

Appendix A

Section 4

Equality Analysis Toolkit

Changes to Blue Badge parking rules at
Preston Bus Station Car Park

What is the Purpose of the Equality Decision-Making Analysis?

The Analysis is designed to be used where a decision is being made at Cabinet Member or Overview and Scrutiny level or if a decision is being made primarily for budget reasons. The Analysis should be referred to on the decision making template (e.g. E6 form).

When fully followed this process will assist in ensuring that the decision-makers meet the requirement of section 149 of the Equality Act 2010 to have due regard to the need: to eliminate discrimination, harassment, victimisation or other unlawful conduct under the Act; to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard means analysing, at each step of formulating, deciding upon and implementing policy, what the effect of that policy is or may be upon groups who share these protected characteristics defined by the Equality Act. The protected characteristics are: age, disability, gender reassignment, race, sex, religion or belief, sexual orientation or pregnancy and maternity – and in some circumstances marriage and civil partnership status.

It is important to bear in mind that "due regard" means the level of scrutiny and evaluation that is reasonable and proportionate in the particular context. That means that different proposals, and different stages of policy development, may require more or less intense analysis. Discretion and common sense are required in the use of this tool.

It is also important to remember that what the law requires is that the duty is fulfilled in substance – not that a particular form is completed in a particular way. It is important to use common sense and to pay attention to the context in using and adapting these tools.

This process should be completed with reference to the most recent, updated version of the Equality Analysis Step by Step Guidance (to be distributed) or EHRC guidance at

<http://www.equalityhumanrights.com/private-and-public-sector-guidance/public-sector-providers/public-sector-equality-duty>

This toolkit is designed to ensure that the section 149 analysis is properly carried out, and that there is a clear record to this effect. The Analysis should be completed in a timely, thorough way and should inform the whole of the decision-making process. It must be considered by the person making the final decision and must be made available with other documents relating to the decision.

The documents should also be retained following any decision as they may be requested as part of enquiries from the Equality and Human Rights Commission or Freedom of Information requests.

Support and training on the Equality Duty and its implications is available from the County Equality and Cohesion Team by contacting

AskEquality@lancashire.gov.uk

Specific advice on completing the Equality Analysis is available from your Service contact in the Equality and Cohesion Team or from Jeanette Binns

Jeanette.binns@lancashire.gov.uk

Name/Nature of the Decision

Implementing a time restriction on disabled parking spaces in the Preston bus station car park and only allowing free parking for blue badge holders within a designated disabled person bay.

What in summary is the proposal being considered?

Disabled parking bays will be limited to 3 hours free parking and a no return period of 8 hours will apply. Blue badge holders would be expected to set their time clock to the time of arrival at the car park and would then be limited to a period of 3 hours free parking. This proposal is being put forward in order to ensure that there is a sufficient turnover of these parking bays for all blue badge holders rather than those parking all day and limiting the use for other users.

The current rules allow for a blue badge holder to park in any bay within the car park and still benefit from the free parking provision. The proposal is that blue badge holders will only be entitled to park within designated disabled parking bays if they want to benefit from the 3 hours free parking that it affords.

Is the decision likely to affect people across the county in a similar way or are specific areas likely to be affected – e.g. are a set number of branches/sites to be affected? If so you will need to consider whether there are equality related issues associated with the locations selected – e.g. greater percentage of BME residents in a particular area where a closure is proposed as opposed to an area where a facility is remaining open.

The county council only manages one off-street car park throughout the county. The rules within each district council maintained car park are already different from district to district and varies between public and privately owned car parks. The proposal will bring the county council in line with proposals that Preston City Council are introducing on their car parks.

Could the decision have a particular impact on any group of individuals sharing protected characteristics under the Equality Act 2010, namely:

- Age
- Disability including Deaf people
- Gender reassignment
- Pregnancy and maternity
- Race/ethnicity/nationality
- Religion or belief
- Sex/gender
- Sexual orientation
- Marriage or Civil Partnership Status

In considering this question you should identify and record any particular impact on people in a sub-group of any of the above – e.g. people with a particular disability or from a particular religious or ethnic group.

It is particularly important to consider whether any decision is likely to impact adversely on any group of people sharing protected characteristics to a disproportionate extent. Any such disproportionate impact will need to be objectively justified.

Yes, this decision may impact on disabled persons who have mobility issues and who qualify for a disabled persons blue badge.

If you have answered "Yes" to this question in relation to any of the above characteristics, – please go to Question 1.

If you have answered "No" in relation to all the protected characteristics, please briefly document your reasons below and attach this to the

decision-making papers. (It goes without saying that if the lack of impact is obvious, it need only be very briefly noted.)

