

Transport Committee

Oral evidence: [Licensing of taxis and private hire vehicles](#), HC 1224

Wednesday 19 November 2025

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Members present: Ruth Cadbury (Chair); Steff Aquarone; Dr Scott Arthur; Mrs Elsie Blundell; Jacob Collier; Olly Glover; Alex Mayer; Baggy Shanker; Laurence Turner.

Questions 138–171

Witnesses

[II](#): Emma Vogelmann, Co-CEO and Head of Policy, Public Affairs, and Campaigns, Transport for All; James Button, President, Institute of Licensing; Saskia Garner, Head of Policy and Campaigns, The Suzy Lamplugh Trust; and Councillor Arooj Shah, Chair of Neighbourhoods Committee, Local Government Association, and Leader of Oldham Council.

Written evidence from witnesses:

- [Transport for All](#)
- [Institute of Licensing](#)
- [The Suzy Lamplugh Trust](#)
- [Local Government Association](#)

Examination of witnesses

Witnesses: Emma Vogelmann, James Button, Saskia Garner and Councillor Arooj Shah.

Q138 **Chair:** Welcome to our second panel. Please could I ask you to introduce yourselves? I will start with Emma—welcome back.

Emma Vogelmann: Thank you, everyone. I am Emma Vogelmann. I am the co-CEO of the disabled person's organisation Transport for All.

Chair: Thank you. I will remind colleagues to say your name as they ask questions because it is difficult for people online to see who is speaking.

James Button: Good morning. My name is James Button and I am representing the Institute of Licensing, of which I am the president. By profession I am a solicitor and I also chair the institute's Taxi Consultation Panel.

Saskia Garner: Good morning. I am Saskia Garner. I am the head of policy and campaigns at the Suzy Lamplugh Trust. We are a personal safety, stalking and harassment charity, and we have been campaigning for 30 years now for improved safety in taxi and private hire vehicle licensing.

Councillor Shah: Hi, I am Councillor Arooj Shah. I am leader of Oldham council but I am here in the capacity as the recent chair of the Neighbourhoods Committee for the LGA.

Q139 **Chair:** Welcome. You may have picked up our previous session, so what aspects of the Department for Transport's 2020 statutory standards are not working effectively to ensure safe and reliable travel for all passengers?

Emma Vogelmann: I think when it comes to the 2020 standards we are still missing the very national standard. There is inconsistency across licensing authorities that, for disabled people, still provides a large amount of ambiguity in terms of what journey they might experience, depending on the requirements of that particular licensing authority.

James Button: The institute is of the view that there should be national mandatory standards. The guidance is good but the requirement to have regard to it allows local authorities as licensing authorities to depart from it if they feel they should do so. It needs to be enshrined in law and there need to be absolute standards, not minimum standards.

Saskia Garner: I agree with James's points. The Suzy Lamplugh Trust has evidenced the fact that statutory guidance is being ignored in some areas. We sent a freedom of information request to all licensing authorities; 28 were able to give us a more detailed breakdown about which of their recently—in the prior two years—renewed licence drivers held convictions and for what. At least 90 active licences were held by



drivers with convictions for violent offences including assault, battery, violence, abuse and sexual offences. That was following the issuance of those standards, and that is only a small proportion of the licensing authorities, so we fear this is the tip of an iceberg. Clearly, in some cases the standards are being ignored. We need national standards embedded in legislation.

Councillor Shah: Consistent with what colleagues have said, I think when the standards came into play in 2020 the LGA welcomed them, but experience has taught us that we have to strengthen them a lot more. The lack of national minimum standards means that licensing authorities cannot enforce licences that have been issued outside of their borough, which creates lots of safeguarding issues for us. National standards are what we are all desperately calling for to provide safety not only for our passengers but for drivers too.

Q140 **Chair:** You have all made a very strong and consistent point, but even where we have standards we have heard them described as “open to interpretation”. How might they be tightened up? Emma, do you want to go first?

Emma Vogelmann: Where I think they fall short is in the specifics. In terms of accessibility we need to have more specific standards. We need to look at the provision of wheelchair-accessible vehicles, and we also need to look at driver training. We completely agree, as was also mentioned, that the guidance uses very weak language—“may request information” or “should”—and it should be more enforceable language.

I also completely agree in terms of the cross-border licensing. We want that to be tightened up to make sure that the concerns in one licensing authority are shared with others when that driver moves to drive in those areas.

We would also like to see the standards bring in more on accessibility. It focuses quite a lot on safeguarding, which is wonderful, and road safety, but it does not capture things such as the refusal rates that disabled passengers experience from drivers. It does not capture overcharging instances, the availability of wheelchair-accessible vehicles, or even the accessibility of the digital platform.

Chair: Thank you. That is a very comprehensive answer. James?

James Button: The standards need to be enshrined in legislation. Having guidance is all very well but it remains simply guidance. For drivers, it should cover criminal and other unacceptable activity. The institute issued guidance on this, on which the Department based its guidance in 2020. That institute guidance has since been updated and we hope that the DFT might update its guidance. Beyond that, there should be consistency on medicals, age, driving tests, disability training, county lines training, spoken and written English—all these need to be standard



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across the country. It is absurd that somebody can pass a test in one district and fail in another.

