and private hire vehicles be required to be tested annually and that the fee be set at £90 subject only to an increase should the MoT element be increased by the Government and that this new arrangement be reviewed at the end of the new contract.
- 1.1.10 I would also recommend that, with immediate effect, an age limit be set for hackney and private hire vehicles. My proposal would be that, at inception, no vehicle older than three years from the first date of registration be licensed and that no vehicle older than ten years, from the first date of registration be licensed with the exception of fully wheelchair accessible vehicles subject to inspection by a licensing officer. Existing licensed vehicles, without a wheelchair capability, beyond the age of ten years would be permitted an extension of one year to enable the operator to make new arrangements.
- 1.1.11 The implementation of these measures will have the following benefits
- a. The fee increase will assist local garages selected for the test contract.
  - b. There will be a substantial saving to drivers and operators by only having one test/compliance a year.
  - c. A vehicle age policy will provide a better quality vehicle for the public and prevent applicants from applying to this authority with a vehicle that would not be licensed in adjoining areas. This could lead to a reduction in the number of hackney carriage applications resulting in the easing of congestion on the rank at peak times.
  - d. Drivers and operators will be encouraged to invest in fully wheelchair accessible vehicles and recoup their considerable outlay beyond the ten year age limit. This would result in an increase in the numbers of these specialist vehicles.
  - e. There would be a saving in office administration time. This would free up licensing officers to undertake a more proactive role in licensing enforcement to ensure that vehicles were compliant.

## **1.2 Legal Implications**

- 1.2.1 If objections are made then a committee meeting must be held within two months to consider the objections received.

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

- 1.3.1 In respect of the licensing function for hackney carriages and private hire vehicles, section 70 of the Local Government (Miscellaneous Provisions) Act 1976 makes it clear that a local authority may charge such fees as may be sufficient to cover in aggregate in whole or in part the reasonable cost of carrying out the licensing function.
- 1.3.2 Section 53 enables a local authority to charge a fee for the issue of a hackney carriage and private hire vehicle driver's licence to cover the cost of issue and administration.
- 1.3.3 There are no revenue budget implications for the Council as the test fee is payable directly to the garage.

### **1.4 Recommendations**

- 1.4.1 That Committee note objections made to reduce or freeze existing charges in respect of taxi and private hire licensing and recommend to Council the changes in respect of the testing and age limit of vehicles.

Background papers:

contact: Melvyn Wood

Report to Licensing & Appeals Committee dated  
26 January 2009  
Letters of objection

Julie Beilby  
Central Services Director