Question 1 – Background Evidence

What information do you have about the different groups of people who may be affected by this decision – e.g. employees or service users (you could use monitoring data, survey data, etc to compile this). As indicated above, the relevant protected characteristics are:

- Age
- Disability including Deaf people
- Gender reassignment/gender identity
- Pregnancy and maternity
- Race/Ethnicity/Nationality
- Religion or belief
- Sex/gender
- Sexual orientation
- Marriage or Civil Partnership status (in respect of which the s. 149 requires only that due regard be paid to the need to eliminate discrimination, harassment or victimisation or other conduct which is prohibited by the Act).

In considering this question you should again consider whether the decision under consideration could impact upon specific sub-groups e.g. people of a specific religion or people with a particular disability. You should also consider how the decision is likely to affect those who share two or more of the protected characteristics – for example, older women, disabled, elderly people, and so on.

People with a disability and who are entitled to a blue badge may be affected by this proposal. Only those who currently park for longer than 3 hours will be adversely affected.

Question 2 – Engagement/Consultation

How have you tried to involve people/groups that are potentially affected by your decision? Please describe what engagement has taken place, with whom and when.

(Please ensure that you retain evidence of the consultation in case of any further enquiries. This includes the results of consultation or data gathering at any stage of the process)

The Disability Equality (NW) Ltd have been approached for their views on this matter. Preston City Council went through a consultation exercise with this group when they were considering the same changes and at the start of that consultation the bus station car park was still owned by them, therefore to some extent a consultation on this proposal has already been carried out. The Disability Equality (NW) Ltd were supportive of the changes proposed by Preston City Council at the time and this group has now been asked to confirm their support for the county councils proposals.

Any changes required following a decision on this proposal will require changes to the traffic regulation order. At this point further consultation will take place with relevant groups as part of the traffic regulation order process. Following this consultation the Equality Analysis will be reviewed again.

Question 3 – Analysing Impact

Could your proposal potentially disadvantage particular groups sharing any of the protected characteristics and if so which groups and in what way?

It is particularly important in considering this question to get to grips with the actual practical impact on those affected. The decision-makers need to know in clear and specific terms what the impact may be and how serious, or perhaps minor, it may be – will people need to walk a few metres further to catch a bus, or to attend school? Will they be cut off altogether from vital services? The answers to such questions must be fully and frankly documented, for better or for worse, so that they can be properly evaluated when the decision is made.

Could your proposal potentially impact on individuals sharing the protected characteristics in any of the following ways:

- Could it discriminate unlawfully against individuals sharing any of the protected characteristics, whether directly or indirectly; if so, it must be amended. Bear in mind that this may involve taking steps to meet the specific needs of disabled people arising from their disabilities
- Could it advance equality of opportunity for those who share a particular protected characteristic? If not could it be developed or modified in order to do so?
- Does it encourage persons who share a relevant protected characteristic to participate in public life or in any activity in which participation by such persons is disproportionately low? If not could it be developed or modified in order to do so?
- Will the proposal contribute to fostering good relations between those who share a relevant protected characteristic and those who do not, for example by tackling prejudice and promoting understanding? If not could it be developed or modified in order to do so? Please identify any findings and how they might be addressed.

Disabled persons who are entitled to a blue badge may be disadvantaged from the current arrangements if they currently park for longer than 3 hours. The impact will be most significant on blue badge holders who are also on low income.

There is no legal requirement to provide free parking for blue badge holders in car parks as the legal benefits afforded by the blue badge scheme only apply to on-street parking. Private car parks in Preston do not provide free parking for blue badge holders and Preston City Council have already made the decision to introduce the changes recommended in the report.

The current charges in the car park are: 1 hr - £1.20, 2 hr - £2.00, 3 hr - £2.70, 4 hr - £3.50, up to 12 hr - £4.00. Although the recommendations in the report are to change these charges to: up to 2 hr - £1.60, up to 4 hr - £3.20, up to 12 hr - £4.00.

The recommendation also protects the interests of blue badge holders in that it limits the free parking provision and provides a turnover of spaces to try to ensure that spaces will always be available should a blue badge holder want to park in the car park. In order to address the demand for the disabled bays the number of bays will be increased from 16 to 25 as part of the car park improvement works. The number of disabled bays will then be in line with the recommended provision as set out by Disabled Motoring UK.

Question 4 –Combined/Cumulative Effect

Could the effects of your decision combine with other factors or decisions taken at local or national level to exacerbate the impact on any groups?

For example - if the proposal is to impose charges for adult social care, its impact on disabled people might be increased by other decisions within the County Council (e.g. increases in the fares charged for Community Transport and reductions in respite care) and national proposals (e.g. the availability of some benefits) . Whilst LCC cannot control some of these decisions, they could increase the adverse effect of the proposal. The LCC has a legal duty to consider this aspect, and to evaluate the decision, including mitigation, accordingly.

If Yes – please identify these.

