



**TRANSPORT
SCOTLAND**
CÒMHDHAIL ALBA

transport.gov.scot

LEZ Blue Badge Exemption Scheme Equality Impact Assessment Results

Title of Policy

Scottish National LEZ Registration Scheme

Summary of Aims and Desired Outcomes of Policy

This policy implements the exemption to LEZ regulations laid down in the Low Emission Zone (Scotland) Regulations 2021 for vehicles carrying Blue Badge holders. This policy will thereby ensure that Low Emissions Zones (LEZs) do not cause any disadvantage to disabled people or restrict their access to Scotland's city centres.

Directorate: Division: Team

Transport Scotland: Roads: Environment and Sustainability: Air Quality

Executive Summary

This Equality Impact Assessment (EQIA) has assessed the impact of the Low Emissions Zone (LEZ) Blue Badge exemption scheme on all of the protected characteristics as laid down in the Equality Act of 2010, namely disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

Transport Scotland is working to develop a scheme to allow Blue Badge holders to register their exemption with LEZ enforcing authorities. Blue Badge holders are exempt from Low Emissions Zones through the Low Emission Zone (Emission standards, Exemptions and Enforcement) (Scotland) Regulations 2021. The scheme will allow Blue Badge holders to register their exemption using an accessible system with multiple points of entry. As Blue Badges are issued to individuals, registering the vehicle they may be traveling in is essential to ensure the enforcing authority know there is an exemption applied to the vehicle. Registering the vehicle that a Blue Badge holder will be traveling in will stop the registered owner receiving a Penalty Charge Notice. The workings of this scheme are outlined below.

Information on the exemption scheme and its effects has been gathered from a range of sources, beginning with the Scottish Government's Equalities Evidence Finder and other online sources, including the previous [Integrated Impact Assessment](#) carried out for the wider introduction of LEZs. We then engaged directly with future users of the Blue Badge exemption scheme via a written survey of the

members of Disability Equality Scotland (DES) and a public consultation event, while holding an internal framing process to screen the scheme in line with the Public Sector Equality Duty (PSED).

Background

The Programme for Government (PfG) of 2017 committed to introducing LEZs in four of Scotland's largest cities (Edinburgh, Glasgow, Aberdeen and Dundee). The Transport (Scotland) Act 2019, which received royal assent in November 2019, is the primary legislation in enabling the creation and civil enforcement of LEZs in Scotland. Specifically, Part 2 (Low Emission Zones) of the Act makes provision for the creation, operation, enforcement, or revocation of LEZs by local authorities. The Act provides the powers for Scottish Ministers to set consistent national standards through regulations and guidance on the main components of LEZ implementation.

The proposed scheme will allow Blue Badge holders to register both short-term and long-term exemptions through the accessible website, there will also be a call centre for any users who may not be web-enabled. We are currently in discussions with local authorities about the possibility of an in-person option using council offices. The key benefit of registering and applying the exemption to a vehicle means the registered keeper of the vehicle will not receive a PCN and will therefore not be required to go through the appeals process, which could be a time consuming burden. It will prove hugely important in ensuring the introduction of LEZs poses no disadvantage or discrimination to Blue Badge holders and instead serves to advance equality of opportunity by encouraging mobility and preserving access to city centres among disabled and older people.

Scope of the EQIA (Evidence)

This EQIA considers 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 (PCs)? 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?

To expand our base of evidence and input beyond existing information from the Equalities Evidence Finder and similar sources, we engaged directly with Blue Badge holders in a number of ways. This began with a written survey of members of

Disability Equality Scotland (DES) to canvass their views on our exemption system. In the survey, an overwhelming majority of respondents believed that there must be a variety of accessible formats available to register their exemption applications. This will ensure that applications embed inclusive communication principles and are available in a format that matches the communication strengths and preferences of each individual. There was recognition that not all Blue Badge holders will be able to access an online application, due to factors related to digital exclusion. This includes lacking digital skills or confidence to get online, as well as limited resources and money to pay for devices or internet access. The alternative of a call centre for people who face digital exclusion was well-received, as well as the ability to complete a face-to-face application. A number of respondents stressed that LEZ exemptions should align closely with the existing Blue Badge application process.

Additional engagement with internal and external stakeholders who have expertise in equalities and disability issues was undertaken as part of a framing exercise held in October 2021. This included engagement with colleagues from Transport Scotland's Environment & Sustainability, Blue Badge and Parking teams, stakeholders from within the wider Scottish Government including the Autism and Learning Disabilities unit as well as external stakeholders such as the Independent Living Fund.

Our public consultation event, held on 9 December 2021, was attended by members of disability groups including DES, Disability West Lothian and others. Representatives of other relevant organisations such as the Community Transport Association also attended. Two organisations (RNIB and Disability Beyond Borders) also made valuable offers to cooperate with TS to ensure the scheme and our communications are fully accessible which we will pursue further as development continues. This consultation provided a key opportunity to engage with disability stakeholders to ensure that the development process was informed by lived experience. Inviting the thoughts of citizens who use the Blue Badge on the proposed exemption scheme provided officials with implications that may have otherwise gone unseen. It also allowed Blue Badge holders to be more informed on LEZs. To ensure full accessibility, information on the scheme was circulated around attendees in advance, including an Easy Read document produced in conjunction with DES. In addition, the workshop was supported by British Sign Language (BSL) interpreters and remote captioning for attendees who required additional support.

