

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 40203/40813) 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 or Michael Bennett ext 40916) 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	Review of Non-Householder Permitted Development Rights
Aims	<p>This policy is aimed at extending Permitted Development Rights (PDR) for minor non-contentious development which has minimal impacts upon neighbours, nearby surroundings and the environment.</p> <p>The objectives of these recommendations are to:</p> <ul style="list-style-type: none">• Reduce the volume of planning applications and the regulatory burden upon developers and the Planning Service associated with making and processing applications;• Disseminate information about what is permitted development (PD) in a more user friendly manner which through greater clarity could save resources of both the Planning Service and those proposing to build minor extensions.• Reduce costs to applicants (previously needing to apply for permission) – Making the PDR more favourable for those building works that have minimal impacts on neighbours and the environment, means that there are no longer the “nuisance barriers” and direct (fees) and indirect costs (e.g. time) associated with applications.

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 impact on the non-domestic sector and this can be broken down into 8 sectors:

- Industrial and Warehouse Development (including those businesses involved in Research and Development – R&D)
- Waste Management
- Telecommunications
- Retail and town centres
- Rural Areas
- Institutions, Community Facilities, Leisure & Recreation
- Utilities

- Minerals

It will also affect:

- The Public sector – including Government Departments, Statutory Agencies, NDPBs and local councils
- Society in general – This refers to impacts which the proposed changes to Permitted Development Rights might have on those nearby to the development as well as environmental and social issues.
- The proposed changes may also impact through a reduction in the need for planning applications, upon planning consultants and architects whose business involves the preparation and submission of planning applications on behalf of property owners and developers.

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?

- (a) The Department of Environment is responsible for devising the policy and bringing forward changes to Permitted Development Rights to the NI Assembly.
- (b) The proposed changes will be implemented by District Councils when planning functions are transferred to them.

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

There are indirect linkages to a number of other NI Departments where the nature of the development permitted is beneficial to industries / utilities aligned to Departmental responsibilities, e.g. Department of Agriculture and Rural Development (DARD) – development related to agriculture and the rural area; Department of Regional Development (DRD) – development by NI Water; Department of Enterprise, Trade and Industry (DETINI) – development by NIE, electronic communications code system operators and industry generally; Department for Employment and Learning (DEL) – development by universities and schools; Department of Culture and Arts and Leisure (DCAL) regarding PDR for Institutions, Community Facilities, Leisure & Recreation.

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

- Review of Non-Householder Permitted Development Rights Entec,

2009.

- Regulatory Impact Assessment for Review of Non-Householder Permitted Development Rights Entec, 2009.

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

No additional data which is foreseen to be necessary to facilitate the screening process 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 Michael Bennett, ext 40916) or Equality Unit (Alex Boyle, ext 41194, or Laura McAleese, ext 40203).

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		No
Political opinion		No
Racial group		No
Age		No
Marital status		No
Sexual orientation		No
Gender		No
Disability		No
Dependants		No

Please give details

The research and policy assessment leading to the proposed extensions to PDR have not indicated any to be restrictive to any of the Section 75 groups. Certain proposals will assist property owners to comply with responsibilities under the Disability Discrimination Act and be beneficial to the disability group in terms of access to the built environment.

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

Please give details

The disability group has been recognised as having particular needs to facilitate access to the built environment. PDRs are proposed which will facilitate the installation of certain types of disability access to buildings without requiring prior planning consent. Therefore those with physical disabilities are likely to be more interested, and also benefit from the proposed recommendations.

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		No
Political opinion		No
Racial group		No
Age		No
Marital status		No
Sexual orientation		No
Gender		No
Disability		No
Dependants		No

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

As part of the development of the recommendations set out in the report “Review of Non-Householder Permitted Development Rights” (Entec, 2009) a widely consulted questionnaire was initially sent out and was followed up with 2 stakeholder workshops. The first workshop involved officials from Planning Service and a second workshop was held with several other key stakeholders.

There was general support from the Development Management Working Group regarding relaxing planning permission for disabled access arrangements subject to certain criteria.

A policy consultation on the proposed changes to permitted development rights and this screening document will be carried out before legislation is brought forward to the NI Assembly

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?

Yes

No

Please give details

The revised permitted development rights will apply equally to all persons.

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:

The policy review has not indicated any negative impacts on section 75 groups. Historically, the particular needs of the disabled group in relation to access to the built environment have been recognised in planning legislation (Article 26 of the Planning (NI) Order 1991 and Article 8 of the Planning Reform (NI) Order 2006 (when commenced)). The proposed PDRs to facilitate works to improve disabled access to buildings maintain this policy objective.

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

The proposed PDRs relating to works to facilitate disabled access to buildings should promote better equality of opportunity for access to buildings.

3.7 In relation to Departmental obligations under Section 49A of the Disability Discrimination Act 1995 (DDA) (as amended by the Disability Discrimination (Northern Ireland) Order 2006), please consider if there is any way of adapting the policy to show due regard to the need to promote positive attitudes towards disabled people and/or encourage participation by disabled people in public life.

Please give details

PDRs have been proposed which will facilitate the installation of certain types of disability access to buildings without requiring prior planning consent. Therefore those with physical disabilities are likely to benefit from the proposed recommendations.

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.			Low
Effect on people's daily lives.			Low
Effect on economic, social and human rights.			Low
Strategic significance			Low
Financial significance			Low

Please give details

The proposed extension of PDRs is not anticipated to have any detrimental effect on any of the Prioritisation categories detailed in the grid. The proposed changes to PDR are intended to provide a simpler and more efficient legislative framework for all.

- 4.2 **In view of the considerations in Section 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. Yes/No/Unsure**

No. No significant impacts or considerations have been identified in sections 3 and 4 and it is therefore considered not necessary to conduct a full EQIA. The proposed extension of PDRs and this screening will be subject to public consultation. If equality issues are identified from consultation the need for a full EQIA will be

reassessed.

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: DOE Planning Service

Date: 21 September 2009

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

LAURA McALEESE, EXT 40203
laura.mcaleese@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