

TAYSIDE AND CENTRAL SCOTLAND TRANSPORT PARTNERSHIP

Minute of the Meeting of the Executive Committee of Tayside and Central Scotland Transport Partnership held in the Conference Room, Bordeaux House, Perth on Tuesday 9th November 2010 at 2.30pm.

Present: Councillor John Whyte (Angus Council); Councillor Will Dawson (Dundee City Council); Councillor Jim Thomson (Stirling Council); and Bill Wright (Member).

In Attendance: E Guthrie (Director); N Gardiner, M Cairns, A Roger J Symon (Perth and Kinross Council).

Apologies for absence were received from: Councillor Alan Jack (Perth and Kinross Council) and Gillian Taylor (Secretary).

Councillor Dawson, Chair, Presiding

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. CONSULTATION : DEVELOPMENT PLANNING AND MANAGEMENT – TRANSPORT APPRAISAL GUIDANCE

There was submitted a report by the Projects Manager (RTP/10/33) seeking the Executive Committee's approval of a proposed response to Transport Scotland's Development Planning and Management – Transport Appraisal Guidance (DPM-TAG) Peer Review.

Councillor Thomson enquired if there should be reference made to the Regional Transport Model in the response. N Gardiner advised that a meeting had been held with Transport Scotland and transportation and planning representatives of Councils and TAYplan to discuss the DPM-TAG and transport appraisal requirements. Transport Scotland had confirmed the intention to review the national Land-use And Transport Integration in Scotland LATIS model in 2011 and the draft response to DPM-TAG recommended that further consideration should be given by Transport Scotland to the development of consistent capacity for regional transport modelling across Scotland as part of that national review. N Gardiner confirmed that the final outcome of the DPM-TAG consultation would be awaited before taking forward any further consideration of regional modelling work.

B Wright advised support for the response to Question 13, as he agreed Transport Scotland had placed too great an emphasis on economic appraisal in isolation and a more holistic approach was required, particularly in regard to environmental sustainability.

Councillor Thomson supported the need for greater clarity on the treatment of Strategic Transport Projects Review STPR projects within the Draft Guidance.

Resolved

- (i) To approve the Draft Response set out in the Appendix to Report RTP/10/33, with additional emphasis on the need for regional modelling capability to be addressed nationally in the 2011 LATIS review; the need for appraisal to take proper account of environmental sustainability issues; and the need for clear guidance on the treatment of STPR projects, as the Partnership's response to the DPM-TAG Peer Review.

The submitted response forms Appendix A to this Minute.

3. CONSULTATION : PUBLIC BODIES CLIMATE CHANGE DUTIES : PUTTING THEM INTO PRACTICE

There was submitted a report by the Strategy Manager (RTP/10/34) seeking the Executive Committee's approval of a proposed response to the Scottish Governments consultation on Draft Guidance.

Councillor Thomson indicated that he was happy to approve the response but sought clarification on the role and impacts for the Partnership. The Director highlighted the aspects of the Guidance which placed new duties on all public bodies to embed climate change within their corporate and business planning processes and also the "Major Player" role that had been identified for RTPs in the Draft Guidance. This included the setting of targets for reducing transport emissions. It was likely that the new duties would require review of the Partnership's existing processes and procedures and would also need to be reflected in future reviews of the Regional Transport Strategy.

Councillor Whyte asked if there were any plans to introduce electric buses. The Director referred to the Scottish Green Bus Fund and also outlined various Low Carbon Vehicle (LCV) proposals being progressed in the region using Scottish Government grant funding for this purpose in 2010/11. He advised that discussions had taken place with the Public Transport Officers Liaison Group on the potential for submitting to the Green Bus Fund but no viable projects capable of commitment within the tight deadline for bids had been identified.

Resolved:

- (i) To approve the response as set out in the Appendix to Report RTP/10/34 with incorporation of additional emphasis on the issues and implications for public sector bodies, as highlighted within the Report.

The submitted response forms Appendix B to this Minute.

