

## EQUALITY IMPACT ASSESSMENT - RESULTS

<b>Title of Policy</b>	The Workplace Parking Licensing (Scotland) Regulations 2022
<b>Summary of aims and desired outcomes of Policy</b>	The Transport (Scotland) Act 2019 includes provisions introducing a discretionary power for local authorities to set up workplace parking licensing (WPL) schemes in their area. The purpose of these regulations is to make detailed provision under the Act.
<b>Directorate: Division: team</b>	Transport Scotland: Transport Strategy and Analysis: Transport Climate Change and Just Transition

### **Executive summary**

This EQIA was prepared alongside the policy development work for the WPL regulations, and we have considered whether the regulations have, or could have, an impact on equalities. We do not consider that the regulations will have an impact on equalities.

After the regulations have been made, we expect to publish non-statutory guidance for local authorities who are considering making a WPL scheme. While it will be for local authorities to undertake consultation and impact assessments for their local schemes, this EQIA will inform the guidance for local authorities, including signposting them to available evidence on travel to work patterns and issues that local authorities may wish to consider further in their assessments.

### **Background**

The Transport (Scotland) Act 2019 introduced a discretionary power to local authorities to make workplace parking licensing (WPL) schemes in their area. The purpose of these regulations is to make detailed provision in relation to:

- Consultation, reporting and publication requirements
- Examinations

- Liability for charges
- Reviews and appeals of licensing decisions
- Penalty charges
- Accounts

### **The Scope of the EQIA**

This EQIA considered impacts on equalities groups based on the three tests it is required to address:

- Does this policy eliminate discrimination for each of the 9 protected characteristics (PC)? If not, is the discrimination justifiable? Can it be mitigated?
- Does this policy advance equality of opportunity for PC groups?
- Does this policy foster good community relations between people of PC groups?

Transport Scotland undertook a 12-week public consultation on the regulations, which was published on 11 June and closed on 6 September 2021. We notified a wide range of stakeholders when the consultation was published including Transport Scotland's Equality Network, which includes the Poverty and Inequality Commission, the Mobility and Access Committee for Scotland, and Public Health Scotland. The consultation received 62 responses and the analysis is available on the Transport Scotland website.

The consultation asked: What positive or negative impacts do you think the WPL proposals outlined within this consultation may have on:

- particular groups of people, with particular reference to 'protected characteristics' listed above
- children and young people
- people facing socioeconomic disadvantages
- people living in island communities

Many of the consultation responses raised potential impacts of future schemes, rather than these regulations. The Act sets out that decisions on schemes (including whether to create a scheme, exemptions, the licence charge, the area to be covered etc.) are for local authorities to determine. Therefore these issues are outside the scope of these regulations and will be for local authorities to consider as part of the design, implementation, consultation and impact assessment in relation to their local schemes.

Significant numbers of respondents agreed that the benefits and drawbacks generally would be dependent on decision-making and / or the results of impact assessments at a local level.

Responses on WPL schemes generally highlighted concerns about financial costs to all stakeholders, and alternatives to car use, in particular public transport. Responses also discussed potential negative impacts for those needing a car for work, because of working hours, work obligations and caring obligations – in the latter case particularly focusing on women, part time workers and staff who cannot work remotely as a result of being particularly vulnerable. A significant minority chose to comment on problems concerning alternatives to car use, in particular public transport.

Roughly one in three respondents referred to people in ‘protected characteristics’ categories; almost of all these remarks specifically discussed impacts on disabled people. Under the Act, parking places reserved for Blue Badge holders are exempt from WPL charge. A few respondents noted that disabled people would or should be covered by WPL exemptions, but nevertheless larger numbers foresaw a variety of potential impacts for this group as follows:

- Inability to use alternative modes of transport in cases where disabled people do not qualify for a blue badge (one equalities respondent noted that blue badge means-testing requirements had become more stringent).
- Disabled people no longer getting lifts from relatives or friends to work (as they were no longer using a car themselves).
- Increased pavement parking causing problems for wheelchair users.
- Questions as to whether sufficient parking spaces for disabled people would be available for use (otherwise disabled people would be forced to pay for WPL).
- A small number of respondents foresaw positive impacts for disabled people, namely easier movement and less congestion leading to safer streets.

Only a small number of comments were received about impacts on children and young people: these were mostly positive in term of less congestion leading to fewer public transport delays, and cleaner air. However, a few respondents made a connection to proportionately more young people doing lower paid work and who would suffer a disproportionate financial effect from the introduction of WPL.

While the impacts arising from the implementation of local schemes will be a matter for local authorities, consultees responded on issues which local authorities may wish to consider when developing a local scheme. This evidence on potential impacts to consider can be highlighted in guidance.

