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SECTION 1 - INTRODUCTION & FEES

1.1 INTRODUCTION

1. Hackney Carriages (Taxis) have for many years been licensed under the provisions of the Town Police Clauses Act 1847. This Act was designed to ensure standards of safety in any vehicle licensed as a Hackney Carriage and to impose controls over people driving them.
2. The adoption of the Local Government (Miscellaneous Provisions) Act 1976 by Melton Borough Council modifies and extends the control over Hackney Carriages and also introduces new powers in respect of Private Hire licences and Vehicle Operators.
3. The following notes have been prepared to assist with the application process for Proprietors, Operators and Drivers of Hackney Carriages and Private Hire Vehicles; they should be used in conjunction with the above Acts and all other relevant legislation.

PLEASE NOTE

- These notes are not intended to be exhaustive and drivers/operators should be conversant with statutory provisions and Melton Borough Council's Hackney Carriage and Private Hire Licensing and Enforcement Policy relating thereto.
- Melton Borough Council reserves the right to add, alter, amend or extend these conditions at any time.
- Failure to comply with conditions may result in a licence being revoked or suspended.
- Contravention of the regulations applicable to Hackney Carriage and Private Hire; Vehicles, Drivers, Proprietors & Operators may render the licence holder liable to prosecution.

For advice or assistance regarding this booklet or any aspect of Hackney Carriage or Private Hire licensing please contact the Licensing Team on 01664 502502.

1.2 LICENCE FEES & CHARGES

Charges apply to the below applications:

1. Licences for Hackney Carriages **or** Private Hire Vehicles
 2. Private Hire Operator's Licences
 3. Combined driving licences
 4. Screening by the Criminal Records Bureau
 5. Screening by the DVLA
 6. Replacement driving licences
 7. Driver knowledge tests
- All fees must be paid before any licence can be issued.
 - Licences (with the exception of a Private Hire Operators Licence) are issued for a maximum period of one year.

NOTE: The above fees and charges are subject to change annually. For current prices please contact Melton Borough Council Licensing Team on 01664 502502 or visit www.melton.gov.uk

1.3 VEHICLE EXAMINATIONS

- Before a licence can be issued any vehicle must undergo an examination at one of Melton Borough Council's approved garages
- The approved garages that carry out the examinations are listed on the licence application form - It is the applicant's responsibility to arrange the inspection with the garage directly.
- Vehicle examinations must be paid for by the applicant directly to participating garages.

SECTION 2 – DRIVERS

2.1 DRIVERS' LICENCES

1. An application for a Hackney Carriage/Private Hire driving licence should be made on the appropriate form which is available from Melton Borough Council or at www.melton.gov.uk.
2. To obtain a medical certificate an applicant will be provided with a medical questionnaire which needs to be completed by a doctor. It is the applicant's responsibility to arrange and pay for this directly with the surgery.
3. All applicants will be required to undergo a criminal conviction check through the Criminal Records Bureau and DVLA. The appropriate forms are available from Melton Borough Council.
4. Any applicant should have held a full European Union driving licence for a minimum of 3 years.
5. All applicants are to undertake either accredited Disability Awareness Training or undergo an assessment by the Licensing Officer to determine whether any previous training received is sufficient to meet this need. Other equalities training may also be required from time to time.
6. All new applicants will undergo a knowledge test before a driver's licence is issued. The test comprises of 3 sections namely, Local Area, Highway Code and Local Conditions. The Council reserves the right to test existing licensed drivers where it is deemed to be necessary.

Hackney Carriage Variations

1. None

Private Hire Variations

1. None

2.2 REQUIREMENTS FOR LICENSED DRIVERS

A driver's licence needs renewing annually and it is the driver's responsibility to ensure it is renewed before its expiry date. **Other than in exceptional circumstances, if a driver's licence is allowed to expire the full application process must be repeated including medical, CRB etc.**

All drivers MUST familiarise themselves with the rules and regulations set out in the Hackney Carriage and Private Hire Licensing Policy. This includes a Code of Good Conduct and other important information. This document is available from Melton Borough Council or at www.melton.gov.uk.

Below are a number of these regulations for quick reference.

