



# HOUSE OF LORDS

Revised transcript of evidence taken before

**The Select Committee on the Equality Act 2010 and Disability**

Inquiry on

**EQUALITY ACT 2010 AND DISABILITY**

*Evidence Session No. 9*

*Heard in Public*

*Questions 79 - 90*

TUESDAY 3 NOVEMBER 2015

3.30 pm

Witnesses: Graham Pendlebury, Keith Richards and Gwynneth Pedler

### Members present

Baroness Deech (Chairman)  
Baroness Browning  
Baroness Campbell of Surbiton  
Lord Faulkner of Worcester  
Lord Foster of Bishop Auckland  
Lord Harrison  
Baroness Jenkin of Kennington  
Lord McColl of Dulwich  
Lord Northbrook  
Baroness Pitkeathley  
Baroness Thomas of Winchester

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### Examination of Witnesses

**Graham Pendlebury**, Director of Local Transport, Department for Transport, **Keith Richards**, Chair, Disabled Persons Transport Advisory Committee, and **Gwynneth Pedler**, Transport for All

**Q79 The Chairman:** Good afternoon, everyone, and a special welcome to our witnesses: Mr Pendlebury, Director of Local Transport, Department for Transport; Mr Richards, Chair of the Disabled Persons Transport Advisory Committee; and Mrs Pedler of Transport for All. I should say a special welcome to her, she having been my next-door neighbour for many, many years.

**Gwynneth Pedler:** Thirty-two.

**The Chairman:** Right. This session is open to the public and a webcast of the session goes out live as an audio transmission and is subsequently accessible via the parliamentary website. A verbatim transcript will be taken of the evidence and will be put on the parliamentary website. A few days after this session, you will be sent a copy of the transcript to check for accuracy. It would be helpful if you could advise us of any corrections as soon as possible. If, after this evidence session, you wish to clarify or amplify any points made during the evidence, or you have any additional points to make, you are welcome to submit supplementary evidence to us. We have to move pretty fast and, if there is not time to cover something, do please write in later.

We will move to the questions. Our members here will declare before a question that they ask any relevant interests that they have. To save time, I shall mention now the fairly long list of interests of Baroness Campbell on my right. She is patron of Just Fair, the economic, social and cultural rights organisation; patron of the National Disability Art Collections and Archive; founder and member of Not Dead Yet UK; and recipient of a social care personal budget, disability living allowance and Access to Work. She was a disability rights commissioner throughout the life of the Disability Rights Commission and a commissioner of the Equality and Human Rights Commission for three years.

The first question comes from me to all of you. In their written evidence, both the Disabled Persons Transport Advisory Committee and Transport for All were very negative about the effects of the Act, noting that it has been seen as a “backward step” and as having “largely failed in bringing about transport equality”. Is the solution more proactive enforcement of

the existing legislation or is a new legislative approach needed? When I say “the Act”, I mean the Equality Act 2010.

**Graham Pendlebury:** Good afternoon, everybody. I would like to start answering that by saying that the success of the Act is as much about how it has helped to raise awareness and change perceptions as it is about its detailed technical implementation. It is about what you want people to do and how you want people to behave in a civilised society. What has happened since 2010, when the Act received Royal Assent, is not just about the Act itself; it is about whether transport has got better for disabled people during that period across the piece.

Since 2010, in the Government, we would like to think that the situation has got better and progress has been made in a number of areas, for example in bus and rail accessibility regulations, where compliance is now at 89% and 60% respectively, which is a big improvement on the situation in 2010. You will see that, for example, in London you have the largest accessible bus fleet in the world. Given that half of all bus journeys in England take place within Greater London, that is quite a significant benefit. But there is no doubt there is still a lot to be done, whether that is about tackling physical access barriers, a better understanding of the needs of all transport and street users, or—something that we are particularly interested in—greater focus on what you might think of as the softer side around design: training, information, consultation and those sorts of areas, and how we encourage transport providers to offer better customer service and make use of the new data-rich information that is coming through in the digital era.

It is a rapidly changing world. Progress has been made. How much of that is directly related to the Equality Act? Some of it is; some of it is happening anyway as the world moves on, and clearly there is a lot more to be done yet. That would be my initial answer.

**Gwynneth Pedler:** On the topic of accessibility, I do not argue that these buses are accessible, but if we cannot get on them and we cannot access the pavements because they are too dangerous for us, having access is of little importance to us. The opinion of Transport for All is that progress has certainly slowed since the Equality Act. We saw the disappearance of access officers, our real allies in change and advice so service providers would be in no doubt about needing to meet their legal obligations.

**Keith Richards:** When we talk about the Equality Act, we are talking from the point of view of discrimination against people with disabilities. We are talking about the picking up of legislation that has been around for 20 years, going back to the Disability Discrimination Act, which focused on the rights of people with disabilities and included transport. Now we have the Equality Act, which is a very wide-ranging piece of legislation, the feeling is that we have lost focus on the needs of people with disabilities within that, which are strongly arguably different. There are lots of physical elements to do with access to goods and services, employment and all sorts of other things that do not apply to other aspects covered by the Equality Act.

