Mobility and Access Committee for Scotland (MACS)
Main Committee meeting

Minutes of meeting held on Tuesday 21 January 2020
Conference Room 2, Victoria Quay Edinburgh
11.00 – 15.00

Present:

Naghat Ahmed (NA)
Linda Bamford (LB), Convener
Audrey Birt (AB)
Marsali Craig (MC)
Joanne Fairweather (JF)
Sheila Fletcher (SFI)
Susan Fulton (SF)
David Hunter (DH)
Hussein Patwa (HP)
Keith Robertson (KR)
Hilary Stubbs (HS)
Fraser Sutherland (FS)
Michael Tornow (MT)
John Whitfield (JW)

Secretariat:

Karen Armstrong (KA) – Deputy Sponsor
Aga Lysak (AL) – Secretary
Lucy Logan (LL) – Assistant Secretary

In attendance:

Jan Beattie (JB) – AHP Professional Advisor
Pauline Meenan (PM) – Transport Scotland Rail Accessibility & Policy Manager

Agenda Item 1 – Welcome, Apologies and Introductions

1.1 The Convener welcomed all attendees, especially PM from Transport Scotland Rail Directorate, JB from the Health Directorate, joining with KA for Agenda Item 4, and LL a new MACS Assistant Secretary. LL recently joined the Accessibility Team replacing Douglas Adams.
1.2 The Convener took the opportunity to officially thank Mark Hoskins, who has left the Accessibility Team and moved to TS Aviation, Maritime, Freight and Canals Directorate.

1.3 She confirmed there were no apologies and no one dialling into the meeting.

1.4 The Convener noted that the Agenda was busy and included an after lunch session for MACS members only. She drew members’ attention to the fact that Agenda Item 3b should be numbered as Agenda Item 5 in the papers.

1.5 For voice orientation purposes she invited everyone to introduce themselves.

Agenda Item 2 - Minutes of the previous meeting, matters arising and action points

2.1 Minutes of the October meeting were agreed electronically, subject to minor amendments:

   a) All papers should be adjusted to the left alignment.
   b) Page 2, paragraph 2.2d – add ‘MACS’ to read: ‘available data allowing MACS to measure progress’ and “to revise work” should read “to review work”.
   c) Page 5, paragraph 3.3b – typo error to be corrected to read ‘him’ and not ‘hm’.
   d) Page 6, paragraph 3.5 – second paragraph – should read “cited on the draft and her initial thoughts”.
   e) Page 13, paragraph 6.5 – should read ‘Dumbarton’ and not ‘Dunbarton’.
   f) Page 16, paragraph 6.26 – should read ‘Keith confirmed’ and not ‘Keith conformed’.
   g) Page 21, Action Point 14 – to read ‘Fife Circle’ and not ‘Fife Cycle’.

2.2 The Committee continued to discuss the “open” actions to ensure progress was being made:
### Open Action Points from the meeting held on 23 July 2019

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<td>8.</td>
<td>4.5.3</td>
<td>Planning and Strategy Workstream to review the Accessible Travel Annual Delivery Plan 2019/2020 between December 2019 and February 2020.</td>
<td>After discussion with Mr Matheson it was agreed that this action could be closed and moved to the Planning and Strategy workstream.</td>
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<td>20.</td>
<td>6.22</td>
<td>HP to ask MC to liaise with ScotRail Accessibility Manager to seek an update on the online facility to book Passenger Assist.</td>
<td>To be closed, duplication of the October Action Point 3.</td>
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<td>22.</td>
<td>6.24</td>
<td>MC to discuss with Andrew Marshall-Roberts the lack of wheelchair space in First Class carriages and no braille on buttons on the latest trains introduced into service.</td>
<td>To be closed, duplication of the October Action Point 4.</td>
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<td>KA to discuss with PM Equality Advisory Panels and find out who/what they are.</td>
<td>This was a duplicate action and PM had agreed to progress this as an outstanding action from July 2019.</td>
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<td>The Rail Workstream to write to all Train Operating Companies requesting them to make every effort to ensure that all new train stocks to be introduced are fully accessible and include</td>
<td>Action to close off and move to Rail workstream.</td>
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<td></td>
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<td>Braille signs on all buttons and accessible wheelchair space and toilet in the first class.</td>
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<td>8.</td>
<td>3.7</td>
<td>KA to scope with EHRC at their meeting on Thursday 24 October 2019 if it would be beneficial to engage with them on the subject of transport to health issue and update on their Strategic Goal 1, Priority Aim 2.</td>
<td>To be closed as superseded by progress of the ministerial meeting. EHRC to be invited to the DD as observers. DD invitees will be able to look at the issue from equality perspectives.</td>
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<td>12.</td>
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<td>KA to ask RW to explain how a Blue Badge could cause harm to people.</td>
<td>Closed, Jan – to speak under Agenda Item 4.</td>
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**Agenda Item 3 – Convener’s update**