1. The badge/drivers licence provided by Melton Borough Council is to be worn at all times when drivers are plying or driving for hire. It should be worn in such a position and manner as to be plainly visible.
2. A driver must attend punctually when hired unless delayed or prevented by some sufficient cause.
3. All drivers are to present themselves to fares with a clean and tidy standard of dress and appearance. They must behave in a civil and orderly manner at all times, taking all reasonable precautions to ensure the safety of their passengers.
4. All drivers must carry assistance dogs, belonging to passengers, free of charge unless they have a proven medical condition that would preclude such action. A driver must advise their employer and Melton Borough Council accordingly if such a condition affects them.
5. If requested, a driver shall assist a fare with the loading and unloading of a reasonable quantity of luggage and shall afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which they may take up or set down such a person.
6. In the case of an estate car, a driver shall take appropriate steps to secure luggage in the rear loading area, this will be away from any passengers in order to prevent accident or injury from loose items.
7. Immediately after the termination of any hiring, or as soon as practicable, a driver shall search the vehicle for any property which may have been left. If such property is found, it must be handed in to the nearest Police Station.

8. Upon request by an Authorised Officer, a driver must produce their licence forthwith or within 5 working days.
9. Any driver shall disclose in writing, to the Council, within 7 days details of any convictions/cautions/prosecutions or endorsements imposed on him/her.

Hackney Carriage Variations

1. A driver must only rank at one of the stands allocated by the Council for this purpose.
2. When hired, a driver must proceed, unless otherwise directed, to the destination by the shortest, legal and most practicable route.
3. Any driver shall be entitled to demand the rate or fare calculated by distance, prescribed by the table of fares and shall ensure that this table of fares is exhibited in his/her vehicle at all times.

Private Hire Variations

1. None

2.3 RESTRICTION ON DRIVERS

1. Drivers shall not act as a driver of any licensed Hackney Carriage/Private Hire Vehicle within the district without the benefit of a current Hackney Carriage/Private Hire driver's licence.
2. A proprietor or driver shall not convey or permit to be conveyed in such a carriage a greater number of persons than that specified in the licence and displayed on the vehicle.
3. Unless the vehicle is purpose built a driver shall not allow there to be, conveyed in the front of a Hackney Carriage/Private Hire Vehicle:-
 - a. Any child below the age of ten years; or
 - b. More than one person above that age.

4. A driver must not permit any person to ride in the car without the hirer's consent.
5. A driver must not eat in the vehicle without express consent of the hirer.
6. A driver must not play any radio (other than for the purpose of sending or receiving messages in connection with the operation of the vehicle) without express consent of the hirer.
7. A driver must not use a mobile telephone whilst driving unless a hands free system is in use.

Hackney Carriage Variations

1. A driver shall not leave the licensed vehicle unattended at any point whilst in the course of duty.
2. A driver shall not importune any person to hire the cab by calling out or otherwise when standing or plying for hire.

Private Hire Variations

1. A driver shall not stand or ply for hire, or importune by any means any person to hire their car.

SECTION 3 – VEHICLES

3.1 VEHICLE SPECIFICATIONS

The following provisions will be applied to the granting of a Hackney Carriage or Private Hire Vehicle licence:-

1. Vehicles must not have less than 1250 c.c. engine capacity and must be fitted with four road wheels; it must have at least three passenger doors (excepting Austin FX4 London Type cabs) with separate driver's access.
2. Other than in exceptional circumstances and save for purpose built vehicles and conversions approved by the Public Carriage Office:
 - a. All vehicles on first registration must be less than 6 years old on the date of application for the Licence.
 - b. Vehicles over 8 years old, but less than 10 years old on the date of application, can continue to be licensed provided the vehicle passes two tests per year (the test to be six months apart).
 - c. No vehicle over the age of 10 years at the date of application will be licensed.
 - d. The age of vehicles will be judged by, so far as can be ascertained, the date of manufacture or first DVLA registration of the vehicle.
3. The vehicle must be suitable for carrying not less than 3 passengers in comfort and in addition have adequate luggage space.

On request by an Authorised Officer the vehicle licence and its certificate of insurance must be produced for inspection.

Other than in exceptional circumstances, if a vehicle licence is allowed to expire the full application process must be repeated.