For us, we are talking about legislation that has been around for a long time, but there are still issues that make it difficult for people with disabilities to access transport. My answer would be that it is a little about effectively enforcing the existing law so the Equality Act brings in the old Disability Discrimination Act rights and responsibilities. If there is not effective enforcement, it may as well not be on the statute book in the first place. It is also about using the law that is already out there but has not been implemented yet. There are elements of the Equality Act that are relevant but have not been implemented.

**The Chairman:** We are coming to that.

**Keith Richards:** There are also European regulations that come off the back of existing legislation that the Government in this country have opted out of implementing for the time being. Sometimes it is about looking at new regulation. As you will know, the Law Commission has produced an extremely good report on taxi and public hire vehicles and suggested a number of things that would really improve things for people with disabilities. I would say that the focus has been lost. The law is there but we need a real focus to be brought back on to the rights of disabled people.

**The Chairman:** Picking up a point you made, Mrs Pedler, if a disabled person is having difficulty with their buses and is not being properly treated, to whom do they turn to champion their cause?

**Gwynneth Pedler:** First, we turn to Transport for All, who are great supporters. We then have to contact the bus companies or rail companies to present our case. Unfortunately, it is left to the individual, because the law as it stands does not allow anyone to help us or put in a complaint on our behalf. This deters many disabled people from going any further than pouring out their hearts to Transport for All. Transport for All is helpless to improve the situation. Doug Paulley, who is a great supporter of Transport for All, will tell you that the stress on disabled people trying to take forward their own cases is enormous. Many of our members have given up the struggle and no longer access transport. It is too great a risk. Everyone takes possession of our wheelchair space. That is the greatest problem for us. It is taken over by people with pushchairs, luggage and shopping trolleys and by people standing, and we are helpless to get this put right. It happens all the time.

**The Chairman:** What you would like is group action.

**Gwynneth Pedler:** We want compassion and we want action, because it needs tightening or changing. Liz Sayce said in her supplementary submission that that wheelchair space was put there for us and everyone else has taken possession of it, and we are told time and time again, "Yes, okay. If no one else wants it, you have it". In one week, I was refused four journeys because there were pushchairs in the wheelchair space.

**The Chairman:** I should add that we cannot discuss the specifics of the Paulley case because it is sub judice. We understand the general issues, but we cannot go into that while it is before the court.

**Q80 Lord McColl of Dulwich:** One of the common complaints about the Act is that some of the provisions have never been implemented, in particular taxi accessibility, which has been on the statute book, as you know, for 20 years. What can be done about this? In particular, there is the curious situation that taxi drivers can be prosecuted for refusing to take a blind person with a dog but one has never been prosecuted for refusing to take a disabled person. It seems a rather curious bias towards animals.

**Keith Richards:** As to the issue you raised initially about parts of the law that have not yet been implemented, the easy answer is that they should be implemented. There is a reason why bits are in legislation. There was debate that ended with the legislation being on the statute book. It makes absolute sense that Section 165 of the Equality Act, which is the one that puts the duty on taxi drivers who have wheelchair-accessible vehicles to carry a passenger while in their wheelchair and not charge extra, should be on the statute book and implemented. We hear many stories of people who are charged extra, who are not assisted or who are not even provided with the service because the taxi driver sees them in advance and drives somewhere else. That is completely unacceptable.

The other issue, about assistance dogs and people with disabilities that do not require wheelchairs, is already covered by the Equality Act. The real trouble is how you identify the

drivers and find witnesses to what happened. It comes back to the point that Mrs Pedler made. It requires individuals to take their own action under the Equality Act. There is not a penalties regime that sits behind it. There is not a licensing system that the local authorities can enforce efficiently that would take away the livelihood of people who are recidivists and continually receive complaints about their activities. To me, that would be far greater pressure on the taxi trade to get it right, as well as, as I say, implementing what is already there on the statute book.

**Lord McColl of Dulwich:** Would it be legal to set a trap for these taxi drivers and have these situations filmed, or would one be acting as an agent provocateur?

**Keith Richards:** I would suggest you take legal advice on whether that is possible.

**Q81 Lord Faulkner of Worcester:** I should declare my interests. I am chairman of the Great Western Railway Advisory Board, I am the sponsor of a Private Member's Bill on disabled access to sports grounds and I am a vice-president of the charity Level Playing Field. My question is on access to taxis. What do you think the level of penalty should be for a taxi driver who behaves in the way you have described so graphically?

**Keith Richards:** That is very difficult to answer. There would need to be proper research that looks at what equivalent penalties apply in other transport modes. Just off the top of my head, it would be very difficult to suggest a particular level of penalty. It needs to be adequate enough to prevent the person doing it again. Ultimately, the sanction could be, as I say, through a properly enforced licensing regime, to remove their licence to trade as a taxi driver. That could be the ultimate sanction, but with various levels of sanctions in between that and doing nothing.

