

# Net Zero, Energy and Transport Committee

28<sup>th</sup> Meeting, 2022 (Session 6), Tuesday, 1  
November 2022

## Petition on bus travel for wheelchair users

### Note by the Clerk

#### Public Petitions

1. Petitions are a way to ask the Parliament to do something. [Find out more about the petition process](#). Under the [Parliament's Standing Orders \(rules 15.4 to 15.8\)](#) the Citizen Participation and Public Petitions (CPPP) Committee may take such action as it considers appropriate in relation to any petition. This may include —

(a) referring the petition to the Scottish Ministers, any other committee of the Parliament or any other person or body for them to take such action as they consider appropriate;

(b) reporting to the Parliamentary Bureau or to the Parliament;

(c) taking any other action which the Committee considers appropriate; or

(d) closing the petition. If a petition is closed, the petitioner must be notified of the reasons for this. It is good practice for the Committee to agree in its public discussion of any petition it intends to close, the reason(s) why it is being closed.

2. There is one petition currently before the Net Zero, Energy and Transport Committee which has been referred by the CPPP Committee.

### PE1886: Introduce legislation to improve bus travel for wheelchair users

- Purpose: Calling on the Scottish Parliament to urge the Scottish Government to introduce legislation so that wheelchair users are able to face frontwards when travelling on a bus.
- Petitioner: Daryl Cooper
- Date published: 20 May 2021
- Webpage: [View the full petition](#)

## Prior consideration of the Petition

3. The CPPP Committee invited the Scottish Government to share its initial views on the petition. Subsequently, the Committee [received a submission from the Scottish Government](#) on 17 June 2021 which can be found in **Annexe A**.
4. This stated the issue of accessibility on coach and bus services is reserved and the provision of spaces capable of accommodating wheelchairs on buses is included in the [Public Service Vehicles Accessibility Regulations 2000](#) (the 2000 Regulations). The Scottish Government said “both forward and rearward facing wheelchair spaces are provided for in PSVAR, and operators may select the option which best fits the circumstances of the service being provided.”
5. The Scottish Government noted the UK Government commitment to review the 2000 Regulations by the end of 2023.
6. The CPPP Committee then received a submission from the Petitioner on 24 June 2021, responding to the Scottish Government, which is **Annexe B**. In this he notes the control bus operators have over the type of spaces to provide depending on the service being provided.
7. On 8 September 2021, the CPPP Committee considered the petition. The Scottish Parliament Information Centre (SPICe) [prepared a paper](#) for this meeting. [Read the Official Report of the meeting on 8 September 2021](#).
8. The CPPP Committee agreed to write to the Scottish Government to ask if the issues raised in the petition could be addressed via the provisions relating to bus service improvement partnerships and local services franchises within the [Transport \(Scotland\) Act 2019](#). This correspondence can be found in **Annexe C**. The Scottish Government [responded on 21 October 2022](#): see **Annexe D**.
9. This correspondence highlights the powers conferred on local authorities to operate bus services and Bus Service Improvement Plans and Local Service Franchises. The Scottish Government note “the provisions in the 2019 Act operate in such a way as to place the setting of any service standards for local bus services within the competence of local transport authorities (either through a partnership scheme in the case of a BSIP or a franchising framework in the case of an LSF).”
10. At its meeting on 1 December 2021, the CPPP Committee discussed the response it received from the Scottish Government and agreed to write to Pam Duncan-Glancy MSP to seek her views on the issues she has experienced on the public bus network as a wheelchair user. This correspondence is available in **Annexe E**. [Read the Official Report of the meeting on 1 December 2021](#).
11. Pam Duncan-Glancy MSP [replied on 29 December 2022](#): see **Annexe F**
12. On 9 March 2022, the CPPP Committee agreed to refer the petition to a subject committee in order to ensure consideration of the issues relating to accessibility on bus services for disabled users could continue. The Net Zero, Energy and Transport Committee and the Equalities, Human Rights and Civil Justice Committee were both

considered as options to refer the petition. The petition was later referred to the NZET Committee. [Read the Official Report of the meeting on 9 March 2022.](#)