4. CONSULTATION : PUBLIC SECTOR EQUALITY DUTY DRAFT REGULATIONS AND ORDER

There was submitted a report by the Director (RTP/10/35) seeking the Executive Committee's approval of a draft response to a Scottish Government consultation on the Public Sector Equality Duty Draft Regulations and Order.

Resolved:

- (i) To approve the response as detailed in the Appendix to report RTP/10/35.

The submitted response forms Appendix C to this Minute.

5. 2010/11 REVENUE BUDGET

There was submitted a joint report by the Director and Treasurer (RTP/10/36) updating the Executive Committee on the Partnership's 2010/11 RTS Revenue Programme expenditure and seeking approval of revisions to the 2010/11 RTS Revenue Programme to ensure commitment of budgeted expenditure during the current year.

Councillor Whyte asked for clarification on the options for Dundee West Park & Ride. N Gardiner explained the background to identification of the 2 sites being considered in further detail and outlined the proposed work that will be undertaken to help determine which site should be taken forward as a preferred option.

Councillor Thomson expressed disappointment that the urban DRT pilot had slipped and sought an explanation for the delay. The Chair noted also Dundee City Council's disappointment that the project had slipped and confirmed the Council's intention to introduce a pilot DRT scheme in 2011/12. The Director outlined the background to previous delays, which related to legal and financial issues which had precluded agreement on service delivery through the voluntary sector. Dundee City Council was now progressing alternative service delivery proposals using "in house" resources and the Dundee Partnership had recently approved the allocation of Low Carbon Vehicle grant funding to support the purchase of electrically powered MPVs to be part of the revised DRT pilot.

B Wright welcomed the inclusion of various Walking & Cycling initiatives within the revised Programme and requested confirmation that these would be completed in the current year. The Director confirmed that Grant letters would be issued to Councils upon approval of the revised Programme by the Executive Committee and advised that Councils had confirmed that all projects would be completed by 31 March 2011. The availability of Sustrans match funding for a number of projects in Stirling had also been confirmed.

Councillor Whyte requested an update on TERS and the reason for delays associated with the Highland Main Line service enhancements. The Director advised that, as reported to the Partnership previously, discussions were continuing with Transport Scotland on the potential for implementing the start-up component of TERS as a complement to planned Perth – Glasgow frequency improvements and the HML enhancement. At a recent meeting Transport Scotland had advised that work on HML timetabling was still ongoing and had re-stated that they were unable to support TERS until such time as potential conflicts with the HML improvements were resolved. Transport Scotland had been unable to confirm a timescale for when the HML timetabling work would be completed but it was anticipated that this would be before the end of 2010, following which the intention would be to re-work the TERS timetabling proposals, as provided for within the revised Revenue Programme, with a view to continuing discussions with Transport Scotland on the scope for implementing TERS as a complement to the Perth – Glasgow and HML proposals.

Resolved:

- (i) To note the position regarding RTS Revenue Programme expenditure as at 31 October 2010.
- (ii) To approve the proposals for managing slippage in the 2010/11 RTS Revenue Programme as described in Section 3 and Appendix B to Report RTP/10/36.
- (iii) To approve the commissioning of Colin Buchanan & Partners to undertake further work on the Dundee Park & Ride projects at a cost of up to £50,000.

Peer Review Questionnaire

Please note the following:

- the answer box for each question will extend as you type
- there is no limit set for responses

Please Insert the following:

Name:	Eric Guthrie
Job Title:	Director
Name of authority/ organisation:	Tactran
Date:	9 th November 2010

Contact details:

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Q.1 How clear and understandable do you consider the draft guidance to be?

A.1 It is recognised that transport appraisal requirements for the development plan process is a complex issue and not a straight forward process. Given this, it is considered that although not immediately clear, the guidance is understandable. The stated intention by Transport Scotland for early and continued engagement throughout will assist the understanding.

