

Rehman v Wakefield City Council Court of Appeal Judgment

The appeal by Wakefield City Council to the judgment outlined in paragraphs 6 to 8 of the report has now been heard and the judgment released on 10th December. Wakefield lost their appeal and this judgment has brought some further clarity to the wider fees issue. The following are headlines from the judgment

- Costs for the enforcement of licensed drivers should not be taken into account when calculating fees for licences for Hackney Carriage and Private Hire Vehicles
- When determining fees, the Council must keep separate accounts for surplus and deficits under each regime i.e. drivers and vehicles
- There should be no cross subsidy between regimes.
- The cost of monitoring and enforcing driver conduct can be included in a driver's licence fee under Section 53(2) of the Local Government (Miscellaneous Provisions) Act 1976. The fee can cover the cost of issue and administration and the judgment indicated that administration extends to the administration of the licence after it has been issued.
- The cost of monitoring and enforcing conditions and requirements of vehicle and operator licences are recoverable under Section 70 of the Local Government (Miscellaneous Provisions) Act 1976.