



FEES TOOLKIT – LEGISLATION OVERVIEW

Subject heading	PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER LICENCES FEES
<p>Legislation</p>	<p>LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</p> <p>S 53(2) This provision gives the council the power to demand and recover, for the grant of the licence, a fee that is considered reasonable with a view to recovering the costs of issue and administration*.</p> <p>Recent examples and legal opinion suggest that S.53(2) does not allow ancillary charges (replacement licences/change of address) to be made during the term of the licence i.e. after the grant. These costs may however be recovered as part of the grant fee itself.</p> <p>Case law has established that pre-licensing requirements such as knowledge tests and DVLA mandates may be charged at a separate cost.</p> <p>S70 Fees for vehicle and operators' licences requires that if the fees exceed £25 that they must be advertised, S53 (Drivers) does not require this, although it is considered best practice to do so.</p> <p>* R (on the application of Rehman) v Wakefield City Council and the Local Government Association [2019] EWCA Civ 2166 established that the costs of monitoring and enforcing the behaviour of licensed drivers, can be recovered through the fee under Section 53(2).</p>
<p>Checklist of possible charges to be included (at discretion of each Authority)</p> <p>These will be entered into the 'Central Recharges (excluding direct costs)' field in the cost summary worksheet.</p>	<p><u>Central Recharges</u></p> <ul style="list-style-type: none"> • Accommodation • Internal Recharges (contact centre, finance, I.T, Legal, Democratic, etc) • Welsh Translation costs
<p>Checklist of possible charges to be included (at discretion of</p>	<p><u>Direct Costs</u></p> <ul style="list-style-type: none"> • Travel/mileage/subsistence

<p>each Authority)</p> <p>These will be entered into the 'Direct Costs' field in the cost summary worksheet.</p>	<ul style="list-style-type: none"> • IT Provisions • Supplies • Services • Subscriptions/Membership • Stationary/Printing • Advertising fees (if applicable) • Training cost
<p>Overview of what activities the legislation allows for cost recovery e.g. admin, processing, monitoring compliance, etc.</p> <p>These will be entered into the 'Other Charges' worksheet.</p>	<p><u>Other Charges – within normal working hours</u></p> <p>General administration</p> <ul style="list-style-type: none"> • General Photocopying e.g. application packs • Ordering goods or services in relation to subject area • Web development • Budget work • Audit/reconciliation • Management functions relevant to the licence <p>Service Requests/Enquiries</p> <ul style="list-style-type: none"> • Pre application enquiries • Business expansions • Clarifications of licences <p>Compliance and Enforcement (licensed only)</p> <ul style="list-style-type: none"> • Inspections • Enforcement Action • Travel and surveillance time • Actions relating to the Enforcement e.g. updating, letters, up to the point of start of prosecution file

	<p>Projects/policies/strategies</p> <ul style="list-style-type: none"> • Casework • Meetings including travel time • Reports <p>Meetings/Team Meetings/Regional Meetings</p> <ul style="list-style-type: none"> • Administration time/Actions • Meeting time • Venue cost • Travelling time <p>Training Time (excluding cost of training as this is a 'direct' cost)</p> <p>Committee – Driver disciplinary</p> <ul style="list-style-type: none"> • Committee disciplinary work including Committee Time
<p>Checklist of what charges/activities the legislation allows for cost recovery. These charges will be split between relevant applications only. (see guidance)</p> <p>These will be entered into Table 2 – Specific charges table in the 'other charges' worksheet.</p>	<p><u>Specific Charges</u></p> <ul style="list-style-type: none"> • Previous surplus • Previous deficit • Out of hours compliance / enforcement (licensed only) (including mileage) • Replacement badge • Replacement licence • Change of address
<p>Checklist of possible charges to be excluded</p> <p>These will be entered into the 'non chargeable' worksheet.</p>	<p><u>Non Chargeable – within normal working hours</u></p> <ul style="list-style-type: none"> • Freedom of Information requests • Data Protection Act requests <p>Enforcement (Unlicensed only)</p> <ul style="list-style-type: none"> • Enforcement action • Travel and surveillance time

	<ul style="list-style-type: none"> • Actions relating to the Enforcement e.g. updating, letters, up to the point of start of prosecution file
<p>Checklist of what charges/activities the legislation <u>does not</u> allow to be recovered. These charges are for information only.</p> <p>These will be entered into Table 2 – Specific charges table in the ‘non-chargeable’ worksheet.</p>	<p><u>Specific Charges</u></p> <p>Out of hours compliance / enforcement (unlicensed only)</p>
<p>Processes</p>	<p><u>Application Process</u> (more detail in process map)</p>