

Citizen Participation and Public Petitions Committee

9th Meeting, 2023 (Session 6), Wednesday
31 May 2023

PE1960: Formally recognise private hire cars and taxis as modes of public transport

Lodged on	8 September 2022
Petitioner	Edward Grice on behalf of the Scottish Private Hire Association (SPHA)
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to formally recognise private hire cars and taxis as modes of public transport and to enshrine such recognition in law.
Webpage	https://petitions.parliament.scot/petitions/PE1960

Introduction

1. The Committee last considered this petition at its meeting on [7 December 2023](#). At that meeting, the Committee agreed to write to the Scottish Government, the Society of Chief Officers of Transportation Scotland, the Confederation of Passenger Transport, and Heads of Planning Scotland.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received new responses from the Confederation of Passenger Transport (CPT), the Scottish Government and the Petitioner, which are set out in **Annexe C**.
4. Heads of Planning Scotland declined to provide a formal response, indicating that they would defer to the views of the Society of Chief Officers of Transportation Scotland on this matter.
5. Written submissions received prior to the Committee's last consideration can be found on the [petition's webpage](#).

6. Further background information about this petition can be found in the [SPICe briefing](#) for this petition.
7. The Scottish Government's initial position on this petition can be found on the [petition's webpage](#).
8. Every petition collects signatures while it remains under consideration. At the time of writing, 72 signatures have been received on this petition.

Action

The Committee is invited to consider what action it wishes to take.

Clerk to the Committee

Annexe A

PE1960: Formally recognise private hire cars and taxis as modes of public transport

Petitioner

Edward Grice on behalf of the Scottish Private Hire Association (SPHA)

Date lodged

8 September 2022

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to formally recognise private hire cars and taxis as modes of public transport and to enshrine such recognition in law.

Previous action

We have raised and discussed the issue with Jackson Carlaw MSP and with Katy Clark MSP.

Background information

Private hire cars and taxis provide a valuable service to the public and play an important part in local transport. They are used by all social groups for a variety of transit needs. Unlike other forms of transport, such as buses, trams or trains, private hire cars and taxis provide an on-demand service from point-to-point rather than operating to fixed routes or timetables. Although private hire cars and taxis fulfil needs that cannot be met by fixed-service systems, they are often overlooked by planners and policymakers in comparison with other modes of transport. This has sometimes led to the private hire and taxi trade not being included in public transport stakeholder groups and a lack of meaningful engagement, and sometimes consultation, on decisions that affect the services they provide.

Annexe B

Extract from Official Report of last consideration of PE1960 on 7 December 2022

The Convener: PE1960, calling on the Scottish Parliament to urge the Scottish Government to formally recognise private hire cars and taxis as modes of public transport and to enshrine such recognition in law, is lodged by Edward Grice on behalf of the Scottish Private Hire Association

The SPHA tells us that private hire cars and taxis provide a valuable service and play an important role in local transport. The SPHA goes on to tell us that, despite that, they are often overlooked by planners and policymakers in comparison with other modes of transport, which has led to their being excluded from public transport stakeholder groups and has prevented meaningful engagement on decisions affecting the services they provide.

In responding to the petition, the Scottish Government highlights that there is no legal definition of public transport and that each transport mode is subject to specific legislation. In the Government's view, that means there is no obvious legislation that could be amended to enshrine the definition in law and to set out the relationship between the different transport sectors and local and national Government.

However, the Government states that it considers the provision of taxis to be a vital part of the transport system and that it will continue to engage with industry representatives on matters such as low-emission zones and licensing.

We heard from taxi owners during a previous evidence session, and this idea flitted in and out of the conversation. Do members have any suggestions as to how we might proceed?

Alexander Stewart: I think that we should take more evidence on the subject. I suggest that we write to the Society of Chief Officers of Transportation in Scotland, the Confederation of Passenger Transport, and Heads of Planning Scotland, seeking their views on the petition and asking how the views of the taxi and private hire trade are included in their decision-making processes, what scope there is to include the taxi and private hire trade in public transport stakeholder groups, and how engagement and consultation on decisions that affect the services that they provide could be improved.