Potential cutbacks to bus services may result in more demand for the disabled bays at the bus station car park as blue badge holders who previously used bus services may now need to use their car to visit the city centre.

Question 5 – Identifying Initial Results of Your Analysis

As a result of your analysis have you changed/amended your original proposal?

Please identify how –

For example:

Adjusted the original proposal – briefly outline the adjustments

Continuing with the Original Proposal – briefly explain why

Stopped the Proposal and Revised it - briefly explain

At this time continuing with original proposal on the basis that the benefits provided by creating a turnover of spaces outweighs the impact on long stay blue badge holders.

The increased number of disabled bays will provide sufficient parking spaces for blue badge holders.

That the proposal is the same as that being introduced by Preston City Council car parks and that 3 hours free parking is still being provided.

Question 6 - Mitigation

Please set out any steps you will take to mitigate/reduce any potential adverse effects of your decision on those sharing any particular protected characteristic. It is important here to do a genuine and realistic evaluation of the effectiveness of the mitigation contemplated. Over-optimistic and over-generalised assessments are likely to fall short of the “due regard” requirement.

Also consider if any mitigation might adversely affect any other groups and how this might be managed.

The provision of additional parking spaces to ensure that there is an adequate number of spaces for all blue badge holders wanting to park for up to 3 hours.

Permits are already available to for users of the car park and blue badge holders could purchase these permits in order to reduce the cost of parking. Depending on the subsequent consultation it may be a consideration to offer discounted permits to blue badge holders. It may also be a consideration to provide both the 3 hour limited disabled bays as already mentioned along with long stay disabled bays so that blue badge holders who require the additional space provided by

disabled bays for access can still park for more than 3 hours, but they would be expected to pay for this additional time.

Question 7 – Balancing the Proposal/Countervailing Factors

At this point you need to weigh up the reasons for the proposal – e.g. need for budget savings; damaging effects of not taking forward the proposal at this time – against the findings of your analysis. Please describe this assessment. It is important here to ensure that the assessment of any negative effects upon those sharing protected characteristics is full and frank. The full extent of actual adverse impacts must be acknowledged and taken into account, or the assessment will be inadequate. What is required is an honest evaluation, and not a marketing exercise. Conversely, while adverse effects should be frankly acknowledged, they need not be overstated or exaggerated. Where effects are not serious, this too should be made clear.

With the proposed Youth Zone being created at the bus station it is envisaged that demand for the car park could increase with visitors to the youth zone. This will increase the demand on the parking provision at the car park and this proposal will ensure a turnover of the disabled bays in order to ensure adequate parking provision is available for all.

Question 8 – Final Proposal

In summary, what is your final proposal and which groups may be affected and how?

That blue badge holders must park within a designated disabled persons parking bay to benefit from a maximum of 3 hours free parking. A no return period of 8 hours will be introduced in order to stop blue badge holders moving between bays in order to park for longer than 3 hours.

Question 9 – Review and Monitoring Arrangements

Describe what arrangements you will put in place to review and monitor the effects of your proposal.

Any feedback and complaints will be taken into consideration and a review period will be set following the further consultation.

The enforcement officers and other parking services officers will be able to monitor usage of the disabled bays in order to determine the effects of the proposal.

Further consultation with user groups could also be undertaken after a period of time to evaluate user feedback.

Equality Analysis Prepared By: Paul Riley

Position/Role: Parking Services Manager

Equality Analysis Endorsed by Line Manager and/or Service Head

Decision Signed Off By

Cabinet Member or Director

Please remember to ensure the Equality Decision Making Analysis is submitted with the decision-making report and a copy is retained with other papers relating to the decision.

Where specific actions are identified as part of the Analysis please ensure that an EAP001 form is completed and forwarded to your Service contact in the Equality and Cohesion Team.

Service contacts in the Equality & Cohesion Team are:

Karen Beaumont – Equality & Cohesion Manager

Karen.beaumont@lancashire.gov.uk

Contact for Adult Services ; Policy Information and Commissioning (Age Well); Health Equity, Welfare and Partnerships (PH); Patient Safety and Quality Improvement (PH).

Jeanette Binns – Equality & Cohesion Manager

Jeanette.binns@lancashire.gov.uk

Contact for Community Services; Development and Corporate Services; Customer Access; Policy Commissioning and Information (Live Well); Trading Standards and Scientific Services (PH), Lancashire Pension Fund

Saulo Cwerner – Equality & Cohesion Manager

Saulo.cwerner@lancashire.gov.uk

Contact for Children's Services; Policy, Information and Commissioning (Start Well); Wellbeing, Prevention and Early Help (PH); BTLS

Pam Smith – Equality & Cohesion Manager

Pam.smith@lancashire.gov.uk

Contact for Governance, Finance and Public Services; Communications; Corporate Commissioning (Level 1); Emergency Planning and Resilience (PH).

Thank you