Hackney Carriage Variations

1. The vehicle shall bear a roof sign indicating whether or not the vehicle is "for hire."

Private Hire Variations

1. The vehicle must not be of a design or appearance as to lead any person to believe that it is a Hackney Carriage.
2. No roof signs are to be fitted to the vehicle.

3. Two Melton Borough Council signs will be issued to each Private Hire Vehicle. These must be displayed on both sides of the vehicle, in the same position and should be placed on either the rear doors or the rear wing sections.
4. Magnetic or permanent signs, of a uniform size and design, may be affixed to the doors of each side of the vehicle. The information contained thereon must be confined to the name, address, telephone number and company logo of the operator. Advice and approval of any signage must be sought by an Authorised Officer prior to its application on the vehicle.

3.2 METERS & FARES

Hackney Carriage Variations

1. All Hackney Carriages must have an electronic fare meter fitted. The Council's approved Agent is

N. & J. Pitt Taxi Meter Sales & Service,
9 Church Street,
Old Basford,
Nottingham,
NG6 0GA
(Telephone 01159 785 861)
2. The Agent will calibrate and seal the meter on the Council's behalf in accordance with the current table of fares. A certificate will be provided by N & J Pitts and this must be produced to the Licensing Section on request.
3. All meters are to be calibrated, tested and sealed annually, or on the date specified by Melton Borough Council. The cost will be borne by the vehicle owner.
4. The fare meter shall be so wired as to cancel the illuminated "for hire" sign when the meter is put into the "on" position.
5. A proprietor or driver of a Hackney Carriage shall not tamper with, or permit any person to tamper with the fare meter in any way and must ensure the seals remain intact. If the fare meter is found to be defective, repairs may be carried out, in which case the Council should be informed within 24 hours.

6. Melton Borough Council reserves the right to test, all aspects of the meter at their discretion.
7. Hackney Carriages summoned by telephone or radio may not make booking charges and may not make other "unoccupied running" charges. The hiring does not commence until the passenger enters the vehicle.
8. Fares charged for journeys within the Borough, other than on the fare meter, may not be higher than that charged in the table of fares set by Melton Borough Council.
9. Fares for journeys outside the Borough will continue to be negotiable between hirer and driver, but where no fare is agreed in advance of such a journey, the charge is limited to that indicated on the fare meter in accordance with the legal fare structure.

Private Hire Variations

1. It is not obligatory for a fare meter to be fitted to a Private Hire Vehicle but any Private Hire vehicle so equipped shall not be used for hire in a controlled district unless the fare meter has been tested and approved by the Council.

3.3 VEHICLE REQUIREMENTS

1. The address of every place where the vehicle is kept when not in use must be given to Melton Borough Council.
2. A licence plate (the property of Melton Borough Council) shall be fixed on the outside of the vehicle at the rear, in a clear and prominent position.
3. The above plates must be securely attached to the vehicle by either using a bracket, or any other method, which has been approved by an Authorised Officer. If screwing the plate to the bodywork this should be checked by a MOT approved garage or vehicle manufacturer to ensure the safety of the vehicle is not affected.
4. The licence number plate must be displayed in a clean condition at all times and not defaced in any way.
5. A licence number disc shall be displayed on the windscreen, inside the vehicle.

6. A clear notice providing instructions on how a fare can complain must be displayed, inside the vehicle and made visible to all passengers. This will be issued by Melton Borough Council.
7. The interior and exterior of the vehicle shall be kept clean, tidy and fit and safe for public service.
8. All vehicles are to be completely Non-Smoking at all times.
9. An approved type of fire extinguisher must be readily available for use. The specification for this has been set by Melton Borough Council and is available upon request.
10. An approved first aid kit must be carried in the vehicle and be readily available for use.
11. Unless approved by an Authorised Officer, no advertising matter shall be placed on any window of the vehicle.
12. No mobile telephone numbers are to be displayed on the vehicle.
13. Any accident causing damage materially affecting the safety, performance or appearance of the vehicle must be reported to the Licensing Authority within 72 hours. Its continued use may be prohibited if an Authorised Officer deems such action necessary.
14. On revocation or expiry of any suspension notice, served upon a driver or proprietor in connection with an offence, Melton Borough Council may require the proprietor of that vehicle, to return the licence plate within 7 days (this being if the prosecution would render a proprietor liable to a fine on conviction).