For operators, the standards should cover character, as I have already stated, exactly the same as for drivers. Data protection compliance, clear complaints procedures and clear record keeping should again be standardised across the country, as should the information to hirers in advance. For vehicles, the standards should cover age or emissions tests, maintenance requirements, size, the frequency of testing and CCTV. Wheelchair-accessible vehicles are an issue that I am sure we will come on to, and we have already heard this morning about the costs.

The other thing that I will mention is that there are changes happening in Wales. It is vital that there is a common approach between England and Wales, otherwise problems will be exacerbated.

Saskia Garner: We support the Institute of Licensing's suitability guidance that sets out a very clear and sensible framework in that the crimes and behaviours carried out by drivers previously relate to the extent that they should be prevented from receiving a licence in the future. It is not a standard block; it is a very sensible framework to consider the risk to passengers according to the offending history. We know as a frontline service that the conviction rate for many offences is very low so we strongly believe that this information should be shared and should include non-conviction data. We were talking in the previous panel about locally available information, complaints, cautions, and in fact complaints made to operators. I know there have been issues in the past where those have not actually always been passed on to the police.

We support mandated national driver training. This needs to be accredited and it needs to have input from specialist victim services to reflect those experiencing those behaviours from drivers. We also support continuous video and audio in vehicles, which we think would not only go some way to assuring drivers of their own safety but prevent disputes about whether these crimes have taken place.

Chair: Do you have anything else to add Arooj?

Councillor Shah: No, I think you will find that it is consistent.

Chair: That was a very comprehensive list.

Councillor Shah: Yes, and the LGA has a database called the NR3S database, which is a crucial tool to support councils in determining whether licence holders are fit and proper. However, there are inconsistencies, as Saskia has mentioned, so we are calling for a national database that means we can have greater information before we give licences to people. When you have out-of-borough licences, that makes it even more difficult to determine whether taxi drivers are fit and proper. The trade itself is calling for greater standards in this regard as well.



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Q141 Dr Scott Arthur: Thanks for making the point about video, Saskia. I am now kicking myself for not asking this in the previous session where video and audio recording came up. I do not want to lead you too much in your answer, but what access arrangements do you want around that recorded data? If you have a taxi or an Uber where you are recording the video and audio, do you want the driver to routinely have access to that, or is that only for where there are actual issues to be investigated?

Saskia Garner: I think that would have to come under the regulations of the Information Commissioner. As I understand it, there are strict regulations around how these materials are kept so that they are kept only for a short amount of time and when requested in relation to specific concerns or reports of crime. There would need to be very strict regulation around that but in principle we think it is an important aspect.

James Button: If I may, we would suggest that the access is available only to the police or a specified licensing officer in the event of a complaint, and that is how the systems work that exist now.

Councillor Shah: Just to add to that point, where you do have CCTV it is not always the case that you have audio available. There have been instances where CCTV has been made available but the audio is not always captured, so consistency in that is very important.

Chair: That is a useful detail.

Q142 Baggy Shanker: In what you have said so far you have all already joined the widespread calls for the implementation of a national standard for taxis and private hire vehicles. James Button has given a pretty comprehensive list in his previous answer, but for the rest of you, what other elements should be included in that standard?

Councillor Shah: The one that I would strongly call for is the national database. That is a massive issue for licensing authorities. There are instances especially with the way the new DBS is carried out that the DBS filters some convictions, so at the point where you are licensing individuals you do not have access to all that information. In some instances I know there is a charge that the police put on to the licensing authority to obtain that. I think that is a huge concern from a safeguarding perspective. Filtering those convictions means that you do not know at the point that you are issuing the licence the full scale of convictions that a licensee may have.

Saskia Garner: I agree with that and in addition I think that national enforcement powers for licensing officers are critical to enforce the national standards that we are proposing to ensure that there are not obstacles to making those assessments.

Councillor Shah: That is a very strong point because, for example, if you were licensing from Oldham and you have a taxi that has been licensed, say, from Rotherham, our licensing officers cannot enforce that



individual even though they are working in that borough at that point in time.

James Button: On the back of that you also need consistent fee levels to stop licence shopping and fee sharing so that in the enforcement that is taken by Rochdale against the Rotherham driver and vehicle, those costs can be recovered. Otherwise the authorities that have the vehicles in their area just do not have the resources to undertake the enforcement, even if those enforcement powers were available, which they should be.

Emma Vogelmann: In terms of what Transport for All believes should be in the national standard, we would like accessibility to be featured, so having a minimum proportion of fleets be wheelchair-accessible vehicles and have that be shared with the public, having accessible booking options for taxis and private hires, and having disability equality training. We know that is quite inconsistent with only about two thirds of licensing authorities requiring some disability training, but we would like for that training to be in that national standard and specifically for it to be designed and delivered by disabled people with an impairment focus.

We would also like to see complaints processes in that national standard brought up to scratch, so making sure that complaints systems for individuals who have experienced issues with their journeys are accessible to them and that they know what to expect from either the operator or the licensing authority in terms of timeframes. We would also bring in the idea of "fit and proper", making sure that that explicitly includes things around access refusals, whether there has been any damage to the mobility aids of disabled passengers and whether there has been any discriminatory behaviour at all.

