

From: Taxis and Private Hire taxiandprivatehiretrademid@outlook.com

Sent: 18 August 2020

To: Elected Members and officers at Midlothian Council

Subject: Action request from Midlothians Taxi and Private hire trade and proposal for Midlothian based TEC

We are sorry to land this on you yet again, but it has become apparent over the past few months, that Midlothian has seen a massive increase in the out of authority vehicles continuing to operate outwith their boundaries and therefore impacting on the livelihoods of the Midlothian Taxi & Private Hire owners and drivers.

As you may be aware, we have been attempting to educate the drivers who have been flouting the legislation and even offering them a copy of the Civic Government Act Section 21, listing the offences, over the course of the past 2 months. A minimal amount of the drivers that we speak to have no idea of the legislation and regulations that they should be adhering to, but the majority say they aren't breaking any rules, commenting they will not get any work unless they are sitting waiting within Midlothian. Which totally contradicts the legislation.

We would assume that Edinburgh and East Lothian licensing boards distribute the legislation just like Midlothian do and therefore the drivers have been made aware of the rules that must be adhered to. So in essence, they have been given the information and therefore are deliberately flaunting the rules. We can understand that they may not get work unless they are sitting within Midlothian and waiting for a job to come through, BUT that is completely down to the operators who seem to be unscrupulously utilising their drivers to gain market exposure within Midlothian and to meet their own ends. Both are at fault whichever way you look at it and are therefore not fit and proper people to hold a PHC/Taxi licence.

On the other side, we have tried to contact the operators, who seem to think they have free rein within Midlothian and can flout the rules and regulations set down by the Scottish Civic Government Act and the only answer they can give is "that's not how our system works". Their systems should be altered accordingly to act with the confines of the law as it is stated. With choosing not to alter their work practices to mirror the law as it is set down, it furthers emphasises the point, that without any consequences to concern themselves with and for their disregard of the law, the current state of affairs will continue and further endanger the livelihoods of those that work and service the local communities within Midlothian.

We have contacted Police Scotland on numerous occasions and have given statements regarding certain drivers. The officers are very rarely to know of the legislation section within the Civic Government Act and we feel this doesn't add much clarity to a increasing problematic issue. There is, it seems, very little discussions between Midlothian Council and Police Scotland regarding who's responsibility to solve these issues it actually is. The Council say that its Police Scotland and they determine that we must speak to Licencing department.

Discussions between all parties must be had immediately so that an agreement can be reached for varied reasons. Proper procedures then can be introduced to protect all parties and also the drivers who are genuinely working within the confines of the law. Education for the officers and a helping hand when determining the miscreants who try to tout/wait and therefore endanger the public on a daily basis when uplifting members of the public.

The aforementioned operators require to be chastised for their complete disregard to the regulations, law and local authorities. Police Scotland and local licencing regimes have been notified of this problem on many occasions, with no judgements being enforced whilst the drivers and operators continue to ply their trade outwith their boundaries, hopeful of gaining market exposure and a foothold without being challenged by the authorities on any level.

Strong enforcement must be enacted within Midlothian immediately and certainly, along with the proper agreements between each local authority and Police Scotland to show that open season within Midlothian's' borders and give our trade some respite from the historical downward spiral that we continue to face and especially with the onset on the current pandemic of Covid.

If the out of authority vehicles are allowed to ply their trade with no repercussions then the impact on the hackney trade could be disastrous due to the Midlothian vehicles losing work constantly and

therefore exiting the trade. One of consequences would be that there would become less and less wheelchair accessible vehicles to be utilised by the residents of Midlothian which no-one within and out with the trade would want.

We were of the opinion that Midlothian Council, has policies in place to support local businesses, and at present, even in these unprecedented times, the local business within the taxi and private hire trade really need that support now more than ever so that they can continue with the vital transportation requirements of Scotland's' fastest growing authority. The support that the trade has received was certainly welcomed with regards to the payments for school transport for instance.

With our trade being in a very precarious position, we plead with the council to understand that there are various avenues that must be explored to help the revival of a much needed service for the local communities. The issues contained within this letter are immensely pertinent to the future of our trade and require serious consideration by all parties to safeguard jobs, public safety and the transport needs of the local communities.

We implore the Council to act, as Scottish Law is being broken on a daily basis within the constituency of Midlothian, which as the fastest growing authority in Scotland, is certainly not the type of news we want put in the public domain. It would protect the trade to a degree within Midlothian and therefore also protect the supporting income into the local economy.

The public require and should deserve the backing of their local authority on these matters as what will it take to happen before action is taken? An accident? Fraud? Or worse, a crime of a sexual nature? Single women after a night out jumping into a vehicle that isn't licenced and who knows what may happen without any tracking mechanisms or recourse? The introduction of preventative measures, therefore being proactive instead of reactive is required.

Public safety should be the number one priority when dealing with our trade. Without confidence being shown to our trade, we will have a dwindling value in their eyes, and they should be safer in the knowledge that their local authority and the Police have a careful watch, alongside maintaining a safe environment for the workforce of Midlothian's Taxi and Private Hire trade.

BUT... on the previously mentioned tracking mechanisms, it can be safe to assume that all the major operators have dispatch systems whether it is Edinburgh or East Lothian. Those systems as required by the tender documents to attain certain contracts have data that can be looked at by the authorities. It would then allow licencing/Police to determine whether or not the jobs are being accepted within Midlothian's borders by the drivers but also that the operators are giving the jobs out to drivers when not in their own licenced authority, hence action should be taken against the operator licence holders.

We would also like to mention that the TEC and the proposal to alter that particular situation to be based within Midlothian would be advantageous to the point that enforcement could be added into their remit which would cover the issues raised here. Enforcement that knows the local area and therefore the drivers and operators who maintain the trade with Midlothian.

If this is allowed to continue without enforcement action, then the trade will diminish further and be faced with very few alternatives but to seek advice to gain legal protections for the livelihoods that are concerned with our respective trades.

Please also find attached a list of signatures from both sides of the trade that we have collected over the past few days which will initially show that the sentiment expressed above for a TEC to be based within Midlothian. It should also show the discontented feelings at what the owners and drivers view as negligible action to protect their livelihoods along with public safety.

If you could please respond with any viewpoints and any actions that are possible to have the desired effects on any of the issues mentioned in this letter it would be very much appreciated.

Kind regards,

On behalf of Midlothian's Taxi and Private Hire Trade.