

EQUALITY IMPACT ASSESSMENT RECORD

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| Title of legislation | The Parking Prohibitions (Enforcement and Accounts) (Scotland) Regulations 2023 |
| Minister | Fiona Hyslop MSP – Minister for Transport |
| Lead official | Fred O'Hara, Head of Road Policy |
| Directorate: Division: Team | Roads Directorate, Transport Scotland, Road Policy Team |
| Is this new policy or revision to an existing policy? | The Regulations are part of the parking prohibitions contained in the Transport (Scotland) Act 2019 |

Screening

Policy Aim

1. The Scottish Government has been working to improve parking legislation in Scotland in order to tackle the impact of inconsiderate and obstructive parking and ensure that our roads and pavements are accessible for all.
2. As part of this work, the Transport (Scotland) Act 2019 bans pavement parking, double parking and parking at dropped kerbs, and gives local authorities the relevant powers to enforce these new prohibitions. Section 58(1) of the Act provides that contravention of a parking prohibition will give rise to a penalty charge.
3. Section 59(1) of the Act allows Scottish Ministers to make provision, by way of regulations, for or in connection with the enforcement of the prohibitions. These regulations are needed to ensure the operability of the new legislation and provide for procedural consistency on certain key elements of the process. The Act and these Regulations together give local authorities the tools they need to be able to tackle the issues of inconsiderate and obstructive parking.

Who will it affect?

4. Local authorities, motorists and pavement users will be directly affected by the Regulations. Local authorities will be responsible for enforcing the ban on pavement parking, double parking and parking at dropped kerbs.
5. Pavement users (e.g. pedestrians) are expected to benefit from the pavement parking ban as a whole.

What might prevent the desired outcomes being achieved?

6. The main aim of the pavement parking prohibitions is to improve safety and accessibility for all road users through more effective management and enforcement of the restrictions.

7. The purpose of the Regulations made under Section 59 of the Act is to provide a procedure for local authorities to follow to enforce the ban on pavement parking, double parking and parking at dropped kerbs.

Stage 1: Framing

Results of framing exercise

8. An equality impact assessment was undertaken due to the Regulations giving local authorities a procedure to follow to enforce the ban on pavement parking, double parking and parking at dropped kerbs. As mentioned above, the parking prohibitions as a whole aim to tackle the impact of inconsiderate and obstructive parking and ensure that our roads and pavements are accessible for all.

9. For these Regulations we have consulted with the Courts & Tribunals team within the Scottish Government's Directorate for Justice. This consultation was required due to a section of the regulations giving those who have received a penalty charge for one of the new prohibitions the right to an appeal to the First-tier Tribunal. The Courts & Tribunals team are responsible for the changes required to the powers of the First-tier Tribunal in connection with the new parking prohibitions.

Extent/Level of EQIA required

10. In developing this EQIA the Scottish Government is mindful throughout of the three needs of the Public Sector Equality Duty (PSED) – to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity between people who share a protected characteristic and those who do not; and to foster good relations between people who share a protected characteristic and those who do not. Where any negative impacts have been identified, we have sought to mitigate/eliminate these. We are also mindful that the equality duty is not just about negating or mitigating negative impacts, as we also have a positive duty to promote equality.

Stage 2: Data and evidence gathering, involvement and consultation

Include here the results of your evidence gathering (including framing exercise), including qualitative and quantitative data and the source of that information, whether national statistics, surveys or consultations with relevant equality groups.

| Characteristic ¹ | Evidence gathered and Strength/quality of evidence | Source | Data gaps identified and action taken |
|-----------------------------|---|--|---|
| AGE | <p>The parking provisions in the Transport (Scotland) Act 2019 seek to improve accessibility and safety for people of all ages. These Regulations provide a procedure for local authorities to follow to enforce the ban on pavement parking, double parking and parking at dropped kerbs. Equality groups of the Parking Standards Group have previously stressed that the pavement parking prohibitions will bring positive benefits to older people through improved accessibility, which in turn will enable older people to live more independent lives.</p> | <p>Parking Standards Group & Public Consultation both at Act and secondary Regulation drafting stages.</p> | <p>No significant gaps were identified in relation to the proposals within the Act.</p> |
| DISABILITY | <p>The pavement parking prohibitions are intended to improve the safety and accessibility for all road users through more effective management and enforcement of parking restrictions. With these regulations allowing pavement</p> | <p>Parking Standards Group & Public Consultation both at Act and secondary Regulation drafting stages.</p> | <p>No significant gaps were identified in relation to the proposals within the Act.</p> |

¹ Refer to Definitions of Protected Characteristics document for information on the characteristics