Finally, Transport Scotland has drawn on existing evidence on travel in relation to protected characteristics, from the Equalities Evidence Finder, previous analysis reports (including [the Integrated Impact Assessment for LEZs](#)) and Office of National Statistics (ONS).

Key Findings (Impact)

Transport Scotland is mindful of the three needs of the Public Sector Equality Duty (PSED) - eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between people who share a protected characteristic and those who do not, and foster good relations between people who share a protected characteristic and those who do not - and recognises while the measures may positively impact on one or more of the protected characteristics, also recognises that the introduction of this may have a negative impact on one or more of the protected characteristics. Where any negative impacts have been identified, we have sought to mitigate/eliminate these. Transport Scotland identified the following impacts on groups with protected characteristics:

Age

Reflecting the evidence gathered regarding the reliance disabled people may have on their vehicles, this scheme is important in ensuring that disabled people's ability to use private vehicles will not be inhibited by the introduction of LEZs. The key negative impact identified was the burden caused by the requirement to register repeatedly for any vehicles not registered to the Blue Badge holder – this has now been mitigated in response, by allowing any single vehicle to be registered for the long-term exemption.

Disability

This policy is considered to have overall positive impacts for disabled people. Reflecting the evidence gathered regarding the reliance disabled people may have on their vehicles, this scheme is important in ensuring that disabled people's ability to use vehicles will not be inhibited by the introduction of LEZs. As above, the key negative impact identified was the burden caused by the requirement to register repeatedly for any vehicles not registered to the Blue Badge holder – this has now been mitigated in response, by allowing any single vehicle to be registered for the long-term exemption. This mitigation should also go some way towards addressing concerns raised by some consultation participants that this scheme represents a “vehicle-centred” rather than “person-centred” approach. It is the view of Transport Scotland that this and any remaining impacts are currently justified and a proportionate means of helping to achieve the legitimate aim of improving air quality in Scotland's city centres via the introduction of LEZs.

Sex

We have kept the potential intersectionality of the scheme's impacts in mind throughout this process and as such believe that the LEZ Blue Badge exemption scheme will help to advance equality of opportunity by providing multiple accessible methods of registering their exemption and retaining full mobility.

Pregnancy and maternity

This scheme is considered to have no impact on people because of pregnancy and maternity. After review of issues raised in the framing workshop, it was deemed that the LEZ support fund, available to households within a 20 mile radius of LEZs whose vehicle is non-compliant to upgrade their vehicle, was a sufficient mitigation and that therefore any impact could be considered proportionate.

Gender reassignment

We do not anticipate this policy having an impact on people because of any gender reassignment.

Sexual orientation

We do not anticipate this policy having an impact on people because of their sexual orientation.

Race

We do not anticipate this policy having an impact on people because of their race.

Religion or belief

We do not anticipate this policy having an impact on people because of their religion or belief.

Marriage or civil partnership

We do not anticipate this policy having an impact on people because of their marriage or civil partnership.

Recommendations and Conclusion

Overall, the Blue Badge exemption will advance equality of opportunities for several protected characteristics, particularly among disabled and older people who can now register their exemption with LEZ enforcing authorities via this registration system, meaning they will continue to have full access to Scotland's city centres while avoiding the PCN appeals process. The EQIA exercise has nevertheless identified certain risks, chief among them the possibility that the registration process may act as a barrier for certain groups if it is not sufficiently accessible and easy to use. Consideration has been given to how to mitigate these risks, with three different modes of access being provided to register the exemption: a website, call centre or in-person via council offices. Provision has also been added for a single family member or carer to register the exemption in the name of the Blue Badge holder. Transport Scotland is committed to extensive user testing in partnership with the disability organisations RNIB and Disability Beyond Borders to ensure that each mode of access is as accessible as possible.

This EQIA is a living document subject to monitoring and review; will be updated with any subsequent equalities evidence and/or impacts uncovered during the rest of the policy development process; Transport Scotland is looking to host a follow up consultation event with disability groups and stakeholders to both demonstrate the workings of the scheme and the multiple modes, while seeking additional input on how to ensure maximum accessibility and mitigate any potential impacts.



**TRANSPORT
SCOTLAND**
CÒMHDHAIL ALBA

© Crown copyright 2022

You may re-use this information (excluding logos and images) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence> or e-mail: psi@nationalarchives.gsi.gov.uk

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

Further copies of this document are available, on request, in audio and visual formats and in community languages. Any enquiries regarding this document / publication should be sent to us at info@transport.gov.scot

This document is also available on the Transport Scotland website: www.transport.gov.scot

Published by Transport Scotland, May 2022