

EQUALITY IMPACT ASSESSMENT - RESULTS

Title of Policy	Transport (Scotland) Bill
Summary of aims and desired outcomes of Policy	The provisions within the wide-ranging Bill aim to ensure Scotland's transport network operates with greater efficiency, better accessibility and with improved air quality in its towns and cities. The legislative measures will help to empower Scotland's local authorities and establish consistent standards to make transport easier, cleaner and smarter than ever before, therefore supporting the Scottish Government's aspirations to deliver a safe, efficient, cost-effective and sustainable transport system for the benefit of the people of Scotland.
Directorate: Division: team	Transport Scotland: Transport Policy Directorate: Bill Team

Executive summary

1. This Equality Impact Assessment (EQIA) has considered the potential impacts of the Transport (Scotland) Bill ('the Bill') on the protected characteristics under the Equality Act 2010 of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. The provisions in the Bill relating to Regional Transport Partnerships and the Scottish Canals Board have been screened out as they are minor and technical changes which have no impact on equalities. Regional Transport Partnerships are subject to the Public Sector Equalities Duty and the Scottish Canals board is subject to the requirements of the Gender Representation on Public Boards (Scotland) Act 2018.

2. Information on the proposals was gathered from the respective consultations on low emission zones, bus services, smart ticketing, parking and road works based on specific questions asked in relation to the impact on equalities. In addition, information was gathered on the impact of proposals relating to low emission zones and bus services from the Transport and Travel in Scotland Statistics 2016, 2017 and the Scottish Transport Statistics 2017 and other statistical data available. Evidence was also gathered in relation to parking on pavements and double parking from the Parking Stakeholder Working Group, Guide Dogs Scotland and Living Streets Scotland. Evidence was gathered on all aspects of the Bill in a face-to-face evidence-gathering session with the Mobility and Access Committee for Scotland (MACS) and the Bill Team and with subsequent electronic correspondence with MACS.

3. No significant gaps were identified in relation to the proposals with the exception of the protected characteristics' relating to gender reassignment and sexual orientation where there is no data available to suggest whether the proposed legislation would have any effect on individuals.

4. An overall positive or no impact was identified to varying degrees for low emission zones (although a negative impact was identified for people with older vehicles), bus services, smart ticketing, and road works provisions relating to the protected characteristics, most notably positive impacts on age and disability. Regarding low emission zones, as the Bill provides a framework for their creation which will be utilised for implementation by local authorities, further assessment of equalities impacts regarding specific schemes will be necessary by the relevant authorities and these should include involvement with disabled people and local citizens/groups. With regard to pavement and double parking, concern has been expressed by disability representative groups at the scope of exemptions to the responsible parking provisions of the Bill. Standards and guidance relating to the management and enforcement of the new parking restrictions will accompany the legislation when implemented. Policy officials continue to fully engage with equality stakeholders, including disability organisations as documentation is developed.

5. The EQIA has not identified any Bill provision that would either directly or indirectly have a discriminatory impact on any of the protected characteristics in relation to equalities. No objection has been raised to the proposals from any group

on the basis of an inequitable burden being placed on people who share one or more of the protected characteristics and it is not envisaged that the proposals will have a negative impact on the public sector equalities duty. As a result, it is not considered that any changes to the Bill's provisions should be made as a result of the assessment.

6. The EQIA covers the Bill and further equalities assessment will be needed as the more detailed regulations following on from the Bill are developed and as provisions within the Bill are implemented. The engagement to achieve this will need to ensure that the impact on people who share one or more of the protected characteristics are taken into account in future equalities assessments particularly involving disabled people and local citizens/groups.

Background

7. Low emission zones - The Bill enables the creation, and civil enforcement, of low emission zones by local authorities and allows the Scottish Government to set consistent standards for emissions, penalties, certain exemptions and parameters for grace periods before the enforcement for low emission zones. This will help transform Scotland's cities into cleaner, healthier, safer places to travel and enjoy.

8. Bus services - The Bill supports local authorities to meet local needs and circumstances, whether they wish to pursue partnership working, local franchising, or running their own buses in certain circumstances. It will also improve the information available to passengers so that bus travel is more accessible and attractive. The Bill ensures that local transport authorities have viable and flexible options to improve bus services in their areas.