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| | | parking on specific sections of footway, we have engaged with disability organisations within our Parking Standards Group and discussed the Ministerial Directions where local authorities will be required to leave a minimum of 1.5 metres of footway clear if they are exempting that section of footway. | | |
| SEX | N/A | N/A | N/A | N/A |
| PREGNANCY AND MATERNITY | N/A | N/A | N/A | N/A |
| GENDER REASSIGNMENT | N/A | N/A | N/A | N/A |
| SEXUAL ORIENTATION | N/A | N/A | N/A | N/A |
| RACE | N/A | N/A | N/A | N/A |
| RELIGION OR BELIEF | N/A | N/A | N/A | N/A |
| MARRIAGE AND CIVIL PARTNERSHIP | N/A | N/A | N/A | N/A |

Stage 3: Assessing the impacts and identifying opportunities to promote equality

Having considered the data and evidence you have gathered, this section requires you to consider the potential impacts – negative and positive – that your policy might have on each of the protected characteristics. It is important to remember the duty is also a positive one – that we must explore whether the policy offers the opportunity to promote equality and/or foster good relations.

Do you think that the policy impacts on people because of their age?

| Age | Positive | Negative | None | Reasons for your decision |
|---|----------|----------|------|--|
| Eliminating unlawful discrimination, harassment and victimisation | | | ✓ | We do not believe there are any aspects that are expected to impact positively or negatively on this area as the measures affect people of all ages, irrespective of protected characteristic. |
| Advancing equality of opportunity | ✓ | | | Pavement parking prohibitions are expected to bring positive benefits to older people through improved accessibility, which in turn will enable older people to live more independent lives. |
| Promoting good relations among and between different age groups | | | ✓ | We do not believe there are any aspects that are expected to impact positively or negatively on this area as the measures affect people of all ages, irrespective of protected characteristic. |

Do you think that the policy impacts disabled people?

| Disability | Positive | Negative | None | Reasons for your decision |
|---|----------|----------|------|--|
| Eliminating unlawful discrimination, harassment and victimisation | | | ✓ | We do not believe there are any aspects that are expected to impact positively or negatively on this area as the measures affect all people, irrespective of protected characteristic. |

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| Advancing equality of opportunity | ✓ | | | | The pavement parking prohibitions are intended to improve the safety and accessibility for all road users by banning parking on pavements and at dropped kerbs. |
| Promoting good relations among and between disabled and non-disabled people | | | | ✓ | We do not believe there are any aspects that are expected to impact positively or negatively on this area as the measures affect all people, irrespective of protected characteristic. |

Do you think that the policy impacts on men and women in different ways?

| Sex | Positive | Negative | None | Reasons for your decision |
|--|----------|----------|------|--|
| Eliminating unlawful discrimination | | | ✓ | There are no aspects of the Regulations that are expected to impact positively or negatively on this area as the measures affect all people, irrespective of protected characteristic. |
| Advancing equality of opportunity | | | ✓ | There are no aspects of the Regulations that are expected to impact positively or negatively on this area as the measures affect all people, irrespective of protected characteristic. |
| Promoting good relations between men and women | | | ✓ | There are no aspects of the Regulations that are expected to impact positively or negatively on this area as the measures affect all people, irrespective of protected characteristic. |

Do you think that the policy impacts on women because of pregnancy and maternity?

| Pregnancy and Maternity | Positive | Negative | None | Reasons for your decision |
|-------------------------------------|----------|----------|------|--|
| Eliminating unlawful discrimination | | | ✓ | There are no aspects of the Regulations that are expected to impact positively or negatively on this area as the measures affect all people, irrespective of protected characteristic. |

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| Advancing equality of opportunity | | | ✓ | There are no aspects of the Regulations that are expected to impact positively or negatively on this area as the measures affect all people, irrespective of protected characteristic. |
| Promoting good relations | | | ✓ | There are no aspects of the Regulations that are expected to impact positively or negatively on this area as the measures affect all people, irrespective of protected characteristic. |

Do you think your policy impacts on transsexual people?

| Gender reassignment | Positive | Negative | None | Reasons for your decision |
|-------------------------------------|-----------------|-----------------|-------------|--|
| Eliminating unlawful discrimination | | | ✓ | There are no aspects of the Regulations that are expected to impact positively or negatively on this area as the measures affect all people, irrespective of protected characteristic. |
| Advancing equality of opportunity | | | ✓ | There are no aspects of the Regulations that are expected to impact positively or negatively on this area as the measures affect all people, irrespective of protected characteristic. |
| Promoting good relations | | | ✓ | There are no aspects of the Regulations that are expected to impact positively or negatively on this area as the measures affect all people, irrespective of protected characteristic. |

Do you think that the policy impacts on people because of their sexual orientation?

| Sexual orientation | Positive | Negative | None | Reasons for your decision |
|-------------------------------------|-----------------|-----------------|-------------|--|
| Eliminating unlawful discrimination | | | ✓ | There are no aspects of the Regulations that are expected to impact positively or negatively on this area as the measures affect all people, irrespective of protected characteristic. |

