

PE1595/EEE

Mobility and Access Committee for Scotland Letter of 15 February 2016

Dear Ms Fergusson,

RESPONSE TO CONSIDERATION OF PETITION PE 1595 (MORATORIUM ON SHARED SPACE SCHEMES)

Calling on the Scottish Parliament to urge the Scottish Government to place a moratorium on all shared space schemes until safety and equality concerns have been addressed.

In response to your letter of 27 January 2016 asking for the Mobility and Access Committee for Scotland's views on petition PE 1595 and the issues that it raises, we would like to make the following comments on the role of the Mobility and Access Committee for Scotland and on the petition itself.

MACS is an advisory Non Departmental Public Body consisting of a Convener and 14 members appointed by the Minister for Transport and Islands under a procedure agreed with the Office of the Commissioner for Ethical Standards in Public Life. Any fees claimed and receipted expenses are paid by the Scottish Government.

Secretariat support is provided by Transport Scotland. MACS does not have a budget at all. The Committee members have a time commitment for MACS of 12 days per annum, the Convener 24 days per annum.

The aims of MACS are:

- To give Scottish Ministers advice on aspects of policy affecting the travel needs of disabled people.
- To take account of the broad views and experiences of disabled people when giving advice.
- To encourage awareness amongst disabled people in Scotland of developments which affect their mobility, choices and opportunities.
- To work closely with the Scottish Government and ensure our work programme complements the work being undertaken by the Disabled Persons Transport Advisory Committee (DPTAC), the Scottish Office of the Equality and Human Rights Commission and other organisations, voluntary and statutory agencies.
- To promote the travel needs of disabled people with transport planners and operators so that these are fully taken into account in the delivery of services.

- To monitor and evaluate the effectiveness of our work against the above aims and objectives in improving travel opportunities for disabled people in Scotland.

We feel that it is important that the Committee is aware of the work of MACS given that the Petitioner has stated, 'If MACS have not assessed it how can Transport Scotland fund organisations to undertake this work for local authorities?' This is not our role.

MACS does have a representative on DPTAC (Disabled Persons Transport Advisory Committee) but that member has only observer status. DPTAC has similar functions in respect of transport in England to those of MACS in Scotland and also deals with non-devolved issues.

Committee members will see from our aims that MACS does not work on behalf of local authorities but at a more strategic level and most importantly, advises Scottish Ministers on aspects of policy affecting the travel needs of disabled people.

With reference to the documents that the Petitioner refers to we would re-affirm our comments on the Designing Streets Consultation 2009, issued by the Scottish Government, that in respect of paragraph 4.2.11:

'MACS requests that no new Shared Surface Areas are agreed by Planners until the research commissioned by DfT is completed analysed and commented on. Our colleagues in DPTAC have also noted that any new shared surface streets may need to be revised in light of DfT's research findings and subsequent guidance.'

It appears that consultation on LTN 1/11 (Shared Space) did take place but it was by means of a Sounding Board and Project Board put together by the Department of Transport (DfT). MACS was not represented on either board.

MACS has no budget and works for only 12 days per year and does not have the resources or paid manpower to do the research, analysis and assessment that the petitioner suggests. These particular consultations must come from the DfT given that the primary document that the petitioner refers to is the LTN 1/11 (Shared Space). We would also point out that this document is a Local Transport Note issued by the DfT to English local authorities so it should be DPTAC who would comment.

However, we would point out to the Committee that document LTN 1/11 does refer to Shared Spaces at:

Paragraph 1.2

"There is no such thing as a definitive shared space design. Each site is different and the way a street performs will depend on its individual

characteristics, the features included and how these features work in combination.”

Paragraph 4.11

“Stakeholder engagement plays a pivotal role in the development of shared space. Schemes are more likely to be successful if engagement is inclusive, involving a wide cross-section of the community.”

Committee Members will see from the above extracts from LTN 1/11 that the responsibility for consultation on the development of individual Shared Space must be carried out at a local level and is the responsibility of the Local Authority where the proposed development is being suggested. Consultation should begin at the design stage of the project and carried through until and after completion to ascertain how effective the project is. We believe that Consultation should include local Disabled People’s Organisations and in Scotland, the local Access Panel.

We would further refer Members to paragraph 1.21 of LTN 1/11 which refers to the Equality Act 2010:

“The Equality Act 2010 introduced a Public Sector Equality Duty that came into force on 5th April 2011. The Duty requires public bodies to play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. Authorities will need to consider how different people are likely to be affected by new scheme proposals and due regard should be given to the effect they might have on those protected by the Duty.”

We hope that we have addressed the issues in the petition that directly relate to MACS and also those that relate to the relevant publications referred to by the Petitioner.

Should you have any further questions or would wish us to appear before you, we would be pleased to do so.

Yours sincerely

ANNE MACLEAN OBE

Convener

Mobility and Access Committee for Scotland (MACS)