

**Response to Law Commissions' second consultation on Automated Vehicles  
(Law Commission Consultation Paper 245; Scottish Law Commission Discussion Paper 169)**

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Any personal email addresses and phone numbers have been excluded from this document.

Unanswered questions have been deleted from this document.

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What is your name?

Philip Howard

What is the name of your organisation?

Stevenage Borough Council

Are you responding to this consultation in a personal capacity or on behalf of your organisation?

[Respondents chose from the following options: Personal response; Response on behalf of your organisation; Other.]

Responding on behalf of organisation

### **CHAPTER 3: OPERATOR LICENSING – A SINGLE NATIONAL SYSTEM**

#### ***A single national scheme***

**Consultation Question 1** (Paragraph 3.82): Do you agree that Highly Automated Road Passenger Services (HARPS) should be subject to a single national system of operator licensing?

[Respondents chose from the following options: yes; no; other.]

Yes

**Consultation Question 2** (Paragraph 3.86): Do you agree that there should be a national scheme of basic safety standards for operating a HARPS?

[Respondents chose from the following options: yes; no; other.]

Yes

### **CHAPTER 4: OPERATOR LICENSING –SCOPE AND CONTENT**

#### ***Scope of the new scheme***

**Consultation Question 3** (Paragraph 4.33): Do you agree that a HARPS operator licence should be required by any business which: (1) carries passengers for hire or reward; (2) using highly automated vehicles; (3) on a road; (4) without a human driver or user-in-charge in the vehicle (or in line of sight of the vehicle)?

[Respondents chose from the following options: yes; no; other.]

Yes

Provision should also be made for businesses/organisations supplying HARPS not for hire or reward in order to protect their users.

**Consultation Question 4** (Paragraph 4.34): Is the concept of “carrying passengers for hire or reward” sufficiently clear?

Yes

It is adequately clear but not necessarily appropriate.

### ***Exemptions***

**Consultation Question 5** (Paragraph 4.46): We seek views on whether there should be exemptions for community or other services which would otherwise be within the scope of HARPS operator licensing.

Where licensing exists to protect the public, this should be in place regardless of the nature of the provider. On what grounds would such organisations pose less risk to their users/others, or should they be less responsible for the service that they provide?

**Consultation Question 6** (Paragraph 4.54): We seek views on whether there should be statutory provisions to enable the Secretary of State to exempt specified trials from the need for a HARPS operator licence (or to modify licence provisions for such trials).

This is reasonable, provided that it is proportionately used; rationales are transparent and well evidenced; and such exemptions are short term until either their withdrawal or licensing requirements are changed.

### ***Operator requirements***

**Consultation Question 7** (Paragraph 4.72): Do you agree that applicants for a HARPS operator licence should show that they: (1) are of good repute; (2) have appropriate financial standing; (3) have suitable premises, including a stable establishment in Great Britain; and (4) have a suitable transport manager to oversee operations?

[Respondents chose from the following options: yes; no; other.]

Yes

**Consultation Question 8** (Paragraph 4.73): How should a transport manager demonstrate professional competence in running an automated service?

Examinations should be put in place, and could be supported by interviews and other demonstrations of relevant experience, expertise and interest e.g. C.V., professional memberships, submission of competency based method statements.

### ***Adequate arrangements for maintenance***

**Consultation Question 9** (Paragraph 4.89): Do you agree that HARPS operators should: (1) be under a legal obligation to ensure roadworthiness; and (2) demonstrate “adequate facilities

or arrangements” for maintaining vehicles and operating systems “in a fit and serviceable condition”?

[Respondents chose from the following options: yes; no; other.]

Yes

**Consultation Question 10** (Paragraph 4.90): Do you agree that legislation should be amended to clarify that HARPS operators are “users” for the purposes of insurance and roadworthiness offences?

[Respondents chose from the following options: yes; no; other.]

Yes

### ***Compliance with the law***

**Consultation Question 11** (Paragraph 4.124): Do you agree that HARPS operators should have a legal duty to: (1) insure vehicles; (2) supervise vehicles; (3) report accidents; and (4) take reasonable steps to safeguard passengers from assault, abuse or harassment?

[Respondents chose from the following options: yes; no; other.]

Yes

**Consultation Question 12** (Paragraph 4.125): Do you agree that HARPS operators should be subject to additional duties to report untoward events, together with background information about miles travelled (to put these events in context)?

[Respondents chose from the following options: yes; no; other.]

Yes

**Consultation Question 13** (Paragraph 4.128): Do you agree that the legislation should set out broad duties, with a power to issue statutory guidance to supplement these obligations?

[Respondents chose from the following options: yes; no; other.]

Yes

**Consultation Question 14** (Paragraph 4.133): We invite views on whether the HARPS operator licensing agency should have powers to ensure that operators provide price information about their services. In particular, should the agency have powers to: (1) issue guidance about how to provide clear and comparable price information?

