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Department for Transport
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SW1P 4DR
Direct Line: XXX XXXX XXXX

Web Site: www.dft.gov.uk

Our Ref: F0008364 & BAT 1/2/04

25 January 2012

Dear XXXXXXXXXXXXX,

FREEDOM OF INFORMATION ACT 2000

Thank you for your information request of 24 November 2011. You requested the following information:

1. A list of all meetings attended by any Department for Transport staff, whether formal or informal, with whatever bodies or individuals, held since 1 October 2009 to the present day, such meetings having been related wholly or in part to Hackney Carriage matters, including the dates of such meetings, where the meetings were held within the Department for Transport and also including any meetings held outside the Department for Transport at which any staff from the Department for Transport attended and the venues of such external meetings.
2. A list of all meetings attended by any Department for Transport staff, whether formal or informal, with whatever bodies or individuals, held since 1 October 2009 to the present day, such meeting having been related wholly or in part to Private Hire matters, including the dates of such meetings, where the meetings were held within the Department for Transport and also including any meetings held outside the Department for Transport at which any staff from the Department for Transport attended and the venues of such external meetings.
3. A list of all meetings attended by any Department for Transport staff, whether formal or informal, with whatever bodies or individuals, held since 1 October 2009 to the present day, such meeting having been related wholly or in part to joint Hackney Carriage and Private Hire matters, including the dates of such meetings, where the meetings were held within the Department for Transport and also including any meetings held outside the Department for Transport at which any staff from the Department for Transport attended and the venues of such external meetings.
4. A list of all attendees at the meetings listed in points 1, 2 and 3.
5. Copies of all minutes, notes, transcripts or records, however comprehensive or minimal, whether typed or handwritten, taken at all the meetings listed in points 1, 2 and 3 above.
6. A list of all future meetings, which may already have been arranged and will or may be attended by Department for Transport staff, where the agendas, or proposed discussion topics of such meetings relate, or may be reasonably

anticipated to relate, wholly or in part to Hackney carriage matters, or private hire matters, or joint Hackney Carriage and Private Hire matters.

7. A list of already invited attendees or proposed attendees to be invited, where applicable, to all future meetings as described in point 6 above.
8. A copy of the agendas for all future meetings as described in point 6 above, or if the agenda for any such future meeting is not yet available, a general overview of the probable agenda, or probable discussion topics for all such future meetings and also their proposed venue.

Your request has been considered under the Freedom of Information Act 2000.

I am writing to confirm that the Department does hold some of the information you requested but has decided that some of this information cannot be disclosed for the reasons given below. The information that can be released is:

- A table listing all relevant meetings.
- Information relating to meetings with the following organisations:
 - Office of Fair Trading, 16 November 2009 (N1)
 - Multiple organisations re PHV guidance note, 5 March 2010 (N2)
 - British Vehicle Rental and Leasing Association, 10 March 2010 (N3)
 - WSP consultants, 27 May 2010 (N4)
 - Law Commission, 4 Nov 2010 (N6)
 - WSP consultants, 7 Feb 2011 (N7)
 - External stakeholder, 10 May 2011 (N8)
 - Law Commission, 17 May 2011 (N9)
 - Law Commission, 18 July 2011 (N16 & N16a)
 - Law Commission, 2 August 2011 (N10)
 - Multiple organisations, 4 August 2011 (N11)
 - Addison Lee, 13 October 2011 (N12)
 - Law Commission's Advisory Group, 22 November 2011 (N14 & N14a)
 - Unite the Union, 6 December 2011 (N15)
 - Disabled Persons Transport Advisory Committee, 8 Dec 2011 (N17)

A copy of the above information is enclosed. Names of Government officials below the Senior Civil Service have been deleted (apart from N11 and N14/14a where the documents are in the public domain).

It should be noted that much of this information reflects officials' own record of what was discussed or agreed at the meeting and might not necessarily have been shown to other participants for verification.

The information being withheld comprises two documents as follows:

1. A DfT official's meeting note of the meeting between DfT officials and the Law Commission on 19 October 2011;
2. A DfT official's meeting note of a meeting between DfT officials and an external stakeholder in October 2010.