Hackney Carriage Variations

1. A current Hackney Carriage Table of Fares card, issued by Melton Borough Council, shall be displayed inside the vehicle and made visible to all passengers.

Private Hire Variations

1. None

3.4 VEHICLE INSPECTIONS

1. Before a licence is issued, the vehicle must be presented for, and pass an examination for its mechanical and general suitability for use as a Hackney Carriage or Private Hire Vehicle, the cost of which shall be borne by the applicant. Meter serial numbers and all other information will be recorded by the garage staff on an appropriate form then submitted to the Council.
2. After the above test the vehicle must then be presented to an Authorised Officer for further inspection and vehicle plate allocation.
3. The proprietor of a licensed vehicle may be required to present the vehicle for inspection and testing up to 3 times in any 12 month period if so directed by an Authorised Officer.
4. Roadside checks may be carried out and vehicles are liable to be suspended until any necessary work has been completed. If the vehicle is not brought up to standard within 2 months the licence is deemed to be revoked.
5. The roadside checks will be carried out by Melton Borough Council in association with the Police, VOSA (Vehicle Operator Services Agency) and/or any other relevant agencies deemed appropriate.

Hackney Carriage Variations

1. None

Private Hire Variations

1. None

SECTION 4 - PRIVATE HIRE OPERATORS

4.1 PRIVATE HIRE OPERATORS' LICENCES

1. No person shall operate a Private Hire Vehicle in a controlled district, without holding a current Operator's Licence.
2. The Local Government (Miscellaneous Provisions) Act 1976 requires that a licence should be held by the proprietor of each Private Hire Vehicle and by each person who acts as a driver of a Private Hire Vehicle or by an operator of Private Hire Vehicles who in the course of business provides for the invitation and acceptance of bookings for such vehicles.

3. All bookings for Private Hire Vehicles must be made in advance of the hiring at the proprietor's business premises.
4. The premises from which the holder of an Operator's Licence conducts his business must be registered with Melton Borough Council and shall have planning permission for office or commercial use. The operator must comply in every respect with the requirements of the current Town Planning Legislation.
5. There must always be a Melton Borough landline number available for Advance Bookings – a mobile number alone will not be deemed satisfactory.
6. Every person, to whom such a licence has been granted, shall keep records which show:
 - the date and time of each hiring undertaken
 - the name and address of the hirer
 - which licensed vehicle was used
 - the identity of the driver
 - the start and finish locations of the journey
 - the number of passengers carriedThese records must be produced to an Authorised Officer on request.
7. No bookings may be taken whilst the driver is in the process of conveying a fare.
8. Every contract for the hire of a licensed Private Hire Vehicle shall be deemed to be made with the operator who accepted the booking, whether or not he himself provided the vehicle.
9. An Operator's Licence shall be valid for two years, whereupon applications for renewal must be made on the appropriate form.
10. Any Operator shall, within 7 days, disclose to the Council, in writing, details of any conviction/cautions/prosecutions or endorsements imposed on him/her.

4.2 PRIVATE HIRE EXEMPTIONS

1. Section 75(2) provides that a Private Hire Vehicle and driver licensed under Part 2 of the Local Government (Miscellaneous Provisions) Act

2. Under Section 75(1) (a), a vehicle from a district where no control under Part 2 operates (and consequently no Part 2 licences are issued) may bring passengers into a controlled district and set them down as required or take them in transit through the controlled district provided that the contract for hiring was made outside the controlled district and provided that the vehicle is not made available for hire within the district.
3. The Road Safety Act 2006 has repealed section 75 of The Local Government (Miscellaneous Provisions) Act 1976; following this all vehicles and drivers that carry eight or less passengers, where commercial benefit is obtained, must be licensed. Vehicles used solely for weddings and funerals remain exempt from licensing. This advice is given following guidance from Department of Transport. Any person in any doubt about whether a vehicle should be licensed should contact Melton Borough Council Licensing Team or take independent legal advice.
4. In certain circumstances an exemption may be granted so Private Hire Vehicles do not have to display their Vehicle Licence Plate. In order to obtain this, an application must be made to the Licensing Officer. If issued the exemption certificate must be kept in the vehicle at all times and must be produced when the vehicle test is carried out. Failure to apply for the exemption or produce at one of the Approved Garages will delay the application process.