9. Smart ticketing - The Bill supports standardising smart ticketing technology and formalising a Ministerial advisory body to best support this vision. By strengthening the technology and governance which underpins smart ticketing, people will be able to move across Scotland with greater ease and convenience.

10. Pavement and double parking - The Bill will prohibit double parking and parking on pavements except where exemptions apply and will give local authorities the powers needed to enforce this important change. This will help improve safety and accessibility for all, but particularly for our most vulnerable road users including disabled people, and young and elderly people.

11. Road works - The Bill enhances the role of the Scottish Road Works Commissioner and the wider regulation of road works. This will help to increase the safety and efficiency of road works to help keep traffic flowing.

12. RTP Finance and Scottish Canals governance - The Bill provides Regional Transport Partnerships with more financial flexibility and improves the governance of Scotland's Canals.

The Scope of the EQIA

13. The EQIA relating to the low emission zone provisions of the Bill suggests that they will not have any substantial negative impact on any group as listed under the protected characteristics in the Equality Act 2010. Responses from the Building Scotland's Low Emission Zones consultation suggested that disabled people might be negatively impacted (and should as such be considered for an exemption from the emission standards), with some respondents also noting that disabled people who did not qualify for a blue badge might be negatively impacted. Such assertions assume blue badge holders will be exempt from low emission zones, yet exemptions will be developed through regulations and further assessment of the equalities impact will be undertaken at that time.

14. The consultation also noted that those on lower incomes could be negatively impacted. Whilst more vulnerable people currently suffer disproportionately from the impacts of poor air quality and low emission zones may reduce this impact on them, there is a risk – as noted by Health Protection Scotland in its consultation response – that low emission zones may exacerbate existing inequalities among disadvantaged groups including the socio-economically deprived, disabled people, those with pre-existing poor health, where such people might rely on older vehicles that might be excluded from a low emission zone and suffer from an existing lack of access to alternative means of transport. As part of the Public Sector Equality Duty and Fairer Scotland Duty, (Part 1 of the Equality Act 2010, which came into force in Scotland from April 2018) further assessment of the low emission zone policy impact on people will be taken into consideration in developing the regulations setting exemptions, and in approving local authorities' proposed schemes which include provision about time-limited exemptions.

15. The intention of the bus proposals is to give local authorities the toolkit to enable them to improve bus services throughout Scotland. The EQIA for the bus proposals identified that, if these aims are achieved, there is the potential to impact positively on all groups, including lower socio-economic and other societal groups who rely more on public transport. The EQIA did not identify any group that would be adversely affected by the new legislation.

16. The smart ticketing EQIA identified that access to technology may be a challenge to those on a low income but the Scottish Government is clear that smart ticketing should always be one of a range of options which should continue to include paper ticketing. Incentivising 'smart' fares which are not available to all customers is something that can be done in a deregulated market, but the Scottish Government will continue to work with operators to ensure that those without access to technology can still access best available fares. Smart ticketing gives operators more flexibility to tailor products to specific groups more easily than is the case with existing paper options. For example, the Through-care project in Renfrewshire is a smart ticket offered on the Young Scot card which provides the care leaver with specific travel benefits while also promoting equality through being offered on the same card used by their entire peer group.

17. The Scottish Government has engaged with stakeholders throughout the pavement and double parking policy development process. Equality considerations have regularly been discussed with the Responsible Parking Stakeholder Working Group and Parking Standards Group covering a number of EQIA questions in the Improving Parking in Scotland consultation. The measures are seen to have a net benefit in terms of equality considerations and the parking EQIA has not identified any group that would be adversely affected by the new legislation. The Scottish Government is clear that effective management and enforcement of parking restrictions will benefit pedestrians, older and disabled people, people with babies and young children in prams and push chairs and cyclists through unimpeded access and improved safety and wellbeing. MACS has expressed some concern regarding the scope of the proposed exemptions and this will be kept under consideration as the Bill goes through the Parliamentary process. Additionally, the measures will enable local authorities to exempt roads from the national ban, but this will be based on strict criteria which the Scottish Government is continuing to develop in consultation with stakeholders to ensure that opportunities for increasing sustainable economic growth through town centre regeneration are balanced with improved safety for all road users.