Whether the guidance will or can be followed is not clear. The key to the guidance is the requirement for the appraisal to be proportionate. The guidance suggests that it must be proportionate to the scale of land use and/or transport intervention. However, there is also a need for the appraisal to be proportionate to the resources – financial, time and staff – available to the SDPA or Local Planning Authorities and a need to demonstrate that the benefits in following the guidance justify the resources required.

Q.2 How successful do you think the draft guidance will be in helping users to recognise the benefits of understanding the implications of land use changes on the transport network; and are there ways in which this understanding could be improved?

A.2 As noted in answer to 1 above there is a need to demonstrate that the benefits of following the guidance justify the resources. The benefits as set out in paragraph 7 are agreed, but could be better emphasised through some examples of good and bad practice.

Q.3 How clearly does the guidance set out Transport Scotland's engagement in plan preparation, including the levels of support which Transport Scotland can give?

A.3 It is clear from the draft guidance that Transport Scotland is keen to be engaged throughout the preparation of the development plans and this is welcomed.

With regards to the overall Scottish Government level of support as set out in Table 1, the definitions are quite confusing with the difference in "Support in Principle" and "Conditional Support" not being clear. An alternative may be to tie in the Conditional Support to the stage in the Development Plan Process i.e. Stages 1 to 4 would have Conditional Support 1 to 4 with the conditions being more detailed with each stage. (Alternatively tie in to the Level of Appraisal 1 to 3.)

It is also questioned whether Transport Scotland should provide an objection to elements of the emerging development plan, but rather indicate the elements which Transport Scotland does not support.

Q.4 Will the draft guidance assist the process of developing strategic and local development plans?

A.4 The draft guidance will assist by consolidating guidance on the Delivery Plan process and Transport Scotland's requirements into one document. However, the document is open to interpretation and engagement with Transport Scotland throughout will be essential in ensuring the guidance is properly understood and followed consistently.

Q.5 How clearly does the guidance set out the appraisal for strategic development plans?

A.6 The document sets out the level of appraisal required clearly, but the timing of the appraisal is not so clear i.e. recommends majority of appraisal before MIR, but accepts that it could occur in parallel with the Proposed Plan preparation. Tactran supports the more detailed appraisal being progressed in tandem with preparation of the proposed plan, as set out in paragraph 59.

In general, the guidance should be clear as to when Transport Scotland expects the appraisal to take place and any relaxation should be dealt with as part of the engagement process, but not as part of the guidance.

It is clear that the guidance expects Appraisal Levels 1 and 2 to be undertaken by the SDPA.

Paragraph 33 of the appraisal states that Regional Transport Strategies and Local Transport Strategies may provide context and input during the MIR stage. There should be a requirement that they will provide context and input.

Q.7 How clearly does the guidance set out the appraisal for local development plans?

A.7 As per previous answer level of appraisal is clear, but timing not so clear.

It is clear that the guidance expects the LDP to involve a level 3 appraisal.

It is clear that the guidance expects the LDP outside of SDP areas to involve level 2 and 3 appraisals.

Q.8 Is Figure 1 clear and understandable, and to what extent do you think it captures the principles and processes set out in the guidance?

A.8 Figure 1 is clear in defining the Development Plan and Transport Appraisal process. However, the caveat * used at several places within the figure is confusing. It may be better to consider using separate figures for each of the 3 Development Plan types (i) SDP, (ii) LDP (iii) LDP outside of SDP areas. This would ensure each figure could be tailored to the specific Development Plan type without the need for overriding caveats.

Q.9 How clearly does the draft guidance set out the extent to which transport and land use modelling should be used in the appraisal?

A.9 The draft guidance sets out the extent of transport and land use modelling reasonably clearly, but it must be questionable whether it can be achieved within the timescale required and with the level of resources available - particularly if a Regional or Local Authority area wide multi-modal transport model is not currently available.

Q.10 Are the levels of appraisal set out in Table 2 clear and understandable?