SECTION 5 - GENERAL NOTES

5.1. PROLONGED JOURNEYS

No person being a driver of a Hackney Carriage or Private Hire Vehicle shall without reasonable cause, unnecessarily prolong in distance or in time the journey for which the vehicle has been hired.

5.2. HACKNEY CARRIAGES USED AS PRIVATE HIRE

A licensed Hackney Carriage may be used for a Private Hire journey provided that: -

- a. The Hackney Carriage driver is also licensed as a Private Hire driver;
- b. The rate of fares or charges must not be greater than those fixed in the Table of Fares approved by the Melton Borough Council for journeys within the Borough;

- c. When any such Hackney Carriage is so used, the fare shall be calculated from the point in the district at which the hirer commences his/her journey i.e. at the "pick-up" point NOT, for example, at the depot (Local Government (Miscellaneous Provisions) Act 1976 S.67).

5.3 PROHIBITION OF OTHER VEHICLES ON HACKNEY CARRIAGE STANDS

No person shall cause or permit any vehicle other than a Hackney Carriage to wait on any Taxi Rank during the period for which the rank has been appointed.

5.4 TRANSFERS OF HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE LICENCES TO ANOTHER PERSON

The Council's consent must be obtained before the negotiations for the transfer of a licence are commenced. If the proprietor of a Hackney Carriage or Private Hire vehicle wishes to transfer his interest to another person, he shall give 14 days notice in writing to Melton Borough Council, specifying the name and address of the person with whom negotiations are to take place for the transfer of the Hackney Carriage or Private Hire licence.

5.5 OBSTRUCTION

To obstruct an Authorised Officer or Police Officer, to fail (without reasonable excuse) to comply with the proper requirement of such Officer or (without reasonable excuse) to fail to give such an officer any assistance or information which in the course of his duties he/she may require, is an offence; and the making of false statements in giving such information is an offence.

5.6 UNAUTHORISED DRIVERS

Unauthorised persons should not be permitted to drive a vehicle being operated as a Hackney Carriage or Private Hire Vehicle. It is a criminal offence to allow any person who has not obtained the appropriate licence to drive a Hackney Carriage or Private Hire Vehicle. Furthermore, there are certain insurance offences arising from such actions.

5.7 PENALTIES

Any person, who contravenes the provision of the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976, is liable, on conviction, to a fine and/or suspension or revocation of a licence.

5.8 SUSPENSION NOTICES

Under sections 60 & 68 of the Local Government (Miscellaneous Provisions) Act 1976, a district council has the power to inspect and test the fitness of a licensed vehicle and if necessary it may suspend, revoke or refuse to renew the licence.

5.9 COMPLAINTS

Melton Borough Council will thoroughly investigate any complaint received regarding Licensed Drivers, Operators or Vehicles and where necessary the appropriate action will be taken in line with the local Enforcement Policy. Other than in certain circumstances a complainant's details will remain confidential; an anonymous complaint however will only be noted and not acted upon.

SECTION 6 - CODE OF GOOD CONDUCT FOR LICENSED DRIVERS

Responsibility to the Trade

Licence Holders shall promote the image of Hackney Carriage and Private Hire Trade by:

- Complying with this Code of Good Conduct;
- Complying with their licence conditions and the Council's Hackney Carriage and Private Hire Licensing Policy;
- Behaving in a civil, orderly and responsible manner at all times.

Responsibility to the public

Licence Holders shall:

- Maintain their vehicles in a safe and satisfactory manner at all times;
- Keep their vehicles clean and suitable for hire to the public at all times;
- Attend punctually when undertaking a pre-booked hiring;
- Assist, where necessary, passengers into and out of vehicles;
- Offer passengers reasonable assistance with luggage or belongings.

Responsibility to Residents

To avoid nuisance when picking up or waiting for a fare, a driver shall:

- Not sound the vehicle's horn illegally;
- Keep the volume of radio or music playing to a minimum;
- Switch off the volume if required to wait;

- Take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.