Q143 **Laurence Turner:** I have a follow-up question to Emma. We have heard from the previous panel and elsewhere that not only is there the problem of around one third of authorities not requiring training, but there is a variation in the quality of the training that is provided. Can you tell us more about what that variation looks like and what the Government can do practically to raise the standards and consistency of the training?

Emma Vogelmann: Yes, we have seen such inconsistency across every single mode of transport and I think every single sector where there is no standard for disability equality training or assistance provision, or any training regarding disabled people or how to assist disabled people. Transport for All is always going to advocate for that training to be designed and delivered by disabled people because that is the only way that real experiences are going to be shared, and practical advice and steps to follow are going to be given to those who perform that service. For us it would need to be explicit that this training must be designed and delivered by disabled people and organisations that represent disabled people.

Q144 **Laurence Turner:** Emma, if you have examples of local authorities that you think are doing this very well and those that you think are not doing



it so well, we would be interested to have that in writing. Thank you.

Emma Vogelmann: Absolutely; I can share that.

Q145 **Chair:** I have a question for James and Arooj. You talk about having a common set of standards—in fact you have all said that—but how easy do you think it would be from the licensing authority’s perspective to reach a consensus on what should be a common standard? Would there be some areas that might be controversial or contested?

Councillor Shah: I think in this regard a political commitment to ensure that we have standards is something that most decent people would call for. The trade themselves are asking for this. They have felt vulnerable themselves recently, especially after Baroness Casey’s recommendations, so they feel that they want to set a standard for their trade that they have done for a very long time, but passengers do equally.

You will get consistency. At the moment, the problem is that, because people can shop around, as James said, we cannot enforce the basic minimum standards that you would expect licensing authorities to do. Some licensing authorities pride themselves on having very high standards, but we cannot control it if residents from our borough want to go somewhere else where standards are a lot more lenient. We cannot control that and that impacts the confidence from a passenger perspective and from a trade perspective.

I think there might be issues around the environmental elements. The LGA has long pushed for equality and for mandatory training on equality, but not all licensing authorities implement that even. We can encourage them but we cannot mandate them to do that. That is very important for building confidence among the public, and the trade as well.

Q146 **Chair:** You have mentioned that there are different views from different areas on emissions, and other areas that might be controversial are the language and local knowledge requirements. James, where do you think these decisions should be made, assuming that we are going to have a common set of standards?

James Button: They must come from central Government. The Greater Manchester authorities have failed to achieve a set of common standards despite working on it for many years. It is incredibly difficult to get local authorities to agree; even neighbouring authorities do not agree on their standards. It must come from central Government. I think it will be difficult and the concern that we have, and I suspect other people have, is that if we are not careful they will simply be the lowest common denominator. They must be good, absolute standards because otherwise they are meaningless.

Chair: Absolutely; I think there will be consensus on that.

Q147 **Baggy Shanker:** You mentioned earlier, James, the work being done in Wales to get to some agreed standards. Are there any lessons that could



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be learned from the work already done in Wales?

James Button: I think the lessons are that it takes a very long time and that without serious political drive from the centre, it will just drift.

Q148 **Baggy Shanker:** Finally, I know we are all talking about the need for national standards and their benefits, but does anybody have any drawbacks of having national standards?

Councillor Shah: No.

James Button: No.

Saskia Garner: Could I just add that the task and finish group in 2018 was a cross-party, cross-sector group? It made unanimous recommendations, including for national standards.

Q149 **Alex Mayer:** What about having regional standards as a midway point? James, you made the point that the authorities in Manchester cannot agree, but if the power goes to the mayor or the combined authority, as is the situation in London to some extent, would that be a halfway house? Would that be a good idea or should we just go the whole way to national standards?

James Button: There are two points there, if I may. First, the institute does not see any advantage in going to regional bodies. It will simply lead to larger variations in standards, especially at a time when local authorities face upheaval through local government reorganisation. It also risks diluting the smaller licensing departments because they will lose their taxi people to regions. Secondly, no, I do not think regional standards would make a difference because you would have a high standard in Manchester and a lower standard in Birmingham—for the sake of argument—and the Manchester people would go to Birmingham because it would be easier to get the licence. It must be across the country.

Chair: Thank you; that is helpful.

Q150 **Laurence Turner:** Arooj, you mentioned the Casey audit a while ago. As you know, it said that the Government should legislate to address the important issues, including in relation to passenger safety. What should this legislation include?

Councillor Shah: I think the national database is an important element of this. If you are going to instil public confidence both for the trade and for the passengers we must have or be aware of the relevant information for that licensee holder. Not to have that, or to have it in such an inconsistent way, is a huge safeguarding concern. The filtering of the convictions from the new database—or the new DBS; the way that they filter the convictions even before they provide them to the authority and we do not get that information from the police—leads to inconsistency as well and poses a huge safeguarding concern. I would be pushing for that as a minimum. I think that is one of the main things that I would call for.



Saskia Garner: As I have said, having the national standards embedded in that legislation is key, and with that the enforcement powers. I agree with having a national database with information sharing including non-conviction data and local information. I also think that it is essential that driving a taxi or private hire vehicle becomes a regulated activity. It is currently entirely possible that someone who is on the current barred lists for regulated activity—and while we know from the Department for Transport that those lists are being viewed by licensing authorities, there is no guarantee and there is nothing to prevent someone on either of those barred lists being given a licence to drive a private hire vehicle or a taxi. I think that is a crucial part that should be included in legislation as well.