**Gwynneth Pedler:** Transport for All knows of 20 cases where Transport for London has prosecuted, revoked licences or fined minicabs for not taking people with guide dogs. We think this should apply also to those with wheelchairs.

**Baroness Thomas of Winchester:** Why has the law not been fully implemented?

**Gwynneth Pedler:** We do not know. Norman Baker promised it five years ago but the promise is taking a very long time to come to fruition. We always hope that tomorrow may be better.

**Baroness Thomas of Winchester:** Mr Pendlebury might promise.

**Graham Pendlebury:** Yes. Thank you very much. I will just comment on that point about sentencing. The current penalty for not carrying a visually impaired person with a guide dog is a fine of up to £1,000, but there is also the possibility of revoking the licence. I looked at some of the data about what the level of fine has been where prosecutions have taken place in different local authority areas. It has ranged from £1,000 plus costs in Leicester and Birmingham down to £100 in Macclesfield and Harrogate. Different fine levels are being applied in different magistrates' courts. I know there are sentencing guidelines and guidelines to magistrates about how they are set, but that is the current level of penalty. Whether or not one feels that is adequate is a subject for debate.

To go back to your question about Section 165, the first thing I would say is that we recognise in the Government that taxis and minicabs, to give them their colloquial term, are a uniquely valuable form of transport for disabled people. We strongly encourage all taxi and minicab drivers to assist wheelchair users and we discourage strongly the practice of charging extra for carrying a disabled passenger. It is correct that we have not yet commenced Section 165. There were a number of reasons for that. It is under constant review. The concerns were really around burdens on drivers and whether this particular provision would fully meet the varied needs of different types of disabled people.

Should we go forward with this, there are one or two things that we have to consider about how to help drivers understand what the duties are and provide a better service. I do not believe that taxi drivers or minicab drivers are bad people. The question is whether threatening them with enforcement, fines and so forth is the right way to bring about a change in behaviour. It is one way of bringing about a change in behaviour, but the Government are keen to try to avoid a very heavy-handed implementation and make sure that enforcement is a last resort. We have read and seen much evidence—Gwynneth’s evidence is particularly powerful—about how catastrophic it can be for people when they are either mistreated in this way or denied access.

**The Chairman:** Mr Pendlebury, Section 165 is the will of Parliament. Surely, it is not for the department to say, “Well, it might be a burden”. The burden is now being borne by those who need those taxis and cannot get them. There can be no questioning of this.

**Gwynneth Pedler:** We know that disabled people are people with less money than anybody else and they are being charged extra. For instance, a grandson taking his grandfather home from hospital was charged £12 for a 1.2-mile journey. When his friend rang up and asked the price for a similar journey, he was quoted £7. That is £5 more, which means a lot to disabled people.

**The Chairman:** Quite. I still have not heard a decent reason why Section 165 should not be brought into effect. We note that.

**Q82 Baroness Pitkeathley:** I have one interest to declare. I am vice-president of Carers UK. I want to ask about local authority powers. Are local authorities, in your view, making adequate use of their powers to make sure existing and new forms of transport infrastructure are accessible? Do they need more powers? If you could answer those fairly succinctly, then perhaps you could tell us what new powers you think they might need. Could we start with you, Mr Pendlebury?

**Graham Pendlebury:** It is a very pertinent question. One of the thrusts of the new Government is the English devolution and decentralisation agenda, so power is shifting ever more towards local government in new forms and away from Whitehall. It is about local prioritisation. Local authorities are responsible for the design and management of the roads in their areas. We expect them to work towards high-quality, attractive and inclusive streets, and a barrier-free pedestrian environment is fundamental to delivering that. There is a wide range of national guidance on that and there will be more revised guidance coming out, but, at the end of the day, local authorities are responsible for it. We have to accept that in some cases there are limited resources available to local authorities, which is all the more reason why they need to engage as fully as they can with disabled groups and other members of society to avoid costly mistakes.

I am not sure whether more powers are necessary. There are conflicting views about what represents the right type of streetscape for all members of society, including people with different disabilities, so layering on more and more legislation might box us more and more into corners and remove flexibility to adapt to local circumstances.

**Baroness Pitkeathley:** Particularly if it has not commenced.

**Keith Richards:** There is a need in some specific areas for more powers for local authorities. The idea of using existing powers more effectively and more efficiently is very strong. There are all sorts of reasons why local authorities do not or cannot do that. Mechanisms need to be put in place—I have no magic solution—for local authorities to take what they already have by way of an enforcement toolbox and use it.

