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Dear Sir or Madam

INTEGRATING DISABILITY INTO TRANSPORT POLICY: ESTABLISHMENT OF A MOBILITY AND ACCESS COMMITTEE FOR SCOTLAND

Scottish Ministers are committed to making sure that disability issues are considered in all Scottish Executive policies. It is clear that transport is one of the most important issues for disabled people and, although access to railway stations is improving and there are more low floor buses on our roads, we recognise that there is still a long way to go.

To help to bring disability issues into the mainstream of transport policy-making Scottish Ministers have decided to establish an advisory committee. The committee has a “working title” of the Mobility and Access Committee for Scotland and will advise Scottish Ministers on how to achieve practical improvements to transport services in Scotland that will benefit people with disabilities.

I am therefore writing on behalf of Ms Sarah Boyack, Minister for Transport and Planning at the Scottish Executive, to seek your views on the enclosed draft Regulations to establish the committee under Section 72 of the Transport (Scotland) Act 2001.

Background

As you may know, the Scottish Executive commissioned research to obtain information on the extent and type of transport provision available in Scotland which meets the needs of disabled users and gaps in provision. One of the main recommendations of the research carried out for the Executive by Reid Howie Associates was that a national group should be established, consisting of people with disabilities, transport providers and policy makers to develop a strategy for accessible transport across Scotland.

On publishing the research report “Transport Provision for Disabled People in Scotland” last year the Minister announced that a transport advisory group would be formed to advise the Executive on the transport needs of disabled people. Various groups and organisations including disability groups, transport operators and enforcement agencies were consulted on the establishment, on a voluntary basis, of a Scottish disabled persons transport advisory group. Subsequently, the Minister agreed to place such a body on a statutory basis. Consequently, Section 72 of the Transport (Scotland) Act 2001 states that Scottish Ministers may by regulations establish a committee for the purposes of:

(a) considering such matters relating to the needs of disabled persons in connection with transport as the committee think appropriate; and

(b) giving such advice to Scottish Ministers in relation to such matters as the committee think appropriate.

The devolution settlement reserved responsibility for technical specifications for public passenger transport for disabled persons to the United Kingdom Parliament and these are the responsibility of the Disabled Persons Transport Advisory Committee (DPTAC), which was established under the Transport Act 1985 under the auspices of the Secretary of State for Transport. Whilst it will be for the Scottish committee to determine its own work programme within its statutory remit, the Executive consider it will be most effective if it augments rather than replicates DTPAC's work.

Draft Regulations

In summary, the draft Regulations provide that:

- at least 50% of the Committee be made up of disabled persons;
- its size be 10-15 members, including the Convener, with the possibility of co-option on a temporary basis of non- members to sub-groups to look at specific issues;
- the Convener shall be a disabled person;
- appointment of members of the Committee and the Convener be made by Scottish Ministers;
- appointments to be made on an individual basis on the grounds of personal expertise;
- the tenure of appointments to be for a period specified by Ministers;
- the members including the Convener of the Committee to receive no payment but to receive allowances for travel and subsistence;
- Scottish Ministers shall provide the Committee with the resources to set up a dedicated secretariat for the Committee;
- Scottish Ministers shall provide the Committee with funds with which to pay their members such travel and other allowances and to defray such other expenses in connection with their functions as Ministers may determine.

The rationale behind these draft provisions is elaborated below.

Size and Membership of the Committee

The draft Regulations allow for a Committee of not less than 10 and no more than 15 members which includes the Convener. This will allow a certain degree of flexibility, as the minimum number of members could be added to, if and when required, to reflect any needs of the committee, in terms of expertise and to meet any geographical, gender or disability requirements. The statutory obligation that at least 50% of the Committee be disabled persons also allows flexibility for the number of disabled members to grow larger, if required, within the total membership limit. It is proposed that the Convener and members of the Committee shall be appointed by Scottish Ministers on an individual basis on the grounds of personal expertise.

The tenure of appointment shall be for a period specified by Scottish Ministers and the Convener and members of the Committee shall receive no payment but shall be eligible to receive allowances for travel and subsistence. This is in line with the arrangements for DPTAC.

We should welcome your views on establishing the Committee on this basis.



Applications will be sought through advertising in national and specialist press and the distribution of application packs to disability groups, local authorities and the transport sector.

Establishment of sub-groups

To address any shortage of skills which may arise from time to time it is proposed that the committee should have power to co-opt non-members on a temporary basis to sub-groups to look at specific issues. This would mean that organisations or individuals from outwith the core membership could become involved but would not be part of the main Committee. Such co-option would only take place with the consent of Scottish Ministers in order to prevent unregulated growth of sub-groups.