3.1 The Convener expressed an expectation that the ‘Super Report’ and escalation papers would be read before the meeting and for that reasons she only addressed a few specific issues.

**Agenda Item 3a – Specific Issues or actions from Super Report**

3.2 In addition to the ‘Super Report’ the following points were made:

a) The Convener explained that, as discussed at MACS training day in September 2019 and at the Leads meeting in November 2019, it was now proposed that the committee focus on 6 high level recommendations for 2020/2021 and these would be the primary drivers in the overarching work-plan. Linda asked for agreement in principle, given the previous dialogue, context and rationale within the super report. She explained that the afternoon session was tailored to facilitate further discussions around this to ensure full committee agreement and buy into the streamlined objectives. The full committee agreed to this.
b) The Convener explained that she had written to all Local Authorities (LA) CEOs reminding them of MACS Annual Report 2018/19 (previously sent to them) and in particular recommendations 2, 3 and 4 regarding meaningful EQIAs and their legislative duties (Public Sector Equality Duty and Fairer Scotland Duty).

So far Stirling, Angus, and Dumfries & Galloway councils responded. Given the letter went out just before the festive holidays she was hopeful that more LAs would respond and she noted the positive responses including local updates under each of the recommendations.

c) The Convener went on to highlight the offer from Sustrans Scotland for Better by Design training. She said that if anybody was interested in attending the training they should contact DH for more details.

d) KR confirmed that the update of the Inclusive Mobility Guidance is still in progress, with the delay due to the election and financial restrictions. It should be finalised in the next financial year. It was agreed that the recommendation 7 of the last Annual Report regarding urgency for updating the Inclusive Mobility Guidance should be discharged from high level and moved into the Roads, Infrastructure and Active Travel Workstream.

**Action Point 1:** Roads, Infrastructure and Active Travel Workstream to incorporate Recommendation 7 from the last Annual Report regarding the update of the Inclusive Mobility Guidance.

e) The Convener reminded members that the date of the next Development Day, devoted to Transport to Health and Social Care, had been changed from 19 March to **12 March 2020**. She explained that the day would be chaired and facilitated by AB.

The Convener advised the committee that the Transport to Health and Social Care subgroup would be having a teleconference on 30 January 2020, when the arrangement for the Development Day will be discussed in more detail. There had been constructive discussions with Ministers in relation to the report and its recommendations. More information in relation to this will be shared shortly.

f) It was confirmed that DH will be the MACS representative on Cycling by Design group with engagement to start soon.
Agenda Item 3b – Confirmation of on-going consultations, leads and submission deadlines

3.3 The Convener confirmed that the last quarter was busy and reminded members of the on-going consultations and leads:

a) Calls for views on road maintenance – KR
b) Barriers to Motability – LB
c) STPR2 - DH
d) Islands Plan – call for views - HS
e) Air Travel – Assistance Dogs – Calls for evidence - HS

3.4 She also summarised submissions members are working on:

a) Ferries Inquiry – Calls for Evidence – HS
b) Consultation on HARPS, Highly Automated Road Passenger Services, for the Scottish Law Commission. – KR and SF
c) LEZs – NA and KR
d) Glasgow subway request for dispensation – HP/FS/MT
e) Fife Circle dispensation request – HP/FS
f) Guidance on Accessibility of Rail Replacement Vehicles – SFI
g) NPF4 – KR and DH