A.10 The Level of appraisal is understandable and clearly defines that in an SDP area level 1 and 2 appraisals are to be undertaken by the SDPA and a level 3 appraisal is to be undertaken for the LDP. However, it is contradictory for an LDP outside of SDP areas, as the text suggests the Local Planning Authority may be required to undertake a level 2 appraisal as well as a level 3, but Table 2 indicates a level 3 appraisal only.

Within Table 2 Significant Junction Upgrade (i.e. change from at-grade to grade separated) has the potential to affect traffic and transport movements over a wide area and should require a level 2 appraisal, however, Capacity Enhancements require a level 1 appraisal.

Q.11 How appropriate do you consider the three levels of appraisal?

A.11 The three levels of appraisal are appropriate and it is logical to consider the sequence of appraisal in terms of the hierarchy of models National, Regional and Local, with the first two being multi-modal. i.e. start with the wide ranging area and modal choice and refine to local detailed designs.

For Level 1 appraisal either qualitative appraisal or high level modelling should be undertaken and the LATIS model should be sufficient for this. At the other end of the hierarchy level 3 appraisal is likely to concentrate on detailed traffic models and in many cases these types of models exist for the most heavily trafficked area within Local Authority areas and where they do not exist, local models can readily be developed.

It is considered that the crux of the process will be the level 2 appraisal that requires regional multi-modal modelling. Where these models exist they will greatly enhance the development plan appraisal process. However, where there is no such model, it will be difficult to develop the model within the resources available and the timeframe required. There is a real possibility that the appraisal process could become disjointed with a high level 1 appraisal being undertaken for the SDP and detailed level 3 appraisal being undertaken for the LDP. The benefits of undertaking a logical sequence of appraisal must be made within the guidance. (See also answer to Q 15).

Q.12 To what extent do you consider the timescales for delivery of strategic and local development plans allow for the level of appraisal recommended in the draft guidance?

A.12 See previous answer. If a regional multi-modal model is not readily available for a level 2 appraisal and requires to be developed, then the timescale is unrealistic. However, if an existing model (as suggested in paragraph 45) is available for level 2 appraisal the timescales are realistic.

Q.13 Does the guidance clearly set out the need for economic appraisal of transport options?

A.13 Paragraph 66 clearly states the need for economic appraisal if Scottish Government funding is sought to assist in achieving increasing sustainable economic growth. It should also highlight the need for appraisal of safety, integration, accessibility and social inclusion and the environment, including carbon reduction.

Q.14 Is there anything further you would like to see in the guidance which would either simplify or further explain the principles of transport appraisal in the development planning or development management context?

A.14 STPR and National Transport Investment Plans are referred to several times within the guidance, indeed the level of appraisal required is determined on whether the development plan proposals are likely to affect the National Transport Investment Plans. However, the STPR projects in many cases have not been developed to level 2 appraisal standards.

No reference is made within the guidance as to how SDPAs and Local Planning Authorities should consider STPR projects. This is an obvious omission and guidance should be given as to how Planning Authorities take account of STPR projects within the appraisal process.

Q.15 Do you have any further comments not covered by your responses to questions 1 to 14 above? Please note that you may also choose to append any further comments as track changes to the guidance document.

A.15 1) In many cases the questions asked in this peer review miss the point – it is not whether the guidance is understandable and clear, but whether the guidance is the correct guidance and whether it can be reasonably expected to be implemented.

Tactran supports the principle of early evidence-led transport appraisal. However, there is a question of proportionality and whether the resources required are proportionate to the benefits achieved.

The support offered by Transport Scotland through its LATIS facility for the base information for the Monitoring Statement is noted and LATIS may also be of use in the Level 1 appraisal. Level 3 appraisal is also likely to be achievable as local traffic models are likely to be available within Local Authorities. However, Level 2 multi-modal area wide models are resource intensive and time consuming and it is questionable whether SDPAs have the resources or responsibility to deliver such a model, if one does not already exist.