## Consideration by this Committee

13. At its meeting on 01 November 2022, the NZET Committee will consider the petition. Options open to the Committee include—

- Keeping the petition open and write to COSLA in order to ask how local authorities intend to utilise their new powers conferred by the Transport (Scotland) Act 2019 regarding bus service improvement partnerships and local services franchises to deliver improvements for wheelchair users on public buses.
- As the UK Government has confirmed it will complete a review of the Public Sector Vehicles Accessibility Regulations by the end of 2023, writing to the Department for Transport in order to highlight the concerns raised by the Petitioner in relation to the rules which govern accessibility on public transport in order for these views to inform the UK Government's considerations around the current Regulations. In so doing, the Committee has the option to also close the petition in recognition that the Regulations are reserved.

## Decision on Petition

14. **The Committee is invited to consider next steps on the petition.**

## Annexe A

# Correspondence from Scottish Government to Citizen Participation and Public Petitions Committee

17 June 2021

Thank you for your request seeking Scottish Government consideration on legislation to improve bus travel for wheelchair users, particularly to enable wheelchair users being able to face forwards when travelling on a bus relating to petition PE1866.

This issue remains a reserved matter to the UK Government under the Devolution Settlement, The Scotland Act 1998 (as amended by the Scotland Act 2012). [Schedule 5 to the act](#) sets out those matters which are reserved to the UK Parliament.

It is however the policy of the Scottish Ministers to have all transport matters, including accessibility, fully devolved to the Scottish Government to enable us to better deliver for Scotland's disabled travellers.

This particular matter falls under the Public Sector Vehicles Accessibility Regulations (PSVAR), introduced in 2000, which requires buses and coaches carrying over twenty-two passengers on local or scheduled routes to incorporate features such as a ramp, wheelchair space and lift to enable disabled people to travel safely and in comfort.

Both forward and rearward facing wheelchair spaces are provided for in PSVAR, and operators may select the option which best fits the circumstances of the service being provided.

In the recently published Department for Transport [National Bus Strategy](#) "Bus Back Better" the UK Government committed to complete a review of the PSVAR by the end of 2023. We expect the review to be wide-ranging in its scope, considering the extent to which the Regulations are currently effective in supporting access to respective services, whether they cover the types of journey's that disabled people need to access, and how they could be improved in the future. We, in the Scottish Government will continue to work closely with the UK Government on these matters.

The Scottish Government's [National Transport Strategy 2](#) sets out an ambitious and compelling vision for our transport system for the next 20 years, one that protects our climate and improves our lives. The Strategy advocates a vision for Scotland's transport system, that will help create great places – a sustainable, inclusive, safe and accessible transport system helping deliver a healthier, fairer and more prosperous Scotland for communities, businesses and visitors. It also sets out our priorities to support that vision including reducing inequalities to ensure we address the key challenges.

[Going Further](#) was the first national Accessible Travel Framework for Scotland. The framework provides a national vision and outcomes for accessible travel and a high-level action plan to tackle the key issues facing disabled people. Its vision is that “All disabled people can travel with the same freedom, choice, dignity and opportunity as other citizens.”

The vision is underpinned by four outcomes;

- more disabled people make successful door-to-door journeys, more often.
- disabled people are more involved in the design, development and improvement of transport policies, services and infrastructure.
- everyone involved in delivering transport information, services and infrastructure will help to enable disabled people to travel.
- disabled people feel comfortable and safe using public transport – this includes being free from hate crime, bullying and harassment when travelling.

I hope this response is of assistance.

## Annexe B

### Correspondence from Petitioner to Citizen Participation and Public Petitions Committee

24 June 2022

It would appear the issue currently making it a problem for some wheelchair users lies in paragraph five of the Scottish Government's submission. Given that, it would appear that currently the choice is with the bus operators, which is in line with the service being provided.

The Scottish Government says that both forward and rear facing spaces are provided in the Public Service Vehicle Accessibility Regulations (PSVAR). The only time I've really known a bus to have forward facing to be provided is an occasion where the operator has a coach on a route.

