

Equality Impact Assessment

Title of Legislation : The Health Protection (Coronavirus) (Restrictions and Requirements) (Miscellaneous Amendment) (Scotland) Regulations 2021

Title of proposal: Clarification of measures on Drive-in events (including drive-in cinema and drive-through events) in levels 3 and 4

This EQIA should be read in conjunction with The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 EQIA part 2¹ (pages 39 – 52) in order to understand the overall position on Stadia and Events.

Policy summary

In December 2020, the Scottish Government undertook a review of the status of drive-in events, including drive-in cinemas and drive-through events, in light of representations from the events sector that these should be permitted in level 3 areas. Following the review, the Scottish Government concluded that the position on drive-in events should remain unchanged in Scotland's Strategic Framework² i.e. permitted in areas up to and including level 2 and not permitted in levels 3 or 4 areas.

The review identified that drive-in events carry particular risks around the provision of toilet facilities and refreshments; risks around the potential for people to travel to attend events outside their Local Authority area; and risks around compliance with the guidance against car sharing. Level 3 is characterised by an increased incidence of the virus, with multiple clusters and increased community transmission. There are, therefore, greater public health costs from not restricting activities as the virus would continue and accelerate its spread, ultimately resulting in direct harms to health.

In order to prevent further increases in transmission, activities need to be sufficiently restricted in levels 3 and 4 to reduce the spread of the virus. Therefore, while acknowledging the economic and social benefits of drive-in events, the Scottish Government concluded that the existing restrictions on these events in level 3 and level 4 areas should not be changed.

The Health Protection (Coronavirus) (Restrictions and Requirements) (Miscellaneous Amendment) (Scotland) Regulations 2021 ("**the Regulations**") clarify the legal position in relation to drive-in events (including drive-in cinemas and drive-through events) in order to remove any uncertainty. The Regulations clarify that drive-in events are not permitted in levels 3 and 4, but continue to be permitted in levels 0, 1 and 2. Drive-in event venues are defined in the Regulations as premises or place indoors which are accessible to the public for the purpose of participating in or attending from within vehicles a drive-in or drive-through event, including an act of worship, a sporting event, a film or the performance of music, comedy or a play. The Regulations are designed to reduce the public health risks posed by coronavirus by limiting the further spread of the disease, and are therefore designed to prevent harm to individuals in Scotland.

The Scottish Government has considered the measures against the needs of the general equality duty, as set out in section 149 of the Equality Act 2010, and has considered whether the measures could constitute direct and/or indirect discrimination.

¹ [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Regulations 2020 \(legislation.gov.uk\)](#)

² [Coronavirus \(COVID-19\): Scotland's Strategic Framework - gov.scot \(www.gov.scot\)](#)

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Specifically, the 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 8 Protected Characteristics listed in section 149 of the Equality Act 2010? If not is the discrimination justifiable? Can it be mitigated?
- Does this policy advance equality of opportunity for Protected Characteristics groups?
- Does this policy foster good community relations between people of Protected Characteristics groups?

Available evidence

The ONS Standardised Industrial Classifications (SIC) does not provide a category or division for the events sector. A list of SICs has been compiled by the Scottish Government which may plausibly be judged to constitute the sector, based on a description of these activities. However, it is not possible to judge what proportion of this activity results from drive-in events specifically.

Some indication of the impact of drive-in events was provided by drive-in event businesses during a review of the classification of drive-in events in December 2020. This indicated that Christmas drive-in events would result in around 420 jobs and 18,000 households attending events³. However, no further detail on the equalities impacts of drive-in events (workforce and attendees) is available at present.

³ [Allow drive-in events in Level 3 areas, organisers plead | Edinburgh News \(scotsman.com\)](#)

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Differential impacts	Age: Children and Younger People	<p>No specific evidence available for drive-in events. However, if the demographics of the workforce follows that of the broader events sector then restricting drive in/drive through events in levels 3 and 4 is likely to have a disproportionate impact on younger adults both who work in the sector and/or attend events.</p> <p>This is because the events sector has a disproportionately young workforce compared to other sectors. The Annual Population Survey 2019 found that approximately 51% of the events workforce is under the age of 35 compared to around 35% for Scotland's workforce as a whole. A disproportionately young workforce could result in a heightened risk and impact (in terms of lost lifetime earnings) of unemployment in the industry. Research indicates a reduction in wages of between 12 and 15% at the age of 42 for those who experience youth unemployment. In addition to the economic impacts, there is also some evidence that those experiencing youth unemployment are more likely to experience worse health outcomes, unhappiness and lower job satisfaction later in life.</p> <p>The Scottish Household Survey figures shows levels of cultural attendance, in 2018, were generally higher among the younger age groups, although there were differences in the cultural activities attended by younger and older age groups. Ninety one per cent of 16 to 24 year olds attended a cultural event compared to 56 per cent of those aged 75 and over. Sixteen to 24 year olds also had higher cultural attendance than those aged 75 and over after excluding trips to the cinema (78 per cent and 54 per cent).</p> <p>Creative Scotland's recent audience research⁴ shows that reactions to concepts for new types of place to visit and events to attend were generally positive, especially amongst people aged 16 to 34 and previous high frequency attenders. The most popular concepts were drive in cinema (35% of the population interested), open air theatre (33% interested) and drive-in live events (22%).</p>
	Age: Older People	<p>No specific evidence available for drive-in events. More generally, Independent Polling System Of Society (IPSOS) – Tracking the Coronavirus Report, Scotland has found that older people (over 55) are more anxious about returning to events than younger people (under 35).</p> <p>In areas where drive in/drive through events are not permitted, this could have a positive impact on older people (who are more susceptible to the impact of the virus) due to a reduction in community transmission from events not being held.</p>
	Sex: Women	<p>No specific evidence available for drive-in events. More generally, the proportion of women working in the events industry is similar to the proportion in the overall workforce - 47% and 49% respectively. However, for Events Catering Activities, women make up 56% of the workforce and for Other Reservation Service and Related Activities they make up 73% of the workforce.</p>