Question 3 asks about the level of support given by Transport Scotland for

developing the SDPs and LDPs. It is noted that the LATIS modelling suite is due to be re-commissioned next year. At the last commissioning of the LATIS model it was decided that the Transport Model for Scotland (TMfS) should be more aggregate than the previous version and that it should be complemented by a series of more disaggregated Regional models, thus providing a two tier hierarchy of National and Regional models, supplemented by local authority Local traffic models. At that time the intention was for Transport Scotland to develop the National Model and also take the lead in developing the Regional Models, however this did not occur. Subsequently some Regional models have been built in support of STPR priorities, rather than in support of LATIS, resulting in an inconsistent provision of Regional transport models across Scotland.

Tactran has been investigating the benefits of a Regional model to support the RTS and delivery plan projects and also the benefits for other organisations including TAYplan to support SDP development; Local Authorities to support LDPs and capital programme projects and Transport Scotland to support STPR development.

As noted above the key to ensuring a level 2 appraisal is undertaken is to ensure the benefits of developing a Regional model justify the resources input into building it. From the previous paragraph it can be seen that there are a number of benefits for different purposes and organisations in addition to the Development Planning process, including benefits to Transport Scotland.

It is therefore suggested in order to ensure the Guidance is consistently applied and implemented that Transport Scotland take the lead in developing Regional models to supplement the National LATIS models and include Regional Models in the 2011 LATIS re-commissioning.

2) Chapter 3: Development Management. The guidance given for Transport Assessment and Travel Plans regarding mode targets is understood, however it is unclear how subsequently Travel Plans will be enforced.

3) Annex 1, Sections 3 and 4 should note that in providing accessibility analysis, Regional Transport Partnerships have developed accessibility modelling capabilities that are available to support the development of SDPs and LDPs. For example, Tactran is supporting TAYplan SDP development in this way.

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PUBLIC BODIES CLIMATE CHANGE DUTIES: PUTTING THEM INTO PRACTICE

CONSULTATION QUESTIONS

1. Is the draft guidance clear and easy to understand?

Yes No In part

If the guidance is not always clear or easy to understand, please tell us which sections this applies to and why.

Comments

2. Do you currently have strategies and procedures in place to help your organisation respond to climate change?

Yes No

If yes: go to question 3

If no: go to question 4

3. If you do have strategies and procedures in place for addressing climate change, is this guidance compatible with them?

Yes No In part

If you answered 'no' or 'in part', please provide additional comments on how the guidance could be made more compatible.

Comments

4. If you do not have strategies and procedures in place for addressing climate change, is this guidance helpful in making you think about how you will embed climate change in strategic and corporate processes?

Yes No In part

If you answered 'no' or 'in part', please provide additional comments on how the guidance could be made more helpful.

The guidance is considered to provide a useful and mostly comprehensive framework for assisting public bodies in developing a clear understanding of their duties under the Climate Change Act. The recognition within the Guidance that it is a matter for individual public bodies to determine appropriate targets, but also having regard to joint approaches through Community Planning and Single Outcome Agreements or other partnership approaches, is particularly supported. It is considered that RTPs, as formal signatories to SOAs and as members of Community Planning Partnerships, are well placed to contribute positively in this way.

The Guidance acknowledges that it will take time for public bodies to develop and

implement ways of meeting these new and additional statutory duties. Revisions will be required to the Partnership's internal monitoring, review and public reporting procedures and processes, including greater embedding of Climate Change action in all core corporate and business planning processes.

The need to demonstrate that each public body understands the impacts of its own activity and policies is likely to require new approaches and methodologies for assessing the implications of policy and implementation actions when these are considered and approved. This may, in turn, require additional training for Partnership Members and officers in relation to the Climate Change Duties.