On the majority of local and regional bus routes, it seems to be the only option is rear-facing space for wheelchair users. It wouldn't surprise me if this was looked into in more detail if the number for rear facing wheelchair spaces on buses was as high as 90% or even higher. It seems to be the norm, the default if you like, for bus companies to choose buses where a wheelchair user is required to face backwards.

Personally, I don't think that the choice should be with the bus operators and this would resolve this issue.

In paragraph four the Scottish Government states that the regulations require "buses and coaches carrying over twenty-two passengers on local or scheduled routes to incorporate features such as a ramp, wheelchair space and lift to enable disabled people to travel safely and in comfort."

I dispute that these are being enforced as, from experience for myself and I'm sure many others, the journey simply isn't in comfort if you are feeling—

- travel sick from facing backwards and
- uncomfortable from a dignity point of you facing all other passengers on board.

I hope that the Going Further national framework that the Scottish Government mentions will make a difference someday.

Is there any time frame for this?

I'd hope this would seek to resolve this issue and more even with train access as with trains currently you need to book assistants anywhere between 2hrs and 24hrs prior to journey. Again, challenging at times.

Is there currently anything that the Scottish government can do as these types of issues are affecting disabled people NOW.

## Annexe C

### Correspondence from Citizen Participation and Public Petitions Committee to Scottish Government

10 September 2021

The Citizen Participation and Public Petitions Committee considered the above petition at its meeting on 8 September. At that meeting, the Committee noted the Scottish Government's earlier response on the issues raised in the petition dated 12 August 2021. The Committee agreed to write further to the Scottish Government to ask if there is capacity for the issues raised in the petition to be addressed via the implementation of the provisions within the Transport (Scotland) Act 2019 which cover bus services, such as those which relate to bus service improvement partnerships and local services franchises.

The [Official Report](#) will be published by 6pm on 14 September. A recording of the meeting is available to view [online](#).

The Committee would be grateful to receive your response electronically, in Word format, by no later than **Friday 8 October**. Your response will be processed in accordance with the Parliament's [policy on the treatment of written evidence](#).

On behalf of the Committee, thank you for your assistance.

Yours sincerely,



## Annexe D

# Letter from Scottish Government to Citizen Participation and Public Petitions Committee

21 October 2022

Thank you for your letter of 10 September (further to our letter of 17 June) on the above petition asking if there is capacity for the issues raised in the petition to be addressed via the implementation of the provisions of the Transport (Scotland) Act 2019 (“the 2019 Act”) covering bus services such as those which relate to bus service improvement partnerships (BSIPs) and local services franchises (LSFs).

The Public Service Vehicles Accessibility Regulations 2000 (PSVAR) is reserved legislation and it is this that requires buses and coaches carrying over twenty two passengers on local or scheduled routes to incorporate features such as a ramp, wheelchair space and lift to enable disabled people to travel safely and in comfort. Both forward and rear facing wheelchair spaces on buses are regulated by PSVAR. The UK Government has committed to complete a review of these regulations by the end of 2023.

Further to this, in the context of BSIPs and LSFs, the provisions in the 2019 Act operate in such a way as to place the setting of any service standards for local bus services within the competence of local transport authorities (either through a partnership scheme in the case of a BSIP or a franchising framework in the case of an LSF). Whilst there is no provision for Ministers to intervene directly, we would expect local transport authorities and bus operators to work closely together to ensure that the required service standards meet the needs of local communities including people with disabilities.

You may also be aware that we recently consulted (closing date 6 October) on implementing part 3 (bus services) of the 2019 Act. The consultation document is available via the following web link [Implementation of Part 3 \(bus services\) of the Transport \(Scotland\) Act 2019](#) and includes at p.36 a section on the accessibility of services in the context of the provision of guidance on BSIPs. The consultation results are currently being analysed and will be published in due course, as will the response to the consultation once the results have been fully considered.

## Annexe E

### Correspondence from Citizen Participation and Public Petitions Committee to Pam Duncan-Glancy MSP

08 December 2021

Dear Pam Duncan-Glancy MSP

The Citizen Participation and Public Petitions Committee considered the above petition at its meeting 1 December 2021. The Committee agreed to write to you to seek your views on the petition. The Committee is particularly interested to explore what other mechanisms could be used to achieve the petition's aims, given that the Public Service Vehicles Accessibility Regulations 2000 are reserved.