At taxi ranks and other places where Hackney Carriages ply for hire by forming queues, drivers shall, in addition to the requirements above:

- Rank in an orderly manner and proceed in order along the rank in order and promptly;
- Remain in the vehicle;

At Private Hire Offices a licence holder shall:

- Not undertake servicing or repairs to vehicles;
- Not allow their radios or other music etc to cause disturbance to residents of the neighbourhood;
- Take whatever additional action is necessary to avoid disturbance to the neighbourhood which might arise from the conduct of their business.

General

Drivers shall:

- Not swear or make remarks that are of a personal, sexual or racist nature or which could be judged to be offensive in any way;
- Pay attention to personal hygiene and dress so as to present a professional image to the public;
- Be polite, helpful and fair to passengers;
- Drive with care and use consideration for other road users and pedestrians and in particular shall not use a hand held mobile phone whilst driving;
- Obey all Traffic Regulation Orders and directions at all times;
- Not smoke in the vehicle;

- Not consume alcohol immediately before, or at any time whilst driving or whilst in charge of a Hackney Carriage or Private Hire vehicle;
- Not drive while having used legal or illegal drugs;
- Fulfil their responsibility to ensure compliance with legislation regarding the length of working hours.

PLEASE NOTE

ANY AMOUNT OF ALCOHOL OR DRUGS CAN AFFECT A DRIVER'S JUDGEMENT.

THIS COUNCIL SHALL TAKE A VERY SERIOUS VIEW OF ANY DRIVER BEING FOUND TO HAVE HAD ANY ALCOHOL OR HAVING USED ANY DRUGS WHILST IN CHARGE OF A LICENSED VEHICLE.

Discipline and Enforcement

Drivers should be aware of the powers of the Council to take action, by way of suspension, revocation or refusal to renew a driver's licence where:

- The driver has been convicted, since the grant of the licence, of an offence involving dishonesty, indecency or violence;
- The driver has been convicted of an offence under the legislation or Hackney Carriage and Private Hire Licensing. Policy relating to taxi regulation;
- There is a breach of condition or this code.

Dress Code for Licensed Drivers

Melton Borough Council is committed to encouraging the professional image of the Hackney Carriage and Private Hire trade, and considers that drivers of licensed vehicles should conform to a minimum standard of dress.

These standards are not imposed by way of conditions on any licence but it will be expected that this standard will be maintained by drivers at all times:

- All drivers are requested to dress smartly and maintain a clean and tidy appearance;
- All clothing and footwear should be clean and not damaged;
- No logos or graphics which might offend;
- It is recommended that female drivers should not wear short skirts for personal safety reasons.

SECTION 7 - INTERPRETATION OF TERMS USED IN THE NOTES

Authorised Officer	means any officer authorised by the Council for the purpose of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
Controlled District	means any area in which the Local Government (Miscellaneous provisions) Act 1976, is in force.
Daily Fine	means a fine for each day during which an offence continues after conviction.
Proprietor	includes a part-time proprietor and in relation to a vehicle which is the subject of hiring or hire purchase agreement, means the person in possession of the vehicle under the agreement.
Fare Meter	means any device for calculating the fare to be charged in respect of any journey in a Hackney Carriage by reference to the distance travelled or time elapsed since the start of the journey or combination of both.
Drivers Badge	means in relation to the driver of a Hackney Carriage or Private Hire vehicle any badge issued by the Council to identify the wearer as a licensed driver.

Hackney Carriage

has the same meaning as in the Town Police Clauses Act 1847 Section 38, i.e. "Every wheeled carriage whatever may be its form or construction, used in standing or plying for hire in any street within the prescribed distance, and every carriage standing upon any street within the prescribed distance, having thereon any numbered plate required by this or the special Act to be fixed upon a Hackney Carriage, or having thereon any plate resembling or intended to resemble any such plate as aforesaid, shall be deemed to be a hackney carriage within the meaning of this Act; and in all proceedings at law or otherwise the term "Hackney Carriage" shall be sufficient to describe any such carriage."

Operate

means in the course of business to make provisions for the invitation and acceptance of bookings for a Private Hire vehicle; "operator" is to be construed accordingly.

Private Hire Vehicle

means a motor vehicle constructed or adapted to seat 8 passengers or less, other than Hackney Carriage or Public Service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers.

NOTES