The encouragement to set ambitious targets for emissions and to monitor and report transparently on progress towards achieving these will also require new approaches and thinking. For Regional Transport Partnerships an appropriate time to consider the setting of targets would be as part of the statutory review of their Regional Transport Strategies (RTS), which was due by June 2012. However, the Scottish Government has recently advised that they intend to remove the current requirement to undertake a comprehensive review of the RTS at 4-yearly intervals. Notwithstanding this recent change to RTS Guidance, the requirements of Climate Change Duties, other Public Sector duty reporting requirements such as reviewing Strategic Development Plans 5-yearly, and the need to maintain policy integration with emerging Strategic and Local Development Plans, all point to a requirement for comprehensive review of the RTS within the next 2 -3 years. It would be appropriate for RTPs to define individual targets for RTS policies and interventions as part of this statutory review process.

Many of the initiatives which are currently being progressed through RTS Revenue and Capital Programmes are aimed at reducing the environmental impacts of transport and contributing towards achieving Single Outcome Agreement objectives. Consequently it is considered that the setting of appropriate public sector targets should be determined in consultation through Community Planning Partnerships, as part of a broader partnership approach to meeting the public sector's Climate Change Duties.

5. Do you agree that the organisations identified as ‘major players’ in the guidance are the right public bodies to set an example through their action on climate change?

Yes No In part

Please provide any comments, including suggestions of other bodies who might be considered as major players.

RTPs are defined as “Major Players” with high impact and influence in terms of the impact of policies and projects. This designation is fully supported.

The Guidance suggests that “Major Players” should consider reporting annually on progress towards meeting Climate Change targets, whilst smaller bodies may set and report on their Climate Change targets over a longer period, perhaps 3-yearly. Whilst supporting fully the designation of RTPs as “Major Players” it should be recognised that RTPs are mostly small, strategic organisations with limited staff and other resources. For example Tactran occupies a single office and employs six members of staff. Tactran works positively in contributing to broader public sector outcomes as a Single Outcome Agreement and Community Planning Partnership partner and would anticipate fulfilling its Climate Change duties in partnership with and supporting other bodies through its RTS policies and implementation. In line with the comments submitted in response to Question 4 above, it is considered that the period of reporting should be a matter for local determination and agreement with other partnership bodies, a number of whom will also be “Major Players”.

The Guidance correctly identifies that RTPs have a particularly important contribution to make in reducing transport emissions. This is critical as transport accounts for roughly 26% of all carbon emissions and is the only sector where emissions are continuing to increase as a proportion of total emissions. Many of the policies and interventions set out in Tactran’s RTS and associated RTS Delivery Plan will make important contributions towards meeting Climate Change objectives nationally and locally.

6. Are the desired outcomes within each of the steps of Section 3 helpful in providing a guide to the steps towards mainstreaming climate change action?

Yes No In part

If you answered ‘no’ or ‘in part’, please provide additional comments on your answer.

This presumably refers to Section 2.3.

7. Are the suggested actions contained within each of the steps of Section 3 helpful in providing a steer on areas of activity to cover?

Yes No In part

Please suggest any additional actions you think should be included.

This presumably refers to Section 2.4.

8. Are there any specific forms of support, tools or guidance which you would find helpful in embedding climate change action into your strategic and corporate processes?

Yes No

If yes, please provide some detail about the kind of help, support, tools or guidance which you would find most useful.

At this stage the Guidance seems sufficient to enable Tactran to embed appropriate actions into strategic and corporate processes. However, as detailed consideration is given by the Partnership, the need for further more detailed support or guidance may be identified.

9. Do you have examples of support, tools or guidance for embedding climate change action into strategic and corporate processes which you could share with others to enable capacity building?

Yes No Not sure

Please tell us more about the kinds of help you could offer and which types of public body this might assist.

Comments

10. If you have any other feedback on the draft guidance, please provide your comments in the box below.

It is noted that there is a requirement to use evidence-based policy-making techniques and learn from good practice. It is considered that RTPs are particularly well placed to support this through sharing of best practice across partner Councils and between RTPs, through the existing liaison mechanisms that exist within and between regions.

