

Appendix A

Equality and Human Rights Impact Assessment - the Form

Eight steps to an equality and human rights impact
assessment



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

Installation of Vehicle Height Control Barriers at Kingswells Park and Ride

2. Is this function, policy or procedure New Reviewed

3. Officers completing this form

Name	Designation	Service	Directorate
Ian Taylor	Engineer	Structures	E, P & I
Sandra Bruce	Equalities Strategist	Community Planning and Regeneration	Corporate Governance

4. Date of Impact Assessment 20 October 2009

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

Enterprise, Planning and Infrastructure

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)

First Aberdeen Ltd

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

The views of First Aberdeen Ltd are reflected in this Impact Assessment.

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

Travellers have been using the Kingswells Park and Ride site as an illegal camp site – despite having authorised sites elsewhere. Aberdeen City Council is having to raise court orders to have them evicted

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

Users and potential users of Kingswells Park and Ride – general public
First Aberdeen Ltd – in terms of revenue
Aberdeen City Council – in terms of improved reputation with the settled community and improved media coverage
Kingswells Community Council – their experience has been that the Council has listened to them and taken on their views

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

All camper vans and caravans will be excluded from the site – including those of the general public not acting illegally

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

As the Gypsies/Travellers will not be permitted access to the site there may be reduced confrontation between Gypsies/Travellers and the general public.

However as the Gypsies/Travellers are moved away from this area, there is the potential for other encampments to occur elsewhere in the city.

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	Meetings have been held between Aberdeen City Council, First Aberdeen Ltd, Kingswells Community Council and the Police.
Research	<p>All of the following pieces of research demonstrate the need for space to meet the accommodation needs of Gypsies/Travellers.</p> <p>"Moving On" Grampian Regional Council Social Strategy Unit, March 1994 Scottish Parliament's Equal Opportunities Committee, 2001 Inquiry into Gypsies/Travellers and Public Sector Policies and its review in 2005 - Moving on again – A Survey of Gypsies/Travellers views in the North East of Scotland, Ian Taggart 2007.</p> <p>Craigforth Consultancy – Research into the Accommodation Needs of Gypsies/Travellers 2009</p>
Officer knowledge and experience (including feedback from frontline staff)	<p>Experience and knowledge of Tenants' Participation Officer (who covers Clinterty Site), the Council's Gypsy/Traveller Liaison Officer and other officers, for example, Environmental Health Officers, Neighbourhood Services staff who are in contact with Gypsies/Travellers reinforces the key message that spaces for Gypsies/Travellers within the city are required.</p> <p>Neighbourhood staff particularly those who have a role supporting/linking to Community Councils have had strong negative feedback from the settled community regarding unauthorised encampments.</p>
Equality monitoring data	Craigforth's recent research (2009) shows the Gypsy/Traveller population in Grampian as 510, representing (0.09%) of the population of Grampian.
User feedback (including complaints)	<p>Usage of the Kingswells Park and Ride site was reduced whilst the Gypsies/Travellers were occupying the site.</p> <p>The volume of unauthorised encampments within Aberdeen City gives rise to negative media coverage, complaints from residents, businesses and community groups.</p> <p>Kingswells Community Council has been particularly hostile</p>

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	towards unauthorised encampments in this area also because of their recent rejection of the area as a suitable location for a short-term managed halting site.
Other	Policy on Unauthorised Gypsy/Traveller Encampments, September 2008.

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*			X
Disability			X
Gender *			X
LGB***		X	
Belief		X	
Younger			X
Older			X
Others	X		X

* 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)
<p><u>Others</u></p> <p>Users and potential users of Kingswells Park and Ride First Aberdeen Ltd Aberdeen City Council Kingswells Community Council – As at para 9.</p>	<p>Gypsies/Travellers who will continue to camp on unauthorised sites with lack of facilities and lack of access to services.</p> <p>Living on an unauthorised encampment will impact most negatively on women Gypsies/Travellers as principal carers, young and older Gypsies/Travellers and those Travellers with disabilities.</p> <p>For those groups in the community – media, public, Community Councils, residents, and businesses and some Council staff and elected members who oppose will face an increased volume of unauthorised encampments in different areas because the Gypsies/Travellers</p>

	will go elsewhere. Any camper van and caravan drivers (not Gypsies/Travellers) who wish to use the facility will also be excluded from the Park and Ride.
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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.**

Yes

- 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? In legal judgement we have difficulty in moving Gypsies/Travellers from unauthorised encampments where there are no alternative sites and the Craigforth report has confirmed the lack of accommodation provision for Gypsies/Travellers.

Gypsies/Travellers are regarded as an ethnic minority group and are defined as homeless if he/she has a mobile home but has no place where he/she is entitled or permitted both to put it and to live in it [from Homelessness, etc [Scotland Act 2003] guidance].

Legality

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

Legally, the Council can apply to the court for a decree for eviction.

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?

Yes - This is a qualified right and the Council has a duty to balance the needs of Gypsies/Travellers and the settled community, the rights to privacy both for the settled community and the Gypsy/Traveller community.

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?

It is the minimum interference as all other options have been exhausted.

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)

Usage of the Kingswells Park and Ride will be monitored and compared to present.
The number and pattern of unauthorised encampments across the city are monitored by the Council's Gypsy/Traveller Liaison Officer.
Local media coverage
Complaints from the public
Feedback from Gypsies/Travellers
Costs of unauthorised Gypsy/Traveller encampments

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

It is unlikely that the monitoring results will influence the future in this case as the barrier will be perceived as a permanent feature.

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

The results of the monitoring will be available on a quarterly and annual basis and so the review will be ongoing.

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.

An Equality and Human Rights Impact Assessment was carried out on the proposal to install Vehicle Height Control Barriers at Kingswells Park and Ride.

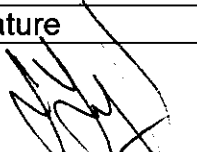
The positive impact of the decision will be for users and potential users of the Park and Ride facility, First Aberdeen Ltd, Aberdeen City Council and Kingswells Community Council. The potential negative impacts for the groups have been listed, which will also include the settled community and businesses in other areas of the city, should there be a rise in unauthorised encamping elsewhere. There will be a negative impact on camper van and caravan drivers who are not Gypsies/Travellers who may wish to use the facility.

The accommodation needs of Gypsies/Travellers within Grampian have been clearly articulated with the recent Craigforth Consultancy Research and an action plan is being developed to respond to this by identifying suitable locations for additional pitches. This should help mitigate against the potential negative impact of these proposals on the Gypsy/Traveller community.


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.

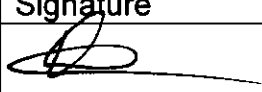
Person completing the impact assessment

Name	Date	Signature
Ian Taylor	20 October 2009	

Quality check: document has been checked by

Name	Date	Signature
ALAN ROBERTSON	8/11/09	

Head of Service (Sign-off)

Name	Date	Signature
HUGH MURDOCH	9/11/09	

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