

Q1. Do you agree that Highly Automated Road Passenger Services (HARPS) should be subject to a single national system of operator licensing?

Yes.

Q2. Do you agree that there should be a national scheme of basic safety standards for operating a HARPS?

Yes.

Q7. Do you agree that applicants for a HARPS operator licence should show that they:

Are of good repute;

Have appropriate financial standing;

Have suitable premises, including a stable establishment in Great Britain; and

Have a suitable transport manager to oversee operations?

Yes.

Q8. How should a transport manager demonstrate professional competence in running an automated service?

We would suggest that:

- There should be a nationally recognised mandatory training qualification for all HARPS managers/operators, to include both IT literacy and health and safety awareness.
- There should be a mandatory criminal background check for all HARPS managers/operators.
- There should be mandatory health checks for all HARPS managers/operators in accordance with those issued to "Group 2" license holders by the DVLA. Currently, PSV licenses are renewable five-yearly from age 45 and the HSE has recommended that those driving PSVs after the age of 65 should have annual assessments for fitness. This should be mirrored for all HARPS managers/operators.
- HARPS managers/operators should have within their written contract of employment a requirement for medical screening and/or examination by their employer's Occupational Health Department or an independent OH Consultant where the employer doesn't have in house provision following absence in excess of 28 days.
- There should be an independent body established to oversee and ensure employer compliance with the above.

Q11: Do you agree that HARPS operators should have a legal duty to:

Insure vehicles;
Supervise vehicles;
Report accidents; and
Take reasonable steps to safeguard passengers from assault, abuse or harassment?

Yes but:

- Clarification is required on what is meant by “supervision” and “supervised”. Is this onboard presence or is the supervision performed remotely?
- If supervision is to take place remotely, what level of supervision is to be required – one operator with a bank of cameras to monitor or restrictions on the number of PSV’s one operator can monitor? What provision for intervention and engagement with emergency services will there be should a passenger develop a medical complaint and/or an incident of violence or unsocial behaviour occurs that would have been preventable with the presence of onboard supervision?
- We suggest that there *must* be guidance on the maximum number of vehicles that can be supervised remotely at one time.

Q12: 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)?

Yes but:

- Clarification is required of what constitutes an “untoward event”.
- We would suggest that as with the Reporting of Injuries Diseases and Dangerous Occurrences Regulations 2013 near misses be included in the reporting requirements.

Q15: Who should administer the system of HARPS operator licensing?

The Driver & Vehicle Standards Agency (DVSA)

Q17: 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?

Yes though we see no need for the six month distinction.

Q18 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:

- Insuring the vehicle;
- Keeping the vehicle roadworthy;
- Installing safety-critical updates;
- Reporting accidents; and
- Removing the vehicle if it causes an obstruction or is left in a prohibited place?

Yes.

Q19. Do you agree that there should be a statutory presumption that the registered keeper is the person who keeps the vehicle?

Yes.

Q20: We seek views of whether:

- A lessor should be responsible for the obligations listed in Question 18 unless they inform the lessee that the duties have been transferred.
- 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?

Yes but we would suggest that:

- The lessee must have adequate minimum insurance to ensure that any person/property harmed by the privately-owned passenger-only vehicle is compensated for their injury.
- Provisions should be made to amend the Motor Insurance Bureau's Uninsured Drivers Scheme to take account of cases where the adequate minimum insurance has not been obtained by the lessee.

Q21: 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 but we would suggest that:

- The registered keeper must be able to demonstrate compliance with the supervision contract.
- The registered keeper must demonstrate that maintenance services have been utilised and fully configured with the existing system much as roadworthiness is required currently.

Q23: We seek views on whether the safety assurance agency proposed in Consultation Paper 1 should be under a duty of ensure that consumers are given the information they need to take informed decisions about the ongoing costs of owning automated vehicles.

Yes and:

- Clarification is required as to what provision will be made to ensure ongoing customer-compliance should a manufacturer become insolvent or otherwise cease to trade with the effect that the software ceases to be updated.

For further information please contact:

Tom Jones

Head of policy, Thompsons Solicitors

TomJones@thompsons.law.co.uk