**Baroness Pitkeathley:** Is it your view that that existing toolbox is adequate?

**Keith Richards:** No, it is not. There are specific areas where more tools are needed in the toolbox. I refer to the report by the Law Commission that I referred to earlier, particularly with something like taxis, which makes specific recommendations about the licensing authorities—for example, that they should have the power to make determinations in their areas that taxis are under a duty to stop when hailed, and for it to be an offence in such areas for a taxi driver of a vehicle displaying a for hire sign to fail to stop in response without reasonable excuse. It makes other recommendations, which we do not have time to go through here, but they are clearly argued in the Law Commission's report. DPTAC would say here is a Law Commission report that sets out some very strong reasons why there should be new powers and very strong reasons why existing powers should be used more effectively, particularly in the area of taxis and private hire vehicles.

Having said that, coming back to what Mr Pendlebury was saying earlier, there is a real issue about the extent to which you can prevent discrimination by raising the level of awareness among the people who are responsible for providing the services. It is about behaviour change. I am not sure legislation is the way to do that, apart from in some specific instances where there is no requirement currently for bus drivers, for example, to have disability, equality and awareness training. It is about making sure people understand that there is a business you are providing—you are providing a service—and it is all about quality, and what you provide to one person you should be able to provide to somebody else. You cannot do that if you are afraid of what their needs are and, therefore, make a decision not to provide them with the service in the first place. There is a combination of new powers, use of existing powers and raising levels of awareness where we possibly can.

**Gwynneth Pedler:** We could take the examples of Norfolk and Solihull, where taxi drivers must complete equality training before they can apply for a licence. This is a good way forward. TFA would like to see this in London. We would also like the licensing of minicab companies to be provisional on meeting targets of so many per cent of their fleets in three years, going up to 50% in six years, being accessible. That would be a move forward. This comes within the public sector equality duty. Our councils are failing to help us in so many areas. There seems little point in them having powers because when they have them they do not use them. We know that from all the examples we get from our members. We are let down time after time.

As for taking the details of a taxi as it whizzes past you, I would like to know what the great secret is. If it whizzes past me, I am so surprised it has gone that it is out of sight before I can get out my pen or pencil and write it down. I am talking as a disabled person. I do not have fine words for you; I am talking to you as I experience it, along with all the other members of Transport for All.

**Q83 Lord Faulkner of Worcester:** You are talking very sensibly about disability awareness training for taxi drivers. Do you think there should be disability awareness training for bus drivers as well?

**Gwynneth Pedler:** I understand it is already in place.

**Lord Faulkner of Worcester:** Guide Dogs tells me that its experience is that 43% of people thought that their bus driver had no idea he was supposed to be looking after people with disabilities.

**Gwynneth Pedler:** It may be a day when he has gone to sleep, but by law they have to have disability awareness training. It is something like 35 hours over five years or seven years. I cannot quite remember, but it is mandatory.

**Keith Richards:** One of the problems with bus driver training is that European Regulation 181 is on the statute book but the Government decided to exempt themselves from the compulsory bus driver training requirement. That runs out in 2018.

**Lord Faulkner of Worcester:** That was the answer I was hoping for.

**Keith Richards:** What I would say to that is that the inevitable is going to happen. Why not do it now?

**The Chairman:** Surely, when something new is built the opportunity has to be taken to make sure it is accessible. Can any of you assure me that all the stations on Crossrail will be accessible?

**Graham Pendlebury:** I think the intention with Crossrail is that all stations will be accessible. I think the answer to that is yes. I would need to check my notes on that, but certainly you are right that where there is new, particularly flagship infrastructure such as HS2 or Crossrail, that should be the expectation.

**The Chairman:** That is the intention. Can you assure me that they will be? We really need to know this. When as much money is being spent as it is on Crossrail, surely every single station must be accessible. If you do not have the answer, we would appreciate hearing it.

**Graham Pendlebury:** Okay.

**Gwynneth Pedler:** We spent two years campaigning for Crossrail to have all stations accessible. We had various demonstrations and we were all set to have one early in the morning at Greenwich station. The night before, Boris announced that all stations would be accessible—all seven stations on the list for not having step-free access would now be step-free.

**The Chairman:** I hope that is the case. It would be reassuring to know.

**Gwynneth Pedler:** It was a promise.

**Q84 Baroness Thomas of Winchester:** I must declare some interests. I am trustee and vice-president of Muscular Dystrophy UK, a member of the disabled access committee at Lords Cricket Ground and a patron of Thrive. I also spoke in a debate about shared road spaces, which I am going to talk about now, raised by Lord Holmes of Richmond about a month ago. Shared road spaces, where cars, pedestrians and other users occupy the same space without necessarily having clearly delineated pavements and roads, are becoming common in town centres and are sometimes claimed to be safer for all users. How do they impact on disabled people, particularly the visually impaired? Should they be discouraged rather than encouraged?

