

# Citizen Participation and Public Petitions Committee

5th Meeting, 2024 (Session 6), Wednesday  
20 March 2024

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

<b>Petitioner</b>	Edward Grice on behalf of the Scottish Private Hire Association (SPHA)
<b>Petition summary</b>	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.
<b>Webpage</b>	<a href="https://petitions.parliament.scot/petitions/PE1960">https://petitions.parliament.scot/petitions/PE1960</a>

### Introduction

1. The Committee last considered this petition at its meeting on [31 May 2023](#). At that meeting, the Committee agreed to write to the Traffic Commissioner for 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 a new response from the Office of the Traffic Commissioner, which is 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, 72 signatures have been received on this petition.

## Action

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

**Clerks 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 31 May 2023

**The Convener:** PE1960 was lodged by Edward Grice, who is also the protagonist of PE1961, which we will consider in a moment. The petition is lodged on behalf of the Scottish Private Hire Association and calls on the Scottish Government to formally recognise private hire cars and taxis as modes of public transport and to enshrine such recognition in law.

We previously considered the petition at our meeting on 7 December 2022, at which we agreed to write to the Scottish Government, the Society of Chief Officers of Transportation in Scotland, the Confederation of Passenger Transport and Heads of Planning Scotland. We have since received responses from the CPT and the Scottish Government. It is noted in the meeting papers that Heads of Planning Scotland declined to provide a formal response, indicating that it would defer to the views of SCOTS on the matter. Unfortunately, a response from that organisation has not been forthcoming, so we are none the wiser.

The Scottish Government responded with information on the short-life working group, which was tasked with reviewing and updating the “Taxi and Private Hire Car Licensing: Best Practice for Licensing Authorities” document. We understand that the petitioner was a member of that working group, whose work has now concluded.

The CPT’s response states that it represents only the bus and coach sector and that there is no formal role for the taxi and private hire sector in its organisational structure, which really goes to the heart of the issue. It goes on to say that, although it is sympathetic to the petitioner’s concern that the sector is not being fully consulted on transport issues, it does not agree that classifying taxis and private hire vehicles as modes of public transport would help to achieve the Scottish Government’s stated desire to reduce car kilometres. I am inclined to ask: who is the Confederation of Passenger Transport?

The petitioner has responded to dispute the CPT’s interpretation of the term “private vehicle” and has drawn our attention to the taxi trade’s classification as public hire as well as to licensing provisions that can enable taxis and private hire cars to offer taxibus services. I am genuinely unsure who or what funds the CPT. Is it a Government agency? The CPT’s response, which is a politically provocative judgment that the petitioner’s aims cannot be accommodated because they contradict something for which the CPT does not have responsibility, is a bit striking.

Do members have any suggestions?

**Alexander Stewart:** Yes, convener. There is no doubt that there continues to be a loophole in the whole process in relation to the private hire and taxi sector. I suggest that, once again, we seek more clarity by writing to the Traffic Commissioner for Scotland to seek her views on the action that is called for in the petition and to ask how many special restricted licences are currently registered in Scotland. The

petitioner makes a valid assertion. Yes, the short-life working group may have concluded, but it has not come back with anything specific for the sector, so it has been left in limbo.

**The Convener:** I am inclined to agree. I wonder whether we could ask the Scottish Parliament information centre or someone to investigate the CPT<sup>1</sup>. I would like to know who funds that body, because there may be a conflict of interest that has not been made obvious to us in the submission. Are members content to proceed on that basis?

**Members** *indicated agreement.*

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<sup>1</sup> Note from the Clerk: As highlighted in its [submission](#) to the Committee, the Confederation of Passenger Transport are the membership trade association representing bus and coach operators and suppliers in the UK.

## Annexe C

### Office of the Traffic Commissioner submission of 22 June 2023

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

Thank you for your letter to the Scottish Traffic Commissioner, Claire Gilmore, requesting her view on the above petition and the number of special restricted operator licences currently registered in Scotland.

There are eight Traffic Commissioners for Great Britain who are appointed by the Secretary of State for Transport. They are statutorily independent of Government. Traffic Commissioners are responsible for the licensing and regulation of those who operate goods vehicles, buses and coaches. Their primary objectives relate to road safety and fair competition. In Scotland, there is a specific role of Traffic Commissioner for Scotland which is set out in the relevant legislation (the Public Passenger Vehicles Act 1981). The Traffic Commissioner for Scotland also undertakes devolved functions related to the registration of local bus services and appeals against local authority taxi fare-scales.

The definition of public service vehicles (PSV) is set out in the Public Passenger Vehicles Act 1981 and generally includes vehicles constructed or adapted to carry more than eight passengers which are used for carrying passengers for hire or reward. However, smaller vehicles that are used to carry passengers for hire or reward at separate fares can also be defined as a PSV if certain other criteria relating to the journey are met.

In addition, section 12 of the Transport Act 1985 permits a holder of a taxi or private hire licence and who intends to use the licensed taxi vehicle or hire car for the provision of a local bus service, to apply to a traffic commissioner for a Special Restricted Operator's Licence. Vehicles can only be used under this type of licence for the purpose of providing a local bus service.

There are currently 34 holders of Special Restricted operator licences in issue within Scotland. The number of vehicles authorised will be dependent on the number applied and limited to the number of taxi or private hire licences held.

You may find the determination of the Office of Fair Trading into Cardiff Bus published in 2008 of interest as it considers the position of taxis in relation to bus services (albeit in the context of competition), particularly sections 4.72 – 4.129. This can be found at: [Microsoft Word - cardiffbus.doc \(publishing.service.gov.uk\)](#)