

DOE SECTION 75 EQUALITY OF OPPORTUNITY SCREENING ANALYSIS FORM

Section 1

Introduction

This form is intended to help you to consider whether a new policy (either internal or external) or legislation will require a full equality impact assessment (EQIA). Those policies identified as having significant implications for equality of opportunity must be subject to full EQIA.

The form will provide a record of the factors taken into account if a policy is screened out, or excluded for EQIA. It will provide a basis for consultation on the outcome of the screening exercise and will be referenced in the Annual Report to the Equality Commission. Copies of completed forms should be retained on file within business areas (**and a copy sent to the Equality Unit**) and reference should be made to the outcome of the screening exercise and subsequent consultation in any submission made to the Minister.

Background

The Legal Background

Under section 75 of the Northern Ireland Act 1998, the Department is required to have due regard to the need to promote equality of opportunity:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

The main groups within each of the nine categories, highlighted above, are identified at Appendix 1.

In addition, without prejudice to its obligations above, the Department is also required, in carrying out its functions relating to Northern Ireland, to have regard to the desirability of promoting good relations between persons of different religious beliefs, political opinion or racial group.

Advice on Completion of the Screening Form

It is important that the screening form is completed carefully and thoughtfully. Your Divisional or Agency Equality Officer and the Department's Equality Unit in room 413A Clarence Court (ext 40855/40813) will be happy to assist with all aspects of the screening process and will help with the completion of the form, if required.

Further advice on the screening process can be accessed at Section 4 of the Equality Commission's Guide to the Statutory Duties.

Policies included for EQIA

If, after screening, it is decided that a policy will require a full EQIA, a decision will be required on the priority and timing of the assessment. The screening form should be noted accordingly, signed off and copied to the Equality Unit for inclusion in the EQIA programme.

Policies excluded for EQIA

If a decision is taken to screen out the policy or where there is ambiguity about the equality implication of the proposal, the screening form should be signed off by a senior officer responsible for the policy and a copy sent to the Equality Unit. Copies of all screening out forms will be placed on the Department's website.

Section 2 – Policy to be Screened

Definition of Policy

There have been some difficulties in defining what constitutes a policy in the context of Section 75. To be on the safe side it is recommended that you consider changes to or any new initiatives, proposals, schemes or programmes as policies. The policies covered in the Equality Scheme EQIA programme are a reasonable guide both to the nature of external departmental policies and the level at which they should be considered.

The revised Guidance from The Equality Commission emphasises that the Statutory duties apply to **internal** policies (relating to people who work for the organisation) as well as **external** policies (relating to those who are, or could be, served by the organisations).

It is important to remember that even if a full EQIA has been carried out in respect of an "overarching" policy or strategy, it will still be necessary for the policy maker to consider if a further EQIA needs to be carried out in respect of those policies cascading from the overarching strategy.

OFMDFM Guidance on Legislative Procedures (Primary and Subordinate) sets out clearly the stages at which equality of opportunity considerations should be taken into consideration in the development of legislation.

Overview of Policy Proposals

The aims and objectives of the policy must be clear and well defined. You must take into account any available data or evidence that will enable you to come to a decision on whether or not a policy may or may not have a differential impact on any of the S75 categories. Evidence may be qualitative and or quantitative and may include research or internal information and or experience in relation to service and customer monitoring exercises. Where appropriate, arrangements should be made to obtain any data necessary to assist screening. The Equality Unit or Central Statistics & Research Branch (Stephanie Harcourt ext 40878) are available to provide advice on data requirements.

2.1 Please insert below a brief description of the policy/legislation, including the title and all the main aims and objectives.

Title

Control of Development in Airport Public Safety Zones (PSZ)

Aims

The overriding aim of PSZ policy is to protect the public against the risk of death or injury in the event of an aircraft accident on take-off or landing. The main objectives of the policy are:

- that there should be no increase in the number of people living, working or congregating in Airport Public Safety Zones and that, over time, the number should be reduced as circumstances allow; and
- a general presumption against new or replacement development, or changes of use of existing buildings within the Airport Public Safety Zones.

It is essential that all the aims/objectives of the policy be clearly and fully defined.

2.2 On whom will the policies/legislation impact? Please specify.

The policy will have direct implications for developers and applicants seeking planning permission for development in the Airport Public Safety Zones at the George Best Belfast City Airport and Belfast International Airport.

2.3 Who is responsible for (a) devising and (b) delivering the policy, eg is it DOE, a Whitehall Department or EU? What is the relationship and have they considered this issue and any equality issues?

The document sets out revised planning policy for the control of development in Airport Public Safety Zones (PSZ) in Northern Ireland and has been drawn up by DOE in close consultation with the UK Department for Transport (DfT) and the Ports and Airports Branch of the Department for Regional Development. It incorporates new policy guidance produced by DfT for implementation throughout the UK by local and regional authorities with powers to control development and to restrict the use of land.