**Graham Pendlebury:** This is a very interesting example of where sometimes there can be competing or conflicting interests even within the broader disability community. There are some categories of mobility-impaired pedestrians, including those in wheelchairs but also other people carrying heavy loads or people with pushchairs and so forth, who welcome the ability to travel through a step-free, level-surface environment. Evidence from around the world, including some continental cities, is that shared space can bring a lot of benefits. It creates places that are attractive, that people want to linger in, that create a more vibrant atmosphere and that generate economic growth and so forth.

The department's position in a sense is a neutral one. We neither promote nor discourage shared space. It is, again, very much a local authority matter, but we do expect that local authorities who are pursuing shared-space schemes should make sure that they meet relevant legislation and meet their duties under equalities legislation. We stress the importance of engaging with all the different groups representing disabled people to make sure that the design is right, very much conscious that there are some groups and people



within the visually-impaired community for whom shared space can feel potentially quite a threatening environment. I was learning about this only the other day. It can cause confusion for assistance dogs as well, who are not quite clear what signals they are getting from the environment. We are not in a position where we say we think they should somehow be banned because they cause a problem for some people, or we actively promote them. They have to be suitable for the local environment, but we would strongly urge the designers of these to make sure that they do take into account the views of different disability groups. There are, in a sense, conflicting views on this.

**Baroness Thomas of Winchester:** May I jump in before we go any further? One of the real problems is the guidance that I think your department put out. Is that right? The guidance does seem rather feeble.

**Graham Pendlebury:** There is some guidance on shared space, which dates back to about 2011, so it is probably a little long in the tooth. These things are becoming more common and they are evolving in their design, so it is one of the areas that we would want to look at. Certainly, there is one particular area, around tactile paving, where the guidance needs refreshing. We are out to consultation at the moment on some interim changes, but it is our plan, working with Keith's advisory body, to do a complete refresh of guidance around tactile paving, which is one of the most important areas.

**Q85 Baroness Campbell of Surbiton:** Are you aware of the "Accidents by Design" survey in 2015, where a third of respondents—not disabled respondents; the public—said that they go out of their way to avoid shared spaces? Will that be factored into your evaluation?

**Graham Pendlebury:** Where there is some good verifiable evidence that that is the case—that they are having the effect of discouraging people from going there, which is clearly not the intention. The intention behind shared space is to get more people coming in, lingering and taking advantage of—

**Baroness Campbell of Surbiton:** You are aware of the survey.

**Graham Pendlebury:** That is certainly something that we would need to take into account.

**Baroness Campbell of Surbiton:** Are you aware of the survey, Mr Pendlebury?

**Graham Pendlebury:** I cannot say that I am personally aware of that survey, but it may well be that the experts in the department have taken receipt of it. It sounds like a valuable piece of evidence, but not the only evidence that we would have.

**The Chairman:** How are you measuring the impact of shared road space design?

**Graham Pendlebury:** I would reiterate that it is local authorities who are responsible for them. In so far as they become more and more popular, one would infer that there is a sense that they are having the desired effect. One can look at particular locations. The area that I often think about is around Salford Media City, where there is quite a vibrant sense of activity going on. I am not sure that we have a formal mechanism for evaluating each and every one, and I am not sure we would necessarily say that was our role. It is for local authorities to take their own decisions on those.

**The Chairman:** That is slightly problematic, because we will never find out whether the majority prefer them and how to weigh the needs of the majority against the possible obstacles to minorities.

**Baroness Thomas of Winchester:** We have not heard from Mrs Pedler.

**Gwynneth Pedler:** Not enough emphasis is put on the need to have impact assessments. We used to have impact assessments for everything. When I asked in Oxford what impact assessment they had carried out, they said, "We do not need to do one now". I said, "How will you gauge how many people, especially blind people, are deterred from using this new

system where seven roads go into one square and there will be no traffic lights?”. People will cross when and how they like by eye contact. To me, that seems arrogant. How can anyone with no sight, or distorted sight, indicate to a driver that they want to cross the road? They cannot judge distance. They cannot judge speed. At night it is even worse. We are entitled to go out at night. I feel very strongly about these shared spaces and join with all other disability organisations, along with RNIB and Guide Dogs, in saying these are dangerous for people with disabilities and they should not be encouraged.

The inventor of this system says that British highway engineers do not even understand the concept. They are not meant for very busy areas; they are meant to make the environment look attractive. They are putting aesthetics before the needs of disabled people. We are supposed to be under the Equality Act so we have equality.

**The Chairman:** Mr Pendlebury, you said it was not the department’s job to measure the impact; it is for local authorities. How would you suggest this Committee gets a handle on the local authorities and finds out whether they have carried out impact assessments?

**Graham Pendlebury:** I suggest that you might want to speak to the Association of Directors of Environment, Economy, Planning and Transport, which represents the senior officers in local government who lead on transport, environment and planning issues, as its title suggests. The example Gwynneth referred to is a good one. It is hard for someone in Whitehall to tell Oxfordshire what it should be doing at a junction in its street. We can provide guidelines about what the legislation says and what considerations should be taken into account. For sure, I would expect it would be good practice to carry out some form of impact assessment, whether or not it is mandated, but we are moving into a world where we are less and less likely to want to give some order or instruction to a county council somewhere in the country about how they should design their local street scene. ADEPT may well be the kind of people who would have an informed opinion on it.