[Respondents chose from the following options: yes; no; other.]

Yes

The operator licensing agency should also be empowered (but not required) to prescribe maximum and/or minimum fares or to allow local authorities to do so (in general, and/or on specific routes, and/or at specific times) in order to both prevent exploitative pricing and manage traffic on the network.

And/or (2) withdraw the licence of an operator who failed to give price information?

[Respondents chose from the following options: yes; no; other.]

Yes

## **CHAPTER 5: PRIVATELY-OWNED PASSENGER-ONLY VEHICLES**

### ***Setting a boundary between HARPS and private leasing***

**Consultation Question 17** (Paragraph 5.12): Do you agree that those making “passenger-only” vehicles available to the public should be licensed as HARPS operators unless the arrangement provides a vehicle for exclusive use for an initial period of at least six months?

[Respondents chose from the following options: yes; no; other.]

Yes

And for any longer periods unless it can be clearly demonstrated that the owner is genuinely capable of taking on responsibility, which appears unlikely.

### ***Allocating responsibility for a privately-owned passenger-only vehicle: placing responsibilities on keepers***

**Consultation Question 18** (Paragraph 5.40): Do you agree that where a passenger-only vehicle is not operated as a HARPS, the person who keeps the vehicle should be responsible for: (1) insuring the vehicle; (2) keeping the vehicle roadworthy; (3) installing safety-critical updates; (4) reporting accidents; and (5) removing the vehicle if it causes an obstruction or is left in a prohibited place?

[Respondents chose from the following options: yes; no; other.]

Other

(1) and (2) yes

(3) and (4) should be automated as far as possible. In particular it is questionable whether the installation of updates should be entrusted to private individuals and what necessity there could be for such trust if the vehicles are habitually connected to data networks. Crash reporting should be referred to as such, and in so far as possible the vehicle should report if sensor readings etc. suggest a crash (which of course the keeper could be unaware of if the vehicle is travelling empty or transporting someone else), with an onus on the keeper to then follow up.

(5) how is the keeper to do so if the vehicle has so placed itself when they are elsewhere/it is empty? Is this not a programming issue? What about fluid situations e.g. AV parks on unrestricted street opposite empty disabled bay and there is no obstruction; disabled driver's AV parks in disabled bay, but the street is now blocked?

**Consultation Question 19** (Paragraph 5.41): Do you agree that there should be a statutory presumption that the registered keeper is the person who keeps the vehicle?

Yes

**Consultation Question 20** (Paragraph 5.42): We seek views on whether: (1) a lessor should be responsible for the obligations listed in Question 18 unless they inform the lessee that the duties have been transferred?

The lessor should be responsible and should not be able to transfer the obligations unless the lessee is a licensed HARPS operator.

(2) a lessor who is registered as the keeper of a passenger-only vehicle should only be able to transfer the obligations to a lessee who is not a HARPS operator if the duties are clearly explained to the lessee and the lessee signs a statement accepting responsibility?

That would be a minimum expectation, but for preference there should be no such transfer.

### ***Will consumers require technical help?***

**Consultation Question 21** (Paragraph 5.47): Do you agree that for passenger-only vehicles which are not operated as HARPS, the legislation should include a regulation-making power to require registered keepers to have in place a contract for supervision and maintenance services with a licensed provider?

Yes

### ***Peer-to-peer lending***

**Consultation Question 22** (Paragraph 5.53): We welcome views on whether peer-to-peer lending and group arrangements relating to passenger-only vehicles might create any loopholes in our proposed system of regulation.

Yes

This is self-evident and any peer-to-peer platform would be a de-facto operator so should be subject to licensing similarly to all others.

### ***Protecting consumers from high ongoing costs***

**Consultation Question 23** (Paragraph 5.60): We seek views on whether the safety assurance agency proposed in Consultation Paper 1 should be under a duty to ensure that consumers are given the information they need to take informed decisions about the ongoing costs of owning automated vehicles.

Yes.

## **CHAPTER 6: ACCESSIBILITY**

### ***What we want to achieve***

**Consultation Question 24** (Paragraph 6.11): We seek views on how regulation can best promote the accessibility of Highly Automated Road Passenger Services (HARPS)? In particular, we seek views on the key benefits and concerns that regulation should address.

This should be determined through engagement with representative organisations of the relevant user groups.

### ***Core obligations under equality legislation***

**Consultation Question 25** (Paragraph 6.31): We provisionally propose that the protections against discrimination and duties to make reasonable adjustments that apply to land transport service providers under section 29 of the Equality Act 2010 should be extended to operators of HARPS. Do you agree?

[Respondents chose from the following options: yes; no; other.]

Yes

### ***Specific accessibility outcomes***

**Consultation Question 26** (Paragraph 6.106): We seek views on how regulation could address the challenges posed by the absence of a driver, and the crucial role drivers play in order to deliver safe and accessible journeys. For example, should provision be made for:

(1) Ensuring passengers can board and alight vehicles?

