

Annex A – Signature minute (with redaction)

To: Jeremy Hotchkiss From: [information withheld in reliance on the s40(2)&(3) personal information exemption]

Location:
Tel:
Ref: (Paper)
Date: 21 December 2016
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Porterbrook Leasing Company: Night Riviera Sleeper Service- dispensations from 2020

1. 20 Mark 3 HST vehicles owned by Porterbrook Leasing Company Limited and leased by First Greater Western Limited, (operating under the brand name GWR) will soon undergo a refurbishment programme to make them more accessible ahead of the 2020 legal deadline.
2. In 2012 we began discussions with Porterbrook and their Notified Body, ESG, regarding the scope for upgrading the existing vehicles to meet modern accessibility standards. Areas which were identified as being in need of upgrade included:
 - a) External Steps
 - b) Priority seats
 - c) Handrails and handholds
 - d) Passenger Information System (inc bodyside displays)
 - e) Wheelchair spaces with call-for-aid units
 - f) Wheelchair accessible sleeping berths
 - g) Toilet/Toilets for disabled persons in wheelchairs
3. The refurbishment will deliver everything expected for the vehicles. There are a number of areas where we have accepted that full compliance with the standard is not possible. DPTAC have confirmed that it is supportive of the level of refurbishment delivered on this vehicle. This has included a DPTAC user testing visit to the accessible sleeping berth mock-up.
4. It would be desirable to provide dispensations for those areas where rectification is not expected. These are as follows:

	Item	Mitigation
Doors	Not palm operable	Passengers are not expected to operate doors themselves. Staff are on hand to open and close doors

Annex A – Signature minute (with redaction)

	No audible warnings for open or close	Passengers are not expected to operate doors themselves. Staff are on hand to open and close doors
	No visual warnings for open or closed	Passengers are not expected to operate doors themselves. Staff are on hand to open and close doors
	No handrail on hinged side of door due to door design	Fitting a handrail would impinge upon the doors useable width. Secondary support can be gained from using the door handle. Additionally, staff are present to assist passengers in joining and alighting the train.
Door step/threshold	No addition lighting on door step/threshold	This is a standard dispensation item (since 2010) which DfT does not require operators to meet.
Step/Gap between train and platform	Consistency cannot be achieved as platform heights vary greatly across the network	This is a standard dispensation item which DfT does not require operators to meet
Clearways - handrails	Width of corridor in sleeping berths is so narrow that it's not possible to safely fit a handrail at the standard height without risking injury or limiting access. This does not apply to access to the Accessible sleeper berth.	
Passenger Information system	Non-sleeper carriages: - After departing London or Cornwall, no further audio announcements will be made. Traincrew make oral announcements or wake passengers with tickets for any intermediate stations. Sleeper carriages – No audio or visual announcements. Staff wake passengers with intermediate tickets if required.	Train crew are always available.
RASTI levels	Measuring and achieving a reliable standard sound volume at all seat locations is not possible given operating conditions.	This is a standard dispensation item, common to many operators
Standard toilet door	Clear width is 470mm, 30mm less than standard.	A reduced door width of 30mm does not impede the usability of the standard toilet.
Number of wheelchair spaces	For the length of the train, two wheelchair spaces should be provided. However, the sleeper meets this requirement by having one in the 'day' carriage and one sleeper berth	We agreed that this provided a practical solution as providing two accessible sleeping berths had an impact on the useable space on the train and without two sleeping berths there was little value in two 'non' sleeping 'day' wheelchair spaces in the main saloon.
Number of accessible berths	See above	

Annex A – Signature minute (with redaction)

Manual boarding ramp	A steeper operating gradient is required owing to platform heights in some locations. Achieving the standard gradient would result in manual boarding ramps which are over 2m in length.	Trained staff always available to assist wheelchair users in using the boarding ramp to gain access to the train.
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5. None of these areas worsens the current situation for disabled people. And in all other respects the vehicles will comply either with RVAR 1998, 2010 or the PRM TSI.

Equality Duty

6. The Equality Duty requires that all public authorities, when carrying out their functions, pay due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations.
7. Whilst full compliance with modern access requirements will not be achieved if these dispensations are granted, it is my assessment, having consulted with DPTAC, that granting it is proportionate and will not prevent persons with reduced mobility from using these trains. Instead, it illustrates to Porterbrook that the Department is serious about targeted compliance and will encourage it to carry out work on other fleets.

Publicity

8. In the interests of transparency, the signed dispensations will be placed in the Porterbrook Night Riviera folder in the targeted compliance section of DfT's website. Finally, a note that it has been granted will be included in the statutory Annual Report to Parliament on the use of RVAR exemption powers, in accordance with Ministers' wishes.
9. Scanned copies of the dispensations will be sent to the ORR.

Conclusion

10. Legal, ORR and the Equalities team have previously agreed generic templates of this minute and draft dispensation. **If you are content, please sign and date the attached dispensations.**
11. Happy to discuss if that would be helpful.

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