We should welcome your views on this arrangement.

Consultation on Work Programme

The draft Regulations require the Committee to prepare an annual work programme and consult such bodies as it deems appropriate on that programme. Although not specifically mentioned in the Regulations it is expected that the Committee will establish links with DPTAC and the Scottish office of the Disability Rights Commission to ensure that its work programme complements the work already undertaken by these bodies.

Remit

The Committee's remit is to advise Scottish Ministers on aspects of policy affecting the transport needs of people with disabilities in Scotland. The Committee's work will come from 2 main sources:

- (a) it will consider any such transport matter referred to them by Scottish Ministers; and
- (b) it can consider any other relevant transport matters it wishes. It will then give advice to Scottish Ministers.

The Scottish Executive suggests that the initial work programme might include advice/comment on:

- The Transport (Scotland) Act in respect of joint transport strategies; local authority transport strategies; quality partnership schemes; concessionary travel schemes and road user charging schemes.
- Raising standards of accessibility in transport modes not covered by Part V of the Disability Discrimination Act 1995 in particular ferry and air travel.
- Promoting disability awareness and training within the transport industry.

We should welcome your views on the other bodies which the Committee should consult about its work programme and any ideas for consideration in the initial one.

Name of the Committee

Several suggestions have been received on the name of the committee including: Scottish Disabled Persons Transport Advisory Group (SDPTAG); DPTAG Scotland; Scottish Advisory Group to Promote Accessible Transport (SAGPAT); Mobility and Access Partnership for Scotland (MAPS); Mobility and Access Committee for Scotland (MACS); and Disabled Advisory Committee for Transport (DACT).

The Scottish Executive suggests that the Committee should be known as the Mobility and Access Committee for Scotland. Your views are sought on this.

Secretariat for the Committee

The Scottish Ministers shall provide resources so that the Committee may appoint its own dedicated secretariat. Views are sought on whether there would be merit in appointing Scottish Executive staff on secondment and seeking co-location with the Executive but it will be for the Committee, once established, to take final decisions on these matters.

Other matters for Regulations

Other matters included in the Regulations deal with the administration, constitution, procedure and terms of appointment of the Committee. Scottish Ministers shall provide the Committee with funds with which to pay their members such travel and other allowances and to defray such other expenses in connection with their functions as Scottish Ministers may determine. These are all based on standard provisions for advisory bodies such as this.

Other considerations (not for Regulations)

There are a number of other considerations for the establishment of the Committee which do not need to be set out in Regulations. These include:

- whether the Committee should have a Deputy Convener elected by the members; and
- the Executive's working relationship with the Committee.

Whilst a Deputy Convener would have the advantage of helping to manage the workload of the Committee by standing in for the Convener we suggest that it should be for the Committee to decide on whether to make such an appointment as part of its procedures.

Turning to the Executive's working relationship with the Committee we consider that there should be close links to exchange information. The relevant Head of Branch in Transport Division 2 (currently Damian Sharp) would be the main day-to-day contact and undoubtedly there would be occasions when it would be appropriate for other colleagues to have direct discussions with the Committee. It is also suggested that to foster an effective working relationship Executive officials should attend Committee meetings as observers.

We should welcome your views on these issues and to know of any others which need to be addressed.

I should be most grateful if you would send any response to me **by 5 October 2001**. Responses will be treated as being in the public domain unless you specify otherwise.

About this document:

Alternative Media

Audio, Braille, large print and electronic-text versions of this document and the draft regulations are also available from Richard Lyall at Area 2F, Victoria Quay, Edinburgh, EH6 6QQ and by email richard.lyall@scotland.gsi.gov.uk, phone 0131 244 0571, or fax 0131 244 0871.

Internet

The Scottish Executive homepage can also be found at the following address:

www.scotland.gov.uk

This document together with an electronic version of the draft regulations can be found at the following address:

<http://www.scotland.gov.uk/consultations/transport/MACS/>



DAMIAN SHARP

SCOTTISH STATUTORY INSTRUMENTS

2001 No.

TRANSPORT, SCOTLAND

The Mobility and Access Committee for Scotland Regulations 2001

Made

Laid before the Scottish Parliament

Coming into force

The Scottish Ministers, in exercise of the powers conferred by section 72 of the Transport (Scotland) Act 2001^(a), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Mobility and Access Committee for Scotland Regulations 2001 and shall come into force on [] 2001.