In tandem with the consultation on the Department's document, revised PSZs are being issued for George Best Belfast City Airport and Belfast International Airport for the purposes of public consultation. These have been prepared by DfT, and are in the format of maps relating to each airport. For ease of reference these have been appended to the Department's consultation paper.

The revised planning policy will be implemented through the development control process by those with responsibility for making planning decisions, normally the DOE Planning Service, but also the Planning Appeals Commission.

2.4 What linkages are there to other NI Departments/NDPBs in relation to this policy/legislation?

The Secretary of State for Transport and the Civil Aviation Authority are responsible for civil aviation safety throughout the UK. The Department for Transport maintains a policy to control activity and development within PSZs and as indicated above is responsible for producing the revised PSZ maps which accompany the document.

The Department for Regional Development has powers under the Airports (NI) Order 1994 to assist airport operators in Northern Ireland with compulsory purchase and to obtain rights over land.

2.5 What data are available to facilitate the screening of this policy/legislation?

There are a variety of information sources that can be drawn upon, including population data on the Section 75 groups from the Northern Ireland Statistics and Research Agency (NISRA) and the Planning Service database of development decisions. Analysis has not been carried out as there are no anticipated adverse effects on equality.

2.6 Is additional data required to facilitate screening? If so, give details of how and when it will be obtained.

This is not anticipated at this stage.

See Appendix 4 of the Equality Commission Practical Guidance on EQIA which provides a list of Sources of S75 data or speak to Central Statistics and Research Branch (Stephanie Harcourt, ext 40878) or Equality Unit (Alex Boyle, ext 41194, or Una Downey, ext 40855).

Section 3 – Screening Analysis

In cases where there is no available quantitative evidence, you will need to take a pragmatic, common sense judgement as to whether the policy/legislation you are screening may have a particular/differential impact on any of the groups. Discussions with Equality Unit, Statistics Branch and organisations representing the Section 75 Groups will be important and helpful at this stage in obtaining qualitative evidence of impacts. Every effort should be made to ensure that assessments are evidence based.

The following criteria must be considered when screening.

3.1 Is there any indication or evidence of higher or lower participation or uptake by the following Section 75 groups?

	Yes	No
Religious belief		✓
Political opinion		✓
Racial group		✓
Age		✓
Marital status		✓
Sexual orientation		✓
Gender		✓
Disability		✓
Dependants		✓

Please give details.

The planning policy for PSZs does not involve direct participation or uptake by individuals, rather it seeks to guide future decision-making on planning applications for development within the proposed PSZs.

The Department does not consider that the policy will have any direct differential impact on any of the Section 75 groups. The same policy applies throughout the UK and it affects people from all groups in the same way. It is however acknowledged that the application of the policy is restricted spatially to the PSZs proposed by the Department for Transport for the 2 major airports of the Region. In the case of Runway 04 at the George Best Belfast City Airport the PSZ affects a small area of land within the built up area of the City between the Sydenham Bypass and the Newtownards Road. While the number of properties affected is limited – the Oval football stadium, Mersey Street School (recently closed) and approximately 20 dwellings - in view of the historic and social geography of Belfast this area of East Belfast is generally recognised to be associated with people from a protestant/unionist background.

In the case of the proposed PSZ for Runway 04, the policy will not affect existing development on the ground, rather it introduces restrictions on future development in order to minimise the future number of people at risk of death or injury in the event of an aircraft accident on take-off or landing. As a consequence it seeks a positive outcome for the local community by ensuring that additional people are not exposed unnecessarily to the risk of aircraft accidents from the nearby airport.

3.2 Is there any indication or evidence that any of the following Section 75 groups have different needs, experiences, issues and priorities in relation to this policy issue?

	Yes	No
Religious belief		✓
Political opinion		✓
Racial group		✓
Age		✓
Marital status		✓
Sexual orientation		✓
Gender		✓
Disability		✓
Dependants		✓

Please give details.

There is no evidence to suggest that any of the Section 75 groups have different needs, experiences, issues or priorities in relation to the policy issue.

3.3 Have consultations with the relevant representative organisations or individuals within any of the Section 75 categories, indicated that policies of this type create problems specific to them?

	Yes	No
Religious belief		✓
Political opinion		✓
Racial group		✓
Age		✓
Marital status		✓
Sexual orientation		✓
Gender		✓
Disability		✓
Dependants		✓

Please give details of any consultations carried out, and any problems identified.

It has not been considered necessary to date to consult with any of the Section 75 groups on this matter. However as part of the public consultation exercise the policy document was forwarded to relevant key groups in the Department's Equality Scheme.