18. With regard to road works, the provisions in the Bill help to implement some of the recommendations of the Barton Report. In taking forward his independent review of the Office and functions of the Scottish Road Works Commissioner (SRWC) consultant, Jim Barton engaged with a wide range of stakeholders including equality and disability interests. No specific socio-economic issues relating to road works were identified as part of the independent review, beyond the wider societal issues that people equally benefit from access to the road network and utility services. Older and disabled people and people with prams and push chairs will benefit from fewer remedial works taking place and less disruption, by changing the attitude of those undertaking road works towards achieving better quality and getting it right first time, therefore, improving the quality of road works across Scotland. The balance has to be found between the disruption and inconvenience of road works and the rights of utility companies to maintain and repair their apparatus in order to supply necessary services.

Key Findings

Age

19. Low emission zones - older people, particularly those with prior vulnerability to respiratory illness, and the very young, including babies have a raised risk from poor air quality, which low emission zones seek to improve. "Transport and Travel in Scotland, 2016, Table 28" states that younger and older people were more likely to use the bus and less likely to use privately owned cars. This makes it less likely they would be penalised for using non-compliant vehicles. This has to be balanced with the potential for fares to rise in a situation where a bus operator needs to meet costs required to ensure their fleets comply with the emission standards. However, Scottish Government funding to the bus industry is being instigated to support

operators in such circumstances. Also, in the wider context, any effect for the group may be offset by improved air quality.

20. Bus services - improved services improves older users' ability to travel on a wider network and gives independence to older and younger users, allowing users to be outside the home participating in social activities. Improved bus services and effective delivery of open data would have a wide range of benefits for all ages, including access to employment, ability to travel to see family and friends, ability to travel to medical appointments, access to shops and public services.

21. Smart ticketing - promotes carrying of the Young Scot card and the range of additional benefits it offers from proof of age to retail discounts. Having more people using smart technology on public transport could reduce any stigma felt by those who have a smartcard to access concession schemes, including older people. Ensuring that paper ticketing continues to be an option and that those without access to technology can still access best available fares can also help those of differing age groups not familiar with smart ticketing.

22. Parking - improves accessibility and safety to everyone irrespective of age. There will, however, be positive impacts for children, young people, older people, disabled people and people with prams and push chairs through the improvement of site safety and relevant pedestrian access. However, some concern has been expressed at the scope of the proposed exemptions.

23. Road works - helps ensure the social inclusion of older people, reducing the risk that they feel socially isolated and that they can safely negotiate road works to access shops, healthcare, and visit friends and relatives. The improvements to how road workers interact with members of the public including older people will also help with this. There will also be particularly positive impacts for children and young people through the improvement of site safety and relevant pedestrian access.

Disability

24. Low emission zones - poor air quality is one of the most significant preventable causes of ill health and premature mortality for people with existing vulnerability as a result of long-term illness(es). There are concerns around disabled people who may rely on older vehicles that might be excluded from a low emission zone and suffer from an existing lack of access to alternative means of transport. It is considered that, within the policy overall, these are mitigated by the outcomes on improved air quality. However, individual EQIAs for each zone, involving disabled people or their representatives, are expected to be carried out in order to identify any further impacts.

25. Bus services - Improved services and effective delivery of open data would improve disabled people's ability to travel on a wider network and would have a wide range of benefits for disabled users, including access to employment, ability to travel to see family and friends, ability to travel to medical appointments, access to shops and public services giving independence to disabled users allowing users to be outside the home, participating in social activities and reducing loneliness and social

isolation which could improve mental health and wellbeing. This has to be balanced with the potential for fares to rise as bus operators meet costs required to ensure their fleets comply with the emission standards.

26. Smart ticketing - having more people using smart technology on public transport could reduce any stigma felt by those who have a smartcard to access concession schemes. Smart ticketing should always be one of a range of options which should continue to include paper ticketing.

27. Parking – behaviour changes by motorists in relation to parking on pavements and double parking will improve accessibility for disabled people and other road users. Provisions in the Bill improve accessibility and safety to everyone particularly disabled people whose path may be obstructed by a vehicle parked on a pavement. Evidence of the benefits and concern regarding exemptions has been provided via consultation analysis and stakeholder engagement.

