

Automated passenger services: permitting scheme

Your information

Q1. What is your name?

Sue Nelson

Q2. What is your email address?

sue@instituteoflicensing.org

Q3. Are you responding on behalf of an organisation?

Yes

Organisation details

Q4. What is your organisation's name?

The Institute of Licensing Ltd

Q5. What describes your organisation best?

Other type of organisation:
Professional body for licensing practitioners across the UK

Proposal

Q11. What guidance, if any, do you think we should provide to enable preliminary discussions between those wishing to apply for an APS permit and authorities?

The IoL strongly recommends that local authorities are provided with full information about the proposed operations.

Given that vehicle safety will not be a consideration for local authorities (the consultation states 'there will be a safety assessment process that is followed before a vehicle can be legally deployed, so we would not expect this to form the basis of consenting decisions), local authorities will need clear guidance on what they are entitled to take into consideration when considering consent applications.

Will local authorities be able to provide conditional consent? In other words, to consent to operations for specific purposes or to operate subject to days and times being restricted, or the nature of the work being restricted (for example to exclude home to school transport)?

There are concerns that the consultation on consents will take up time and resources for local authorities and that additional funding should be provided to cover these costs, which will otherwise be borne by local tax payers.

It will be important to minimise any conflict in the practical operation of autonomous vehicles in local areas where licensed taxis are working. Will pick up/drop off/waiting locations be identified and mandated with autonomous vehicles? Measures would need to be taken to ensure that vehicles do not use locations near established taxi ranks, or in other areas where they can cause obstruction – for example in busy town or city centres, one way systems, no stop areas etc. Many local towns and villages have narrow streets, traffic calming measures and one way systems which are challenging for all drivers.

Q12. What information would you expect to see published by permit holders on the safeguarding of passengers?

The model of the operation – who is in control of programming the vehicle, what emergency measures are in place to safeguard passengers in the event of a fault, what passengers will be able to do in the event of an emergency and how they can make complaints or register concerns.

Drivers of taxi and private hire vehicles are often valuable assets in identifying and disrupting exploitation. Will there be any measures in autonomous vehicles to enable identification of vulnerable passengers, or to spot anomalies such as young passengers travelling with an adult under duress, potential county lines victims or passengers with hostile intentions (e.g. someone acting suspicious, potentially undertaking hostile reconnaissance)?

There is some concern about safeguarding implications. Whilst an automated vehicle removes the risk of the driver grooming or exploiting a vulnerable person, there is a risk that those involved in exploitation and other offences could order an automated taxi to pick up a victim and it would not be clear from the records who had travelled in the vehicle and any patterns such as young people being moved to/from a particular address where they may be subject of harm are not also going to be picked up.

There are other considerations such as lost property, witness appeals, problematic addresses, vulnerable and disabled customers, customers fighting/being subject to domestic violence/assaults in vehicles all of which licensed drivers deal with, but autonomous vehicles won't be able to without a driver. It is important these risks are thoroughly considered.

Q13. What reported information would you expect to publish on how the service was meeting the needs of:

older people	Accessibility features and assistance functions, together with the model of the operation – who is in control of programming the vehicle, what emergency measures are in place to safeguard passengers in the event of a fault, what passengers will be able to do in the event of an emergency and how they can make complaints or register concerns. There are concerns that automated vehicles will not be able to provide assistance to disabled or vulnerable passengers. Drivers of taxi and private hire vehicles are in a unique position to assist in identifying and disrupting exploitation. Will there be any measures in autonomous vehicles to enable identification of vulnerable passengers, or to spot anomalies such as an older or more vulnerable passenger travelling with an adult under duress or intimidation?
disabled people	Accessibility features and assistance functions, together with the model of the operation – who is in control of programming the vehicle, what emergency measures are in place to safeguard passengers in the event of a fault, what passengers will be able to do in the event of an emergency and how they can make complaints or register concerns. There are concerns that automated vehicles will not be able to provide assistance to disabled or vulnerable passengers. Drivers of taxi and private hire vehicles are in a unique position to assist in identifying and disrupting exploitation. Will there be any measures in autonomous vehicles to enable identification of vulnerable passengers, or to spot anomalies such as an older or more vulnerable passenger travelling with an adult under duress or intimidation?

Q14. What information do you think should be requested in the APS:

application	The model of operation, intended use (journeys, times and locations), full details of all those in control of the vehicle programming, booking etc. Measures for safeguarding and assisting older, disabled or vulnerable passengers, emergency procedures and safety features. Options for passengers in the event of a mechanical or technical failure, vehicle testing details (result of testing undertaken and the schedule of testing to be undertaken).
renewal process	All of the information requested on the initial application process, together with disclosure of all mechanical or technical faults, customer complaints (or more widely, customer feedback).