(2) These Regulations extend to Scotland only.

(3) In these Regulations “the committee” means the committee established by Regulation 2.

Establishment of Committee

2. There is hereby established a committee, to be known as the “Mobility and Access Committee for Scotland”, for the purposes mentioned in section 72 of the Transport (Scotland) Act 2001.

Membership

3.—(1) The Committee shall consist of—

(a) a convener; and

(b) at least 9, but not more than 14, other members

appointed by the Scottish Ministers.

(2) The convener of the committee shall be a disabled person and at least one-half of the total number of members of the committee (including the convener) shall be disabled persons.

^(a) 2001 asp 2.

(3) In paragraph (2) above “disabled person” has the same meaning as in the Disability Discrimination Act 1995^(a).

4.—(1) Any person appointed to be a member of the committee shall hold and vacate office in accordance with the terms of that person’s appointment and shall, on ceasing to be a member of the committee, be eligible for re-appointment.

(2) Any person so appointed may at any time resign by written notice given to the Scottish Ministers.

Administration etc

5.—(1) The Scottish Ministers shall provide the committee with funds with which to pay to its members such travelling and other allowances, and to defray such other expenses in connection with its functions, as the Scottish Ministers may determine.

(2) The Scottish Ministers shall make arrangements for the committee to be provided with such administrative support and office accommodation as they consider appropriate.

Constitution and procedure

6.—(1) The committee shall meet whenever convened by the convener and at least four times a year.

(2) Without prejudice to the discretion of the convener to call a meeting whenever the convener thinks fit, the convener shall call a meeting when required to do so by any five members of the committee.

(3) Minutes shall be kept of the proceedings of every meeting of the committee.

(4) Subject to the preceding provisions of this Regulation, the committee shall determine its own procedure (including the quorum at its meetings).

7. The committee may delegate the exercise and performance of any of its functions to such of its sub-committees as it thinks fit.

8. The validity of any proceedings of the committee shall not be affected by any vacancy amongst the members, by any defect in the appointment of a member or by any failure to comply with a requirement imposed by these Regulations.

^(a) 1995 c.50.

Work programme

9. The committee shall, after consulting with such persons as it considers appropriate, prepare and publish, by no later than 30th November in each year, a proposed work programme for the next following calendar year.

A member of the Scottish Executive

St Andrew's House,
Edinburgh
2001

**Alphabetical list of organisations to be consulted on draft regulations
to establish Mobility and Access Committee for Scotland**

Aberdeen Action on Disability
Aberdeen City Council
Aberdeenshire Council
Access for Disabled Dundee Group
ACPOS Traffic Standing Committee
Age Concern Scotland
Alzheimer Scotland
Angus Access Panel
Angus Council
Argyll and Bute Council
ATCO – Association of Transport Co-ordinating Officers
BAA - Scottish Airports Limited
Badenoch & Strathspey Access Group
Barrhead and Neilston Disabled Forum
British Airways
British Deaf Association Scotland
British European Airways
British Midlands
British Ports Association
British Regional Airlines Ltd
British Transport Police
Caledonian MacBrayne Ferry Co Ltd
Can Do
Capability Scotland
CAPS Edinburgh
CAPS Highland
Carers National Association Scotland
Castlemilk Forum on Disability
Centre for Sensory Impaired People
City of Edinburgh Council
Civil Service Pensioners Alliance (Scotland)
Clackmannanshire Council
Clydesdale Access Panel
Coalition of Carers in Scotland
Comhairle nan Eilean Siar
Community Transport Association
Confederation of Passenger Transport UK
COSLA
Council on Disability
Cowal Access Panel
Crossroads Scotland
Cumnock/ Doon Valley Access Panel
DANE-Disability Awareness North East
DASH-Disability Alliance in the Scottish Highlands
Deafblind UK
Dementia Services Development Centre
Department of Transport, Local Government and the Regions
Deveron Disability Doorway
Disability Information Centre

**Alphabetical list of organisations to be consulted on draft regulations
to establish Mobility and Access Committee for Scotland**