Agenda Item 3c – Brief verbal update from ministerial meetings

3.5 The Convener confirmed that the previous week MACS had met five ministers: Ms Somerville, Mr Matheson, Ms McKelvie, Mr Wheelhouse and Mr FitzPatrick. She was very pleased with the positive welcoming and open discussion. She informed the committee that good progress had been achieved with the key points being:

a) Motability – the meeting with Ms Somerville was limited given the current position with the Scottish Accessible Vehicle and Equipment Scheme (AVES) however, she welcomed MACS engagement with Motability and Motability Operations, especially around work to ensure that the new Scottish AVES has a smooth transition. She acknowledged MACS concerns around issues they highlighted, which had been previously identified by the National Audit Office (NAO), and in particular around value for money (VFM), the growing reserves, governance, transparency and meaningful customer engagement.
Ms Somerville had proposed that MACS be involved in the monitoring and scrutiny of the Scottish AVES moving forward. It was agreed that MACS would provide further advice on AVES.

Mr Matheson suggested that officials may wish to explore the VFM aspects and in particular the levels of reserves held by Motability, Motability Operations and Motability Tenth Anniversary Trust. It was agreed that MACS would provide Mr Matheson with a brief giving more detailed on the financial aspect of the scheme as he hadn’t realised the amount of reserves Motability had accumulated. David Hunter had agreed to provide this information.

**Action Point 2:** David Hunter to provide Mr Matheson with a Briefing on the financial aspect of the Motability Scheme.

Ms McKelvie was also keen that the AVES was based around the pillars of dignity and respect and acknowledge MACS concerns over the high overheads (lavish spending) and increasing reserves being accumulated from the payments made by disabled people through their Personal Independence Payments (PIP) or Disability Living Allowance (DLA). She thanked MACS for bringing these issues to the forefront.

**Transport to Health** - Mr Matheson thanked MACS for the report. He appreciated the complexity of the issues highlighted by MACS. He made some suggestions that could help resolve the issues and officials are exploring these.

b) **Programme for Government (PfG)** – Ministers acknowledge MACS push for Accessibility to be central to Programme for Government (PfG). Mr Matheson apologised for his official not picking up on MACS call on PfG earlier.

All ministers gave their support to MACS on its effort to embed accessibility in the next PfG. As a result it was agreed that MACS should invite Transport Scotland’s Accessibility, Bus and Active Travel colleagues to their next Leads meeting on 18 February to discuss this further.

It was brought to Mr Matheson’s attention that some active travel initiatives have actually widen inequalities gaps, with bike hire schemes at transport termini and in the cities. These and the Kelpies project were given of prime examples where the needs of disabled people had not been included and as such the inequality gap had
widened i.e. these schemes gave enhanced opportunities that disabled people could not benefit from.

In discussion it was agreed that instead of focusing on new PfG commitments the focus should be on strengthening accessibility in the existing ones, which already have funding allocated. MACS suggested looking at the Active Travel commitments and the Bus infrastructure fund. Mr Matheson agreed with this approach and welcomed seeing the submission coming up for consideration in the 2020 PfG.

It was agreed that affordability and focus on people’s needs should be the main drive of the new initiatives to ensure that disabled people and people on low incomes from more are not excluded from accessing them the benefits from these initiatives.

c) **NTS consultation champion for accessibility** – At the meeting with Mr Matheson, DH suggested that a representative with in-depth knowledge of accessibility, equality and inclusion should sit on the NTS Delivery Board. DH asked members to express their views to him to allow him to make a proposal to the Minister.

**Action Point 3:** MACS members to email DH with their views on a representative, with in-depth knowledge of accessibility, equality and inclusion to sit on the NTS Delivery Board to him to allow him to make a proposal to the Minister.

d) **New ministerial post for disabled people** – MACS had a productive meeting with Ms McKelvie, the Minister for Older People and Equalities. MACS had no doubts in relation to her knowledge and passion for equality, dignity and respect and looking after the interest of disabled people. Therefore it was decided that there was no need to pursue this matter further.

e) **EqIAs** – Ms McKelvie was aware of MACS’ work in this area and confirmed that a small working group will be established in her directorate to mainstream the EqIA process.

