

Net Zero, Energy and Transport Committee

8th Meeting, 2023 (Session 6)

Tuesday 7th March 2023

Petition on bus travel for wheelchair users

Public Petitions

1. Petitions are a way to ask the Parliament to do something. [Find out more about the petitions 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 - Scottish Parliament](#)

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.
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. 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](#). The Scottish Government [responded on 21 October 2022](#).
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. [Read the Official Report from 1 December 2021.](#)
11. Pam Duncan-Glancy MSP [replied on 29 December 2022](#).
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 from 9 March 2022.](#)

Consideration by Net Zero, Energy and Transport Committee

13. At its meeting on 1 November 2022, the NZET Committee considered the petition. The Committee agreed to keep it open and to write to COSLA to ask how local authorities are delivering improvements for wheelchair users on public buses. It also agreed to make representations with the UK Government on its upcoming review of the rules which govern accessibility on public transport, the Public Sector Vehicles Accessibility Regulations (PSVAR). [Read the Official Report from 1 November 2022.](#)

14. On 7 November, the Convener wrote to COSLA and the UK Government regarding the petition, links to these letters can be found below.

- [Read the correspondence from the Convener to the President of COSLA here.](#)
- [Read the correspondence from the Convener to the Secretary of State for Transport here.](#)

15. On 16 November, [the Committee received a response from the UK Government's Minister for Roads and Local Transport](#), Richard Holden MP, which stipulates that regulations allow for wheelchair spaces to be either forward or rearward-facing, most bus operators opt for rearward facing spaces due to health and safety reasons. The full response can be found in **Annexe A**.

16. On 31 January, [the Committee received a response from COSLA's Environment and Economy Spokesperson](#), Cllr Gail McGregor, which states that decisions on the design of buses needs to be decided at a national level. The full response can be found in **Annexe B**.

17. On 2 February, the [House of Commons Select Committee open an inquiry into accessible transport](#). The scope of the inquiry will look at a variety of legal obligations to ensure accessibility apply to transport operators and local licensing authorities across different modes of transport.

Decision on Petition

18. On 7 March, the Committee will consider what further action to take in relation to the petition. It could—

- Keep the petition and await the outcome of the review of the PSVAR expected later this year before agreeing further action.
- Close the petition on the basis that the Committee has exhausted all options to progress the petition at this stage, noting that regulations around vehicle accessibility are a reserved matter. However, the Committee could write to the House of Commons Transport Select Committee to highlight issues raised in the petition with the view of informing an upcoming inquiry the Select Committee will be undertaking around accessible transport.

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

Clerks
Net Zero, Energy and Transport Committee

Annexe A

Correspondence from Minister for Roads and Local Transport to the Convener of the Net Zero, Energy and Transport Committee

15 November 2022

Dear Edward

Thank you for your letter of 7 November, regarding the provision of wheelchairs on buses under the Public Service Vehicles Accessibility Regulations 2000 (PSVAR).

PSVAR sets out the minimum accessibility requirements expected of public service vehicles, such as buses, carrying over twenty-two passengers on local or scheduled services. Wheelchair spaces on buses are permitted to be either forward or rearward-facing, but most service providers opt for buses with a rearward-facing wheelchair space.

The design of the rearward-facing wheelchair space, with upright poles, handrails and palm-press buttons required to be within easy reach of a wheelchair user when the wheelchair is securely positioned against a padded backrest, helps to prevent injuries to the wheelchair user as the vehicle moves. Forward-facing wheelchair space designs require additional tie-down systems attached to the wheelchair, as well as a suitable restraint, to provide a reasonable level of safety. A wheelchair user should not travel sideways on a vehicle as this is regarded as unsafe for the passenger.

Your letter asks about the current evidence base relating to wheelchair positioning on buses. The most relevant research is a report produced by TRL on behalf of the Department in 2003 which explores the safety of wheelchair users on road passenger vehicles, including wheelchair positioning on buses. The report is available at: www.trl.co.uk/publications/misc8

The Department is committed to reviewing PSVAR by the end of 2023 and remains on track to achieve this. The Review will help the Department to understand the efficacy of the existing regulations and ensure that future decisions on accessibility standards are based on an up-to-date understanding of passenger need. To deliver the Review, the Department will run a Call for Evidence, which will provide an opportunity for interested parties, including wheelchair users and others who have petitioned against rearward-facing wheelchair spaces, to contribute their views on PSVAR.

Best wishes,

Richard Holden MP

Minister for Roads and Local Transport

Annexe B

Correspondence from Cllr Gail Macgregor, Environment and Economy Spokesperson, COSLA to the Convener, Net Zero, Energy and Transport Committee

31 January 2022

Dear Edward,

Petition referred to the Net Zero, Energy and Transport Committee

Thank you for your letter on 7 November 2022 and apologies that it has taken so long to reply. I am responding on behalf of COSLA's President as transport policy sits within my portfolio. I am, therefore, grateful for the opportunity to respond to this petition and to the Scottish Government's specific comments on the powers afforded to Local Authorities by the Transport (Scotland) Act 2019.

Firstly, while I am sympathetic to the position of the petitioner, this is an issue that sits best at the national level. The decision on the design of bus fleets needs to be decided at the national level with involvement of the appropriate operators, bus manufacturers, safety professionals and advocacy groups.

The majority of the bus network in Scotland is run by commercial operators, over which Local Authorities have limited power. However, Local Authorities do subsidise and/or operate local bus services throughout Scotland that are not financially viable for private operators. This is because these local bus services are not provided commercially by licensed bus operators, but are socially necessary to maintain connectedness, avoid social isolation and combat climate change across both rural and urban communities.

The Transport (Scotland) Act 2019 does give Local Authorities the flexibility to run their own bus services. However, to date no additional resources have been allocated to allow Local Authorities to explore or deliver this action. Moreover, there is concern that incredibly stretched levels of funding in FY23/24 will prevent Councils from providing the bus services they are currently providing, either directly or by subsidising.

In light of the recent report by your Committee we are obviously very keen to look at ways in which we can speed up progress on a Just Transition to a Net Zero Economy. This includes bus and public transport, which is a priority for COSLA. While, at this time, we have limited direct influence over the issue raised by the petitioner, I would be happy to discuss with you how we make the most of the recent report to make further progress towards the 2030 target and beyond.

Yours sincerely,
Councillor Gail Macgregor
COSLA Environment and Economy Spokesperson