

Transport Committee

Oral evidence: [Accessible transport: legal obligations](#), HC 82

Wednesday 22 November 2023

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[Watch the meeting](#)

Members present: Iain Stewart (Chair); Jack Brereton; Sara Britcliffe; Karl McCartney; Grahame Morris; Gavin Newlands; Greg Smith; Mick Whitley.

Questions 79–111

Witnesses

[III](#): Keith McNally, Operations Manager, Confederation of Passenger Transport; Loveday Ryder, Chief Executive, Driver and Vehicle Standards Agency; and Councillor Linda Taylor, Vice-Chair, Local Infrastructure and Net Zero Group, Local Government Association.

Written evidence from witnesses:

- [Confederation of Passenger Transport](#)



Examination of witnesses

Witnesses: Keith McNally, Loveday Ryder and Councillor Linda Taylor.

Q79 **Chair:** Welcome to our third panel this morning. Could I ask each of you to introduce yourselves and your organisation, please?

Keith McNally: Good morning. I am Keith McNally, operations director at CPT, the Confederation of Passenger Transport, the trade association for the bus and coach sector.

Loveday Ryder: I am Loveday Ryder, the chief executive of the DVSA—the Driving and Vehicle Standards Agency. We look after drivers, vehicles and enforcement activity on the roads.

Councillor Taylor: Good morning. I am Linda Taylor. I am the leader of Cornwall Council but I am here representing the LGA. I am the vice-chair of the local infrastructure and net zero board.

Q80 **Chair:** Thank you very much and welcome to you all. Linda, we have heard in the course of our inquiry many complaints about street clutter, poor maintenance of pavements and e-scooters all combining to make the public realm harder for people with disabilities to navigate. Can you tell me a little about how local authorities apply the public sector equality duty when it comes to the streetscape?

Councillor Taylor: For a lot of local authorities it is a challenge. I am going to use local experience. In most places like Cornwall, there are A-frames, chairs and furniture. If local authorities have not trained the appropriate person who is able to go out and issue tickets, which is a costly process, they have nowhere else to go. The easiest answer that we see happening is a default position to the legislation that London has in relation to enforcement of street pavement activity. It seems sensible to have that default position.

Q81 **Chair:** Could you tell us a little more about how that works in London and why it is not applicable elsewhere?

Councillor Taylor: My understanding of what happens in London is that if there is pavement parking, in particular, you can be issued with a fixed penalty. Local authorities outside London could have that ability, but they would have to train specific officers to deal with it, whereas if it was a default position, it would make accessibility easy to implement across the whole of the UK.

Q82 **Chair:** Would that be welcomed generally across local authorities?

Councillor Taylor: Definitely. It would be cost-effective and it would allow local authorities to make sure that pavements were kept clear. It is not just for disability. Where there are joined-up cycle routes, it could be to protect the cycle routes. In Cornwall, we are very passionate in delivering our active travel, but we need very clear legislation. It is there for you: default position, please.



- Q83 Chair:** Thank you. To follow up that point, you referenced active travel. There is lots of money being spent on redesigning streetscapes. How well are the needs of people with disabilities taken into account when those are being designed?

As an example of where there is a very obvious failure, just over Westminster Bridge, outside County Hall, there is a floating bus island, where there is the pavement, a cycle lane and then a bus stop on an elevated bit of pavement. It is safe as regards cyclists not being in the same path as buses and other traffic, but when people with a visual impairment come off the bus there is a very dangerous crossing point, with bikes often going at high speeds. That has been flagged to us as a particular problem. Clearly, the needs of visually impaired people were not taken into account when that was being designed. I use that as one example. Generally, how well does involving disabled people work in the design process?

Councillor Taylor: Being parochial, and going back to what we do in Cornwall—I know other local authorities follow our lead—we implement a decision wheel called doughnut economics from Kate Raworth. It is a decision wheel that we demonstrate for every decision we make that has an impact on our residents. Disability is a characteristic that is built into the decision wheel. We look at all aspects so that we can see that the decisions we are making are right and proper and do not disadvantage other sectors in our community. That is our guidance.

- Q84 Chair:** Is that specifically for Cornwall or is it a standard practice across local authorities?