James Button: On the national database, I agree entirely that it should be accessible to operators as well. We need statutory timescales for information to be put into it. The other problem with the NR3S is that while there is reference to a driver having been revoked in one district, and when a new application is made elsewhere that information is obtained, but the second authority that the driver has applied to can depart from that and can grant a licence. The inconsistency in decision making within local authorities is a major problem and the institute takes the view that these decisions should be made by professional licensing officers rather than by panels of elected councillors. There have been far too many departures where that has caused difficulties.

In addition, there should be trained benches of magistrates to deal with licensing matters because again matters are overturned far too often by the magistrates court when the local authority has made a robust decision. The other element would be greater involvement by the police. At the moment the police will give some information occasionally on enhanced DBSs, but it is completely inconsistent; it is entirely at the discretion of the chief constable. There is no formal involvement with the police in the licensing process. You can contrast that with, for example, the Licensing Act, which is a far better and more robust system. All those should be involved in these new statutory standards.

Emma Vogelmann: I completely echo everything that has already been said, particularly around the information sharing between the police and the licensing authority. We would also be calling for mandatory recording and reporting on safety-related incidents—so things such as access refusals and overcharging, as I mentioned. Those are two other very important considerations that I would bring in.

One pretty glaring omission at the moment is a definition of passenger safety that explicitly includes aspects relating to disabled passengers. Safety must include things such as safe boarding and disembarking, proper securing of wheelchairs and mobility aids, not leaving a passenger in an unsafe place or having a refusal, not suffering discriminatory or hostile treatment and things like that. Those are my additions but I agree with everything that has been said.



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Q151 **Baggy Shanker:** To Councillor Shah first, many passengers would reasonably assume that a DBS check on a driver would—I will not say guarantee—ensure their safety a lot better, but evidence from the Suzy Lamplugh Trust shows that there are cases where individuals with offending histories have still been licensed. Can you explain why this happens in practice?

Councillor Shah: It is inconsistency within each licensing authority. The police and the general national database information sharing is an obvious part of it, but if you drill down to the local licensing authorities there are inconsistencies because of the people who decide. For example, if you have a conviction you go in front of a licensing panel that is made up of individuals who will base their decision on the evidence provided to them or their personal opinion on something. I think that has an element of risk to it. I think it should be very clear, and the standards should be set very high, that if someone has a conviction of a specific type especially, they should not then be given a licence to drive.

If you are a passenger, you are getting into a taxi assuming that all those checks have been done so you go in there with confidence and surety that someone has really high standards, but there is too much inconsistency in the system to ensure that that is the case. A lot of different licensing authorities are very lenient; you have individuals making those decisions and I do not think they are fully equipped with all the information to make them at that point in time. It is very daunting if you think about it.

Q152 **Baggy Shanker:** Okay. Opening up to the rest of the panel, what do you think is the impact of this from a safety perspective?

Saskia Garner: I think our research and our evidence shows that the wrong decisions are being made and unsafe decisions are being made, despite national guidance. Clearly, because it is guidance it is being inconsistently and inadequately applied and the impact is that some passengers are being subject to crimes by drivers.

We are a victim-led organisation and we work with the family of Sian O'Callaghan, who was murdered by a licensed private hire vehicle driver. He was known to the police in various ways, although he did not have a conviction history, which goes back to my point about patterns of behaviour. Every incident where a passenger is subject to criminal behaviour by a driver is one too many and the impact on those people's lives is immense. I would urge that there should be no further delay in bringing this into law, given that the wrong decisions are being made at a local level.

James Button: Echoing what Councillor Shah said, councils have policies on this. I think every council has a policy but in the committee room those policies are departed from. They are departed from for the wrong reasons. The sole consideration should be public safety—the High Court has made that crystal clear—but unfortunately departures are made for



other reasons, such as personal reasons, family reasons and so on. The difficulty is that this leads to somebody being licensed as a driver who would not be licensed as a driver elsewhere. The idea that the public just do not appreciate that a driver can be refused or revoked in one authority and then legitimately licensed in another is ridiculous. If you compare it, for example, with airline pilots, and a pilot who is not licensed to fly in the United Kingdom but is licensed to fly in America, nobody would get on an aeroplane on that basis so why should the public get into a taxi on the same basis?

Emma Vogelmann: If I could add to that from a disabled passenger perspective, I completely agree with everything that was mentioned but I want to include any discriminatory behaviour or practice from taxi drivers again. As was really well said, any instance of that is one too many. In terms of the guidance, it creates almost a good practice ceiling by saying that local authorities should do this, but what we need is for enforceable standards to be brought in.

In terms of the disabled person's perspective I hate to use this phrase "vulnerable", but I think there is no way of getting around the fact that for anyone—any passenger, but particularly a disabled passenger—there is a level of vulnerability when you are in the vehicle of any taxi driver or PHV driver. The fact that someone who, as was mentioned, is not allowed to be licensed in another area because of a particular criminal conviction or type of behaviour is then completely able to be your driver is extremely concerning. I do not get the impression that many disabled people know about that.

