

Plying for Hire by Private Hire Vehicles

The first subject in this newsletter is to clarify some misunderstandings that may have been circulating regarding private hire vehicles illegally plying for hire.

Some of you may be aware that the council took a prosecution against a licensed private hire vehicle driver for unlawfully plying for hire at Cwmbran Railway Station. The driver was convicted and fined £1000 for the offence and ordered to pay a contribution to costs of £1160 and £100 victim surcharge.

The council has previously prosecuted a different driver for plying for hire in the bus terminus at Cwmbran Shopping, the driver took a fare that approached them and made the booking for them.

In this case the driver stopped on the taxi rank in front of the station allegedly for another purpose but when approached instead of refusing to take the fare the booking was made on the drivers own phone.

One of the matters referred to by the magistrates when they announced their decision is with regard to pre-booking. They considered was the point when the driver assisted the hirer to make a booking with her operator was going beyond accepting a pre-booked fare and was plying for hire.

One of the matters that was brought up with this case was confusion some years back as to whether the railway station could be classed as a street to support a prosecution and some conflicting advice was given by the licensing office that initially suggested it was not.

The council has now reviewed this suggestion and it is now of the opinion that the railway station is a place where the public

have access to get a taxi and is therefore a place where the council can take action. The council can and will prosecute anyone found plying for hire on the taxi rank or anywhere in the area of the station building.

The matters that all private hire drivers must consider are:-

1. If you park anywhere that people congregate (e.g. a shopping area, railway station, outside of a pub or on a bus stop) where people would be likely to approach a car marked for hire you are plying for hire as you are exhibiting the car with driver for hire. You do not have to take a fare to be guilty of the offence.
2. If you are approached by someone wishing to book you the answer is **NO** as you cannot take fares that are not pre-booked.
3. If you do assist the person to book the fare, e.g. offer them your phone to make the booking you are facilitating the booking and therefore plying for hire.
4. The railway station is a place where you may wish to go to buy refreshments from the coffee shop. Whilst it is perfectly OK for you to do so, you must not park on the taxi rank or in any place where people frequenting the station could be attracted to your car to hire you. This includes the bus stop in front of the building. It appears that some believe that it is OK to park by the telephone kiosk, **IT IS NOT**.
5. The council's licensing officers will not give any guidance on where it is OK to park up, but if sufficient evidence to support a prosecution is available we will not hesitate to pursue a prosecution where it is considered appropriate.

6. The council accepts that private hire vehicles have to park up when not actually carrying a fare or driving to or from a job. You must pick your locations carefully, out of sight of areas where people congregate and may approach you.

Disclosure and Barring Service checks

Recently some Disclosure and Barring Service (DBS) certificates have taken a long time to come back, sometimes over 2 months. As a result a number of drivers have recently been unable to work as we will not renew a drivers badge without a DBS.

It is very important that you submit your DBS application to us as soon as you receive it, we will not be responsible for delayed disclosure certificates.

Have you considered registering for the DBS update service to avoid delays in future. All you have to do is register online once you have submitted your application form to us. For further information visit the following website

<https://www.gov.uk/government/publications/db-update-service-applicant-guide>

Hackney Carriage Roof Signs

A reminder to all hackney carriage proprietors, it is a condition of your licence in the council's policy that all hackney carriages (Taxi or Taxis) must have a roof sign fitted on their vehicle at all times whilst the vehicle is being used for hire.

The council understands that when the vehicle is parked and not being used they are removed to prevent damage, but they must be replaced as soon as the vehicle is used.

Change in Our Contact Hours and Service to You.

Just a reminder as our staff numbers diminish we have to re organise our service delivery to enable us to prioritise our workload. We have changed the times that you can call without an appointment, we are now only open for

personal callers without an appointment between 9:00 am and 12:00 pm Monday to Friday.

We have also set up our main telephone 01633 647286 with a message if we are not available. It is not possible to leave messages on this service and we cannot guarantee availability of officers to answer your call at all times. The general office hours remain as 8:30 am to 5 pm Monday to Thursday and 8:30 am to 4:30 pm on Fridays.

Delivery of signs and plates to garages is only guaranteed by 2:00 pm the following day, although we will always do our best to deliver them as soon as possible.

Get Ready for Winter Safety checks

Your cars work hard and require regular maintenance and checks to ensure they are safe to be on the road.

Don't forget to check your car before you take it out to work. Especially lights and tyres, in bad weather being seen by having all lights working and being able to stop without skidding into another vehicle or person.

It is your responsibility as either the driver or owner or operator to ensure all vehicles are in a roadworthy and safe condition.

Points on your Driving Licence

If you receive points on your driving licence or any other conviction or fixed penalty you MUST inform the licensing team. If we find out on renewal application it may delay your renewal which means you may be stopped from driving licensed vehicles until it is considered by the licensing panel.

If you want further information on this or any other matter the licensing team can be contacted in the following ways

- Telephone ~ 01633 647286
- Email ~ licensing@torfaen.gov.uk
- Website ~ www.torfaen.gov.uk/licensing