Councillor Taylor: We introduced it and a lot of local authorities have adopted the model. It is not just for travel; it is every decision we make. We look to see, with our protected characteristics and with our community, that the decisions we are making are right for everybody. It is an incredibly useful tool. Happy to send it to you.

- Q85 Chair:** We would be very interested to see that.

Typically, who would you consult? What types of groups would you consult when making design decisions?

Councillor Taylor: Most road schemes have to go out to consultation, especially for active travel. We have extensive consultations, and that happens with the majority of local authorities. It is beholden on the local authority to make sure that they engage and identify. If there is somebody not responding, in Cornwall we absolutely actively make sure that we engage with every person who could be impacted. We go out and talk.

- Q86 Jack Brereton:** The first question is particularly for Keith. It is about some of the transport used for home to school transport, rail replacement bus transport and things like that, a lot of which is currently exempt from the Public Service Vehicles Accessibility Regulations. When do you expect those sorts of vehicles to come into compliance and reach compliance



with some of the legislation?

Keith McNally: As an industry, we are very much committed to improving accessibility. We have demonstrated that over the years. Where the regulations were well understood, the delivery of compliance has been very good. Where the problem arose is, as you say, on certain home to school services and rail replacement services, where the regulations were not as well understood. A problem developed where there was an insufficiently compliant fleet to deliver all those services in a compliant way. Hence the need for the medium-term exemptions currently in place.

Q87 **Jack Brereton:** How medium term is medium term? It has been going on for quite a while, hasn't it?

Keith McNally: They run through to 2026.

Q88 **Jack Brereton:** Do you expect that we will be entirely compliant by 2026?

Keith McNally: I don't, if I'm honest. We have put forward a proposal, as part of the DfT call for evidence on PSVAR, which are the regulations on public service vehicle, bus and coach accessibility. That proposal is that what we call open-door services—services that anyone can get on, whether it is a local bus service, long-distance express coach or, indeed, a rail replacement service—should be compliant in the future. Most of them already are.

The other element of the proposal is that where services are closed-door and the passengers are known about in advance, which are largely home to school services, those services would be compliant on the basis of demand. Where there was an accessibility requirement, it would be provided for.

Q89 **Jack Brereton:** Are we sufficiently meeting those needs? Every year, there are children who do not have their transport in place soon enough; I am sure colleagues have similar issues. There does not seem to be a sufficient supply of vehicles with the accessibility requirements for children who have a disability. Is a more widespread issue the lack of vehicles suitably adapted to facilitate home to school transport?

Keith McNally: We are playing catch-up, in effect, because coaches do not have to be accessible by law. Coaches, when they are used on services that are in the scope of the regulations, need to be compliant. As I say, it was not understood that certain services that were in scope were indeed in scope. That is to do with some of the complexity around the regulations, the way they were written and the way the home to school market has changed over the years since the regulations were originally written. At the moment, it depends on whether a separate fare is paid as to whether the service is in scope of the regulations or not.



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Our proposal is that that aspect will be swept away, so that if a service was what we describe as regular, and had a timetable, such as a home to school service or a works service operating on a daily basis, it would be compliant on the basis of demand, whether or not a separate fare was paid. That complexity would be taken away.

Q90 Jack Brereton: I understand that. The question I am asking, though, is whether we are sufficiently meeting demand. That seems to be a wider issue. The other thing I want to ask you about—maybe Loveday might be able to give some stats as well—is the scale of the issue? How many vehicles out there are non-compliant with this legislation?

Keith McNally: We believe that there are in the region of 10,000 to 15,000 vehicles used on home to school services. Many of those—most of them— would be covered by the medium-term exemptions. The default position in 2026 is that many of them would come into scope. We probably have between 3,000 and 4,000 coaches that are PSVAR-compliant at the moment. There are more coming on stream all the time, with new vehicles and existing vehicles that are adapted. As I say, we are playing catch-up in the context that the covid pandemic hit the coach industry very hard and made it more difficult to invest.

Q91 Jack Brereton: Loveday, is your data at DVSA showing an improving picture?