There is already a huge amount of fear when disabled people use taxis and PHVs because of the level of vulnerability that I mentioned. If that was made more public, I think we would see disabled people not wanting to use this as a mode of transport, which unfortunately they do have to rely on a lot more because of other inaccessible modes of transport.

James Button: It is very easy to focus on the negative and that is what we are doing because we are focusing on the problems. I think it is very important to recognise that the vast majority of people in the hackney carriage and private hire industries—drivers, operators and vehicle proprietors—are hard-working, decent, law-abiding people who generally provide very good services to their users. That needs to be put on the record because it is very easy to think that they are all poor and they are not. It is a small minority. Some of those are very poor but it is still a very small minority.

Saskia Garner: To add to that, the task and finish group, which as I say was cross-sector and had unions there representing taxi drivers and private hire vehicle drivers, agreed that we need these national standards to close the loophole on that very small minority of perpetrators who are using their position of authority in a locked vehicle to carry out those crimes. It is bringing down the reputation of the industry, which in the



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majority are hard-working people who want to ensure that people have safe passage.

Councillor Shah: To add, because I agree with everything that James and Saskia have said, in Greater Manchester we have called for regional licensing because out-of-borough licensing poses great issues for our taxi drivers. Some 25% of households do not have access to a private car and that is rising to 50% among poorer households. We have out-of-borough licensees who come into Greater Manchester and operate their cars, and not only do they impact the livelihood of those in the trade and their families and wider communities but we have no knowledge of the convictions, if any, that these licence holders have. It poses great risk to our communities but also to the trade itself.

We know that in the national context, where the country is so divided, this trade specifically feels very targeted. They are asking and calling for these standards. There is a specific community that feels more targeted than anybody else right now and they are calling for these standards because they take great pride in their work, as James said. This is their livelihood. Many of them do not have the opportunity or the ability to find other jobs or have access to other jobs so there is a great risk in this. The call for national standards is very important but out-of-borough licences are very important. You can shop right now from anywhere across the country.

Chair: We have heard a lot of evidence on out-of-borough licences so I think we know where our recommendations will lie.

Q153 **Baggy Shanker:** That leads us on nicely to the next question. Should there be a statutory definition for “fit and proper” when it comes to drivers and, if so, what should that include?

James Button: I think it is very difficult to have a statutory definition. “Fit and proper” is a very old legislative phrase. The institute uses the term “safe and suitable” to explain what fit and proper means. The danger is that if you have a very strict statutory test there will be no discretion. Again, you can contrast this with the Licensing Act. To have a personal licence to sell alcohol under the Licensing Act you need to pass a Home Office-approved test and not have any live convictions for a specific range of convictions contained in the Act, and there are very few other checks. You could have something like that but then it removes the discretion. The danger with the Licensing Act is that you cannot take spent convictions into account, which the law allows you to do for taxi licensing. You then have the situation that Saskia has explained where serious matters are overlooked or the authority cannot get hold of them.

The guidance issued in 2020, which gave a suggested test for fitness and propriety, has been extremely helpful. Ultimately, and I do not think there is a way around this, it will remain a subjective test and I am not certain that a statutory test is going to improve matters if there remains,



as I think there should remain, an element of discretion in the decision-making process.

Q154 **Baggy Shanker:** As soon as you allow discretion do you then start to drift away from national standards?

James Button: You do, absolutely. For example, you might have a prohibition on someone having a licence if they have committed a sexual offence. This is an example I use: somebody was convicted of sex with an under-age girl 35 years ago when he was 17 and she was 15—it happens—but they got married later on and have children, and he now wants to be a taxi driver. If you have an absolute bar, would you bar him? That is a question. I do not necessarily know what the answer is but I would suggest it would be unreasonable. However, once you have absolutes such as that, there will always be people who fall outside when they would be a perfectly good licensee. When you have people who are not convicted and the police do not provide the information, they get the licence.

I think there must be an element of flexibility. I realise that it is very hard to square this circle, but this is where I think that with a lot of political will—I mean small p political will—and engagement with the industry and others like us it could be achieved. I am not for a moment saying it is going to be easy, but nothing in life worth achieving is.

Emma Vogelmann: I would like to come in and say that we at Transport for All would support a solid definition and a solid way of assessing of this. As you mentioned, as soon as discretion is brought in it provides uncertainty, so from Transport for All's perspective it would provide a lot of comfort and safety to disabled passengers if there was a very strict, transparent and fair process or standard.

Q155 **Jacob Collier:** We have spoken briefly about the police sharing data with local authorities and new guidance was issued by the Department in October but, James, you have said that is still inadequate. What reforms do you think are needed?

James Button: There are one or two constabularies where the information sharing with local authorities in their area is good. In the vast majority of cases it is not. Common law police disclosure does not work, because the interpretation of "pressing social need" from Supreme Court decisions down makes it incredibly difficult for the police to make a decision on information sharing. For example, if a driver is arrested for rape on a Friday night, by Monday morning the police are saying that is no longer a pressing social need. That is absurd. There must be statutory rules to overcome the difficulties that the decisions within the court systems have placed on the police.