28. Road works - helps reduce the risk that road works impede the mobility of disabled people. As the Bill provides the SRWC with better means of dealing with poor performance it will help improve the social inclusion of disabled people, reducing the risk that they feel socially isolated and that they can safely negotiate road works to access shops, healthcare, and visit friends and relatives. The improvements to how road workers interact with members of the public including older people will also help with this.

Sex

29. Low emission zones – The “Transport and Travel in Scotland, 2016, Table 28” states that women use the bus more than men. 44% of women had used the bus in the last month compared to 38% of men. This has to be balanced with the potential for fares to rise as bus operators have costs to ensure its fleet complies with the emission standards but is offset by improved air quality. It will fall to the respective local authority (in collaboration with relevant stakeholders) to publicise schemes and identify, consider and mitigate any emerging impacts on equality during the planning for implementation phase.

30. Bus services - Women and men have different travel patterns, with women using the bus more than men. Bus travel allows access to work, volunteering and leisure opportunities as well as supporting roles in providing childcare and other caring responsibilities which are disproportionately undertaken by women.

31. Smart ticketing, parking and road works - there are no aspects that are expected to impact positively or negatively on this area as the measures affect all people, irrespective of protected characteristic.

Pregnancy and Maternity

32. Low emission zones - there is some evidence to suggest that exposure to poor air quality in the early stages of pregnancy can contribute to birth defects, positively impacting on this characteristic.

33. Bus services - improved bus service and open data would both have positive impacts in allowing the ability to travel to see family and friends, access to shops and public services including health care.

34. Smart ticketing - there are no aspects that are expected to impact positively or negatively on this area as the measures affect all people, irrespective of protected characteristic.

35. Parking - improves accessibility and safety for everyone particularly people with babies or infants in prams and push-chairs whose path may be obstructed by a vehicle parked on a pavement. Evidence of the benefits has been provided via consultation analysis and stakeholder engagement.

36. Road works - helps reduce the risk that road works impede the mobility of parents with babies or infants in prams and push-chairs; ensures that parents with babies or infants in prams and push-chairs can safely negotiate road works to access shops, healthcare, and visit friends and relatives; helps reduce the risk that road works become a barrier to social inclusion and lead to a sense of isolation by improving how road workers interact with members of the public including those negotiating road works with babies and young children, particularly those in prams and push-chairs.

Gender reassignment

37. Low emission zones, bus services, smart ticketing, parking and road works - there are no aspects that are expected to impact positively or negatively on this area as the measures affect all people, irrespective of protected characteristic.

Sexual orientation

38. Low emission zones, bus services, smart ticketing, parking and road works - there are no aspects that are expected to impact positively or negatively on this area as the measures affect all people, irrespective of protected characteristic.

Race

39. Low emission zones, bus services, smart ticketing, parking and road works - there are no aspects that are expected to impact positively or negatively on this area as the measures affect all people, irrespective of protected characteristic.

Religion or Belief

40. Low emission zones, bus services, smart ticketing, parking and road works - there are no aspects that are expected to impact positively or negatively on this area as the measures affect all people, irrespective of protected characteristic.

Marriage and Civil Partnership

41. Low emission zones, bus services, smart ticketing, parking and road works - there are no aspects that are expected to impact positively or negatively on this area as the measures affect all people, irrespective of protected characteristic.

Recommendations and Conclusion

42. There is no evidence available that the proposals contained in the Transport (Scotland) Bill will have an adverse impact on people who share one or more of the protected characteristics. There are a number of regulation making powers in the Bill, and in developing the regulations, the Scottish Ministers will continue to consider potential equality impacts and whether specific provision may be needed to address any potential disproportionate impact on people who share one or more of the protected characteristics. Regarding low emission zones, as the Bill provides a framework for their creation which will be utilised for implementation by local authorities, further assessment of equalities impacts regarding specific schemes will also be necessary by the relevant authorities and should include engaging with disabled people and local citizens/groups.

43. The specific input of equalities organisations through consultation and engagement has been valuable in raising the overall awareness and understanding of the key issues affecting a wide range of diverse groups and individuals.

44. The impact of the Bill on the protected characteristics has been considered as a result of the assessment. Changes are not proposed to the provisions of the Bill. Throughout the parliamentary passage of the Bill and beyond, the Scottish Government will continue to work with local authorities and other bodies to support the delivery and implementation of each topic and consideration of the impact on equalities.