Loveday Ryder: We do not hold data on that, per se. The Department collates the numbers of the medium-term exemptions that there are. My understanding of that is there is a requirement that each year the percentage of compliance will go up or it will not be granted for the next year. I agree with Keith that we should see an improving picture between now and 2026, certainly.

Q92 Jack Brereton: You are not responsible for ensuring that those vehicles are compliant with some of the public sector equality duty and accessibility requirements.

Loveday Ryder: We work with operators to make sure that they are in compliance where they have buses on services that are in scope. That means that we work with them right from the beginning, with a new operator seminar, where we make sure that they are educated and the drivers are trained. We work through content in the theory test. Every one of the things, the touch points that DVSA has with a PSV, we check, either to make sure that there is a medium-term—

Q93 Jack Brereton: You are not collecting data on any of it.

Loveday Ryder: We have data on the number of checks that we do and then the number of offences. I cannot tell you, in total, as a percentage of the fleet, how compliant it is. For example, we did 5,100 roadside checks on PSVs in 2022-23. Of that number, we found 14 accessibility offences. That 5,100 is about 6% of the fleet. When you take out earned recognition, which is for our best and most compliant operators, and we



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do not pull them over at roadside, the equivalent is that we pull over about 8% of the non-earned recognition fleet each year.

Q94 **Jack Brereton:** What are the consequences for those operators and vehicle owners? Is there a fining regime that you implement? What is the consequence?

Loveday Ryder: We take intelligence from the roadside. We take intelligence from complaints that we receive from the public. We put that through a triage process. We certainly log them all and then we work our way through them. Our approach to enforcement and our strategy is always that the best approach is to begin with education.

By and large, operators want to be compliant, so we start with educating, providing additional information, helping them to comply and making sure that they know what they are supposed to be doing. If it becomes a theme or there is evidence that they may be, perhaps, wilfully not doing it, we use our investigative powers, do targeted checks on operators, maybe visit operator premises and look for evidence that their systems are right and that it is not a systemic or a wilful failure by an operator. If we think, at that point, that there is an issue, we refer it to the traffic commissioners. The traffic commissioners are the regulator and they make a decision based on the merit and proportionality of the particular case, as to whether to take it forward under their powers.

Q95 **Mick Whitley:** Good morning, panel. My question is to Linda. How do local authorities procure accessible home to school transport if the vehicles used by local providers are exempt from the accessibility legislation?

Councillor Taylor: The exemption is a little bit of a lifeline until 2026 for local authorities to be able to operate, but a lot of local authorities struggle to get appropriate vehicles under the requirements for accessibility.

The bigger picture, if I may, is that we have the Education Act section 19 which is absolutely directional in how local authorities deal with and deliver transport for SEND children. One thing becoming very clear is that that requirement is growing every year. Looking at the pressures for local authorities, for most of them school transport is a real, big issue. In 2019, the deficit was £111 million and it is growing seriously every year.

One thing I would ask that some consideration is given to is that, apart from the requirements under SEND, local authorities are working to very antiquated school transport legislation from 1944. That seriously needs to be looked at to help provide a better system, per se, for school transport. When local authorities are not able to get vehicles that meet accessibility needs, that adds to the additional costs to make sure, under the education Act, that they get SEND children to school. It is a picture that is escalating every day.

Q96 **Mick Whitley:** Are local authorities that are unable to provide accessible



vehicles in breach of the public sector equality duty?

Councillor Taylor: They have the fallback position of the exempt, which will run until 2026. It is an absolute challenge. They have to provide transport so that is why they are going out to taxis, which is quite a gold-plated service. That is an additional cost.

For local authorities, once they have been able to procure a service that meets the accessibility requirements, there is the challenge of making sure that they enforce what I call the street furniture, the drop-down pavements, making sure that it is very clear. There is a lot of work to be done there as well.

Q97 **Mick Whitley:** Thank you. The last question is to Loveday. Cracking name that, by the way, isn't it?

Loveday Ryder: Thank you.

Q98 **Mick Whitley:** Could you explain the DVSA's function and approach to enforcing the Public Service Vehicles Accessibility Regulations?