The [Official Report](#) of the meeting is due for publication by 6pm on Wednesday 8 December. In the meantime, a video of the meeting is available [online](#).

The Committee's clerks would be grateful to receive your response in Word format, electronically by no later than **5 January 2022**.

[Written submission guidance](#) is available to assist in the preparation of your submission. Your response will be processed in accordance with the Parliament's [policy on the treatment of written evidence](#).

The Committee asks that this deadline is met to allow sufficient time for the petitioner to comment on your written response and for consideration of the petition to continue as timetabled. Should you be unable to meet the above deadline, I would be grateful if you could advise the Committee's clerks that this is the case as soon as possible.

On behalf of the Committee, thank you for your assistance.

Yours sincerely

## Annexe F

### Written submission from Pam Duncan-Glancy MSP to the Citizen Participation and Public Petitions Committee

29 December 2022

Thank you for inviting me to give evidence on this crucial matter. I trust that the committee will consider my short evidence, alongside more detailed evidence from organisations of disabled people, who will be able to provide more wide ranging evidence and represent their members diverse views. However, as a disabled person, and as a member of this Parliament with lived experience, I think it is important to provide the evidence I have to assist your work. I thank you for inviting me to give the evidence.

#### The problems

For too long, and too often, disabled people have been excluded from bus travel for a variety of reasons, including but not restricted to:

- a lack of accessible buses that can lower to allow wheelchairs on board. This means that disabled people have less access to already stretched routes and fewer buses to get
- poor joined up transport meaning that some routes are only partly accessible by bus, a connecting bus is inaccessible or other forms of connecting transport is inaccessible thus the disabled person cannot complete their journey
- no seating at some bus stops, meaning people with mobility problems cannot wait for the bus without being in significant pain or distress
- only one wheelchair user being allowed on a bus at a time, largely due to problems in policy, and outdated paternal views on health and safety as opposed to a design issue with much of the fleet, which, has space for more than one wheelchair user. This reduces the services available to wheelchair users significantly. It also means wheelchair using friends/couples/colleagues cannot travel together.
- My husband and I are both wheelchair users and have been split up at 3am to get on different buses, meaning we travelled alone and one of us to wait, alone, at either end of the journey. This is not safe. It also means that when we are travelling for a special occasion, we can't arrive together
- inaccessible information on bus times and routes for people with communication impairments, including sensory impairments meaning many disabled people have no way of knowing what transport is available and when
- lack of information on what buses and routes are accessible, meaning disabled people find it hard to plan journeys

This has a huge impact on disabled people's ability to get to work, visit family and friends, enjoy a social life, participate in society and lead a life on an equal basis to non-disabled people. It also means that disabled people have to rely on private cars and are restricted in their ability to contribute to a carbon free society.

The outcomes of such restrictions on disabled people's use of buses, added to the many other ways that disabled people are denied equal opportunities, are seen in the persistently lower employment and participation rates of disabled people, their lower representation in education, and representation rates in public office and in all other aspects of public life – details of which are widely available to the committee. For these reasons, it is important that this discrimination is addressed. It is also important to remember that discrimination on the grounds of being a disabled person can constitute a breach of the law.

### Suggested actions and next steps for the committee

I'd suggest the committee take evidence on ways to ensure that:

- a significantly higher proportion of buses are accessible to many more people
- disabled people can wait for a bus without being in significant pain or distress
- several wheelchair users can travel together (Sweden has a good model for this that the committee may wish to explore)
- accessible information on bus times and routes for people with communication impairments, including sensory impairments are mandatory and provided in all circumstances
- information on what buses and routes are accessible is clearly set out so that disabled people can plan journeys

To do this, I would suggest that the committee invite evidence from the following groups of people:

- Disabled People's Organisations on their experiences and ideas for solutions
- Bus companies on their responsibilities, understanding of these and views on the current situation for disabled people
- Local transport authorities on their responsibilities, understanding of these and views on the current situation for disabled people
- The Minister for Transport to outline their responsibilities, understanding of these and views on the current situation for disabled people