## **Key Findings**

The regulations add further detail to the framework which has been set out in the Act. The detail of each regulation and comments on impact are as follows:

- **Consultation, report and publication:** These regulations add detail to the requirements set out in the Act and are intended to ensure transparency in the creation of schemes which can support positive impacts; for example by specifying how proposals must be published to ensure awareness of proposals by those likely to be affected by them.
- **Examination:** The Act sets out that Scottish Ministers or the local authority proposing the scheme may initiate an examination of a proposed scheme. These regulations set out a procedure for examination which will help ensure transparency and clarity in the examination process, for example by requiring the initiating party to notify persons who have been consulted under the requirements set out in the Act.
- **Liability for charge:** This regulation ensures that the intent of the Act (that employers should be responsible for the WPL) can apply in cases such as when an employer has made arrangements with a parking provider or multiple employers share a car park. There are no circumstances where individuals would be liable for the WPL. This regulation is not anticipated to have any impact on equalities.
- **Reviews and appeals of licensing decisions:** this regulation requires local authorities to include a process to review licensing decisions, for example if an employer disagrees with a condition that has been placed on a licence. The regulation also provides for an appeals process in relation to licensing decisions. This regulation is not anticipated to have any direct impact but may have a positive general impact by ensuring fairness and transparency in licensing decisions.
- **Penalty charges:** This regulation allows local authorities to impose penalty charges. There are no circumstances when a penalty charge can be issued against an individual employee. This regulation is not anticipated to have

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any direct impact but is crucial to ensuring the success of schemes and the realisation of benefits from WPL revenue.

- Accounts: the Act requires revenue from the WPL to be spent in support of the objectives of the local transport strategy. This regulation sets accounting requirements so that local authorities can demonstrate they are complying with this requirement, which will have indirect positive benefits by ensuring transparency in how WPL revenue is spent.

The evidence on how WPL regulations may affect people based on the protected characteristics is as follows.

AGE – We do not believe the regulations will have an impact on people because of their age. Local authorities may wish to consider that different age groups may have different travel to work patterns. WPL schemes may have positive impacts on younger age groups which are more likely to use public and active travel options for their commute, due to the requirement under the Transport (Scotland) Act 2019 that revenue from a WPL scheme supports the objectives laid out in the local transport strategy, but could have negative impacts on age groups that are more likely to drive to work.

DISABILITY – We do not believe the regulations will have an impact on disabled people. Under the Transport (Scotland) Act 2019, parking places reserved for Blue Badge holders must be exempt from charge under any local WPL scheme. Local authorities may wish to consider how to mitigate any negative impacts for disabled people who drive to work and who are not eligible for the Blue Badge scheme, and how to maximise the benefits for disabled users of public and active travel when setting out how to use revenue generated from a WPL scheme, which must support the objectives laid out in the local transport strategy.

SEX – While the regulations do not have an impact on this protected characteristic, local authorities may wish to consider whether there is an impact arising from men and women having different travel to work patterns when designing a WPL scheme and when deciding how to use the revenue. The evidence suggests that similar rates of men and women travel to work by car but there may be differences in travel patterns, with women more likely to ‘trip chain’, women more likely to feel unsafe using public transport at night, and the different working patterns of men and women, such as the likelihood of part-time work.

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**PREGNANCY/MATERNITY** – There is no evidence on travel to work patterns of pregnant people or people with children and we do not believe these regulations will have an impact on people because of pregnancy or maternity.

**GENDER REASSIGNMENT** – There is no evidence on travel to work patterns in relation to gender reassignment and we do not believe these regulations will have an impact on people proposing to undergo, undergoing, or who have undergone a process for the purpose of reassigning their sex.

**SEXUAL ORIENTATION** – There is limited evidence on travel to work patterns in relation to sexual orientation. Local authorities may wish to consider the safety and perception of safety on public transport when deciding how to invest revenue from WPL schemes.

**RACE** – These regulations are not expected to have an impact on people on the grounds of their race. Local authorities may wish to consider the evidence that people of White Scottish ethnicity are more likely to drive to work than other ethnicities. Local authorities may wish to consider how to maximise any positive impacts for public and active travel users, including considering any differences in travel patterns by race, when setting out how to use revenue generated from a WPL scheme, which must support the objectives laid out in the local transport strategy.

**RELIGION OR BELIEF** – We do not expect these regulations to have an impact on people because of their religion or belief. There is some evidence demonstrating variation in access to a car for people who identify with different religious groups, however there is limited evidence on travel to work patterns in relation to religion or belief.

**MARRIAGE / CIVIL PARTNERSHIP** – There is no evidence on travel to work patterns in relation to marriage or civil partnership and we do not believe these regulations will have an impact on people on the basis of this characteristic.

### **Recommendations and Conclusion**

We do not consider that these regulations will have an impact on inequalities. The regulations do not approve or implement any schemes, or create any new powers for local authorities. As the regulations are designed to ensure transparent and fair decision-making within the framework set out by the Act, we consider that they address and support

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the charge made by consultation respondents: the importance of good decision-making and impact assessment at the local level.

Any impacts from WPL schemes will arise from decisions made by local authorities. While these decisions are not for Scottish Ministers, this EQIA sets out some of the evidence that local authorities may wish to consider when implementing local schemes. This will be supported by evidence on transport generally, as well as consultation responses.