



## **Plying for Hire.**

### **Taxi Compliance Officer Information Sheet 13**

*This is a complicated area of law, and since the law was written in 1847 there has been no clear definition in Law of the offence. The following information addresses the practicalities of the topic for the benefit of drivers, rather than a technical or academic review of the law.*

#### **What is “Plying for Hire” ?**

Many drivers refer to it as “flying” or “pirating”. There is no legal definition, but in essence it refers to being available or making journeys for hire and reward without a booking, by Private Hire Drivers and Hackney Carriage Drivers who are outside their licensing area. Technically, Standing for Hire is when a driver is parked, and Plying for Hire is when they are moving but it is common practice to just refer to these activities as “Plying”. If a driver were actively approaching people offering journeys, that may be an offence of “Touting for Hire”. Drivers giving their own telephone numbers to passengers to “book” future jobs with them direct without using an Operator is a separate offence.

#### **Law**

Many cases have been to Court over the years, and the key points from these cases are that a vehicle must appear to be ready to hire and the driver must be with the vehicle and willing to take a passenger. Extra weight is given to the case if the vehicle is parked outside a club, pub, shop or hotel. Parking on or near a Taxi Rank is strong evidence of Plying. Drivers are not allowed to call the booking through on the customers behalf, they can only offer the telephone number or App details for the potential passenger to make the booking themselves. A genuine mix up in the booking would not be Plying. Money does not have to be given to the driver, just an agreement that the driver will be paid for the journey.

A successful prosecution needs evidence “beyond reasonable doubt” and a vehicle simply parked in a particular location may not be enough evidence by itself.

#### **Council action**

Bristol City Council will generally require drivers suspected of Plying to appear before Committee, and a suspension or revocation is likely if the matter is proved “on the balance of probabilities”.

South Gloucestershire Council have a penalty points scheme, and may impose points rather than consideration by sub-Committee.

## Police action

Most “plyers” I deal with are identified through vehicle stops conducted at random or intelligence led where a customer is found in the vehicle and there is no booking in place. Some are detected through test purchasing and some by information given by other drivers. Insurance companies cover private hire work where it is in accordance with the law and licensing conditions, and so if a driver acts outside this, then the insurance is invalidated for that journey. I generally deal with the No Insurance issue by a Fixed Penalty Notice of £200 and 6 DVLA penalty points and then refer the Plying offence to the Council for action. However, there are occasions when all matters are prosecuted at Court, and those of you on the Taxi Cop WhatsApp groups get updated about those cases.

## Test purchasing

Although I prefer to detect these offences by routine vehicle checks, there are occasions when we use “undercover” officers. There are clear rules for this work which we adhere to. Drivers are never coerced, persuaded or pressured into taking officers on the journey (despite what you may have read in some inaccurate reports in the press recently). This work does not infringe the Human Rights Act and is lawful.

## Top Tips for Drivers :

- If possible, keep your doors locked.
- Before letting a passenger into your vehicle make sure they are the correct person. Ask for their name to make sure it's the one given on the booking.
- If asked for a journey, give the customer the details of how to make the booking themselves, perhaps by giving them the Operator's business card. Do not call your Operator for them, or give the customer your phone.
- Do not park on or near a taxi rank.
- Avoid parking outside pubs, shops and hotels etc if you do not have a booking.

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*This is one of a series of information sheets produced for the benefit of Driver, Vehicle and Operator licence holders by Police Constable 4645 Patrick QUINTON, Taxi Compliance Officer, The Bridewell Police Station, Bristol, BS1 2AA*

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