Response Proforma – Consultation Questions

Coverage of the General Duty**Question 1**

Do you agree with the proposed list of Scottish public authorities (pages 16-17 of the consultation document) to be added to schedule 19 of the Equality Act 2010 and made subject to the **general duty** for all of their functions? If not, please tell us why you disagree and provide your suggestions for changes.

YES NO DON'T KNOW

The inclusion of Regional Transport Partnerships within the list of bodies covered by the Equality Act 2010 is supported.

Coverage of the Specific Duties**Question 2**

Do you agree with the proposed list of Scottish public authorities (pages 19-21 of the consultation document) to be covered by the **specific duties**? If not, please tell us why you disagree and provide your suggestions for changes.

YES NO DON'T KNOW

The inclusion of Regional Transport Partnerships within the list of bodies covered by the Specific Duties is supported.

Content of Specific Duties**Question 3**

Do you agree that a public authority should be required to publish equality outcomes which are informed by evidence, informed by the involvement of equality groups and communities, and informed by how the outcomes will assist the authority to meet the general duty? If you do not agree, please let us know why.

YES NO DON'T KNOW

However, as a "Model 1" RTP with a staffing complement of 6, Tactran has some concerns regarding the additional administrative burden this may create. The principle of establishing and publishing equality outcomes is fully supported, as is informing these through involvement of equality groups and communities. Tactran has established an Equalities Forum and would intend to utilise and extend this group to inform development of appropriate equality outcomes across the extended range of characteristics covered. However, the requirement to involve communities, whilst also fully supported in principle, raises issues regarding the potential for multiple public authority engagement with the same communities in fulfilling their equalities duty. It is suggested that, wherever possible, community engagement should be undertaken and coordinated under the auspices of Community Planning for those statutory public bodies which are signatories to Single Outcome Agreements.

Question 4

Do you agree that a public authority should be required to report on progress towards its equality outcomes no later than 2 years after the outcomes are published and at subsequent intervals of no more than 2 years?

YES NO DON'T KNOW

It is likely that trends will develop over a number of years and overly frequent reporting is unlikely to be informative or productive, in terms of effective monitoring and appraisal of outcomes. A requirement to report not less than 2-yearly would appear to strike an appropriate balance.

Question 5

Do you agree that a public authority should be required to review its equality outcomes no later than 4 years after the outcomes are published and at subsequent intervals of no more than 4 years?

YES NO DON'T KNOW

It is suggested that review of equality outcomes should be an automatic part of the 2-yearly reporting and monitoring process, which is also aligned with review of the policies and strategies which public bodies have statutory responsibility to undertake. In the case of RTPs this is the Regional Transport Strategy (RTS). Scottish Government has recently removed the statutory requirement on RTPs to review their RTS 4-yearly. Other public bodies are required to review policies and strategies within differing timescales and it seems incongruous, and could potentially be inefficient, to require formal review of equality outcomes within timeframes which are different to those set for other major policy review. It is suggested that public authorities should simply be required to review their quality outcomes on an ongoing basis, in line with review of other policies and practices, and to incorporate reporting on any review undertaken within their 2-yearly reports.

Question 6

Do you agree with the proposed duty that an authority must report on action taken to 'mainstream' equality, across all protected characteristics, into day to day systems and practices? If you do not agree, please let us know why.

YES NO DON'T KNOW

Question 7

Please tell us your views on how we can build appropriate proportionality into the requirements around mainstreaming.

The requirement must have regard to and be proportionate to the public authority's scale and resources and its responsibility for direct delivery of services to end users.

Question 8

Do you agree that the first report on progress on the action taken to 'mainstream' equality should be in April 2012, with subsequent reports no later than every 2 years? If you do not agree, please let us know why.

YES NO DON'T KNOW

The requirement to publish a first report on progress in April 2012 is reasonable. It is appropriate to allow public bodies some flexibility in the publication of subsequent reports and not less than 2-yearly also seems reasonable.