In addition, when a new application for a driver is made there should be statutory consultation with the police, not simply the DBS, and the police should be mandated to share information when somebody is arrested



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who is a licensee. There should be a simple question when you are arrested, "Do you hold a taxi licence of any sort?" And if they say yes, "Issued by whom?" Then that information should be passed on to the licensing authority. That does not happen. It happens in a minority—and I mean a 4% or 5% minority—of cases, but the institute has a great deal of examples where information has not been forthcoming from the police. It is sometimes obtained months later, or sometimes comes out at an appeal, and that person has been driving or licensed in the meantime. It is simply not good enough.

Q156 **Jacob Collier:** Arooj, you have spoken a lot about a national database. Do you see that as a place where police can share that information with local authorities?

Councillor Shah: Yes, because councils are really concerned, especially licensing panels which must decide whether somebody is fit and proper. I agree with what James has said. Where another issue arises is when, for example, a previous licence holder at the point of obtaining their licence had no conviction, then the police are made aware that there is a conviction, say, on the Friday night, but they do not have a statutory responsibility to inform the licensing authority. That means that a licensing panel could renew somebody's licence at that point but not have access to that information. I think the statutory function for the police to inform local authorities and having that information sharing is very important, especially in cases where they might subsequently have a conviction that the licensing authority is not aware of.

Saskia Garner: I completely agree with everything that has been said and one thing that our research showed was that licensing authorities, while they obtained information about conviction and behavioural histories at the time of appointing a licence, did not necessarily hold on to that information. Our concern would be that evidencing patterns of behaviour over a period of time is crucial. The Women and Equalities Committee has done research into the escalation of behaviours leading to serious violence. The Angiolini inquiry, as you well know, has looked at this exact issue. We would strongly advocate that all information sharing includes all information not only about convictions but concerns and reports. As James pointed out, these are all currently eligible for decision making but clearly this needs to be mandated.

Q157 **Dr Scott Arthur:** Very quickly, James, before I was elected here last year I was a councillor in Edinburgh and I sat on the committee that dealt with taxi drivers. I thought that the flow of information between the police and the local authorities was very good and the police were quite precautionary in their approach. They would tell the council everything and would allow the councillors to make a judgment on it. You paint quite a different picture in England. I want to be clear about my experience. Does your experience allow you to compare what is happening in England with Scotland? Certainly, on this aspect in Edinburgh it seemed much better than you have recounted.



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James Button: I am delighted it is in Edinburgh. The problem is it is not in most areas in England and Wales.

Q158 **Alex Mayer:** I was a bit concerned that we seem to be using arrested, charged and convicted interchangeably—

Chair: Or reported, arrested, charged and convicted.

Alex Mayer: Yes, because they are very different things, including from the perspective of the driver. At what stage do you think that information should be passed across?

James Button: The decision as to whether somebody is or remains a fit and proper person is based on the civil test of the balance of probabilities. It is not based on the criminal test of beyond all reasonable doubt. The High Court has made it clear that that is the case on several occasions. If somebody is arrested, if there is a complaint, the authority needs to have that information to be able to consider whether action is required. If they are subsequently charged, that may escalate the issue. If they are subsequently convicted, obviously that escalates the issue. The point is that public safety must be paramount—is paramount—and that can be achieved only on the basis of dealing with matters when they arise, not 18 months later when there may or may not be a conviction.

Saskia Garner: To add to that, I completely agree and I wanted to make the point that in the serious behaviours that we are talking about here such as rape and stalking, the conviction rate is less than 3%.

Chair: Of complaints?

Saskia Garner: Of reports to the police.

Chair: Of reports to the police—of course, sadly.

Saskia Garner: So there is all the other information—for example, somebody may have been charged multiple times—but if we go only by convictions that pattern of behaviour will not be reflected, yet it is seriously concerning.

Chair: That is helpful. I am very conscious of the time, so I will bring in Scott on accessibility.

Q159 **Dr Scott Arthur:** I think this was covered earlier to some extent by Emma's comments about wheelchair-accessible vehicles. My question was whether you think we should mandate these in local authorities. I think you already said yes to that earlier, but I guess it is about how we do that. First, do you have some idea in mind of what proportion of vehicles should be accessible? Secondly, it would not work in this environment of cross-border taxi activity where an authority could do the right thing and demand that a good proportion of vehicles should be accessible or wheelchair accessible only to be swamped by drivers from surrounding local authorities who do not meet that criteria.



Chair: Unless we have common standards.

Emma Vogelmann: That is exactly right. In terms of what that percentage or quota should be, I personally do not have an answer to that, but what we do know is for the transport of our members, particularly anywhere outside of urban areas, there are next to no wheelchair-accessible vehicles in terms of taxis. There is a huge problem of the lack of vehicles. I did want to mention the current conversation around the VAT exemption for disability vehicles and how we do not want to create a barrier to individual drivers or to licensing authorities having wheelchair-accessible vehicles in their fleets. If we take away the VAT exemption on wheelchair-accessible vehicles or adapted vehicles, we are looking at even fewer vehicles being available than there are now because it would cost more. I wanted to bring that up there.

As I said, I do not have a quota or a number. I think it should be proportionate to the population and proportionate to the needs of that community. I would very much encourage licensing authorities to engage with local disability groups to try to paint a picture of what that demand would be.

