

Written evidence submitted by Wheels for Wellbeing to Call for Evidence by the Public Bill Committee on the Crime and Policing Bill: Evidence around PSPOs related to cycling (CPB104)

1 Executive summary

- The enforcement of PSPOs related to cycling often has detrimental equalities impacts that are not recognised by the local authority in question, resulting in impacts not being mitigated.
- The lack of consideration of the requirements of the Equality Act (2010) is resulting in disproportionate and unreasonable harm to Disabled people's mobility through PSPOs that restrict cycling.
- The ability to challenge an FPN through the courts is so costly as to make it beyond the reach of the vast majority of Disabled people.
- This means that exemptions that can only be accessed through challenging an FPN once issued are worthless and do not, in practice, meet any equalities aims.
- PSPOs are being used to restrict cycling when other, more appropriate mechanisms for restricting cycling that is truly antisocial already existed.
- PSPOs are being used to restrict cycling that is not antisocial.
- The mechanisms to challenge the introduction of a PSPO that is unlawful are so restricted as to mean unlawful PSPOs are probably being made.

2 Introduction

1. We are glad of the opportunity to provide evidence around Public Space Protection Orders as part of your consideration of the Crime and Policing Bill.
2. We are a Disabled People's Organisation working nationally in the fields of active travel and multi-modal journeys for Disabled people. Our trustees, staff and service users are mainly Disabled people. Our non-disabled staff are mainly people who provide practical support to Disabled people at cycling experience sessions. Our organisation is specifically interested in ensuring the benefits of active travel and multi-modal journeys are not denied to Disabled people
3. Since at least 2019, Disabled people across the country have been telling us about concerns regarding how PSPOs restricting cycling affect Disabled people who cycle. In that time, we have built up considerable experience on this particular question.

3 Evidence

4. There are two principle issues with PSPOs around cycling:
 - 1) they too-often fail to identify and address equalities issues, resulting in discrimination against Disabled people and others with protected characteristics who want to make cycling journeys and
 - 2) they result in councils imposing fines on people for doing something that isn't antisocial.

3.1 Equalities Issues

5. There are two main channels through which discrimination is caused by PSPOs: Poor drafting, and inappropriate enforcement
6. PSPO wording too often doesn't recognise that the equality impact of a PSPO will vary between and within protected characteristics. This means needed exemptions are often omitted or included in ways that are practically unusable. For example, too often there is no recognition that many Disabled people cannot dismount, walk and/or push our cycles.
7. During April 2025, we received new evidence from Disabled cyclists in various parts of the country that bans on cycling effectively prevent them from getting to shops and other city centre facilities that they were previously able to reach. For example: "they're going to pedestrianise the area ..., and I can't cycle around that – I could only use an electric wheelchair, I couldn't push a wheelchair around. So now I'm needing to learn to drive, to get a car, and it's making me unfit".
8. Even when all appropriate exemptions are provided, PSPOs will have differential impacts on different people with protected characteristics.¹ Research by British Cycling showed that the principal barrier to cycling was a lack of confidence on busy roads, and this was more pronounced amongst females². PSPOs that effectively force cyclists onto busy roads therefore *inevitably* have a gender-based equality impact. We are yet to see a council equality impact assessment that recognises this. There are similar considerations for children and older people³, while road danger is "A key mechanism by which poor walking, wheeling and cycling environments exclude some groups... this has been shown to be a major deterrent to uptake. These effects are disproportionately felt by minoritised groups."⁴
9. While there is evidence of these differential impacts, the Transport Select Committee highlights the poor quality of Local Authority Equality Impact Assessments and consequent negative effects on Disabled people's transport access⁵.
10. Disabled people aren't "just" Disabled – many of us have multiple protected characteristics which increase or complicate the barriers we face to making journeys. Some non-disabled

¹ APPG Cycling and Walking *Active Travel and Social Justice Report* (March 2025), p17
<https://appgcw.org/resources/inquiries/active-travel-and-social-justice-report-2025/>

² As quoted in APPG Cycling and Walking *Active Travel and Social Justice Report* (March 2025), p11, see also p20 regarding gender-based harassment and aggression on roads, including London Cycling Campaign's data that 93% of women who cycled reporting drivers had deliberately used vehicles to intimidate them.