Loveday Ryder: Yes, absolutely. As I answered previously and building on that, what we have aimed to do, with PSVAR, is to build it into all the processes we run and all the interactions we have with operators of PSVs; starting from a new operator seminar, working through our road to earned recognition scheme and making sure that we check KPIs monthly. The two-year audits have PSVAR as part of them. Obviously, there is the annual inspection of a vehicle—the MOT-equivalent for PSVs. PSVAR is built into that as well and it is checked as to whether the equipment is on the vehicle.

When we do roadside checks, as I said before, we look at the equipment, and check that it is working. Of course, there are some constraints in doing roadside checks, in that we do not go with a full coach or bus. It needs to be a place where the passengers can safely alight before we do the check. We tend to use places like coach parks, stadia or motorway service areas. When we do checks like that, we check not only the vehicle itself, but the operation of equipment. We make sure that drivers know how to do that and what their duty is in a roadside check.

If we get intelligence that there is a problem, we follow up, as I said, with operator premises visits, where we talk to any drivers we can find. For us, it is about satisfying that the vehicles in scope are compliant, the equipment works and that drivers are trained appropriately, and that the operators themselves have the right processes and systems. It is an end-to-end thing for us.

Q99 **Mick Whitley:** How many public service operators have you enforced against in the past year for non-compliance with the regulations?

Loveday Ryder: If you take annual tests, there were 69,000 vehicles that were tested. That includes those that would be, perhaps, coaches on scheduled services, and it includes out-of-scope vehicles. Of those, 33



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failed on PSVAR items in 2022-23; 13 then passed after rectification, so it is quite small numbers. On the roadside checks, again in 2022-23, we found, of the 5,100 we pulled over, 14 accessibility offences. So far this year, we have had three. They are relatively small numbers that we see.

Q100 Mick Whitley: What concerns do you have, as a regulator, about accessibility in the sector?

Loveday Ryder: The traffic commissioners are the regulator in this space. In terms of our enforcement, if I think about areas where we would like to see improvement, one of the things we will be looking at is how passengers can make complaints. We hear a lot of reports from customers that they find it difficult to navigate the system. There is Bus Users UK, and a separate set-up in London.

We tend to respond to the complaints that are about the vehicle and the way the equipment is working on the vehicle. We are going to try to streamline our complaints process, signpost it to make it a bit easier and set up something that gives people feedback that their complaint is logged. That is an area we can do. The other thing we have done in the past is to hold awareness sessions. In 2021, we had a special accessibility awareness week. We look to do more things like that, using more intelligence-led work and using ANPR to try to investigate better. They are all sensible things.

We are going to invest in some wheelchairs. On our roadside checks, we will be able to go with a wheelchair and get the driver to demonstrate that they know how to restrain it adequately, and get it on and off properly. There are lots of things we can do.

Q101 Chair: A number of local authorities are now introducing what are known as DRT services, demand responsive transit, that sit between a bus service and a taxi, where you have an app to summon a vehicle to come and collect you and others. To what extent are those services covered by existing accessibility regulations? Is there a gap that needs to be addressed?

Councillor Taylor: In Cornwall, the delivery of a bus service is incredibly challenging; we absolutely have to work to a timetable. If other local authorities are using exempt vehicles to address the suggestion you have just made, which is a very good suggestion, they have a bit of a dilemma. If those exempt vehicles have capacity, they have to make a decision: are they going to sell the spare seats to family members? If they were to do that, to think more about the impact on the climate, the vehicle would lose the PSVAR exemption. It sounds good. It is a model that needs to be followed but it is not as easy to implement, especially in a lot of local areas where transport is not as available and freely subsidised as in parts of urban areas. It is a challenge.

Q102 Chair: Keith, Loveday, do you have any views on the DRT provision?



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Keith McNally: PSVAR regulations apply to vehicles with a seating capacity of over 22, so 22 or less are exempt. Many DRT services have fewer than that number of seats, so they are exempt. Many of the services provided are probably accessible, even though they are out of scope, so provision is made for wheelchair users and others with accessibility needs. I don't have any data on the proportions of which would be accessible and which not.

Loveday Ryder: I don't have anything to add on that.