[Respondents chose from the following options: yes; no; other.]

Yes

(2) Requiring reassurance when there is disruption and accessible information?

[Respondents chose from the following options: yes; no; other.]

Yes

(3) Expansion of support at designated points of departure and arrival?

[Respondents chose from the following options: yes; no; other.]

Yes

### ***Developing national minimum accessibility standards for HARPS***

**Consultation Question 27** (Paragraph 6.109): We seek views on whether national minimum standards of accessibility for HARPS should be developed and what such standards should cover.

Yes they should. What they should cover should be determined through engagement with representative organisations of the relevant user groups.

### ***Enforcement mechanisms and feedback loops***

**Consultation Question 28** (Paragraph 6.124): We seek views on whether operators of HARPS should have data reporting requirements regarding usage by older and disabled people, and what type of data may be required.

[Respondents chose from the following options: yes; no; other.]

Yes

## **CHAPTER 7: REGULATORY TOOLS TO CONTROL CONGESTION AND CRUISING**

### ***Regulating use of the kerbside***

**Consultation Question 30** (Paragraph 7.59): We welcome views on possible barriers to adapting existing parking provisions and charges to deal with the introduction of HARPS.

In particular, should section 112 of the Road Traffic Regulation Act 1984 be amended to expressly allow traffic authorities to take account of a wider range of considerations when setting parking charges for HARPS vehicles?

[Respondents chose from the following options: yes; no; other.]

Yes

Though S112 is about identifying drivers rather than setting parking charges?

Setting charges/designating parking for HARPS vehicles is a complex subject.

Whether AVs will be able to wait wherever they are not forbidden from doing so, or only where a space has been formally designated, may be the key question. If the former, this may add to parking problems in unrestricted streets; if the latter, demand on limited designated capacity may be unmanageable, and measures to manage it or vehicular responses to undercapacity may lead to congestion.

### ***Road pricing***

**Consultation Question 31** (Paragraph 7.86): We seek views on the appropriate balance between road pricing and parking charges to ensure the successful deployment of HARPS.

It is likely that this will be fluid, requiring adjustment of fees for road use and for parking within areas to achieve an appropriate balance and enable successful HARPS use whilst not encouraging its "success" at the expense of modes that should be preferred for health and environmental reasons. It seems likely this balance will be different across the network and the nation, and may be contentious with the public. It should be quick and easy for these fees to be adjusted by local authorities, including geographic and temporal variation within their area, in order to successfully manage traffic. As with parking fees at present, the financial arrangements pertaining to this should be transparent and transport-focused in use of any surplus.

**Consultation Question 32** (Paragraph 7.87): Should transport authorities have new statutory powers to establish road pricing schemes specifically for HARPS?

If so, we welcome views on:

- (1) the procedure for establishing such schemes;
- (2) the permitted purposes of such schemes; and
- (3) what limits should be placed on how the funds are used.

[Respondents chose from the following options: yes; no; other.]

Yes

1) Road pricing is a key traffic management tool that is little used due to both the current legislation and practicalities. Where future vehicles will be geolocated at all times this should integrate into a national tracking system for fees to be applied; road pricing introduction could be integrated into normal "traffic order" processes, and added to the national system when put into force.

2) Managing traffic demand with a view to the purposes in S1 of RTRA1984, managing and improving air quality.

3) As with existing Special Parking Accounts.

### ***Quantity restrictions***

**Consultation Question 33** (Paragraph 7.97): Do you agree that the agency that licenses HARPS operators should have flexible powers to limit the number of vehicles any given operator can use within a given operational design domain for an initial period? If so, how long should the period be?

[Respondents chose from the following options: yes; no; other.]

Yes

## **CHAPTER 8: INTEGRATING HARPS WITH PUBLIC TRANSPORT**

### ***The current system of bus regulation: HARPS as mass transit***

**Consultation Question 35** (Paragraph 8.92): Do you agree that a HARPS vehicle should only be subject to bus regulation if it:

(1) can transport more than eight passengers at a time and charges separate fares?

[Respondents chose from the following options: yes; no; other.]

Yes

(2) does not fall within an exemption applying to group arrangements, school buses, rail replacement bus services, excursions or community groups?

[Respondents chose from the following options: yes; no; other.]

Yes

**Consultation Question 38** (Paragraph 8.109): We seek views on a new statutory scheme by which a transport authority that provides facilities for HARPS vehicles could place requirements on operators to participate in joint marketing, ticketing and information platforms.

The summary document suggested the example of using bus lanes subject to the above. Allowing HARPS vehicles to use such facilities subject to such engagement only seems reasonable, if applied sufficiently stringently; allowing single occupant cars to congest all bus lanes in rush hour because they are advertised in the same place would be undesirable but allowing those HARPS vehicles whose occupants have bus tickets to use bus lanes to get to the bus station/stop would be more reasonable to provide a joined-up system of transport.