³ APPG Cycling and Walking *Active Travel and Social Justice Report* (March 2025), p17

⁴ APPG Cycling and Walking *Active Travel and Social Justice Report* (March 2025), p17

⁵ Transport Select Committee 2025 *Access denied: rights versus reality in disabled people's access to transport* - para 153

<https://publications.parliament.uk/pa/cm5901/cmselect/cmtrans/770/report.html>

people with protected characteristics will face some of the same barriers to mobility as Disabled people.

11. The second channel through which lack of respect for equalities aspects surface, is because enforcement of PSPOs too often disproportionately targets those who enforcement officers think they can get to stop, get to give details and issue an FPN to. This means a tendency for FPNs to be disproportionately issued to more marginalised and vulnerable cyclists⁶ - notably older people who are seen as easier to challenge, and Disabled people with “invisible” disabilities, since such cyclists are less confident in just ignoring the enforcement officers.
12. We have noticed a tendency in PSPO areas for those who actually are cycling with excessive speed (etc) to be ignored by the private enforcement officers, who recognise they very rarely have the capability to stop someone who is determined not to cooperate with them.
13. In some local authorities, there is a *formal* recognition that Disabled cyclists cannot “just get off and push”, but it is practically impossible for a Disabled cyclist to make use of the exemption, because it is very rarely applied before the FPN is issued.
14. Where exemptions are only available in challenging an already-issued FPN, the person issued with the FPN may have to shoulder the whole risk, stress, time and financial cost and administrative burden, of challenging. In many places, challenging an FPN carries risk of considerable extra charge, costs of attending court, risk of victim surcharge, and prosecution costs. These factors combine to create the possibility a victim may have to pay 14 times as much as the original FPN if their challenge fails. Because Disabled people are disproportionately likely to be in poverty, very few can afford the financial risk of challenging an FPN, even if they happen to know that there is an exemption for a Disabled person in the particular PSPO (and the chances in reality are that any individual won't know about the exemption, and an individual Disabled person would have no reason to research to discover there was one).
15. We have particular concerns about the proposal to increase the maximum FPN charge five-fold, because this will mean more Disabled people will face a more difficult and unaffordable dilemma between risking the already unaffordable costs of challenging an FPN through the courts, or paying an increasingly unaffordable FPN despite a feeling of it being unjust. We note that penalty charge notices for unlawful or dangerous parking are £50 or £70⁷, compared to the proposed maximum FPN charge of £500.
16. In the rarer cases of councils with exemptions where the council and enforcement officers are instructed to not issue tickets to Disabled people, there is the problem of identifying who is disabled⁸, and exposure to the prejudices of enforcement officers. For example, officers may not believe that a person riding a bicycle can be Disabled and unable to walk pushing a cycle.

⁶ <https://road.cc/content/news/council-accused-targeting-old-and-slow-cyclists-296699>, <https://road.cc/content/news/cyclist-fined-ps100-riding-cycle-path-307633> and <https://road.cc/content/feature/cyclists-town-centre-threatened-ps1000-fines-308943>

⁷ <https://www.gov.uk/government/news/government-clamps-down-on-rogue-parking-firms-with-new-code-of-practice>

⁸ See Transport Select Committee 2025 *Access denied: rights versus reality in disabled people's access to transport* - para 31 “as a result of Covid-19, many disabled people have energy impairments and other invisible conditions; for them it can be ‘a much harder environment because they are faced with lack of belief; they are faced with personal animosity in some cases’”

17. In spaces which have been closed to motor traffic, getting accessibility for Disabled people right is a difficult balance. Visually impaired people and others with similar needs have the right to use the space safely and to feel safe. This *does* require action is taken against those who cycle with excessive speed or without adequate regard for the safety of others, as well as enforcement against use of illegal e-motorcycles. However, preventing all cycling makes areas unusable by a proportion of mobility impaired people. It is our contention that the appropriate course is to take enforcement action explicitly targeted against those cycling with excessive speed or without adequate regard for the safety of others. Among PSPOs, the PSPO being introduced in Leicester is unusually good in striking this balance (even if it could have been drafted better, and appropriate enforcement requires that enforcement officers always proactively ask “can you dismount and push your cycle?”, so as to ensure FPNs aren’t issued to those who cannot)⁹.
18. The consequence of not getting this right is that Disabled people are excluded from the areas in question – generally the heart of a town or city where the main shops are located. This exclusion cuts Disabled people off from the destinations of our active travel journeys.
19. For Transport to make its contribution to the Government’s health mission¹⁰, active travel journeys need to be encouraged for those with the greatest health need, not ‘taken off the table’ in the way blanket ban PSPOs do.