Q160 **Dr Scott Arthur:** I have two very quick follow-ups. There are two perspectives on what is happening just now. I think I am guilty of focusing on wheelchair-accessible vehicles but accessible transport in terms of taxis and Ubers and so on is much bigger than that. My first leading question is: do you think that this is something that providers are taking seriously now and doing as much as they can about, even without that minimum standard being in place? Am I right in saying, Emma, that for some people's accessible taxi travel, an ordinary Uber-type car, or Bolt or whatever the provider is, is the best option for them? It is not always a black cab.

Emma Vogelmann: Yes, absolutely. The vehicle is completely down to the individual. Even among wheelchair users, the vehicle may be suitable for one person but not suitable for another. That could be because they need more room for medical equipment or the make-up of their wheelchair, whatever that might be. I would not want to prescribe only one vehicle. I do, however, think that the black cabs are fantastic in terms of their built-in accessibility and the provision of them.

As for accessible vehicles, you are right that it is not just about wheelchair-accessible vehicles. There are a lot of other features that could be brought in and some of that is about driver decisions. It could be the temperature, their windows, the sound—all those things within the taxi—and they cannot be regulated in the same way by having x amount of drivers agree to not have music on or have loud noises on because for some that is an incredible barrier to using taxis. I would add that accessible vehicles do vary from person to person. It is looking, though, at whether you are attempting to meet that need and attempting to have different vehicles so that you anticipate that need within the community.



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My last point on other accessibility modes or other modes of transport is that there is not enough being done to make more taxis in fleets accessible for all types of disabled people. That is a real barrier considering that sometimes these are the only option.

Q161 Chair: In terms of licensing authorities, would it be workable for licensing authorities to be required to ensure that a certain proportion of the vehicles they license are wheelchair accessible? What challenges would there be in enforcing and monitoring that?

Councillor Shah: Some councils do mandate especially the hackney carriages to be fully wheelchair accessible, but I think there are some concerns that they can be very expensive to buy and run. They have a much larger carbon footprint and have higher emissions of nitrogen dioxide.

Q162 Chair: So there would have to be something external to ensure that. James, has any thought been given among licensing authorities to a workable way to have a minimum proportion of accessible private hire vehicles, especially in areas where there are no hackney carriages like London where there is a common basic standard?

James Button: A provision could be made. The difficulty is about who gets the short straw of having to have a wheelchair-accessible vehicle over a saloon. The only way that could work, I would suggest, is that there must be some form of subsidy for the wheelchair-accessible vehicles, which, as you have heard, cost two or three times as much as a standard saloon or estate car.

Q163 Mrs Elsie Blundell: I have a couple of questions on refusals and driver training. Emma, I am going to direct this one at you first. Given the continued reports of passengers being refused journeys or being overcharged, what changes are needed to ensure that the protections brought in by the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 are properly enforced?

Emma Vogelmann: I think there are explicit pieces of legislation that direct against overcharging for wheelchair users, but also disabled people more widely who may take more time to get in and out of the vehicle. However, what I have heard from other disabled people in our membership and what I have found myself as an electric wheelchair user is the number of times that we hear that drivers are unaware of those obligations on them in terms of when to start and stop the meter. I think that licensing authorities need to do more to communicate these standards and these legal obligations to drivers so that we are not in the situation of relying on whether the taxi driver we have booked happens to keep up with the news and regulations on their industry. That is incredibly inconsistent and is something that I have had conversations with TfL about as to how it could better make sure that drivers are aware, but also that passengers are aware.



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Passengers, myself included, can have a conversation with a driver if they notice that the meter has been started before they start getting into the vehicle, which we know is not permitted, but it is a very difficult conversation for a passenger to have with a driver. There is a power imbalance in that situation, which does have to be addressed. I would like to see regulators and licensing authorities push those messages through to drivers much more strongly and make them aware of the potential impact. Drivers who I have had conversations with are extremely surprised when they hear that fines are potentially going to be a result of this behaviour. What we also hear is that drivers say, "Well, I have always done it this way," and that could be because previously or whenever they started their career it was not a legal obligation, but it is now.

We need to make sure that drivers are being kept up to date on the laws that govern their sector and that is not happening now. We know that there are extremely high rates of refusals: 26% of disabled people have experienced some access refusal and this goes up to 63% for assistance dog handlers. We know it is very similar for wheelchair users like myself.

Q164 Mrs Elsie Blundell: Thanks, Emma. Just quickly to Arooj in particular, what practical challenges do licensing authorities face when it comes to monitoring compliance and taking action against breaches of the law when it comes to disabled people?

Councillor Shah: It often goes unreported. I think because it causes so much trauma for the individual they often do not report it and we do not have the ability to then collect that data. We are then unable to enforce against that licence holder.

Emma Vogelmann: Could I come back on that very quickly? I think that is a really fair point that a lot of disabled people do not make complaints. However, I would say that it is not just for trauma-based reasons that disabled people do not make those reports. It is also because there is this fear, which is reflected in disabled people's experiences, that when they do make complaints they get left hanging—they get left without a resolution and without being told that a particular driver has been spoken to or that any action will be taken. That feedback loop does not get closed. Therefore, disabled passengers who experience these discriminatory practices wonder what the point is in making the complaint when it is not taken seriously.

Chair: The pressure is always on the passenger, as per our "Access denied" report as well.