I suggest that we also write to the Scottish Government to seek an update on what is happening with the short-life working group and to ask for further information on any action that is being undertaken to improve engagement between the taxi and private hire industry and the planning and licensing authorities. That would give us an indication of where we are in the process.

The Convener: I am happy to support that. Are colleagues willing to support those suggestions?

Fergus Ewing: I have a small addendum to Mr Stewart's recommendation, which I entirely support. The Scottish Government's short-life working group includes representatives of the taxi and private hire trade as well as representatives from Transport Scotland, local authorities and Unite the Union. Could we ask the Government to specify who those representatives are and whether they are sufficient? Is the group rather top-heavy with people from public sector bodies and not sufficiently representative of the range of interests in the taxi and private hire sector? Could we ask the Scottish Government whether the membership of the short-life working group might be extended to include greater representation from the people whose lives and businesses are affected?

The Convener: That seems a sensible proposition. Are we content with that?

Members *indicated agreement.*

Annexe C

Confederation of Passenger Transport (CPT) Scotland submission of 16 December 2022

PE1960/B: Formally recognise private hire cars and taxis as modes of public transport

Thank you for your letter of 9 December 2022 seeking the views of the Confederation of Passenger Transport on the above petition, considered by the Committee on 7 December.

The Confederation of Passenger Transport (CPT) Scotland is the trade association for the bus and coach sectors. CPT facilitates and represents a dynamic bus and coach industry in Scotland to provide better journeys for all, creating greener communities and delivering economic growth. We do this by representing over 100 members in Scotland from across the industry be they large or small, bus or coach, operator or supplier. We campaign for a supportive policy environment, give our members practical advice and support to run their businesses safely, compliantly, and efficiently and bring the industry together to share ideas and best practice.

At both Scottish and UK level CPT decision making is led by Committees comprised of representatives from our membership of operators and suppliers. In addition to this we are members of, and lead, various stakeholder groups in the bus and coach sphere (for example the Scottish Government's current Bus Taskforce and its accompanying subgroups), in the wider public transport space, and in other connected policy areas including climate change and public health.

Your letter asks how the views of the taxi and private hire trade are included in our decision-making processes; what scope there is to include the taxi and private hire trade in public transport stakeholder groups; and how engagement and consultation on decisions that affect the services provided by taxi and private hire industry could be improved.

On the first question, CPT Scotland looks to understand the views and concerns of those who share the roads with buses and coaches, but

there is no formal role for taxi and private hire in our organisational structure, as we only represent the coach and bus sector.

In terms of the scope to include the taxi and private hire trade in public transport stakeholder groups, given that they are by name a 'private' vehicle it may be more appropriate that the trade is represented in wider transport groups and forums at national and local level consulting on and making decisions about the roads and vehicles they use.

Finally, on improving engagement and consultation on decisions that affect the services provided by the taxi and private hire industry, the petitioner does not specify which issues, but the solution is more likely to lie in building and maintaining relationships with the planning and policy colleagues they mention, at local and national level through representative groups, in the same way that CPT does on behalf of our members.

We are sympathetic to the petitioner's concern that their sector is not being fully engaged with and consulted with on transport issues which affect their members, and appreciate they provide a valuable service. However, we do not agree that classifying individual, private, cars as modes of public transport in policy and planning discussions will help achieve the Scottish Government's stated desire to reduce car kilometres. For example, treating services such as the private cars used by Uber and Lyft as a form of public transport and allowing them to, for example, utilise bus lanes while carrying a small number of passengers would negatively impact any benefits to reliability and reduced emissions associated with bus priority measures.

I hope this is helpful to you – please let me know if we can provide any further information.

Scottish Government submission of 19 January 2023

PE1960/C: Formally recognise private hire cars and taxis as modes of public transport

Thank you for your letter of 9 December 2022 to Transport Scotland advising that the Citizen Participation and Public Petitions Committee considered petition [PE1960](#) at its [meeting](#) on 7 December 2022.

