

Equality and Human Right Impact Assessment: The Form

Aberdeen City Council

EHRIA



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, **the word “proposal” refers to policy, strategy, plan, procedure, report or business case.** This then, embraces a range of different actions such as setting budgets, developing high level strategies and organisational practices such as internal restructuring. Please also refer to the “Completion Terminology” at the end of the form.

1:Equality and Human Rights Impact Assessment- Essential Information

Name of Proposal: <i>Draft Rowett North Masterplan (Proposed site of the new AECC)</i>	Date of Assessment: <i>19 November 2014 & 18 March 2015</i>								
Service: <i>Planning and sustainable development</i>	Directorate: <i>Communities, Housing and Infrastructure</i>								
Committee Name or delegated power reference (Where appropriate): <i>Communities, Housing and Infrastructure Committee CHI/14/56</i>	Date of Committee (Where appropriate): <i>19 May 2015</i>								
Who does this proposal affect? Please Tick ✓	<table> <tr> <td>Employees</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Job Applicants</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Service Users</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Members of the Public</td> <td><input checked="" type="checkbox"/></td> </tr> </table>	Employees	<input type="checkbox"/>	Job Applicants	<input type="checkbox"/>	Service Users	<input checked="" type="checkbox"/>	Members of the Public	<input checked="" type="checkbox"/>
Employees	<input type="checkbox"/>								
Job Applicants	<input type="checkbox"/>								
Service Users	<input checked="" type="checkbox"/>								
Members of the Public	<input checked="" type="checkbox"/>								

	Other (List below) <input type="checkbox"/>
2: Equality and Human Rights Impact Assessment- Pre-screening	
Is an impact assessment required?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If No, what is the evidence to support this decision? (Once this section is completed, please complete section 8 of the form).	

3: Equality and Human Rights Impact Assessment

a- What are the aims and intended effects of this proposal?

- To advance the detail for the redevelopment of this site which is allocated in the draft Aberdeen Local Development Plan 2016 for the new AECC, and complementary employment uses
- To ensure that the communities and interested parties continue to shape the content of the draft masterplan until it is finalised as the planning guidance for all development within the site
- To give greater certainty, clarity and confidence to the development process by setting a site layout and design guidance benchmarks in order that world class facilities are created within a connected and useable landscape plan
- To observe the inclusiveness afforded by the statutory and non-statutory planning processes and increase efficiency in determination
- To ultimately be a material consideration in the assessment and determination of all planning applications for development within the site

b- What equality data is available in relation to this proposal?

(Please see guidance notes)

The Draft Rowett North masterplan has been prepared as design-led planning guidance to inform the redevelopment of the site of the former Rowett Institute. The content of the draft masterplan has been shaped by the findings of public consultation and engagement with the communities of the areas, and interested parties, Council Officers and Architecture and Design Scotland. If Committee approve the proposal further public consultation will be undertaken develop and finalise the masterplan.

The selection of the former Rowett Institute site for the new AECC underwent ratification by the statutory processes of creating a new Aberdeen Local Development Plan requiring public engagement and involvement through the Main Issues Report and Committee approval for public consultation, and subject to forthcoming review by Scottish Ministers to conclude the process.

If the Council are minded to support the draft masterplan through the formal process of adoption as Supplementary Planning Guidance its content is subject to further public involvement and engagement, which will ultimately continue through the planning application processes as proposals for buildings within the site emerge. Through that formal process proposals must comply with extensive standards and policies which translate Equality and Human Rights protection matters within the built environment.

Approval of the draft masterplan for public consultation is the beginning of processes of formal assessment and review to support and shape high quality development within the site.

<p>c- List the outcomes from any consultation that relate to equalities and/or human rights issues e.g. with employees, service users, Unions or members of the public that has taken place in relation to the proposal.</p>	<p>In both consultation periods undertaken by Henry Boot as the developer for the site, the respondents recorded 70% and over, in favour of the new AECC being provided on the site. The Appendix of the draft masterplan details the consultation programme undertaken and is summarised by:</p> <ul style="list-style-type: none"> • 3 public engagements on the 29-31 May 2014 in the Jesmond Centre, the Beacon Centre and Aberdeen Art Gallery • Letters posted to 250 individuals and organisations • Advertisements were placed in local newspapers and posters displayed in libraries, shops and community centres, as well as 20,000 postcard invitations to residents within and around the existing and proposed AECC sites • 3 public engagements and similar notifications were held on the 11-13 September 2014 in the same locations as in May • 2 public engagements in the upper mall of the Bon Accord Shopping Centre, Schoolhill, on the 27 & 28 March 2015 • Upon Council's approval to authorise the draft masterplan for formal public consultation the results of that consultation will be evidenced to ensure consistency with the findings of the initial public consultations. Should there be a divergence in the findings of the public consultation undertaken by Council the draft masterplan will be further reviewed taking into account the most recent findings
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	The professional expertise of Council Officers and Architecture and Design Scotland, as formal consultees, was used during the consultation processes of the draft masterplan. Approval of this report leads to a further period of formal public engagement.
d- Financial Assessment If applicable, state any relevant cost implications or savings expected from the proposal.	Costs (£) Implementation cost £ N/A Projected Savings £ N/A
e- How does this proposal contribute to the public sector equality duty: to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations?	
<ul style="list-style-type: none"> • The planning system ensures that public engagement plays a vital role in plan preparation and in the assessment of impact development proposals re likely to have through various statutory processes of consultation and notification. • The ‘Aberdeen Masterplanning process’, itself subject to consultation, has been following in the formation of this draft masterplan where community engagement, consultation and support inform the content of the finalised masterplan 	

