



## FEES TOOLKIT – LEGISLATION OVERVIEW

Subject heading	PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER LICENCES FEES
<p>Legislation</p>	<p><b>LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</b></p> <p><b>S 53(2)</b> This provision gives the council the power to demand and recover, for the <b>grant</b> 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><b>S70 Fees for vehicle and operators' licences</b> requires that if the fees exceed £25 that they must be advertised, <b>S53 (Drivers)</b> does not require this, although it is considered best practice to do so.</p> <p>* <b>R (on the application of Rehman) v Wakefield City Council and the Local Government Association [2019] EWCA Civ 2166</b> 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><b>These will be entered into the 'Central Recharges (excluding direct costs)' field in the cost summary worksheet.</b></p>	<p><b><u>Central Recharges</u></b></p> <ul style="list-style-type: none"> <li>• Accommodation</li> <li>• Internal Recharges (contact centre, finance, I.T, Legal, Democratic, etc)</li> <li>• Welsh Translation costs</li> </ul>
<p>Checklist of possible charges to be included (at discretion of</p>	<p><b><u>Direct Costs</u></b></p> <ul style="list-style-type: none"> <li>• Travel/mileage/subsistence</li> </ul>

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

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

	<ul style="list-style-type: none"> <li>• Actions relating to the Enforcement e.g. updating, letters, up to the point of start of prosecution file</li> </ul>
<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><b><u>Specific Charges</u></b></p> <p>Out of hours compliance / enforcement (unlicensed only)</p>
<p>Processes</p>	<p><b><u>Application Process</u></b> (more detail in process map)</p>