The information in document 1 falls under the exemption in section 35 of the Freedom of Information Act 2000. The information in document 2 falls under the exemptions in sections 36, 38 and 41 of the Freedom of Information Act 2000. In relation to document 2, we are also withholding the name of the external stakeholder and the precise date in October when the meeting took place under section 38 of the Act.

In applying these exemptions we have had to balance the public interest in withholding the information against the public interest in disclosure.

The attached annex A to this letter sets out the exemptions and details why the public interest test favours withholding the information.

More generally, it is clear from your request that you are particularly interested in learning more about why the Law Commission are undertaking a review into taxi and private hire vehicle legislation. I am therefore attaching a document which the Department produced in 2010 which set out our case when we made our request to the Law Commission.

In keeping with the spirit and effect of the Freedom of Information Act, all information is assumed to be releasable to the public unless exempt. A copy of this response and the information provided may now be published on our website together with any related information that will provide a key to its wider context.

If you are unhappy with the way the Department has handled your request or with the decisions made in relation to your request you may complain within two calendar months of the date of this letter by writing to the Department's Information Rights Unit at:

Zone D/04
Ashdown House
Sedlescombe Road North
Hastings
East Sussex TN37 7GA
E-mail: FOI-Advice-Team-DFT@dft.gsi.gov.uk

Please see attached details of DfT's complaints procedure and your right to complain to the Information Commissioner.

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

Yours sincerely,

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Your right to complain to DfT and the Information Commissioner

You have the right to complain within two calendar months of the date of this letter about the way in which your request for information was handled and/or about the decision not to disclose all or part of the information requested. In addition a complaint can be made that DfT has not complied with its FOI publication scheme.

Your complaint will be acknowledged and you will be advised of a target date by which to expect a response. Initially your complaint will be re-considered by the official who dealt with your request for information. If, after careful consideration, that official decides that his/her decision was correct, your complaint will automatically be referred to a senior independent official who will conduct a further review. You will be advised of the outcome of your complaint and if a decision is taken to disclose information originally withheld this will be done as soon as possible.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Annex A – Details of exemptions and public interest tests for withheld information

Description of Information – Note of a meeting between DfT officials and an external stakeholder, October 2010	
Relevant exemption – section 36(2)(b) – exempts information which would, or would be likely to, inhibit the free and frank exchange of views for the purpose of deliberation; section 41 exempts information obtained from another where the disclosure of that information would constitute an actionable breach of confidence.; section 38 - exempts disclosures that will, or are likely to, endanger the physical/mental health or safety of any individual.	
Public interest test factors for disclosure	Public interest factors against disclosure
<p>The FOI Act presupposes that disclosure of information generally is to be regarded as being in the public interest.</p> <p>There is a general public interest in promoting the transparency of Government, leading to greater accountability and an increase in trust.</p> <p>Disclosure would enable the enquirer to better understand how the Department interacts with one of its external stakeholders in discussing topical issues of concern to them.</p>	<p>Section 36(2)(b)</p> <p>It is a particularly strong feature of the taxi and private hire vehicle trades (and the regulatory bodies and user groups) that they have widely varying opinions on what is necessary, desirable and appropriate in terms of licensing and legislation.</p> <p>The Department relies heavily on liaison with trade organisations to understand the trade's concerns and listen to their ideas for possible solutions.</p> <p>Accordingly, it is important that these organisations can come to the Department and speak freely about their concerns and where ideas could be exchanged freely without fear of release.</p> <p>The Department considers that disclosure of this meeting note would be likely to inhibit the free and frank provision of advice and exchange of views for the purposes of deliberation as participants are likely to be deterred from contributing freely in the future. In this case, the participant has positively stated that disclosure would have a negative effect on willingness to be open and honest with the Department. However, the effects of disclosure of this document are likely to extend wider than just the participant in question and deter others in the trade from participating in discussion and deliberation on issues affecting the industry generally.</p> <p>This would be doubly harmful if that attitude were to affect organisations' willingness to liaise with the Law Commission who are carrying out a fundamental review of taxi and PHV legislation and who rely heavily on the input of stakeholders.</p>