Q165 Laurence Turner: I had a question about NR3S. I am conscious of time and several of you have already spoken about the database so please do not feel the need to repeat anything you have said to us previously. Is there anything else that you wish to tell us about NR3S or how it can be improved? Specifically, we would be interested in your views on the proposal that operators should have access to the register and whether



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there is merit in having a national database of all drivers. There is a lot within that question, but if there are specific points that you wish to pick up on, please do let us know today or in writing.

Emma Vogelmann: As I already mentioned—I will not go into too much detail—more needs to be added to that database such as things like access refusals, or reports of discriminatory behaviour or of making disabled passengers feel unsafe or uncomfortable. I would like to see the register capture that information as well.

James Button: It should be open to operators. Operators should also be included on it, so action against operators should be on the database and, as I said earlier, there should be clear timescales for inputting information.

Saskia Garner: I agree with all the previous points. I will add that it is currently not clear how those searches inform licensing decisions. As our evidence shows, even if people look for any evidence of behavioural history it does not necessarily lead to a safe decision about that driver's appointment.

Councillor Shah: I have nothing to add, just that there should be a national database.

Q166 **Alex Mayer:** This is probably specifically to Arooj, although others can join in: why do you think some licensing authorities decide to adopt lower standards than others?

Councillor Shah: I hate to say it but my honest personal view is that it becomes about money, because it is an income generator. That is my honest view of why the standards are low. Some authorities push them out a lot more quickly and I would say that the monetisation of it is probably the main issue.

Q167 **Alex Mayer:** Do you think it could ever be a legitimate strategy to have slightly easier-to-achieve standards in order to attract drivers because you have an undersupply? Would that ever be a consideration?

Councillor Shah: I do not think we ever have an undersupply of drivers, but I think there is a moral case for doing the right thing by traders and passengers. I think setting standards for them and having a cost associated with that standard—if you want to go into any profession, you want to be the best—is a win for the passenger and for the driver. Making sure that we have the standards across the board is important, and we should have consistency in that.

James Button: I think in some cases it is historical. When attempts are made to improve standards by authorities, there is great resistance from the vocal elements of their local trade. There is also the fear that they will lose what licensees they have to other authorities that have lower standards or lower fees. Yes, it is an income generator but all taxi licence fees—hackney carriage and private hire licence fees—can be applied only



to hackney carriage and private hire activity. Any surplus that is made cannot be creamed off for other local authority purposes. That is another issue.

We need more enforcement, quite clearly, in relation to disability and across the board. More enforcement is achievable but the fees will go up and local authorities need to appreciate that cost cutting across the board should not apply to licensing. Licensing is one of the few areas of local government that is close to—not absolutely, but close to—self-funding. If authorities want more enforcement, if the trade want more enforcement and if citizens want more enforcement, it is feasible but the fees will go up.

Q168 **Chair:** We have mentioned the councillor panels. I was a long-standing councillor and in terms of town planning, entertainment and alcohol licences, the role of councillors on panels is to some extent restricted through different checks and balances. Should we look at this process and the role of councillors in licensing?

Councillor Shah: Absolutely, because at the moment it is guidance so people can interpret that guidance according to their understanding of it. If it is legislation, you know you are bound by that, so that is the difference. In planning we know that we are just the legislative authority—planning authority. Licensing is different because it is guidance and not built into legislation.

Q169 **Chair:** So the level of discretionary powers potentially exposes councillors to some of the pressures you have mentioned in those inconsistent decisions between different authority areas.

Councillor Shah: Absolutely, whereas if it is baked in legislation you cannot move from that.

Chair: That is very important. Thank you.

James Button: As I said earlier, our view is that these decisions should be taken by professional, trained, experienced licensing officers, not by councillors, due to the inconsistencies of the decision making. There are very good councils with very good regulatory panels but there are far too many examples of decisions being made that lead to licensing officers tearing their hair out because that person should simply not have been given a licence or allowed to retain a licence.

Chair: So licensing officers having their recommendations overturned, basically, by councillors in those instances?

James Button: That is if the council even allows a recommendation to be made and in many cases they do not.

Q170 **Chair:** What do you suggest? Is it about taking councillors out of individual decision making and having just an overarching policy? Would there be any role for them if there were common national standards?



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James Button: An overarching policy, yes—there will still be a requirement for policy even if there are national standards. That is the role of councillors. The role of the decision making, as I say, should be for professional officers.

Councillor Shah: I agree with that and I think where there is a panel most elected members do the right thing and respect the officer recommendation. I think it is rare and unique and I would be very alarmed, especially in my own licensing authority, if I thought a member moved away from an expert officer recommendation, but that is why having legislation rather than guidance means that you can make sure that that assurance is there.

Q171 **Chair:** Is there a role for the traffic commissioner here?

James Button: I would suggest there is a role for the traffic commissioner if this became a national licensing basis, but that is not what the institute feels should be the case.

Chair: Fair enough. We have overrun somewhat but it has been very useful. We have had quite a broad perspective from this panel so thank you very much for your responses and evidence. We appreciate the time that both panels have taken. If there is anything you did not get a chance to cover, do feel free to write to us and we will continue to reflect on the evidence that we have received. We have a final evidence session with the Minister in the new year. That concludes today's meeting.