**Agenda Item 4 - Sponsor Team update**

4.1 KA, the Deputy Sponsor, stated that the paper provided was very detailed and she was hoping it would be sufficient for members, but encouraged everyone to contact her directly if any queries raised.
4.2 She then recapped the staffing changes within the Accessibility team, which included Douglas Adams leaving and being replaced by LL, as well as Mark Hoskins’ departure from the team following a recent promotion. The deadline for applying for Mark’s vacancy was at midnight 21st of January 2020. The post would be split 50/50 between MACS and delivery of the Accessible Travel Framework.

4.3 KA highlighted the competing priorities the Accessibility Team were under at that moment, caused not only by staff changes but also absence due to illness and bereavement.

4.4 Referring to some of the content of the Sponsor Team Report, SFI brought up the withdrawal of bus services in rural locations, which makes the completion of recommendation 10 in the Transport to Health and Social Care report difficult.

The recommendation encourages the exploration of the possibility of widening concessionary travel timeframes, including concessionary travel for medical appointments. She praised this recommendation but is concerned that this will have no impact if bus services are being withdrawn completely.

4.5 In discussion it was pointed out that bus companies are commercial and their profits depends on demand, which is low in some rural areas and not a viable commercial option for continuation.

It was suggested that Local Authorities could step in to help maintain service provision and therefore incentivise people to switch from car to public transport.

The Convener expressed her concerns about bus service withdrawals, especially in rural areas and areas that needed their bus service provision maintained to stay connected. She referred members to the note of her meeting with TS Concessionary Travel Team and explained her frustration that the reason for no progress and the deterioration/lack of bus service provision and people being unable to use their bus pass was being shifted between Transport Scotland, LAs and bus service providers. She expressed her frustration with this current position, which did nothing to tackle the problems and her hopes were that MACS Recommendation 10 from Transport to Health and Social Care would start cross organisational dialogue in a meaningful way to allow people in these areas to remain connected by public transport (bus).
Linking to the Climate agenda was mentioned as an effective approach, encouraging disabled people to look at other options than using cars in order to reduce their carbon footprint could be used as a leverage to improve public transport accessibility. The Convener pointed out that to do so, public transport had to be available, accessible and affordable and she welcomes the Equality pillar within the NTS2 to promote equality by improving access to services that are easy to use and affordable for all.

It was suggested that MACS should include this issue at their meeting scheduled for 18 February 2020. However, SFI noted that bus accessibility is a reserved matter. She said any information required for MaaS to ensure accessible vehicles are used should be available on the system.

4.6 The Convener suggested that the August Development Day could be themed around bus accessibility and provision, especially in rural areas. The event would be facilitated by SFI and could be a useful opportunity to engage closer with Bus officials and advise on how the £500m budget could be used to improve accessibility.

4.7 SF brought attention to paragraph 18 of the Sponsor Team update paper relating to accessibility being embedded in all ferry infrastructure projects. She asked if this referred to new ferry terminals and if an Access Consultant sits on the design team. It was agreed Secretariat would find out and advise the Committee.

**Action Point 4:** Secretariat to check with the Ferries Team if accessibility is embedded in new ferry terminals infrastructure and whether an Access Consultant is included in the design team.

4.8 KA also pointed out that the Accessibility Team staff also sit on Ferries Accessibility Fund Team and that Mark, who has an accessibility background, is now working within the Ferries Team.

4.9 KR brought the Committee’s attention to paragraph 9 of the Sponsor Team update relating to the CivTech programme to explore the digitisation of Blue Badges. He clarified that the CivTech challenge is to develop technology to identify Blue Badge holders to be exempt from charges in low emission zones. Keith and Naghat are scheduled to attend the CivTech Demo Day on the 4th of March.

4.10 In discussion it was clarified that the names of the priority areas of the Annual Delivery Plan cannot be changed (as suggested by MACS
MINUTES

members) as this had been agreed by the Steering Group during the Plan development. Therefore KR’s ask to rename the ‘Clear Pathways’ priority area to ‘Accessible Paths and Pavements’ was rejected but KA confirmed that the work of this priority area focuses not only on pathways but also pavements.