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| Advancing equality of opportunity | | | ✓ | There are no aspects of the Regulations that are expected to impact positively or negatively on this area as the measures affect all people, irrespective of protected characteristic. |
| Promoting good relations | | | ✓ | There are no aspects of the Regulations that are expected to impact positively or negatively on this area as the measures affect all people, irrespective of protected characteristic. |

Do you think the policy impacts on people on the grounds of their race?

| Race | Positive | Negative | None | Reasons for your decision |
|-------------------------------------|----------|----------|------|--|
| Eliminating unlawful discrimination | | | ✓ | There are no aspects of the Regulations that are expected to impact positively or negatively on this area as the measures affect all people, irrespective of protected characteristic. |
| Advancing equality of opportunity | | | ✓ | There are no aspects of the Regulations that are expected to impact positively or negatively on this area as the measures affect all people, irrespective of protected characteristic. |
| Promoting good race relations | | | ✓ | There are no aspects of the Regulations that are expected to impact positively or negatively on this area as the measures affect all people, irrespective of protected characteristic. |

Do you think the policy impacts on people because of their religion or belief?

| Religion or belief | Positive | Negative | None | Reasons for your decision |
|-------------------------------------|----------|----------|------|--|
| Eliminating unlawful discrimination | | | ✓ | There are no aspects of the Regulations that are expected to impact positively or negatively on this area as the measures affect all people, irrespective of protected characteristic. |

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| Advancing equality of opportunity | | | ✓ | There are no aspects of the Regulations that are expected to impact positively or negatively on this area as the measures affect all people, irrespective of protected characteristic. |
| Promoting good relations | | | ✓ | There are no aspects of the Regulations that are expected to impact positively or negatively on this area as the measures affect all people, irrespective of protected characteristic. |

Do you think the policy impacts on people because of their marriage or civil partnership?

| Marriage and Civil Partnership ² | Positive | Negative | None | Reasons for your decision |
|---|----------|----------|------|--|
| Eliminating unlawful discrimination | | | ✓ | There are no aspects of the Regulations that are expected to impact positively or negatively on this area as the measures affect all people, irrespective of protected characteristic. |

² In respect of this protected characteristic, a body subject to the Public Sector Equality Duty (which includes Scottish Government) only needs to comply with the first need of the duty (to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010) and only in relation to work. This is because the parts of the Act covering services and public functions, premises, education etc. do not apply to that protected characteristic. Equality impact assessment within the Scottish Government does not require assessment against the protected characteristic of Marriage and Civil Partnership unless the policy or practice relates to work, for example HR policies and practices.

Stage 4: Decision making and monitoring

Identifying and establishing any required mitigating action

If, following the impact analysis, you think you have identified any unlawful discrimination – direct or indirect - you must consider and set out what action will be undertaken to mitigate the negative impact. You will need to consult your legal team in SGLD at this point if you have not already done so.

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| Have positive or negative impacts been identified for any of the equality groups? | No |
| Is the policy directly or indirectly discriminatory under the Equality Act 2010 ³ ? | No |
| If the policy is indirectly discriminatory, how is it justified under the relevant legislation? | No |
| If not justified, what mitigating action will be undertaken? | N/A |

Describing how Equality Impact analysis has shaped the policy making process

In this section, set out a narrative that describes how the equality impact analysis has shaped and informed your policy development. Include, for example:

³ See EQIA – Setting the Scene for further information on the legislation.

Completing the equality impact assessment, engaging with equality groups across the spectrum and undertaking the required public consultation has helped inform the content of these regulations to ensure that the proposed legislation is fit for purpose and will make our roads and pavements accessible to all.

Monitoring and Review

We will continue to work with relevant stakeholders as part of a Parking Standards Group to further develop the Parking Standards Guidance which will go in hand with the Regulations, giving local authorities the necessary information on how to carry out enforcement of the new parking prohibitions. As part of that work we will continue to evaluate how the new regulations are working and if anything needs changed in the future.

Stage 5 - Authorisation of EQIA

Please confirm that:

- ◆ This Equality Impact Assessment has informed the development of this policy:

Yes No

- ◆ Opportunities to promote equality in respect of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation have been considered, i.e.:

- Eliminating unlawful discrimination, harassment, victimisation;
- Removing or minimising any barriers and/or disadvantages;
- Taking steps which assist with promoting equality and meeting people's different needs;
- Encouraging participation (e.g. in public life)
- Fostering good relations, tackling prejudice and promoting understanding.

Yes No

- ◆ If the Marriage and Civil Partnership protected characteristic applies to this policy, the Equality Impact Assessment has also assessed against the duty to eliminate unlawful discrimination, harassment and victimisation in respect of this protected characteristic:

Yes No Not applicable

Declaration

I am satisfied with the equality impact assessment that has been undertaken for The Parking Prohibitions (Enforcement and Accounts) (Scotland) Regulations 2023 and give my authorisation for the results of this assessment to be published on the Scottish Government's website.

Name: Hugh Gillies

Position: Director of Roads

Authorisation date: 28 September 2023