⁴ [Covid-19: Public intentions on returning as audience members | Creative Scotland](#)

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	Assuming the drive-in event workforce is similar to that of events more generally, drive-in events not being permitted - is likely to have a slightly higher impact on women.
Sex: Men	As above see "Women".
Race	<p>Early data showed that the COVID-19 virus was more deadly for people with underlying health conditions. Prevalence of some of these health conditions is known to be higher in certain minority ethnic groups, for example, Type 2 diabetes is 6 times more likely in people of South Asian descent and 3 times more likely in African and Afro-Caribbean people.</p> <p>Given this evidence there could be a positive impact on ethnic minority people due to a reduction in community transmission in areas where drive in/drive through events remain closed and events are not permitted.</p>
Religion & Faith	<p>Although acts of worship are expressly covered by the prohibition to hold drive-in events in levels 3 and 4, existing provisions on places of worship are not affected by the Regulations. Accordingly, indoor and outdoor religious worship (other than drive-in events) will continue to be permitted in level 3 areas, subject to restrictions on numbers. Outdoor gatherings for worship are prohibited in level 4.</p> <p>A small number of drive-in events have taken place in rural areas (levels 1 and 2) for the purpose of religion or belief to date. We are not aware of any such drive-in events taking place in levels 3 and 4 and so no differential impacts identified at this stage.</p>
Disability	<p>A ban on drive in/drive through events in levels 3 and 4 could have a positive impact on some disabled people due to a reduction in community transmission from events not being held.</p> <p>Of those who died with COVID-19 in March - July, 92% had at least one pre-existing condition. The most common main pre-existing condition among those who died with COVID-19 was dementia and Alzheimer's disease (31%), followed by ischaemic heart disease (13%). This may restrict some disabled people from working in or attending events.</p>
Sexual Orientation	No evidence of a differential impact identified at this time
Marriage and Civil Partnership	No evidence of a differential impact identified at this time
Pregnancy and Maternity	No evidence of a differential impact identified at this time
Gender Reassignment	No evidence of a differential impact identified at this time
Socio-economic disadvantage	No specific evidence for drive-in events. However, there are particular issues for staff working in insecure contracts for events. Employees in the events sector are less likely to be paid wages at the level of the Living Wage or above than Scotland's employees as a whole. Only around 78% of workers in the

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		<p>events sector earn at or above the Living Wage compared with 83% of all Scottish employees⁵</p> <p>Median pay for employees in the events sector is lower than that for median pay of all Scottish employees. Median pay for employees in the events sector was approximately £23,911 compared with approximately £30,000 for all Scottish employees⁶</p> <p>Fewer people are likely to attend or participate in events, including drive-in events, due to the financial implications of COVID-19 on households.</p> <p>The above impacts will be exacerbated in areas in levels 3 and 4 where drive-in events are not permitted.</p>
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Mitigating actions:

The Scottish Government recognises the massive impact that COVID-19 restrictions are having on the events sector in Scotland, including drive-in events. The Scottish Government is providing support to protect the valuable contribution that events makes to Scotland's economy and to society. This support will help to mitigate some of the negative equalities impacts on people working for drive-in events businesses of not permitting these events in levels 3 and 4.

In July 2020 the Scottish Government announced funding of £10 million for the events industry, of which £6 million was allocated to the now closed Event Industry Support Fund while £2 million was allocated to Scotland's Events Recovery Fund currently being run by EventScotland.
<https://www.visitscotland.org/events/funding/recovery-fund>

Further funding of £13 million for the events sector was announced by the Scottish Government on 15 December 2020. Of this, £6 million has been committed to the Pivotal Events Businesses Fund (<https://www.visitscotland.org/events/funding/pivotal-event-businesses-fund>) which will provide grants from £25,000 up to a maximum of £150,000 to support approximately 50 to 100 event businesses whose primary role as organisers, suppliers, contractors and venues is critical to the survival of the events sector in Scotland, and upon whom the wider events industry and supply chain are most reliant for their own business and operations.

