

Equality and Human Rights Impact Assessment - the Form

Eight steps to an equality and human rights impact
assessment



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There are separate guidance notes to accompany this form – “Equality and Human Rights Impact Assessment – the Guide.” Please use these guidance notes as you complete this form.

STEP 1: Identify essential information (To complete this section please use the notes on page 8 of the guide to the Equality and Human Rights Impact Assessment.)

1. Name of function, policy or procedure

Aberdeen Local Development Plan – Interim Supplementary Guidance

2. Is this function, policy or procedure New Reviewed

3. Officers completing this form

Name	Designation	Service	Directorate
Louise MacSween	Planning Trainee	Planning and Sustainable Development	Enterprise Planning and Infrastructure

4. Date of Impact Assessment 11 July 2011

5. Lead council service(s) involved in the delivery of this function, policy, procedure

Planning and Sustainable Development

6. Who else is involved in the delivery of this function, policy or procedure? (for example other Council services or partner agencies)
(if none go to question 8)

7. How have they been involved in the equality and human rights impact assessment process?

STEP 2: Outline the aims of the function, policy or procedure (To complete this section please use the notes on pages 9 -10 of the guide to the Equality and Human Rights Impact Assessment.)

8. What are the main aims of the function, policy or procedure? Please list

The purpose of these Supplementary Guidance documents is to provide further information and detail in respect of policies set out in the Local Development Plan, in accordance with the Scottish Government's intention that the Local Development Plan itself focuses on vision, the spatial strategy, overarching and other key policies, and proposals.

At present, the Council has no specific Supplementary Guidance in relation to Archaeology or Natural Heritage and, subject to any representations received and amendments made as a result of the consultation process, it is intended that these documents be subsequently adopted as interim Supplementary Guidance. On successful adoption of the Local Development Plan, these documents would gain the status of policy alongside the Plan.

Archaeology - The supplementary guidance on archaeology and planning gives advice and guidance regarding planning permission within or close to archaeological sites and Scheduled Ancient Monuments. The guidance sets the parameters where by planning permission would be granted.

Natural Heritage - This supplementary guidance has been designed to support the Natural Heritage Policy of the Local Development Plan and to assist planning officers and others involved in development to assess the natural heritage implications of a development proposal, and to help them avoid recommending for approval, works which may lead to damage of important natural heritage in Aberdeen.

The progression of these Supplementary Guidance documents will provide a clear framework for decision making, allowing comprehensive guidance for applicants and thereby making a significant contribution towards the Council's aim of promoting and achieving sustainable development.

9. Who are the main beneficiaries of the function, policy or procedure? Please list

Residents and businesses in Aberdeen, including stakeholders who have been involved in the preparation of the Aberdeen Local Development Plan – the development industry, key agencies, citizens and other Council services.

10. Is the function, policy or procedure intended to increase equality of opportunity by permitting positive action or action to redress disadvantage?

Yes

No

Give details

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The document provides people with the opportunity to contribute to the preparation of Supplementary Guidance regarding Archaeology and Natural Heritage. As part of the modernisation of the planning system in Scotland, public consultation plays a vital role in the preparation of development plans, meaning that people's involvement can make a real difference to the content of the plan.

The Natural Heritage Supplementary Guidance will help to improve the quality of life of all citizens in Aberdeen. The consultation process will enable local communities, groups and individuals get involved in the content of the document that has been designed to help protect and improve their natural environment.

11. What impact will the function, policy or procedure have on promoting good relations and wider community cohesion?

The document invites people to participate by submitting representations, regardless of who they are, or where they live.

STEP 3: Gather and consider evidence (To complete this section please use the notes on pages 11 - 12 of the guide to the equality and human rights impact assessment)

12. What evidence is there to identify any potential positive or negative impacts?

Evidence	Details
Consultation	<p>The Local Development Plan team has consulted widely on the Local Development Plan.</p> <p>The Supplementary Guidance documents on Archaeology and Natural Heritage will be subject to 6 weeks consultation. These will be made available in all local libraries and a press notice will be released in the local newspaper.</p> <p>The Natural Heritage supplementary guidance is linked to the Implementation Plan for the Council's Nature Conservation Strategy 2010-2015 which was also subject to a full public consultation for 8 weeks involving community councils, challenge forums, external organisations and partnerships.</p>
Research	<p>An SEA was carried out with the Aberdeen Local Development Plan – Proposed Plan and associated Supplementary Guidance which was approved by Council in August 2010. There will be a review of the SEA when we receive the Reporters recommendations from the current examination of the Plan.</p>
Officer knowledge and experience (including feedback from frontline staff)	<p>Other members of staff were consulted on specific issues both individually and through group meetings. Key Agencies were also involved in the preparation of the Supplementary Guidance documents, offering specialist knowledge and experience.</p>
Equality monitoring data	<p>People submitting representation forms to the Main Issues Report were asked to fill in an equalities monitoring form (EMF) which was available online and with the paper representation forms. 56 filled out the EMF out of 990 submissions (5.7%) – a low rate probably reflecting the fact that the EMF's were voluntary. We found that 5% had a disability, and there was a 40/60 split between females and males. In terms of ethnicity, we had 16% British, 14% English, 66% Scottish and 3.6% gypsy traveller. In retrospect, it would have been useful to know age breakdowns because we spoke to the Youth Council and engaged the Young Scot website (with a link to the Local Development Plan), SHMU Radio and</p>