4.11 HP questioned point 41.h of the Sponsor Team update which relates to the audit of Traveline Scotland’s Website and App.

HP challenged the lack of a response from Traveline Scotland to the committee-approved letter sent to them in October 2019 as well as follow-up by both email and phone, relating to the continued inaccessibility of features of the Android Traveline app. This has remained an issue since first challenged in 2013. KA agreed to take this forward.

**Action Point 5:** KA to liaise with Traveline and enquire about the timeframe for the Traveline to improve the app’s accessibility.

4.12 The Convener expressed her disappointment at the Active Travel team for dropping ‘wheeling’ in their written communication. It had previously been agreed that to make the active travel language more inclusive, the publications should refer not only to walking and cycling, but also wheeling. KA volunteered to speak to Active Travel colleagues from the TS Active Travel Team. It was noted that the recent National Transport Strategy Consultation, Strategic Transport projects Review Consultation and the Island Plan all referred to walking, wheeling and cycling (even giving a definition of wheeling) and it was disappointing that TS Active Travel Team had dropped this term from the delivery plan and again from their most recent update.

**Action Point 6:** KA to speak to Active Travel colleagues from the Active Travel Team to remind them of using more inclusive language around active travel and including the word ‘wheeling’ in their publicity.

4.13 JB from Health Directorate provided an update on the recent work around Blue Badge scheme and provided an explanation how issuing a Blue Badge could be counterproductive for some people.

a) JB started off by introducing herself as a physiotherapist with experience of working with people with mental and long term conditions. She currently provides support to development of the Blue Badge policy and was keen to hear and respond to MACS members’ concerns about the wording ‘harm’ used in the recent Blue Badge
paper explaining how blue badge might not be always beneficial for disabled people. MACS’ main concern was that adopting this terminology could potentially be used as a reason for refusing a badge to disabled people and how “harm” could be caused by issuing a blue badge was not clear.

b) JB explained that Blue Badges should be used as part of a tool box of solutions for someone with mobility needs. Often a Blue Badge can be seen as a solution in itself but in reality very rarely is it the only solution available.

c) JB also made the point that timing should be a vital decider when issuing someone a Blue Badge, because giving it at the wrong time could prevent people for being offered better solutions, such as rehabilitation or mindfulness. She provided examples of how giving someone access to a tool they don’t necessary need at that time, can make become reliant on this and therefore increase the chances of their condition deteriorate.

d) AL quoted some interesting research suggesting that for some autistic children the Blue Badge is not helpful at all. They need to be exposed and challenged to different routes and changes to reduce deterioration of their condition. Although they might qualify for a Blue Badge, granting it would put them in danger of denying those children the opportunity to learn and therefore not helping in making them better in the long term.

4.14 In discussion it was agreed that a Blue Badge should only be treated as a tool in a toolbox of solutions, which allows for a more holistic approach.

4.15 The application process for Blue Badge was also discussed with some members saying it was too complicated and not user friendly with others emphasising the need for a strict access to the scheme allowing only those who otherwise wouldn’t be able to travel, to have a badge. Marsali highlighted that increasing a number of badge holders will have an impact on the ability to find Blue Badge spaces. It was pointed out that enforcement was key to making this work.

4.16 The discussion was concluded by MACS confirming they didn’t agree with the use of the word harm, and it was agreed that a more meaningful descriptor should be adopted.
**Agenda Item 5 – Escalation Paper – Motability**

5.1 DH explained that the Cabinet Secretary was not receptive to MACS’ recommendation to review Motability as the review had already taken place during the development of the options appraisals for the AVES accreditation scheme. She appeared surprised that MACS was not part of that and asked her officials to forward the documentation to MACS.

It has not yet been announced who is going to be the scheme provider in Scotland.

5.2 In light of the Cabinet Secretary position DH suggested that MACS should no longer call for the scheme review and instead maintain a relationship with Motability and Motability Operations and produce a briefing explaining MACS’ concerns around the current format of the scheme.

He suggested sharing it with IMTAC and DPTAC at the 4 Nations meeting in March and considering producing a position statement, which could be published via new MACS social media channels (Twitter).