The Pivotal Events Businesses Fund is intended to support those pivotal businesses who operate at a size and scale in their sector and/or location where the loss or insolvency of that business would have a significant and detrimental impact on Scotland's ability to continue to host and stage major events. Additionally, the fund will be targeted to support businesses which are experiencing critical financial problems that threaten insolvency or significant job losses due to the impact of COVID-19.

The remaining funding will be used to set up a separate fund to provide broader support to businesses across the events sector, including the supply chain. Further details of this will be published in early 2021.

Some businesses involved in providing drive-in events may also have been eligible for general Scottish Government business support. In addition, there is support available from the UK Government, including through the Coronavirus Job Retention Scheme, the Self-Employment Income Support Scheme and the coronavirus business interruption loan schemes.

⁵ <https://www.gov.scot/publications/annual-survey-of-hours-and-earnings-2019/>

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Assessing the impacts and identifying opportunities to promote equality

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	-	-	x	No evidence of impact in this regard
Advancing equality of opportunity	x	x	-	<p>As set out in evidence in differential impacts section.</p> <p>For positive impacts:</p> <ul style="list-style-type: none"> - Young people are disproportionality represented in live events workforce and therefore may be at less risk of catching the virus if they are not working at live events. - No drive-in events in levels 3 and 4 may reduce transmission of the virus and therefore older people (who are at more risk) may be less likely to catch virus through community transmission. <p>For negative impacts:</p> <ul style="list-style-type: none"> - Negative economic impact for young people who are expected to be disproportionality impacted by not working at drive-in events.
Promoting good relations among and between different age groups	-	-	x	No evidence of impact in this regard.

Do you think that the policy impacts disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	-	-	x	No evidence of impact in this regard.
Advancing equality of opportunity	x	x	-	<p>As set out in evidence in differential impacts section.</p> <p>For positive impacts:</p> <ul style="list-style-type: none"> - Possible reduction of risk for disabled people, both directly from drive-in events not

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				taking place and through reduced community transmission. For negative impact: Impact on disabled people who would have worked at or attended drive-in events in this period.
Promoting good relations among and between disabled and non-disabled people	x	-	-	As set out in evidence in differential impacts section.

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

Eliminating unlawful discrimination, harassment and victimisation	-	-	x	No evidence of impact in this regard.
Advancing equality of opportunity	-	x	-	As set out in evidence in differential impacts section above. Women could be disproportionately negatively impacted in some aspects of event-related employment, most notably event catering and reservation services.
Promoting good relations between men and women	-	-	x	No evidence to suggest any impact in this regard.

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, harassment and victimisation	-	-	x	No evidence of a differential impact identified at this time.
Advancing equality of opportunity	-	-	x	No evidence of a differential impact identified at this time.
Promoting good relations	-	-	x	No evidence of a differential impact identified at this time.

Do you think your policy impacts on people proposing to undergo, undergoing, or who have undergone a process for the purpose of reassigning their sex? (NB: the Equality Act 2010 uses the term 'transsexual people' but 'trans people' is more commonly used, although it may include a wide range of people not covered by the Act).

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Gender reassignment	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	-	-	x	Not enough evidence of a differential impact identified at this time.
Advancing equality of opportunity	-	-	x	Not enough evidence of a differential impact identified at this time.
Promoting good relations	-	-	x	Not enough evidence of a differential impact identified at this time.

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, harassment and victimisation	-	-	x	Not enough evidence of a differential impact identified at this time.
Advancing equality of opportunity	-	-	x	Not enough evidence of a differential impact identified at this time.
Promoting good relations	-	-	x	Not enough evidence of a differential impact identified at this time.

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, harassment and victimisation	-	-	x	No evidence of impact in this regard.
Advancing equality of opportunity	x	-	-	As set out in evidence in differential impacts section. As people of minority ethnic groups are disproportionately affected by coronavirus, limiting drive-in events could have a positive impact for this group due to a reduction in community transmission from events not being held.
Promoting good race relations	-	-	X	No evidence of impact in this regard.

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

Eliminating unlawful discrimination,	-	-	x	No evidence of a differential impact identified at this time.
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harassment and victimisation				
Advancing equality of opportunity	-	-	x	No evidence of a differential impact identified at this time.
Promoting good relations	-	-	x	No evidence of a differential impact identified at this time.

Do you think the policy impacts on people because of their marriage or civil partnership?⁷

Marriage and Civil Partnership	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	-	-	x	No evidence of a differential impact identified at this time.

⁷ In relation to the protected characteristic of marriage and civil partnership, a body subject to the duty only needs to comply with the first need of the Public Sector Equality Duty (The first need of the general equality duty is to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act) and only in relation to work (Part 5 of the Act).