

Submission 145

Written submission from the Scottish Taxi Federation

Supplementary written evidence to the LGR committee By The Scottish Taxi Federation.

First, I would like to thank the Chairman and the LGR committee for providing The Scottish Taxi Federation with the opportunity to give oral evidence at the meeting on 21st January 2015, and;

Second, this supplementary written evidence, is submitted for the committee's consideration primarily because our previous submission was based solely in response to the four issues raised by the video released by the LGR committee.

This submission addresses and gives clarity to our position in regard to the proposed additions to the Civic Government (Scotland) Act 1982, as outlined in section 3, Civic Licensing, of The Air Weapons and Licensing (Scotland) Bill 2014, as they affect the Scottish licensed taxi and private hire car trades.

Refusal to grant private hire car Licences on grounds of over provision

The Scottish Taxi Federation does not oppose the principle of providing Licensing Authorities with this option. However, we are most concerned with the assertion contained within the Governments Financial memorandum, which makes it clear that the Government expect, but cannot quantify, that it is likely there will be an increase in court challenges following any decision by a Licensing Authority to refuse an application for a private hire car licence on the grounds of over provision. The Memorandum goes on to say that this should not be a concern for Licensing authorities as any costs incurred by the authority in this regard can be recovered from licence fees.

It is the position of the Scottish Taxi Federation that the adoption of a policy that is tantamount to a laissez-faire approach, is a sign of abrogation of responsibility and fails to provide a benchmarking standard which in effect abandons the trade and requires further costs to be borne by our members. It is our considered opinion that the adoption of any such policy is at best irresponsible. That said the Scottish Taxi Federation is fully supportive of a position that would avoid Licensing Authorities the cost of expensive court challenges, but to simply pass this on to others is not, in our view, the answer.

In its original submission to the Governments consultation paper, the STF suggested that the burden of proof, in terms of proving there exists an under provision, should rest firmly with the applicant. While we understand that this suggestion may court controversy, it remains our contention that a responsible applicant will have undertaken all due diligence in meeting the legal requirements of the application process and will also have researched an associated business plan. Not only would this result in a fully comprehensive application. more importantly, it would dissuade spurious and speculative applications in the first instance.

As stated, our position may be controversial, but it is our belief that it is more acceptable than the adoption of a position that could leave the licensed trade facing

higher costs in fees, that can only be recouped by increased tariffs that passed on to the end user, the hiring public.

Testing of private hire car drivers

The Scottish Taxi Federation welcomes training regimes which may include such as, disability awareness, general customer awareness, dispute resolution, knowledge of conditions of licence, the highway code etc. However, we feel that to require private hire drivers to undergo a test of their knowledge of their licensing area, will prove to be an additional burden that Licensing Authorities may well be able to do without. In addition, by the nature of their advance booking criteria, private hire drivers are aware in advance of the passengers intended destination and as a consequence, they are in a position to take advantage of technology such as satellite navigation systems. It is this very essence that separates the private hire car driver from the taxi driver. Many PHC drivers restrict their operation to specific areas that do not entail City wide travel. Additionally, they do not use fully adapted vehicles for the conveyance/carriage of passengers with a disability. Given the nature of their role in transport provision and taking full account of the requirement of advance booking, the stance taken by the STF remains that PHC drivers need not undergo testing in topographical knowledge.

Additionally it is our position that many private hire drivers, take up this employment with a view to graduating to a full taxi drivers licence status once they have gained sufficient knowledge and confidence to take the taxi drivers test. Thus, private hire drivers in essence help to generate a continuous flow of drivers into the taxi industry and provide the second tier service the public have come to expect from the private hire industry. It is our assertion that if this interim passage through the private hire ranks is closed, then the taxi industry in the longer term may well suffer from a shortage of drivers.

Exemptions from sections 10 to 21 of the Civic Government (Scotland) Act 1982

The STF fully supports removal of the exemption from the Licensing regime that is currently enjoyed by those who use section 22 (c) to gain such exemption. As it currently stands, this section of the Act is being used to facilitate the hiring of drivers and vehicles that do not then require to come under the scrutiny that licensed operators and drivers require to face. This is not conducive to best practice and in our opinion compromises public safety.

Two Tier Vs one tier licensing System

This subject was introduced during the scrutiny of those giving evidence to the LGR committee on 21st January 2015, and as Secretary of the Federation I am bound to say this aspect of discussion came as something of a surprise. Indeed it was even suggested at one point that taxis should perhaps not be involved in the provision of services which may be considered as work for private hire cars only. This suggestion is as erroneous as it is incredulous and demonstrates either a distinct lack of knowledge of legislation, regulation and the actual working practices of the taxi trade or a total disregard of said procedures and legislation.

To fully answer this question, it needs to be recognised that taxis, or as they were formally called, hackney carriages, have been plying their trade since before the days of the Hansom Cab. Private hire cars on the other hand only came into being following the advent of the 1982 Act, which created a two-tier licensing system. It was clearly appreciated by the Government responsible for the drafting of the '82 Act, that taxis had been plying their trade for many years, both on the basis of there and then hires and also by dint of two-way radio connections, now referred to as the private hire element. This aspect was fully recognised and accepted by the Government at that time and the Act catered for the taxi industry to continue in this dual role. In addition to this recognised factor, at the same time the decision to restrict the private hire car element to the role of being hired by the practice of advance booking only was arrived at.

It is the opinion of the STF, that time and circumstance have conspired to prove that this decision was not only correct, but that it would also provide the public with an alternative service not available at that time. This has stood the test of time, proving to be just as fit for purpose now as it was in 1982.

The Scottish Taxi Federation strongly believes that the two-tier system of operation should continue as it has been well proven since 1982, that the public would not wish this choice to be denied them. It is equally clear that most licensing areas in Scotland would be unable to cope with the additional taxis that would populate their streets if a one-tier system were to be invoked.

In this regard it may be worth considering the potential situation in Glasgow or Edinburgh for example, if within a short space of time either City were be faced with having to cope with some 3000 to 5000 taxis driving through their streets looking for work. Taxi rank spaces in all areas in Scotland are at a premium, with Glasgow in particular, able only to provide spaces for some 330 taxis. Would the other newly created taxis simply cruise the streets adding to the already poor City centre environment, congestion and pollution problem?

In addition to the foregoing, it must also be taken into consideration that many of the incumbents in the taxi section will have invested heavily in their businesses and may well struggle in this new environment to meet their commitments, ultimately going to the wall.

In this type of scenario would the Government be prepared to consider compensation?

There is clearly a need to consider all of the ramifications attached to making such a monumental change that switching to a single tier licensing regime for taxis would mean to all concerned. It is the position of the Scottish Taxi Federation that the current two-tier system is fit for purpose, meets environmental and social requirements, provides fully for the traveling public and the taxi and phc trades alike.

I trust the additional evidence contained in this submission will prove to be helpful to the LGR committee.