

# Equality and Human Rights Impact Assessment - the Form

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. Throughout the form, **proposal** refers to policy, strategy, plan, procedure, report or business case, embracing a range of different actions such as setting budgets, developing high level strategies and organisational practices such as internal restructuring.

## STEP 1: Identify essential information

1. Committee Report No.

2. Name of proposal.

3. Officer(s) completing this form.

Name	Designation	Service	Directorate
Claire McArthur	Senior Planner	Planning & Sustainable Development	Enterprise, Planning & Infrastructure

4. Date of Impact Assessment.

5. When is the proposal next due for review?

6. Committee Name.

7. Date the Committee is due to meet.

8. Identify the Lead Council Service and who else is involved in delivering this proposal (for example other Council services or partner agencies).

The intended proposal is to be used primarily by Officers within the Council's Planning & Sustainable Development Service as a tool in the assessment and determination of planning applications. The guidance contained within the proposal may also be of use to other Council services when considering improvements / alterations to Council-owned residential properties.

9. Please summarise this Equality and Human Rights Impact Assessment (EHRIA). This must include any practical actions you intend to take or have taken to reduce, justify or remove any adverse negative impacts. **Please return to this question after completing the EHRIA.**

There are no negative impacts outlined as a result of the EHRIA.

10. Where will you publish the results of the Equality and Human Rights Impact Assessment? Tick all that apply.

- Para 9 of EHRIA will be published in committee report in Section 6 "Impact"
- Full EHRIA will be attached to the committee report as an appendix
- Copied to Equalities Team to publish on the Council website

## **STEP 2: Outline the aims of the proposal**

11. What are the main aims of the proposal?

The purpose of the Technical Advice Note is to provide further information and detail in respect of policies set out in the Local Development Plan and who to contact for further information and advice.

At present, two Technical Advice Notes contain advice on this subject, the 'Replacement Windows and Doors' and 'The Repair and Replacement of Timber Sash and Case Windows'. These two TANs have been merged to form this comprehensive Technical Advice Note on 'The Repair and Replacement of Windows and Doors'.

With the publication of The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 in early 2012, the existing advice notes required to be reviewed and updated. The advice notes were then merged into a single, up-to-date guide in order to create a more user-friendly document for applicants, agents and officers.

Subject to any representations received and amendments made as a result of the consultation process, it is intended that this documents be subsequently adopted as a Technical Advice Note.

The progression of the Technical Advice Note will provide a clear framework for decision making and allow comprehensive guidance for both applicants and officers. Implementation and enforcement of the TAN will ensure that there is a consistent approach relating to windows and doors within those areas where consent is required

12. Who will benefit most from the proposal?

Residents and businesses in Aberdeen, including the development industry, citizens, Council planning officers and other Council services.

13. Tell us if and how the proposal will increase equality of opportunity by permitting positive action to redress disadvantage?

The document provides all citizens with the opportunity to contribute to the preparation of Technical Advice regarding the repair and replacement of windows and doors. 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. There is no known disadvantage to any equality target groups or related equality strands, though the consultation process allows all parts of society equal opportunity to engage with the preparation of this guidance and to make representations accordingly.

The proposed Technical Advice Note will help to improve the quality of life of all citizens in Aberdeen by improving the design quality of development. The consultation process will enable local communities, groups and individuals influence the content of the document and have their say in the design of our built environment.

14. What impact will the proposal have on promoting good relations and wider community cohesion?

The proposed Technical Advice Note supports the adopted Aberdeen Local Development Plan. The Aberdeen Local Development Plan sets out the Council's vision for the growth and development of the city. The opportunity to make representations on that vision allows citizens to influence the way in which their city will grow over time. It is hoped that this will foster a sense of belonging and involvement in those who have engaged with the process.

The consultation proposed for this document does not exclude or disadvantage any particular group or part of society. Documents are made available through a range of media sources, and representations can be accepted in a number of ways.

**STEP 3: Gather and consider evidence**

15. What **evidence** is there to identify any potential positive or negative impacts in terms of consultation, research, officer knowledge and experience, equality monitoring data, user feedback and other?

Previous planning applications and listed building consents for the repair and replacements of windows and doors have been used to inform the EHRIA.

**STEP 4: Assess likely impacts on people with Protected Characteristics**

16. Which, if any, people with protected characteristics and others could be affected positively or negatively by this proposal? Place the symbol in the relevant box. Be aware of cross-cutting issues, such as older women with a disability experiencing poverty and isolation.

(Positive +, neutral 0, - negative)

Protected Characteristics					
Age - Younger	0	Disability	0	Gender Reassignment*	0
Older					
Marriage or Civil Partnership	0	Pregnancy and Maternity	0	Race**	0
Religion or Belief	0	Sex (gender)***	0	Sexual orientation****	0
Others e.g. poverty	0				

Notes:

\* Gender Reassignment includes Transgender

\*\* Race includes Gypsies/Travellers

\*\*\* Sex (gender) i.e. men, women

\*\*\*\* Sexual orientation includes LGB: Lesbian, Gay and Bisexual

17. Please detail the potential positive and/or negative impacts on those with protected characteristics you have highlighted above. Detail the impacts and describe those affected.

Positive impacts (describe protected characteristics affected)  The publication of Technical Advice is an invitation for all groups to engage with	Negative Impacts (describe protected characteristics affected)
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planning issues within Aberdeen. Once we publish the Technical Advice Note there will be a chance for everyone to make comments on the documents.

**STEP 5: Human Rights - Apply the three key assessment tests for compliance assurance**

18. Does this proposal/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 saying how. **If you answer "no", go straight to question 22.**

- Article 3 – Right not to be subjected to torture, inhumane or degrading treatment or punishment
- Article 6 – Right to a fair and public hearing
- Article 8 – Right to respect for private and family life, home and correspondence
- Article 10 – freedom of expression
- Other article not listed above

**How?**

**Legality**

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

**Legitimate aim**

20. Is the aim of the policy identified in Steps 1 and 2 a legitimate aim being served in terms of the relevant equality legislation or the Human Rights Act?

**Proportionality**

21. 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**

22. How will you monitor the implementation of the proposal? (For example, customer satisfaction questionnaires)

The impact of the Technical Advice Note will be monitored through the planning

application process.

23. How will the results of this impact assessment and any further monitoring be used to develop the proposal?

Where necessary, the Technical Advice Note will be updated to take into account feedback from monitoring.

### STEP 7 SIGN OFF

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


Person(s) completing the impact assessment.

Name	Date	Signature
Claire McArthur	20 <sup>th</sup> September 2012	

Quality check: document has been checked by

Name	Date	Signature
Andrew Brownrigg	20 <sup>th</sup> September 2012	

Head of Service (Sign-off)

Name	Date	Signature
Margaret Bochel	11 October 2012	

### Now –

Please send an electronic copy of your completed EHRIA - without signatures - together with the proposal to:

Equalities Team  
Customer Service and Performance  
Corporate Governance  
Aberdeen City Council  
**Business Hub 13**  
Second Floor North  
Marischal College

Equality and Human Rights Impact Assessment – the Form.  
Broad Street  
Aberdeen  
AB10 1AB

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