

APS permitting scheme consultation – Newcastle-under-Lyme BC

This response has been submitted on behalf of Newcastle-under-Lyme Borough Council in its capacity as a licensing authority administering the taxi licensing regime. Licensing authorities are a primary stakeholder and as such any reform will impact on how the service is administered, resourced and provided.

Question 1: what guidance, if any, do you think government should provide to enable preliminary discussions between those wishing to apply for an APS permit and authorities?

Government should set out the regulatory framework for the type of business model being considered. It should include a minimum level of information/documentary evidence that applicants will be statutorily obliged to provide to consenting authorities (CAs) to enable them to make informed decisions. It should also include guidance on what CAs must consider when consulted upon any applications for APS permits. The Council agree that initial discussions between the CAs and applicants prior to the formal submission of an application would be beneficial for both parties and ensure a streamlined process.

Question 2: in your view, should we support any coordination, information sharing and best practice sharing between authorities?

Yes. There should be guidance on how CAs should share information with one another. This will be necessary to provide a consistent approach regionally/nationally. It would be of benefit to issue guidance on how neighbouring CAs should share information with one another and make determinations given the potential for journeys to cross geographical borders.

Question 3: in your view, what would you expect to see included to make the proposed guidance as useful as possible for your authority?

It must include the remit of the CA in relation to the application, including what powers are open to them and what information must be supplied/considered. It would be beneficial to explain/expand upon the implications when a CA does not consent to the granting of a permit. What recourse is open to the CA to make that decision, what information needs to be provided within the reasoning, if the CA does not provide consent, then is there a method of appeal, resubmission of the application or does the Secretary of State for Transport have the power to grant anyway.

Question 4: in your view, what information are taxi and private hire licensing authorities likely to view as useful in deciding whether to grant or refuse consent?

- Details of the applicant;
- Confirmation that they have met the relevant suitability criteria;
- Details of the vehicles proposed to be operated (what are they, how many of them, how many passengers they will hold, how applicants will ensure customers with disabilities or additional needs can access the service and how they raise concerns if needed etc);
- Details of how the vehicles will be monitored and maintained, the frequency of safety checks;
- Is the business model similar to a Hackney Carriage or Private Hire service
- Are there any proposed limitations on the geographical area that the vehicles will operate within;
- How fares will be set and charged;
- What hours/days the operation is proposed to take place;

- *What will the vehicle do/where will they go between jobs;*
- *What provisions will be in place if the vehicle breaks down, is involved in a RTA etc;*
- *How customers will be notified of the details of their vehicle having arrived;*
- *How will service users know how to make bookings or complaints.*

Question 5: in your view, what information are bus franchising bodies likely to view as useful in deciding whether to grant or refuse consent?

As a lower tier authority, the Council are not a bus franchising body however we expect that they will require very similar information to that of CAs.

Question 6: what information would you expect to see published by permit holders on the safeguarding of passengers?

- *A named person responsible for safeguarding within the organisation that holds the permit, and their contact details (available to DVSA and CAs);*
- *Details of all persons within the organisation that have undergone relevant safeguarding training;*
- *The Safeguarding policy;*
- *How complaints can be made, how they will be recorded and dealt with and what information sharing protocols will be in place to assist regulatory bodies with investigations.*

Question 7: what information would you expect to see published by permit holders on how the service was meeting the needs of older and disabled people?

- *A statement/policy on how the permit holders will meet it's duties under the Equality Act 2010 to ensure that vulnerable persons, disabled persons and/or those with protected characteristics and not disadvantaged;*
- *A list of vehicles that can carry passengers in wheelchairs, or that can accommodate those with mobility aids.*

Question 8: what information do you think should be requested in the APS permit application process?

- *Area where a service will be provided;*
- *The number and description of vehicles intended to be deployed;*
- *The times of operation;*
- *Details of the relevant policies e.g. safeguarding;*
- *Documentary evidence (or the ability to check) appropriate insurances, vehicle data, applicant's right to work in the UK, tax status (similar to current taxi/PHV scheme)*
- *The information contained in the Council's response to Question 4.*

Question 9: what information do you think should be requested in the APS permit renewal process?

The same information as provided in the initial application with express details of any proposed changes.

Question 10: what information do you think would be useful to include in any guidance to support discussions between APS permit applicants and emergency services and traffic authorities?

<i>This question would be best addressed by the relevant stakeholders.</i>
Question 11: do you agree or disagree that safety drivers or passenger assistants should be subject to the same criminal record checks and medical standards as taxis and PHV drivers and why?
<i>The Council agrees with this proposal. Public safety is of the utmost importance and criminal record checks and medical standards for any individual involved in the carrying of passengers are the minimum requirements that should be in place.</i>
Question 12: do you agree or disagree that regulations should set the maximum permit validity period at 5 years?
<i>The Council agrees with this proposal. Providing that there is a robust method for varying, suspending or withdrawing (where appropriate) the permit, a 5-year period provides the permit holder with confidence and certainty that they can continue their operation for a significant time period without the burden of additional regulation.</i>
Question 13: do you agree or disagree with our proposed approach to initially grant APS permits for a shorter validity period?
<i>The Council agrees with this proposal. An initial period of 12-18 months for pilot APS permits will allow for any issues to be identified and remedied in advance of a full permit being applied for.</i>
Question 14: do you agree or disagree with the length of the proposed APS permit renewal window?
<i>The Council agrees with this proposal. The window provides a confidence and certainty to permit holders that they will not need to cease operations due to a delay in the application process that is not within their control. In addition it will ensure that operators make applications in good time which will in itself assist speed up the administrative process.</i>
Question 15: 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?
<i>The Council agrees with this proposal. If the delay is not of the permit holder's doing, then this provision safeguards their position and places the emphasis on the regulators to deal with applications expeditiously.</i>
Question 16: do you agree or disagree with the proposal to not immediately charge an APS application fee?
<i>The Council disagree with this proposal although it is a matter for the stakeholder. By not charging any fee at all the Government will be subsidising these processes entirely. Whilst it is appreciated it is currently unknown as to the time and resource implications that will be required, and therefore needed recovering, the Government may wish to charge a nominal fee that at least covers some of the initial costs.</i>
Question 17: do you agree or disagree with the proposal to introduce an APS application fee in the future, following the implementation of the full act?
<i>The Council agrees with this proposal. All regulatory functions should be fully cost recovered against the relevant stakeholders.</i>
Question 18: do you agree or disagree with our proposed approach to vary, suspended or withdraw an APS permit?

<i>The Council agrees with this proposal. We are satisfied that permits could not be varied without the CAs approval.</i>
Question 19: do you agree or disagree that in ordinary cases, the Secretary of State for Transport should give the APS permit holder and consenting authority notice of an intention to vary a permit and invite representations?
<i>The Council agrees with this proposal.</i>
Question 20: do you agree or disagree that in urgent cases, the Secretary of State for Transport may suspend or make a temporary variation to an APS permit first, and then invite representations?
<i>The Council agrees with this proposal providing sufficient reasoning is given for the differentiation between an ordinary and urgent decision.</i>
Question 21: do you agree or disagree with our proposed approach to reviews of decisions made by DVSA?
<i>The Council agrees with this proposal although it would be beneficial to provide a timeframe for the DVSA to conduct the internal review after having acknowledge the request for review. There does not appear to be a timeframe contained within the draft regulations or consultation document.</i>
Question 22: do you agree or disagree with our proposed approach to information sharing?
<i>The Council agrees with this proposal</i>