3.2 Behaviour that isn’t antisocial

20. Regrettably, PSPOs are being used for matters that are already more appropriately covered by the Traffic Regulation Order system. We feel it is wildly implausible that local council-after-local council have genuinely been satisfied on reasonable grounds that cycling at moderate speed in the area of their PSPO without any aggravating factors has really had a detrimental effect on the quality of life of those in the area in question. Local authorities are, however, required to be ‘satisfied’ in such a way to make a lawful PSPO. We know, for example, that the restriction on cycling in part of Bedford town centre was introduced after a single incident in which a pedestrian was injured by a cyclist, yet there has been no attempt to introduce protected cycle tracks through the part of the town centre closed to motor traffic nor to carry out alternative mitigations. Instead, a complete ban on cycling enforced by a PSPO was introduced after a single incident.
21. A problem is that the legal opportunities to challenge a PSPOs as a whole are so limited that no matter how unreasonable a PSPO might be, it doesn’t get challenged. Given that we know unreasonable PSPOs have been issued, we believe there needs to be a relaxation on the restrictions to challenging PSPOs.

⁹ The text reads “Any person riding a pedal cycle, e-bike, skateboard or riding a manual scooter must do so in a manner that does not cause harassment, alarm, or distress to any person in the designated area and must dismount if requested to do so by a Police Officer or Authorised Officer. / **Exemption:** / Nothing in this order applies to a person who uses a mobility scooter for access reasons or a person who uses an E-bike or E-scooter as a mobility aid and cannot safely dismount and push a cycle for any significant distance, but these persons must use these aids in a careful and considerate manner” https://consultations.leicester.gov.uk/communications/public-spaces-protection-orders-pspos/supporting_documents/Public%20Consultation%20%20Draft%20PSPO%20January%202025%20v1.pdf

¹⁰ See the introduction to the APPG Cycling and Walking *Active Travel and Social Justice Report* (March 2025), p9

22. The former QUANGO Cycling England recognised the harm restrictions such as many cycling-related PSPOs could do “Many towns and cities have central areas largely free of motor vehicles. These areas often form hubs for radial routes to shops, services and employment. Restricting vehicular access in these areas can sever routes for cyclists unless they are exempted from the restrictions.”¹¹ Severing routes for cyclists, again, inhibits active travel and harms the Government’s health mission.
23. This is not to say that all cycling is pro-social. Our view is that local authorities should only make PSPOs restricting cycling where there is evidence that antisocial, hazardous cycling is occurring in an area, where enforcement against this (including confiscation of illegal e-motorcycles) has been ineffective and where accessible alternative routes for cycling to all destinations are provided.
24. Our view is that where PSPOs restricting some cycling are required, these should be drafted following full, high-quality Equality Impact Assessment and so that they:
 - a. Cover the smallest area that is necessary,
 - b. Preferably restrict only antisocial cycling, or,
 - c. If broader restriction of cycling is found to be necessary to meet other equalities requirements, then the PSPO must include practically accessible exemptions e.g. reasonable adjustments which permit Disabled people using cycles as mobility aids to ride slowly and safely through the PSPO area without unreasonable challenge, and which can be applied before an FPN is issued.

4 Conclusion

25. The evidence does not support PSPOs being used to criminalise all cycling in an area, although there may be good reasons to deploy PSPOs that restrict truly antisocial and/or dangerous cycling and motorcycling.
26. There are significant equality grounds under the Equality Act (2010) that must be considered when PSPOs related to cycling are planned, including access to services for people with protected characteristics including disability, contribution to public life and community and access to physical exercise and mobility
27. We ask for clarification that cycling is *in itself* not antisocial, and as such cycling cannot be subject to a PSPO unless there is something specifically aggravating about the cycling.

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¹¹ At https://www.cycling-embassy.org.uk/sites/cycling-embassy.org.uk/files/documents/cyclingengland/2011/01/a07_vehicle_restricted_areas.pdf