

## **Scottish Accessible Transport Alliance (SATA)**

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Scottish Charity No SC027600

### **Briefing Paper**

#### **Public Bodies Bill - Disabled Persons Transport Advisory Committee (DPTAC)**

##### **UK Government proposal**

Norman Baker, the UK Transport Minister, is proposing to abolish DPTAC under an order to be made once the Public Bodies Bill now before Parliament has been enacted. He has issued a letter explaining his reasons and asking for views on what "successor arrangements" should be put in place. He sets out 5 options and asks a number of questions about them including the likely costs. A final decision on whether or not to abolish DPTAC will be the subject of further consultation, most likely this autumn.

##### **Origins and objects of DPTAC**

DPTAC was established under the Transport Act of 1985 to advise Government on the transport needs of disabled people. The Act says "it shall be the duty of the Committee to consider any matter, relating to the needs of disabled persons in connection with public passenger transport, which is referred to them by the Secretary of State or which they think it appropriate to consider without such reference and to give advice to the Secretary of State on any matter which they have considered as they think appropriate."

In his letter Norman Baker says it's primary function is "to provide independent advice to Government on the impacts of transport policy development, legislation, regulation and guidance as they affect travellers with disabilities".

Scottish Government Ministers are advised by the Mobility and Access Committee for Scotland (MACS) on devolved matters and there is a 'concordat' between MACS and DPTAC.

## **Composition**

The 1985 Transport Act stated that DPTAC should comprise a Chairman and between 10 and 20 members. All are appointed by the Secretary of State and at least 50% must be disabled persons. Currently there are 12 and recruitment has been frozen. There is one from Scotland (John Ballantine) representing the Mobility and Access Committee for Scotland (MACS).

The Secretariat is provided by the Department for Transport (DfT) and the MACS Secretariat representatives in the Scottish Government's Transport Scotland Division attend as observers.

## **Existing legislative obligations**

The Transport Act 1985, in Section 125 relating to the establishment of DPTAC, states that

(7) The Secretary of State shall from time to time issue guidance as to measures that may be taken with a view to

(a) making access to vehicles used in the provision of public passenger transport services by road easier for disabled people

(b) making such vehicles better adapted to the needs of disabled persons.

(8) The Secretary of State shall consult the Committee before issuing such guidance.

The following are required by other legislation:

1. Section 70 of the Railway Act 1993 as amended by Schedule 17 of the Transport Act 2000, requires DPTAC to be consulted regarding the code of practice for the protection of disabled rail users.
2. Section 48 of the Railways Act 2005 requires the Scottish Ministers to consult DPTAC regarding the code of practice for the protection of disabled rail users in Scotland.
3. Under Section 35 of the Disability Discrimination Act 1995 DPTAC must be consulted on any application for an exemption under the taxi accessibility regulations.
4. Under Section 40 of the same Act DPTAC must be consulted about the Public Service Vehicle Regulations.
5. Under Section 46 of the same Act, DPTAC must be consulted regarding the Rail Vehicle Accessibility Regulations and also under Section 47 of that Act, regarding any application for an exemption order from the said Regulations.
6. The Disability Discrimination Act 2005 inserts a new section 67A

into the DDA 1995 and requires DPTAC to be consulted regarding the parliamentary procedure to be adopted regarding the applications for exemption referred to above.

7. DPTAC is a cross-border public authority in terms of the Scotland Act 1998 and Regulations made thereunder.

8. Under Section 142 of the Greater London Authority Act 1999, the Mayor must consult DPTAC regarding his transport strategy.

9. DPTAC is a public authority in terms of Section 3 of and Schedule 1 to the Freedom of Information Act 2000.

10. Under Sections 145 and 151 of the Transport Act 2000 the Secretary of State, the National Assembly for Wales and the Greater London Authority must consult DPTAC regarding guidance to travel concession authorities and regarding half price travel for disabled people.

11. Section 248 of the Transport Act 2000 requires the Secretary of State to consult DPTAC before making an order granting exemption to railway

operators from the duty to provide substitute road services to disabled passengers.

### **Costs**

The DPTAC budget in 2008-9 was £375,119 of which £267,839 was for DfT staff salaries, national insurance and pensions, the remaining £107,290 being for other costs including member expenses and allowances (paid since April 2009 at £350 a month for ordinary members: more for the Chair and two Deputies). These amounts have fallen considerably since January 2011 with the reduced numbers. DPTAC has access to the DfT's research budget for specific pieces of work.

One of the questions now being asked of the other options is: "if disability advice is procured from consultants how much would it cost?" One estimate puts the daily rate in the region of £400-750, plus expenses.

### **Strengths**

The status of DPTAC as a statutory body is a major strength, requiring it to be consulted (eg as above) and with the authority to give advice both to government and to transport operators. The majority representation of disabled people on the committee has

given its credibility and respect. This has allowed Ministers and the DfT to speak with confidence on a wide range of national and international disability issues.

DPTAC has been able to commission research and provide information. Evidence of this has been its publications which are detailed on its website under the following categories: general (annual reports, training etc), international (aviation and maritime), personal mobility (blue badge scheme, pedestrian environment etc), road-based transport (bus and coach, taxi and private hire etc) and rail (station and train access).

### **Weaknesses**

Its critics argue that the Government needs the Committee to provide appropriate and sometimes challenging advice. But it can get drawn too much into detail with a loss of strategic focus. Much attention has been given to the physical accessibility of different mainstream transport modes but not enough on delivering improved mobility for large numbers of disabled people who can't use them (either because services are not available or they need to travel frequently and ,cheaply from door to door) for example through a wider range of affordable demand-responsive transport.

Another weakness in recent years has been frequent changes in the secretariat giving rise to a loss of continuity and expertise.

### **Future options: proposed "successor arrangements"**

In his letter Norman Baker is not asking at this stage for views on whether DPTAC should continue or be abolished. However he says he is "minded" to abolish it if the Bill is passed. He is asking for views on 5 possible "successor arrangements" and states his preference for option 5. Briefly the options are:

1. to rely on existing expertise in the DfT and seeking ad-hoc advice from third party groups when needed
2. to establish a stakeholder forum to provide advice as and when issues arose
3. to rely on a cross-government/departmental body
4. to establish a smaller specialist body accountable to Ministers
5. to establish a wide ranging panel of experts to call on for specific advice.

It should be noted that all these bodies would be non statutory and

that accountability and cost are issues. An impact assessment would be made.

The Minister's letter concedes there is still more that could be done at a practical level, for example in areas such as information provision. He asserts that access to public transport has been much improved since DPTAC was established and that legislative provisions for improving access to transport for disabled people are in place with transport operators, local authorities and other transport bodies across the sector now expected "to incorporate their needs into their mainstream transport planning and delivery".

Critics will challenge this, pointing to remaining gaps and failings in services, the inability of agencies to deliver on their responsibilities, the need to defend what has been achieved from being eroded, and to update advice and guidance regularly. DPTAC itself has set a target of 2020 for when "disabled people should have the same level of access to transport as everyone else" - still some way off.

## **Conclusion**

This briefing paper is an attempt to set out some of the facts and issues as a basis for making a decision on how to respond to the Minister's letter - and any subsequent consultation. SATA will make a response to the Minister's letter and urges others to do likewise before the 21st July closing date.

Alan Rees  
Secretary  
SATA

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