5.4 An agreement was reached that the issue would be discussed at the 4 Nations meeting and DH would prepare a briefing paper for that purpose and which could also be used to inform other stakeholders of MACS’ position.

**Action Point 7:** DH to prepare a briefing paper on Motability before 17 February 2020 so the Convener can present it at the 4 Nations meeting in March 2020 in Belfast.

**Agenda Item 6 – Update on the review of the Inclusive Mobility Document and the Guidance on the use of Tactile Surface**

6.1 It was confirmed that the review of the Inclusive Mobility Guidance would be devolved to the Roads, Infrastructure and Active Travel Workstream. KR confirmed the following:

   a) He was liaising with Roads officials on the research paper finalisation.
b) The research was undertaken by Transport Research Laboratory (TRL) however there is currently no money available from DfT to move onto the next stage of drawing together the new publications of Inclusive Mobility and the Guidance on the Use of Tactile Surfaces.

c) It is anticipated that finalisation of the guidance will require a tighter relationship with UK Government officials in Westminster, however no timescale has been provided.

d) KR commented on the draft document, which took him 3 weeks to read and review and a few other members expressed interest in seeing the draft.

**Action Point 8:** Keith to share with JF, DH, HP, MT and SF a copy of the draft Inclusive Mobility Guidance.

**Agenda Item 7 – Discussion on access regulations (PSVAR) exemptions/dispensations granted by the UK Government**

7.1 MACS has expressed some concerns about the UK dispensations from PSVAR regulations – trains, rail replacement vehicles (only applies to coaches), school buses, especially in light of 10 years transition period allowing for compliance.

7.2 SFl spoke about the ORR consultations, which - in light of imposing £5k fine per vehicles that don't comply – suggest a provision of separate services for disabled people. However this solution was perceived by MACS as extremely exclusive and therefore not acceptable.

7.3 DH suggested approaching DfT and asking for a briefing document on the current state of compliance, however PM stated a similar document should already be available and she volunteered to share it with MACS.

**Action Point 9:** PM to obtain DfT briefing paper on the current state of vehicle compliance with PSVAR regulations on all modes of transport and share with MACS.

7.4 MACS asked for sight of the PRM TSI compliance reports required of ScotRail during each extension period. Following the meeting this request was formalised by email to Karen who agreed to follow-up.

**Action Point 10:** KA to obtain a copy of the ScotRail report sent to DfT on the PRM exemptions to be shared with MACS Rail Workstream.
7.5 The Convener confirmed that MACS supports the position statement already produced by the Scottish Government on the issue, albeit their own statement would add to this, and it was agreed that KA would share a copy of the SG position statement with MACS.

**Action Point 11**: KA to share with MACS the Scottish Government’s position statement on the PSVAR exemptions.

**Agenda Item 8** – Discussion on proposed recommendations, work plans and MACS internal meeting schedules for 2020/2021

8.1 Session closed for MACS member only. No minutes taken.

**Agenda Item 9** - Any Other Business (AOB)

9.1 MC noted that due to a high volume of emails the Committee deals with it was important to avoid ‘replying to all’ when responding to emails unless there was a need for it.

9.2 She also asked if the possibility of providing MACS members with a separate email addresses in the format of name.surname@macs-mobility.org could be revisited to enhance the credibility and emails management. MACS has already requested this and asked the Secretariat to revisit securing MACS email addresses for all members.

It was acknowledges that some members would benefit from assistance setting up the email addresses to their technology (smart phones, laptops, desk tops)

**Action Point 12**: Secretariat to revisit securing MACS email addresses for all members.
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8.  6.1d  Keith to share with JF, DH, HP, MT and SF a copy of the draft Inclusive Mobility Guidance.

9.  7.3  PM to obtain DfT briefing paper on the current state of vehicle compliance with PSVAR regulations on all modes of transport and share with MACS.

10.  7.4  KA to obtain a copy of the ScotRail report sent to DfT on the PRM exemptions to be shared with MACS Rail Workstream.

11.  7.5  KA to share with MACS the Scottish Government’s position statement on the PSVAR exemptions.

12.  9.2  Secretariat to revisit securing MACS email addresses for all members.