Question 9

Do you agree that a public authority should be required to consider the impact on equality of new policies and practices, including changes or redesign of policies, practices, services and provision; to use evidence to inform its impact assessment; and have regard to the outcome of assessment? If you do not agree, please let us know why.

YES NO DON'T KNOW

This is viewed as being an essential element of ensuring that equality is mainstreamed. However, it should be recognised that the requirement for using an evidence based approach, whilst again supported in principle, may incur additional costs. Also, in some cases where the policies and strategies concerned are of a very strategic nature, as is the case of RTSs, it may be difficult to identify or establish evidence upon which reliable impact assessments can be based in the short term.

Question 10

Please tell us your views on how we can build appropriate proportionality into the requirements around impact assessment.

As for the response to Question 7, these requirements must have regard to and be proportionate to the public authority's scale and resources, its responsibility for direct delivery of services to end users, and also have regard to the availability of evidence and, where this does not readily exist the costs of establishing appropriate evidence against which to assess impacts.

Question 11

Do you agree that a public authority with 150 or more full time staff should report on employment data starting from April 2012 and no later than every 2 years? Employment data are – the minority ethnic employment rate, the disability employment rate, the employment rates for women and men and the gender pay gap? If you do not agree, please let us know why.

YES NO DON'T KNOW

As a small employer with only 6 staff Tactran supports the general principle of a 150 employee threshold, on the basis that applying a similar requirement to smaller organisations, particularly of the scale that Tactran currently is, would potentially prejudice confidentiality of sensitive personal data, as discussed in section 4.14 of the document.

Question 12

Do you agree that a public authority with 150 or more full time staff should be required to publish an equal pay statement in April 2012 containing information on equal pay policy within the organisation and occupational segregation within the organisation and should report on the statement no later than every 4 years? If you do not agree, please let us know why.

YES NO DON'T KNOW

No comment.

Question 13

Do you agree that Scottish Ministers should determine national equality priorities? If you do not agree, please let us know why.

YES NO DON'T KNOW

In principle, yes. However, as well as simply having regard to the equality outcomes published by public authorities in April 2012, any national equality priorities should only be determined following detailed consultation with listed public authorities and having proper regard to any potential additional resource implications.

Question 14

Do you agree that Scottish Ministers should publish their national equality priorities in June 2012 and report on them after no later than December 2014? Subsequent priorities would then be set in June 2016 with a report in December 2018 and at 4 year intervals thereafter. If you do not agree, please let us know why.

YES NO DON'T KNOW

See above comment regarding need for consultation with listed public authorities on national priorities. To allow sufficient timescale for this would imply publication, at a minimum, around 6 months after publication of public authorities' own equality outcomes in April 2012.

Question 15

Do you agree that a public authority should report on progress on the specific duties within its existing public performance reporting systems, and should be required to state in advance where it will report and its intended timescale? If you do not agree, please let us know why.

YES NO DON'T KNOW

The flexibility indicated within paragraphs 4.20 – 4.23, including the ability to incorporate reporting on the new equalities duties within existing Annual Reports is supported. It is assumed that the requirement referred to in paragraph 4.21 relating to reporting on headline employment data applies only to authorities employing at least 150 staff, in line with the proposed requirements set out in relation to Regulation 6 : Publication of Employment Information.

Question 16

Do you agree that a public authority should be required to state in advance where it will publish its equality outcomes? If you do not agree, please let us know why

YES NO DON'T KNOW

Question 17

Do you agree that the proposed regulations for the specific duties set out a flexible, proportionate and outcome based approach? If you do not agree, please let us know why and tell us what changes you would make.

YES NO DON'T KNOW

In most cases yes, but see answers to question 3 on community engagement; question 5 on 4-yearly review; questions 7 and 10 on proportionality; question 9 on availability of evidence based impact assessment; and questions 13 and 14 on process and timescale for determining and publishing National Priorities.

Question 18

Do you have any other comments on the proposed regulations?

No.

Question 19

Do you have any evidence or data that would help us to develop our draft Business and Regulatory Impact Assessment?

No.