**Baroness Thomas of Winchester:** Some local authorities have done studies. I cited one that Herefordshire had done on one particular road in Hereford. That was very useful. I came to the conclusion, as others did, that every single shared space must be bespoke. Personally, I would not have them on bus routes as some authorities do.

**Q86 Lord Faulkner of Worcester:** Could I ask about the provision of audio-visual information, particularly on buses? If you want to answer about trains as well, that is fine. A lot of our witnesses are concerned that, although the regulations may be in place, they are not being properly enforced. They also make the point that if you have poor sight or no sight an announcement of stops on the bus is incredibly important to you. Should there be a requirement that AV information is included in the public service vehicle access regulations?

**Keith Richards:** My answer to that would be yes. There is a requirement in the regulations that cover rail accessibility to have audio-visual information. It seems odd that there is not a similar requirement for buses and coaches. The issue is that, rather like taxis, buses are such an essential mode of transport for many people with disabilities, but it is too risky for them to rely on them, in terms of not just physical access but knowing where they are—if they are in an unfamiliar environment, knowing that they have got to the stop they need to get to. All those things are straightforward for many people, but if you have not just a visual impairment or a hearing impairment but anxiety or mental disabilities that mean that in unfamiliar environments you really need assistance, when in other environments you may not, to be self-reliant and independent is crucial. Audio-visual delivers that. Many bus companies suggest they can develop apps that will be just as good to tell people where their bus stop is. Many people do not have smartphones and, if they do, they may not have the

coverage at the time they need it. A lot of people cannot operate smartphones anyway. That is one tool, but audio-visual helps so many people. It also helps tourists and people who do not know where they are because it is not a bus trip they go on regularly, or they have never been on at all. It does seem to me very odd that there is not a mirroring in the bus regulations of what is in the rail regulations.

**Gwynneth Pedler:** Transport for All has a message that is short, clear and simple—four words, in fact: mandatory across the whole of the UK. It is a bit longer than four. I am sorry; I am bad at maths. Mandatory across the UK.

**Lord Faulkner of Worcester:** That is very clear.

**Q87 Lord Northbrook:** What more can be done at the local level, whether by government, councils or other bodies, to ensure greater accessibility on public transport and in public spaces? Perhaps witnesses could focus on a couple of areas: whether local authorities should use their planning powers to refuse planning permission for buildings with inadequate access, or licensing authorities should use their powers to refuse to license vehicles without satisfactory access for disabled people or vehicles without audio-visual information.

**Graham Pendlebury:** Using planning powers is certainly one option local authorities might want to consider. It is a difficult one, because there are many multiple considerations about planning applications and so forth. The same applies to the licensing of vehicles. The thing I would worry about is that certain parts of the country could become a desert. If there is a sense that there is no market or aspiration, people will say, “I do not have to be a minicab driver”, or, “I do not have to be a black cab driver”, or, “I do not have to operate bus services”. One has to be careful about a one-size-fits-all policy. There should be local discretion in that, suited to local circumstances. However, the underlying principle behind what you are saying, Lord Northbrook, makes a lot of sense.

What I would focus on is better design, which we have talked about already. Design in the 21st century has to be part of the solution. When you think about, for example, improvements that have been made in airport design to assist people with mobility impairments, quite big steps are being made. The same is true at rail stations. Much more focus on better design is one thing.

We want to do more around this whole agenda of training. A lot of what I keep hearing, and what I read in the many submissions that you have received from many distinguished organisations, is about failures of information and training that can have catastrophic results for the individual disabled passenger. It is that softer area. We do need to put more emphasis on that. One of the things the department is in the final throes of going through the procurement process for is a review of disability awareness practice of bus drivers and producing some new best practice guidance on that. Again, we are working with Keith’s committee on that.

I want to put in a plug as well. One area that has not been mentioned so far is the interface between driving and using public transport. The DfT funds mobility centres around the country. There is one near where I live in south London, which is fantastic. That is where people can go and take advice on how they can best maintain their personal mobility through driving, but if that is not an option for them, there is clinical and technical expertise to help people find other ways of getting around. There is something more about how we join up that kind of interface. I personally would be very keen on that, because it does help people to stay mobile for longer. It is a bit more in the bespoke or tailored environment. Those would be a few things I would suggest at first blush.

**Keith Richards:** We support a lot of what has just been said. With the Bill dealing with the idea of local bus franchising that seems to be going through Parliament, there needs to be a mirroring of what happens in the rail franchising process in the bus franchising process. I am not saying the rail industry has got it perfect or right, but it does get it to a much larger extent than many other modes of transport, because it was required to get it but also because it sees the business case and it sees the good service elements of it. With local bus franchising, it makes absolute sense that if somebody is being given public money, or public approval, to operate something—and franchising is a public approval process—the give-back is that they have to prove they meet established good quality accessibility criteria, and not only that they meet them but that they continue to meet them and continue to improve; otherwise, there is no money, no approval and no franchise.