	<p>The Note was not circulated for agreement by participants at the time and the principal participant has indicated that it contains inaccuracies that the principal participant would have rectified at the time if the opportunity had been presented.</p> <p>Section 41 The participants considered that they were talking to DfT officials in confidence. Some elements of the meeting note demonstrate quite convincingly that they did believe the meeting was being conducted in a confidential manner.</p> <p>The participants have specifically requested that the meeting note be withheld as they believe the contents remain subject to a duty of confidence.</p> <p>Disclosure of certain information in the meeting note would, in the Department's opinion, constitute an actionable breach of confidence.</p> <p>Section 38 In the Department's opinion, some comments and opinions of the participants that were made in confidence and recorded in this information, would be likely to endanger the safety of an individual if they were disclosed.</p>
<p>Decision</p> <p>Withhold entire document under section 36(2)(b) Withhold parts of the document under section 41 Withhold parts of the document under section 38.</p> <p>There is a good case for believing that disclosure of this meeting note would have a chilling effect in terms of harming the Department's relationship with one of its key stakeholders as well as the knock-on effect that this would have on other similar organisations who might clam up rather than risk the publication of their concerns and ideas. This would not be in the interests of good governance. The Department is therefore withholding the whole document under section 36(2)(b) as it considers that disclosure of the document would be likely to inhibit the free and frank provision of advice and exchange of views for the purposes of deliberation.</p> <p>The Department is satisfied that the participants believed that they were talking to the Department in confidence; the note records them talking openly about issues which are of interest to the Department and offering opinions which they clearly would not have made in an open forum. The Department does not consider that this justifies withholding the whole document, but there are three discernable elements which the Department considers would constitute an actionable breach of confidence if disclosed and therefore should be withheld under section 41.</p> <p>The Department is satisfied that a particular element of the note should be withheld under section 38 on the grounds that its disclosure would be likely to endanger the safety of an individual.</p>	

Description of Information – Note of a meeting between DfT officials and the Law Commission, 19 October 2011	
Relevant exemption – s35(1)(a) – formulation or development of Government policy	
Public interest test factors for disclosure	Public interest factors against disclosure
<p>The FOI Act presupposes that disclosure of information generally is to be regarded as being in the public interest.</p> <p>There is a general public interest in promoting the transparency of Government, leading to greater accountability and an increase in trust.</p> <p>Disclosure would enable the enquirer to better understand the nature of the review in terms of suggestions from the Law Commission and the DfT's input.</p>	<p>It is important that policy officials can go through the process of asking questions and providing advice without feeling inhibited about their thoughts being made public.</p> <p>Disclosure of this meeting note would inhibit officials' freedom and willingness to explore options in future.</p> <p>This meeting took place when the Law Commission's review was at a relatively early stage so it was inevitable that some fairly general concepts, ideas and suggestions were discussed – as has been the case between the Law Commission and other organisations representing the trade, consumers and the regulatory bodies.</p> <p>This is an essential part of the review process and, in order to preserve the integrity of the review and generate the best possible outcome, it is important to allow for the free and frank exchange of views and ideas.</p> <p>The Law Commission has benefitted enormously from the openness of stakeholders. Disclosing this note would have a deterrent effect on others – “the chilling effect”.</p> <p>There is a good case for believing that the deterrent effect would, in turn, have a negative effect on the quality of consultation and decision-making.</p>
Decision <p>Withhold. If this meeting note were to be disclosed, there is a good case for believing that the overall quality of the Law Commission's review would be diminished. The Department is entitled to contribute its thoughts to the review process in the same way as other stakeholders without running the risk of stakeholders believing that the Government has made up its mind about the outcome. Ministers have been open about the fact that the Government has an open mind about the review (within the guiding principle of deregulation as outlined in the</p>	

introductory stages). Disclosure of this meeting note which discusses options would run the risk of destroying the integrity of the review.