Q103 **Chair:** Thank you. The last issue I wish to cover in this session is the enforcement of regulations with regard to taxis carrying people with disabilities, particularly people with assistance dogs. The law is very clear that the passenger has the right to take their dog or other animal with them, but we hear many cases where that is not happening. What is the problem in enforcing that law, Linda?

Councillor Taylor: I am sorry to keep going back to where I can give evidence. In Cornwall, believe it or not, it is not such a big issue. We have had very few cases where the local authority has had to go out and enforce.

An issue I would like to raise is that where taxis have been licensed outside their particular area, it is a real big problem for local authorities to deliver enforcement. One consideration could be that local authorities license the vehicles and, if they are licensed within that local authority, it can enforce and make sure that the requirements under the law are absolutely delivered.

Q104 **Grahame Morris:** For taxis operating in another local authority area, who has responsibility for enforcement? Is it the local authority where the taxi is licensed or the one where it is operating?

Councillor Taylor: It is the local authority where it is licensed.

Grahame Morris: Right, okay.

Councillor Taylor: It causes problems. It can cause problems especially if there is a local area where taxis coming in know there is a lot of business, like coastal resorts.

Q105 **Grahame Morris:** It is a big issue in Brighton, isn't it?

Councillor Taylor: Yes. If the local authority had the ability to license, it would absolutely be able to enforce. At the moment, that is a little bit of a concern for many local authorities.

Q106 **Chair:** Talk me through that. To give your example, say someone in Liskeard—

Councillor Taylor: Well done.

Q107 **Chair:** —wants to get in a taxi that is licensed by Plymouth, a different



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authority, and they make a complaint to Cornwall Council, what rights do you have as a council to take that up with Plymouth to get them to enforce?

Councillor Taylor: We do not have any legal enforcement. However, because of the close proximity of our two areas, our transport department would absolutely make sure that the licensing authority of that vehicle—for example, Plymouth—is made aware of the issues. As the local authority for Cornwall, we cannot enforce complaints.

Q108 **Chair:** Should it be mandatory for all authorities to take proactive steps to identify non-compliance—for example, doing mystery shopping or other such measures?

Councillor Taylor: I would suggest that where data shows that there is an issue, it would be absolutely appropriate. It is a really good suggestion to do mystery shopping, but a local authority that does not have those complaints should not have the burden of doing mystery shopping. A local authority will know if there is an issue, because it understands its community. Obviously, if complaints escalate, it is a really good idea to take a mystery shopper exercise.

Q109 **Chair:** Finally, should it be mandatory for all local authorities to maintain a list of all their accessible taxis under the Equality Act?

Councillor Taylor: Absolutely. People's health in some parts is not improving. It is really important that they know which taxis are accessible just to make their life easier as they move around. Also, it is assurance that if the local authority is listing accessible taxis, it is because it knows about them. That is incredibly important for standards as well.

Chair: Thank you very much. Do colleagues have any last questions?

Q110 **Grahame Morris:** I have a quick one for Councillor Taylor. It is very kind of you to offer to share with the Committee the model you have in Cornwall. We would be interested in that.

To go back to the earlier point about floating bus stops, A-frames and street clutter, you mentioned the position in London. Things are getting worse with the advent of scooters, e-scooters and electric bikes littering the pavements. A little while ago, a number of us, at the invitation of the Royal National Institute of Blind People and Guide Dogs for the Blind, did an exercise where you wear a blindfold, go on to a talking bus and walk through a shopping centre or a neighbourhood centre to have the lived experience of what it is like for someone who is blind or partially sighted. I thought that was incredibly valuable. I had bruises on my shins from falling over the A-frames and the chairs that were placed outside without any consideration of what obstructions mean for people with disabilities. Have any of the panellists done that?

Councillor Taylor: No.

Q111 **Grahame Morris:** It is valuable, honestly; it is a good insight. No pun



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intended.

Councillor Taylor: I think it emphasises the point, if I may, about delegated powers coming from London to the rest of the UK to deal with pavement furniture.

Grahame Morris: I understand that. Point well made.

Councillor Taylor: Thank you.

Chair: Thank you all for your time and evidence this morning. We have had a packed morning, with lots of information to digest. Thank you, again, for coming before us.