

Citizen Participation and Public Petitions Committee

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

PE1961: Make it a specific offence to assault,
threaten or abuse a private hire or taxi driver
while at work

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 expand the Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Act 2021 to include private hire and taxi drivers by:

- creating a specific criminal offence of assaulting, threatening or abusing private hire or taxi drivers while they are engaged in private hire or taxi work; and
- considering such offences as aggravated when the offence is committed whilst the driver is enforcing a licensing or operational condition.

Webpage <https://petitions.parliament.scot/petitions/PE1961>

Introduction

1. The Committee last considered this petition at its meeting on [7 December 2023](#). At that meeting, the Committee agreed to write to Police Scotland, the Scottish Taxi Federation and Unite 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 Unite, Police Scotland and the Petitioner, which are set out in **Annexe C**.

4. Written submissions received prior to the Committee's last consideration can be found on the [petition's webpage](#).
5. Further background information about this petition can be found in the [SPICe briefing](#) for this petition.
6. The Scottish Government's initial position on this petition can be found on the [petition's webpage](#).
7. Every petition collects signatures while it remains under consideration. At the time of writing, 262 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

PE1961: Make it a specific offence to assault, threaten or abuse a private hire or taxi driver while at work

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 expand the Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Act 2021 to include private hire and taxi drivers by:

- creating a specific criminal offence of assaulting, threatening or abusing private hire or taxi drivers while they are engaged in private hire or taxi work; and
- considering such offences as aggravated when the offence is committed whilst the driver is enforcing a licensing or operational condition.

Previous action

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

Background information

The Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Act 2021 created a new offence for situations where a retail worker is assaulted, threatened or abused while engaged in their work. The offence can result in a fine, with penalties escalating to a prison sentence, and with aggravating factors adding the potential for a more significant fine or sentence. The offence is considered as

aggravated if the worker is assaulted, threatened or abused while enforcing a statutory age restriction (such as alcohol or tobacco sales).

We believe that a similar offence is required to protect private hire and taxi drivers while at work.

Annexe B

Extract from Official Report of last consideration of PE1961 on 7 December 2022

The Convener: PE1961, which seeks to make it a specific offence to assault, threaten or abuse a private hire or taxi driver while at work, has been lodged by Edward Grice on behalf of the Scottish Private Hire Association. The petition calls on the Scottish Parliament to urge the Scottish Government to expand the Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Act 2021 to include private hire and taxi drivers by creating a specific criminal offence of assaulting, threatening or abusing private hire or taxi drivers while they are engaged in private hire or taxi work and by considering such offences as aggravated when the offence is committed while the driver is enforcing a licensing or operational condition. The SPHA highlights the 2021 act and the creation of a new offence for situations whereby a retail worker is assaulted, threatened or abused while engaged in their work. The SPHA believes that a similar offence is required to protect private hire and taxi drivers while they are at work.

In its response to the petition, the Scottish Government notes that there are a range of common-law and statutory offences to protect everyone, including private hire and taxi drivers, from abuse and violence. Those include the statutory offence of threatening or abusive behaviour, as well as common-law offences of assault and breach of the peace. Do colleagues have any comments or suggestions?

I was struck by the Scottish Government pointing the finger at Daniel Johnson in relation to the development of the 2021 act. I am not quite sure what they thought Mr Johnson's remedy might be.

Do colleagues have any suggestions as to how we might proceed?

David Torrance: The committee could consider writing to Police Scotland, seeking information on the number of threatening and abusive behaviour offences that have been recorded in each year over the past decade and whether the data can be broken down by occupation and workplace. The committee could also write to the Scottish Taxi Federation and Unite Scotland to seek their views on the petition.

The Convener: I am content with both of those suggestions. Are colleagues agreed to take those actions?

Members *indicated agreement.*

Annexe C

Unite submission of 10 January 2023

PE1961/B: Make it a specific offence to assault, threaten or abuse a private hire or taxi driver while at work

Unite would fully support the petition to make it an offence to assault, threaten or abuse a private hire or taxi driver while at work. However we would also recommend that the petition extends its scope beyond one group of workers to other transport workers.