What DPTAC would like to see in the process that is under way now and will be going on over the summer is a real focus on making sure that that local bus franchising process builds into its DNA the need to be accessible and to provide accessible services, recognising that there are a lot of costs attached to a lot of physical access requirements. On new rolling stock and new buses it makes absolute sense, and economic sense, to build in as much as you can to make it accessible. Retrofitting is a slightly different matter, but we have yet to see the evidence to show that it does cost as much as many bus operating companies say it costs to retrofit, for example, audio-visual. The thing that really does not cost a huge amount, as Graham has said, is the training element of it. As part of a franchise, you should be able to show that your staff are not only trained at one point in the year but receive continuing professional development as a compulsory requirement of operating a franchise bus operation.

**Gwynneth Pedler:** Could I pick up Graham's point about helping us keep our independence? It sounds a great idea, but there is a flaw. PSVAR and the Department for Transport are living in the dark ages. We would like them brought into the age of enlightenment. They do not accept that mobility scooters are suitable. There seem to be many funny reasons for this. I have been riding my scooter since 2003. I have been accessing buses and trains since 2006. I have never fallen off; it has never fallen down; I have not knocked anybody down or killed anybody; I have not had my battery dripping out. I have not been strapped in; I have just been in the wheelchair space quite safely with guard rails around me. Could we please have them moving forward? If you take away my mobility scooter, I am finished; I would not even get to the pavement. That is what you are condemning us to. Wheelchairs are harder and harder to get hold of. Councils cannot give them; they do not let you have them until you are really very disabled. Scooters are much cheaper to buy so they are in reach. Less than £1,000 for a scooter is in reachable distance for most. Motability is taking away cars from many people and they will not have wheelchairs. This policy of "Mobility scooters out" is a disaster. It is a peculiar view and they have never looked at it in depth. We do not have anybody having a try.

**The Chairman:** When you say "out", do you mean they are not being provided, they are forbidden, or what exactly?

**Gwynneth Pedler:** I do not know what the reason is. On wheelchairs, I do not think they have the money. I do not know, but I asked for an upgrade on mine and they said, "You do not really qualify for one" so I am hanging on to the one that really is not very much good because it is the one I have and I might be able to get to the pavement in it. I do not know what I will do when I get there, but I can get to the pavement. I do not know their thinking behind that, but I am really concerned about the thinking behind banning mobility scooters.

**Q88 The Chairman:** Mr Pendlebury, may I come back to your department and the taxi sections of the Equality Act that are not in force? I wonder whether your Minister could write to us and tell us why they are not in force and when they will be. As I said, it is the will of Parliament. I find it extraordinary that the taxi, which is the lifeline of so many disabled people, has not had that force put behind it, whereas the sections to do with guide dogs and so on have. I do not understand why, after all these decades, these provisions about taxis are not in force.

**Baroness Campbell of Surbiton:** May I add to that? I would like to see the evidence behind the statement that this would be too much of a burden on taxis. I would like to know where the evidence is coming from, what surveys have been done and what the actual burden is. I would like it detailed and compartmentalised so that we can understand the real reason behind this. "Burden" is not enough. We need to know what the burden is, why it is and where the evidence is coming from.

**Baroness Jenkin of Kennington:** May I ask an additional supplementary? I have no relevant interests to declare. As we are talking about being dragged into the 21st century, how does Uber fit into all of this? Is it covered by the legislation? I do not think it has been raised when we have been talking about taxis, has it?

**Graham Pendlebury:** It is a fascinating area. Keith touched on this before when he talked about smartphones. Uber is a service that essentially you access through a smartphone. There is no particular brief for Uber. There are a number of companies operating in the same kind of space as Uber, but Uber very recently launched a product called uberASSIST, which is targeted specifically at disabled people. I think Transport for All has been involved in providing some of the background training for Uber drivers to participate in that. This is one of those areas, a bit like mobility scooters, that has changed enormously very rapidly. There are a thousand different types of mobility scooters; they come in all different shapes and sizes; and the technology is constantly shifting. Uber is an example of a disruptive technology that is blowing apart much of the taxi and minicab market in London and the other 24 cities where they are. They are doing that without any legislative push. They have identified a market opportunity and I guess the other operators, including black cab drivers, are going to have to respond to that; otherwise, they will see their business disappear. I think it is a very smart move by Uber to get into that space. I do not know whether the product is any good. I had a semi-joke exchange with Keith that some of his members might be good mystery shoppers for Uber services. Are they what they are cracked up to be? I do not know, but certainly they are being talked about a lot. That is something that has come about without any legislative driver.