Discussions

Q15. What information, if any, do you think would be useful to include in any guidance to support discussions between APS permit applicants and:

emergency services	The model of operation, intended use (journeys, times and locations), full details of all those in control of the vehicle programming, booking etc. Measures for safeguarding and assisting older, disabled or vulnerable passengers, emergency procedures and safety features, including programming designed to respond to emergency vehicles etc. Options for passengers in the event of a mechanical or technical failure, vehicle testing details (result of testing undertaken and the schedule of testing to be undertaken).
traffic authorities	The model of operation, intended use (journeys, times and locations), full details of all those in control of the vehicle programming, booking etc. Measures for safeguarding and assisting older, disabled or vulnerable passengers, emergency procedures and safety features, including programming designed to respond to emergency vehicles etc. Options for passengers in the event of a mechanical or technical failure, vehicle testing details (result of testing undertaken and the schedule of testing to be undertaken).

Criminal record checks

Q16. Do you agree or disagree that:

	criminal record checks as taxis and PHV drivers	medical standards as taxis and PHV drivers
safety drivers should be subject to the same:	Agree	Agree
passenger assistants should be subject to the same:	Agree	Agree

Provide information about your answers.

Strongly agree. Where any individual is in control of the vehicle, they are also in control of the safety of passengers. It is essential that full checks are undertaken to the same standard as drivers of licensed taxis and private hire vehicles.

Permit validity period

Q17. Do you agree or disagree that APS regulations should set the maximum permit validity period at 5 years?

Don't know

Initial granting of permit

Q20. Do you agree or disagree with our proposed approach to initially grant APS permits for a short validity period?

Don't know

Length of the proposed renewal window

Q22. Do you agree or disagree with the length of the proposed renewal window?

Don't know

Existing permit validity

Q24. Do you agree or disagree with our proposal for an existing permit to remain valid, subject to the maximum 5-year period, where the renewal process is delayed?

Agree

Existing permit validity reasoning

Q25. Provide information on your answer.

Question 12: do you agree or disagree that regulations should set the maximum permit validity period at 5 years?

What vehicle testing requirements will be imposed and how will these be monitored during the permit validity?

Question 13: do you agree or disagree with our proposed approach to initially grant APS permits for a shorter validity period?

No comments

Question 14: do you agree or disagree with the length of the proposed APS permit renewal window?
This seems reasonable - those missing the 'window' would require clear guidance on the impact on them as a result.

Fee charging

Q26. Do you agree or disagree with the proposal to not immediately charge an APS permit application fee?

Don't know

Intention to introduce a fee

Q28. Do you agree or disagree with the proposal to introduce an APS application fee in the future, following the implementation of the full act?

Don't know

Varying, suspending and withdrawing

Q30. Do you agree or disagree with the proposed approach to:

	Agree	Disagree	Don't know
vary an APS permit	X		
suspend an APS permit	X		
withdraw an APS permit			

Provide information on your answers.

No concerns with this.

Q31. Do you agree or disagree that in ordinary cases the Secretary of State should give the APS permit holder and consenting authority notice of an intention to:

	Agree	Disagree	Don't know
vary a permit	X		
invite representations	X		

Provide information on your answers.

No concerns with this.

Q32. Do you agree or disagree that in urgent cases, the Secretary of State for Transport may:

	Agree	Disagree	Don't know
suspend an APS permit first and then invite representations	X		
make a temporary variation for an APS permit first and then invite representations	X		

Provide information on your answers.

Agree. It is important that urgent cases can be dealt with urgently.

Q33. Do you agree or disagree with our proposed approach to reviews of decisions made by DVSA?

Don't know

Information sharing

Q35. Do you agree or disagree with the proposed approach to information sharing?

Don't know

Final comments

Q37. Any other comments?

INFORMATION SHARING

Information sharing between authorities is essential and should be encouraged and supported. This is new ground and new technology, and local authorities will benefit from collaborative working and shared understanding of challenges and opportunities in relation to autonomous vehicles.

LOCAL AUTHORITY CONSENTS

We anticipate that there will be resistance to autonomous vehicles from local taxi and private hire operators and this will place local authorities under enormous pressure through industry lobbying.

Guidance should set out the grounds on which consent can be refused. If not safety, will this include the likely impact on licensed taxis and private hire operators? Will local authorities be able to refuse consent purely because they don't like the idea? On grounds of competition with licensed taxi and private hire services?

INFORMATION FOR LOCAL AUTHORITIES

The consultation document asks what information taxi and private hire licensing authorities are likely to view as useful in deciding whether to grant or refuse consent? Without knowing the grounds on which local authorities can refuse consent, or whether such consent can be conditional, this is a difficult question to answer.

Local authorities will need to know what vehicles are operating and at what times of the day or night they will operate. The nature of journeys if specific, and the model of the operation – who is in control of programming the vehicle, what emergency measures are in place to safeguard passengers in the event of a fault, and what passengers will be able to do in the event of an emergency?

FEES

In relation to the proposals to not immediately charge an APS application fee, and to introduce an APS application fee in the future, following the implementation of the full act, we would point out that this may provide a further perceived advantage to APS applicants when compared with conventionally licensed taxi and private hire applicants who are required to pay all fees on application.