Disability Renfrew Action Group
Disability Resource Centre
Disability Rights Commission
Disability Shetland
Disabled Drivers Association
DPTAC - Disabled Persons' Transport Advisory Committee
Dumfries and Galloway Coalition of Disabled People
Dumfries and Galloway Council
Dundee Airport
Dundee City Council
Dunfermline Forum on Disability
East Ayrshire Council
East Dunbartonshire Council
East Kilbride Council on Disability
East Lothian Access Panel
East Lothian Council
East Renfrewshire Access Panel
East Renfrewshire Council
Easy Jet
Edinburgh Access Panel
Edinburgh and East of Scotland Deaf Society
Edinburgh City Council
Edinburgh Private Hire Car Association
ENABLE
Equality – All for One
Equality Commission for Northern Ireland
Equality Network
Erskine Bridge
Ettrick and Lauderdale Access Panel
Falkirk Access Group
Falkirk Council
Fife Council
First Bus
Forth Road Bridge
GCIL
Glasgow City Council
Glasgow Prestwick-International Airport
Glasgow Women's Library
GNER
Go
GOOD
Gordon Disability Action
Great North Eastern Railways
Greater Glasgow Private Car Hire Association
Hamilton Forum on Disability
Hamilton/ East Kilbride Forum on Disability
Head Injuries Trust
Headway North East
Help the Aged

**Alphabetical list of organisations to be consulted on draft regulations
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Highland Council
Highlands and Islands Airports
Inclusion Scotland
Inverclyde Council
Inverclyde Council on Disability
Inverness Access Panel
Inverness Committee on Access for Disabled
Isle of Man Steam Packet Co
Joint Mobility Unit
Kilmarnock & London Forum on Disability
LAZDA – Langholm A-Z Disabled Association
Lewis Council on Disability
Lochaber Disability Access Panel
Logan Air
Lothian and Borders Police
Manic Depression Fellowship Scotland
Margaret Blackwood Housing Association
MELDI (Minority Ethnic Learning Disability Initiative)
Mid Lanarkshire Access Group
Midlothian Access Panel
Midlothian Council
Moray Access Panel
Moray Council
Motherwell Disability Forum
Nairn Access Panel
National Federation of Bus Users
National League of the Blind and Disabled
National Schizophrenia Fellowship
Nithsdale Coalition of Disabled People
North Ayrshire Council
North Lanarkshire Council
Northern Ireland Assembly
Northern Ireland Executive
Northern Spirit Limited
Northlink
Oban Access Panel
Orkney Islands Council
P & O Irish Sea Ltd
P & O Scottish Ferries
Penumbra
People First Scotland
Perth and Kinross Council
Perth Council on the Disabled
Peterhead and District Disability Forum
Possil and Milton Forum on Disability
Princess Trust for Carers
PRT Caring and Disability Centre
Rail Passengers Committee
Renfrewshire Council

**Alphabetical list of organisations to be consulted on draft regulations
to establish Mobility and Access Committee for Scotland**

Renfrewshire District Access Panel
Ross and Cromarty Access Panel
Roxburgh Association of Voluntary Service
Royal National Institute for the Blind (RNIB)
Royal National Institute for the Deaf (RNID)
Scot Airways
Scotrail
SCOTS
Scottish Accessible Information Forum
Scottish Accessible Transport Alliance
Scottish Association for Mental Health (SAMH)
Scottish Association of Sign Language Interpreters
Scottish Borders Council
Scottish Civic Forum
Scottish Council on Deafness
Scottish Disability Equality Forum
Scottish Pensioners Forum
Scottish Taxi Federation
Sea Containers Ferries and Ports Limited
Sense Scotland
Serco Denholm Shipping Co Ltd
Shared Care Scotland
Shetland Islands Council
Skye and Lochalsh Association for Disability
South Ayrshire Access Panel
Skye Bridge
South Ayrshire Council
South Ayrshire Forum on Disability
South Lanarkshire Council
South West Edinburgh District Forum on Disability
Spinal Injuries Scotland
SPT
Stagecoach
Stewarty Coalition of Disabled People
Stirling Access Group
Stirling Council
Strathclyde Forum on Disability
STUC
Tay Bridge
Tayside Association for the Deaf
The Eyemouth District Disabled Association
The Law Society
The Royal National Institute for the Deaf (RNID)
The W S Society
Tiree Forum on Disability
Traffic Commissioner's Office
Transport and Environment Committee
Tweeddale Access Panel
UNISON

**Alphabetical list of organisations to be consulted on draft regulations
to establish Mobility and Access Committee for Scotland**

UNISON - Scottish Disabled Members' Committee

UPDATE

Virgin Trains

Welsh Assembly

West Dunbartonshire Access Panel

West Dunbartonshire Council

West Lothian Access Committee

West Lothian Council

Western Ferries (Clyde) Ltd

Wigtown District Access Panel