Unite has shown support in the past for legislation on protection of emergency workers. We also responded to the Protection of Workers (Retail and Age-Restricted Goods and Services) (Scotland) Bill in which we said that *“any assault carried out on an individual in the course of carrying out their work is simply unacceptable”....and“retail workers should be covered under a new statutory offence.”* However we did point out that we felt that the Bill had *“...too narrow a focus and would recommend extending the legislation further to cover other specific public facing roles.”*

We suggested in particular that hospitality workers, including people employed in the hospitality security industry should be included as well as bank workers and online grocery delivery drivers with Unite having anecdotal evidence of them being threatened with assault and/or verbally abused. However importantly we specifically suggested that transport workers, including taxi drivers and bus drivers were particularly vulnerable to assault and robbery with many fearful about returning to work following incidents.

Taxi drivers have provided individual experiences to Unite with one stating:

“The attack affects you mentally. After a couple of days off work you constantly assess every passenger that gets into your cab. You don’t want to go into work at night.”

More recently a taxi driver in Dundee was left with life-changing injuries that requires round the clock care and he will require long term support for the rest of his life, after being subject to an unprovoked attack.

This is unfortunately devastatingly real life experiences for some of those working in the taxi industry; both private hire and taxi drivers.

Similar experiences have been faced by our members in other areas of the transport sector. Assaults and abuse directed at bus drivers has increased exponentially in the past decade and during the Covid pandemic our members regularly received abuse and threats of violence. They have also been subject to physical assault and robbery this is especially evident while driving in remote locations, leaving those workers traumatized.

Train guards and ticket collectors face similar abuse while carrying out their work.

Public facing workers appear to be fair game for mindless thugs and those set on carrying out abuse, assault or other act of violence perpetrated at someone for simply doing their job.

Unite would support the petition however would ask that the petitioner considers extending this to all transport workers.

Police Scotland submission of 13 January 2023

PE1961/C: Make it a specific offence to assault, threaten or abuse a private hire or taxi driver while at work

In relation to your ask for information on the number of threatening and abusive behaviour offences recorded in each year over the past decade, we are able to provide you breach of the peace and threatening or abusive behaviour offences for the last 10 years.

Please see table 1 below for figures:

Table 1.

Title: Recorded Breach of Peace and Threatening or Abusive Behaviour Crimes, Police Scotland^{1,2}

Period: 1st January 2013 - 31st December 2022 (Calendar Years)

| Crime/Offence | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 |
|----------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Breach of the peace | 24 796 | 17 039 | 14 616 | 9 854 | 7 534 | 6 298 | 5 509 | 3 598 | 3 408 | 2 559 |
| Threatening or abusive behaviour | 48 181 | 47 084 | 47 873 | 48 614 | 45 941 | 42 710 | 45 078 | 45 964 | 43 366 | 40 024 |
| Total | 72 977 | 64 123 | 62 489 | 58 468 | 53 475 | 49 008 | 50 587 | 49 562 | 46 774 | 42 583 |

All statistics are provisional and should be treated as management information. All data have been extracted from Police Scotland internal systems and are correct as at 9th January 2023.

¹ The Recorded Crimes are extracted using the Date Raised, and then selecting the Stats Class Codes '604702' and '604708'.

² Please note, each record would need to be read to confirm the circumstances and the occupation of the victim.

Additionally, you had requested if this data could be broken down by occupation or workplace. Unfortunately we do not currently have within our legacy crime systems reliable occupation data. The reasons for this are provided below:

- (a) Occupation is poorly and inconsistently recorded
- (b) Occupation is a free text field making extraction of robust data challenging and requiring a significant allocation of resources.

With the current rollout of our National Crime system there are improvements within this area going forward. Free text is being mapped to an employment category and occupation where possible (e.g Transport – Taxi Driver) and training guidance is provided for occupation entries.

Petitioner submission of 2 March 2023

PE1961/D: Make it a specific offence to assault, threaten or abuse a private hire or taxi driver while at work

In response to a submission received on petition PE1961 (Make it a specific offence to assault, threaten or abuse a private hire or taxi driver while at work), specifically response PE1961/B from Unite (dated 10 January 2023). The respondent for Unite requests that we widen the scope of our petition to also include all transport workers. I am happy to confirm that we are agreeable to this suggestion, however private hire and taxi drivers must be explicitly included in the definition of transport workers in any progress made on this petition.