At that meeting, the Committee agreed to write to the Scottish Government to request an update 'on the work of the Short Life Working Group' (SLWG), and further information on any action being taken to improve the engagement between the taxi and private hire industry and planning and licensing authorities. Committee Members are also seeking information on the membership of the SLWG, specifically who in the group represents the private hire and taxi trade. The Committee has also requested that the Scottish Government consider the scope to widen the membership of this group to ensure greater representation from those in the private hire and taxi trade whose livelihoods and businesses are affected by its decisions.

As the SLWG that the Committee refers to is led and managed by the Scottish Government Justice Directorate, I have been asked to reply.

It may be helpful to clarify at the outset that the SLWG is not considering issues relating to the recognition, or otherwise, of private hire vehicles and taxis as being modes of public transport. This is because the SLWG was established for a narrow but important purpose in early 2022 to review and update the [Scottish Government Taxi and Private Hire Car Licensing: Best Practice for Licensing Authorities](#) document.

The guidance document sets out to offer best practice advice to licensing authorities (i.e. Scotland's 32 Local Authorities) on a range of issues relating to the licensing of taxis, private hire cars and their drivers.

The SLWG was tasked with reviewing the guidance document to ensure the material is up to date, fit for purpose, acts as a useful tool for both licensing authorities and taxi and private hire car operators, and can support a consistent approach where appropriate.

The Committee will wish to be aware that the SLWG has now concluded its work, and Scottish Government officials are now in the process of finalising the updated guidance document. We hope to publish the updated guidance in early 2023.

I note that the Committee is seeking information on the membership of the SLWG, specifically who in the group represents the private hire and taxi trade.

Membership of the SLWG consisted of representatives from the Scottish Government, Transport Scotland, various local licensing authorities, taxi and private hire car trade representatives and UNITE the Union. Those members of the group who represented the private hire and taxi trade were:

- Kevin Woodburn, K Woodburn Consultants Ltd.
- Edward Grice, Scottish Private Hire Association.
- John Paul Duffy, Scottish Private Hire Association.
- Robert McLean, Glasgow Taxis.
- Representative from 'UNITE The Union'.

The SLWG has helped to facilitate direct engagement between those members of the taxi and private hire industry on the group and licensing authorities. In addition, Scottish Government officials have on-going and helpful engagement with the Society of Local Authority Lawyers & Administrators in Scotland (SOLAR), with Scottish Government officials' regular attendees at the SOLAR Quarterly Working Group meetings, which last met on 16 December 2022.

Officials from the Scottish Government and Transport Scotland also attended a recent Civic Licensing Summit hosted by Glasgow City Council. The work undertaken by the SLWG was discussed at that Summit on 2 December 2022.

While not directly relevant to the petition you are considering, I hope nonetheless that this information about the SLWG is helpful to the Committee.

Petitioner submission of 2 March 2023

PE1960/D: Formally recognise private hire cars and taxis as modes of public transport

In response to a submission made on our petition PE1960 (Formally recognise private hire cars and taxis as modes of public transport) made by Confederation of Public Transport (CPT) dated 16 December 2022:

We appreciate the response from CPT, however we believe that their interpretation of the word "private" is incorrect. The submission asserts that the use of the word "private" relates to "private car", however we assert that this is not entirely accurate. First, the taxi trade is not considered as 'private hire', it is classified as 'public hire' and their vehicles referred to as 'public hire vehicles'. The other side of this equation is 'private hire' and 'private hire vehicles'. The Civic Government (Scotland) Act 1982 gives us the statutory provisions related to the licensing of these forms of transport.

It is incorrect to say that private hire cars and public hire taxis are "private vehicles". The word private does not refer to the vehicle itself, but rather refers to the method of hire - that is, the vehicles may be privately booked for private journeys. I wish to point out that similar contractual hires are carried out using buses and coaches. Members of the public are able to privately hire a coach and when doing so that coach does not cease to be a method of public transport.

A further related point that we wish to highlight to the Citizen Participation and Public Petitions Committee is that there exists provisions to allow taxis and private hire cars to offer "taxibus" services using 'special restricted licences' within the Public Service Vehicle licensing regime.