In addition the Department wrote to the occupiers of properties which fall within the proposed PSZs prepared by the Department for Transport.

This concluded therefore, that a full EQIA was not required and following consultation no comments from section 75 groups were received.

3.4 Is there an opportunity to better promote equality of opportunity or community relations by altering the policy, or by working with others, in Government, or in the larger community in the context of this policy?

No.

Please give details.

Not applicable.

3.5 It may be that a policy/legislation has a differential impact on a certain Section 75 group, as the policy has been developed to address an existing or historical inequality or disadvantage. If this is the case, please give details below.

Not applicable. The PSZs and the associated policy are solely about public safety.

3.6 Please consider if there is any way of adapting the policy to promote better equality of opportunity or good relations. Please give details.

Not applicable.

Section 4 – EQIA Recommendation

You should consider carefully in this section whether full EQIA is necessary, particularly where answers to any questions in Section 3 are affirmative.

4.1 Full EQIA procedures should be carried out on policies considered to have significant implications for equality of opportunity. Please fill in the following grid in relation to the policy/legislation.

Prioritisation Factors	Significant Impact	Moderate Impact	Low Impact
Social Need.			✓
Effect on people’s daily lives.			✓
Effect on economic, social and human rights.			✓
Strategic significance	✓		
Financial significance		✓	

Please give details.

The policy for PSZs is considered to be of strategic significance as it relates to a matter of public safety, namely the protection of members of the public against the risk of death or injury in the event of an aircraft accident on take-off or landing.

While the policy for PSZs will not affect existing development on the ground, it is considered that its implementation, by introducing restrictions on future development, will have a moderate impact on the future valuation of land.

All other impacts are considered low and overall it is not considered that the policy has any significant implications for equality of opportunity.

4.2 In view of the considerations in Sections 3 and 4 do you consider that this policy/legislation should be subject to a full EQIA? Please give reasons for your considerations. If you are unsure, please consult with affected groups and revisit the screening analysis accordingly.

The public consultation draft of ‘Control of Development in Airport Public Safety Zones’ (PSZ) was previously screened and considered not to have a significant adverse impact on equality or have

implications for community relations. In view of the overall minor nature of the amendments following consultation and in light of the previous screening exercise, the Department maintained its view that the 'Control of Development in Airport Public Safety Zones', in final form, will not have a significant adverse impact for equality of opportunity or community relations.

4.3 If an EQIA is considered necessary please comment on the priority and timing in light of the factors in table 4.1.

Not applicable.

4.4 If an EQIA is considered necessary is any data required to carry it out/ensure effective monitoring? Please give details.

Not applicable.

Section 5 - Endorsement

I can confirm that the proposed policy has been screened for equality of opportunity and good relations implications and has been screened out for equality impact assessment/requires a full equality impact assessment.

Signed:



Agency/Division: *Planning & Environmental Policy Group.*

Date: *26/11/07*

PLEASE FORWARD A COPY OF THE COMPLETED FORM TO:

**DOE EQUALITY UNIT
ROOM 413A
CLARENCE COURT
10-18 ADELAIDE STREET
BELFAST
BT2 8GB**

QUERIES TO:

**ALEX BOYLE, EXT 41194
alex.boyle@doeni.gov.uk**

**UNA DOWNEY, EXT 40855
una.downey@doeni.gov.uk**

Section 6

For Completion by Equality Unit

Date

Screening result recorded: _____

Placed on website: _____

Screening out completed: _____

Screening to be reconsidered: _____

Give reasons:

Agency/Division notified date: _____

Main Groups Relevant to the Section 75 Categories	
<u>Category</u>	<u>Main Groups</u>
Religious belief	Protestants; Catholics; people of non-Christian faiths; people of no religious belief
Political opinion	Unionists generally; Nationalists generally; members/supporters of any political party
Racial Group	White people; Chinese; Irish Travellers; Indians; Pakistanis; Bangladeshis; Black Africans; Black Caribbean people; people with mixed ethnic group
Gender	Men (including boys); women (including girls); trans-gendered people
Marital status	Married people; unmarried people; divorced or separated people; widowed people
Age	For most purposes, the main categories are: children under 18, people aged between 18-65, and people over 65. However, the definition of age groups will need to be sensitive to the policy under consideration
"Persons with a disability"	Disability is defined as: A physical or mental impairment, which has a substantial and long- term adverse effect on a person's ability to carry out normal day-to-day activities as defined in Sections 1 and 2 and Schedules 1 and 2 of the Disability Discrimination Act 1995
"Persons with dependants"	Persons with personal responsibility for the care of a child; persons with personal responsibility for the care of a person with an incapacitating disability; persons with personal responsibility for the care of a dependant elderly person
Sexual orientation	Heterosexuals; bi-sexuals; gays; lesbians