I know that Keith's point is that not everybody has access to a smartphone and not everybody can use some of the other apps and technology that are available. It comes back to this audio-visual thing on buses, if I may. That is an example where you mandate a specific technology on a vehicle, but the technology is changing. People are using smartphones. We had a design competition recently, which was won by a young girl. The thing she came up with was a vibrating wristband that told you when you were approaching your stop. There is an attempt to try to commercialise that product at the moment. New things are coming along the whole time, of which Uber is just one example, which are rapidly changing the environment in which we are operating. Keith, I know you are perhaps not quite as enthusiastic.

**Keith Richards:** I am not quite as enthusiastic about uberASSIST. It has the potential to be a step back in terms of an inclusive transport system and to create a two-tier provision of

service if there are no requirements to have fully accessible vehicles. UberASSIST is about trained drivers, which is a good thing.

**Baroness Jenkin of Kennington:** With a price differential.

**Keith Richards:** I do not think there is any price differential whatever. The thing about Uber is that the way the price operates depends on the number of cars already operating on the market. It is perhaps a little more complex than an ordinary taxi or minicab service. There is also the issue of fully accessible vehicles. There is no requirement for those, so it is hit and miss whether there are any available that meet your access requirements at the time of day or night that you may need them. However, the requirements to have full accessibility and training for everybody means that, at any given time, the likelihood is that there will be vehicles that are accessible to you with your needs, not dependent on whether the driver fancies being out there or using his car for a particular purpose. The disruptive nature of it is good in the sense that it makes people think and take notice, but I would not want it to be seen as the cure-all for the issues that exist and we have talked about already.

**Q89 Baroness Thomas of Winchester:** As we are talking about cars, may I ask Mr Pendlebury a question about blue badges? As well as displaying a blue badge, should disabled drivers have to prove they qualify for tax exemption when they park? I ask this because in the Motability magazine that I had the other day, this is what a letter writer asked, and the answer was: "Some councils only look at blue badges while others check with the DVLA. You should check with the local authority". For a blue badge holder to have to ring the local authority when they go to a new area to see whether they qualify for this tax exemption is quite a business. Do you have any views on that?

**Graham Pendlebury:** I am afraid I will have to come back to you on that. I would not want to speculate. I do not know the direct answer to your question, so I would rather just write back to you, if I may.

**Baroness Thomas of Winchester:** I took the last blue badge legislation through the House of Lords as a Private Member's Bill with a handout Bill, and I have never heard of this.

**Graham Pendlebury:** You are definitely more expert than me, then. If I may take that away, we will get back to you. This was in the Motability magazine, was it?

**Baroness Thomas of Winchester:** I have it here and can give it to you.

**Graham Pendlebury:** Thank you.

**Q90 Baroness Campbell of Surbiton:** I have a very quick question to put to all the panel. Do you think it is fair to insist that disabled passengers phone up 24 hours in advance when they want to go on the train and need assistance? This is the blight that disabled people experience. They cannot be spontaneous. I would like you all to answer that.

**Keith Richards:** From the perspective of DPTAC, we think the idea of having to pre-book two days before you want to travel is not equality. We see that there may be issues around just turning up with no notice whatever. We would like the industry to be geared up to be prepared for people to turn up with no notice whatever. This is where the opportunity to send a text, use smartphone technology or phone a number a couple of hours before you are about to leave for the train station should be just as effective as requiring you to think that far in advance. It just makes no sense whatever. I can understand why in the past it may well have been good practice, but these days I cannot see it.

**Gwynneth Pedler:** Transport for All regard it as a great injustice. It prevents us being flexible; we cannot change our mind and go out to lunch with a friend. We get booked on another train. It takes away our independence and our freedom of choice. On a number of occasions I have booked assistance and I have turned up with this precious bit of paper in my hand and

they have said, “You are not getting on the train”, or, “There is nobody to help you. You cannot go”, or I arrive at the station and there is nobody there. It does not help you at all. We still make the booking, but we have great objections. Some places ask for 48 hours’ notice, which is even worse.

**Graham Pendlebury:** There is a bit of a landmark here. I understand that the London Overground commuter rail service has now introduced a turn-up-and-go service and done away with this requirement to book in advance. They have just brought in some other services that they have taken from the Greater Anglia franchise. There is one rail operator doing this. It will be really interesting. If that works on what is an incredibly busy commuter service, surely the other train operators will have to take notice of that because it will be a demonstration that there is no reason why it should not happen.

While I have the floor, may I answer one question about Crossrail? I knew I had the information here and I have found it. The answer is that all 40 Crossrail stations will be step-free to platform level by 2019. That is the answer to your question.

**The Chairman:** We record that. We look forward to it. Thank you very much, the three of you. We have been given a very clear picture of the obstacles that disabled people face when they try to use public transport. I hope that some of the answers are not just aspirational but will really come into effect. We need to know much more about shared spaces. I am glad to hear about Crossrail. I am left with great unease about the taxi situation. Thank you very much. Do press on with the valuable work that you do.