	<p>Bebo. Our basis for doing this is that today’s younger people will have to live with the decisions we take now. Obtaining an age breakdown would be useful in future monitoring arrangements. We did this in the consultation on the Development Options in June 2009 and found that the average age of those attending the meetings was 55.</p> <p>During the Proposed Local Development Plan consultation people were asked to fill in an EMF. This was made available on the web and with the paper representation forms. 13 filled out the EMF out of 1550 submissions (0.8%) – a much lower rate than the Main Issues Report consultation probably reflecting the fact that the EMF’s were voluntary and people were preoccupied submitting their representations with their proposed modifications to the Plan. We found that 7% had a disability, and there was a 40/60 split between males and females. In terms of ethnicity, we had 76.9% Scottish, 7.7% English, 7.7% British and 7.7% stating that they were another European ethnic group.</p> <p>EMFs will not be used in the consultation on Supplementary Guidance.</p>
<p>User feedback (including complaints)</p>	<p>Supplementary Guidance will be subject to statutory consultation periods during which the documents will be made available in all local libraries and a press notice will be released in the local newspaper. Also see above on consultation.</p>
<p>Other</p>	<p>N/A</p>

STEP 4: Assess likely impacts on equality strands (To complete this section please use the notes on pages 13 –14 of the guide to the Equality and Human Rights Impact Assessment)

13. Which, if any, equality target groups and others could be affected by this function policy or procedure? Place the symbol in the relevant box.

Equality Target Group	Positive Impact(+)	Neutral Impact (0)	Negative Impact(-)
Race*		√	√
Disability		√	
Gender **		√	
LGB***		√	
Belief		√	
Younger		√	
Older		√	
Others		√	

* Race include Gypsies/Travellers

** Gender includes Transgender

*** LGB: Lesbian, Gay and Bisexual

14. From the groups you have highlighted above, what positive and negative impacts do you think the function, policy or procedure might have?

Detail the impacts and describe the groups affected.

Positive impacts (describe groups affected)	Negative Impacts (describe groups affected)
The publication of Supplementary Guidance is an invitation for all groups to engage with planning issues within Aberdeen. Once we publish the Supplementary Guidance there will be a chance for everyone to make comments on the documents.	The Natural Heritage SG could have indirect negative impacts on Gypsies or Travellers that set up illegal camps on designated sites such as Local Nature Reserves (LNRs). This problem could be addressed through the identification of more suitable sites to meet their needs.

STEP 5: Apply the three key assessment tests for compliance assurance (To complete this section please use the notes on pages 15 – 17 of the guide to the Equality and Human Rights Impact Assessment.)

15. Does this policy/procedure have the potential to interfere with an individual’s rights as set out in the Human Rights Act 1998? State which rights might be affected by ticking the appropriate box(es) and how. **If you answer “no”, go to question 19.**

- | |
|--|
| <input type="checkbox"/> Article 3 – Right not to be subjected to torture, inhumane or degrading treatment or punishment
<input type="checkbox"/> Article 6 – Right to a fair and public hearing
<input type="checkbox"/> Article 8 – Right to respect for private and family life, home and |
|--|

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correspondence

Article 10 – freedom of expression

Other article not listed above

How?

Legality

16. Where there is a potential negative impact is there a legal basis in the relevant domestic law?

Legitimate aim

17. Is the aim of the policy a legitimate aim being served in terms of the relevant equality legislation or the Human Rights Act?

Proportionality

18. Is the impact of the policy proportionate to the legitimate aim being pursued? Is it the minimum necessary interference to achieve the legitimate aim?

STEP 6: Monitor and review (To complete this section please use the notes on page 18 of the guide to the Equality and Human Rights Impact Assessment).

19. How will you monitor the implementation of the function, policy or procedure? (For example, customer satisfaction questionnaires)

After the Supplementary Guidance is agreed by Council the public will be invited to make representations on these documents.

20. How will the results be used to develop the function policy or procedure?

Comments on the draft supplementary guidance will inform the finalised version of the documents.

21. When is the function, policy or procedure due for review?

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Supplementary Guidance will be reviewed along with a review of the Local Development Plan. This is scheduled for 2013.

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STEP 7: Report results and summary of EHRIA to the public (To complete this section please use the notes on page 19 of the guide to the Equality and Human Rights Impact Assessment).

22. Where will you publish the results of the Equality and Human Rights Impact Assessment?

Please indicate as follows by ticking the appropriate box(es).

Summary of EHRIA will be published in committee report under section “Equality Impact Assessment”

Full EHRIA will be attached to the committee report as an appendix

Summary of EHRIA to be published on council website within relevant service pages

Other, please state where:

23. Please summarise the results of the Equality and Human Rights Impact Assessment and give an overview of whether the policy, procedure or function will meet the Council’s responsibilities in relation to equality and human rights. This summary needs to include any practical actions you intend to take / have taken to reduce, justify or remove any adverse negative impacts.


The document provides people with the opportunity to contribute to the preparation of two Supplementary Guidance documents.

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STEP 8 SIGN OFF (To complete this section please use the notes on page 20 of the guide to the Equality and Human Rights Impact Assessment)

The final stage of the EHRIA is to formally sign off the document as being a complete, rigorous and robust assessment.


Person completing the impact assessment

Name	Date	Signature
Louise MacSween	14/07/2010	

Quality check: document has been checked by

Name	Date	Signature

Head of Service (Sign-off)

Name	Date	Signature
Margaret Bochel		

Now –

Please send a copy of your completed EHRIA form together with the Policy/Strategy/Procedure to:

Head of Service
Community Planning and Regeneration,
Strategic Leadership
Aberdeen City Council
St. Nicholas House
Broad Street
Aberdeen
AB10 1GZ