- Detailed information about the consultation events undertaken and the findings are listed in the Appendix of the draft masterplan
- Approval of the Committee Report will allow the Council to undertake a final series of public consultations to ensure that the communities and interested parties are content with the draft masterplan
- As development proposals come forward for specific buildings and infrastructure there will be further opportunity for public engagement through statutory processes in determining detailed planning applications

The aforementioned planning processes seek to put people at the core of planning matters promoting good relations and wider community cohesion through good development.

f- How does this proposal link to the Council's Equality Outcomes?

The Council's Equality Outcomes relevant to the Draft Rowett North Masterplan are:

- *People are treated fairly and respectfully*
- *All partners will work together to ensure Aberdeen has better services*
- *People who have disabilities and older people will find it easier to walk on pavements and footpaths*
- *Everyone should feel safe in Aberdeen, at home and outside*
- *Everyone should be able to use sports centres and cultural facilities like museums and galleries*
- *Everybody should be able to use the parks and all Councils buildings. Parks should be clean, safe and enjoyable*

The Draft Rowett North Masterplan has been prepared by the developer in an open, fair and inclusive manner adhering

to the statutory requirements of the Planning (Scotland) Act 2006 which supports many of the objectives of Aberdeen City Council' Equality Outcomes.

The objectives of the draft masterplan are to provide a series of strategic planning guidelines to deliver a distinctive new place in Aberdeen through high quality redevelopment with buildings and spaces that are an outstanding contribution to the city and are accessible to everyone.

4: Equality Impact Assessment - Test

What impact will implementing this proposal have on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?

Protected Characteristic:	Neutral Impact: Please ✓	Positive Impact: Please ✓	Negative Impact: Please ✓	Evidence of impact and if applicable, justification where a ' <i>Genuine Determining Reason</i> '* exists *(see completion terminology)
Age (People of all ages)	X			
Disability (Mental, Physical, Sensory and Carers of Disabled people)	X			
Gender Reassignment	X			
Marital Status (Marriage and Civil Partnerships)	X			
Pregnancy and Maternity	X			

Equality Impact Assessment Test:

What impact will implementing this proposal have on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?

Protected Characteristic:	Neutral Impact: Please ✓	Positive Impact: Please ✓	Negative Impact: Please ✓	Evidence of impact and if applicable, justification where a '<i>Genuine Determining Reason</i>'* exists *(see completion terminology)
Race (All Racial Groups including Gypsy/Travellers)	X			
Religion or Belief or Non-belief	X			
Sex (Women and men)	X			
Sexual Orientation (Heterosexual, Lesbian, Gay And Bisexual)	X			
Other (e.g: Poverty)	X			

5: Human Rights Impact Assessment Test

Does this proposal have the potential to impact on an individual's Human Rights? Evidence of impact and , if applicable, justification where the impact is proportionate

Article 2 of protocol 1: Right to education

Yes

☐

No

☒

Evidence:

The proposal is for Committee to approve a draft development masterplan for public consultation

Article 3: Right not to be subjected to torture, inhumane or degrading treatment or punishment

Yes

☐

No

☒

Evidence:

The proposal is for Committee to approve a draft development masterplan for public consultation

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Article 6: Right to a fair and public hearing	<p>Yes No</p> <p>Evidence:</p> <p><i>The proposal is for Committee to approve a draft development masterplan for public consultation</i></p>
Article 8: Right to respect for private and family life, home and correspondence	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Evidence:</p> <p><i>The proposal is for Committee to approve a draft development masterplan for public consultation</i></p>
Article 10: Freedom of expression	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Evidence:</p> <p><i>The proposal is for Committee to approve a draft development masterplan for public consultation</i></p>
Article 14: Right not to be subject to discrimination	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Evidence:</p>

	<i>The proposal is for Committee to approve a draft development masterplan for public consultation</i>
Other article not listed above, please state:	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Evidence:</p> <p><i>The proposal is for Committee to approve a draft development masterplan for public consultation</i></p>
6: Assessment Rating:	
Please rate the overall equality and human right assessment (Please see Completion terminology)	<div> <input type="checkbox"/> Red <input type="checkbox"/> Red Amber <input type="checkbox"/> Amber <input checked="" type="checkbox"/> Green </div>
Reason for that rating:	<p>As a result of performing this assessment the proposal does not appear to have any adverse impacts on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage:</p> <ul style="list-style-type: none"> The draft masterplan sets high level design-led planning guidance which will inform future development through the planning system. Each building will be the subject of planning applications and measured against the policies of the Aberdeen Local Development Plan and assessed against Building Standards and be BREEAM

	<p>rated through the development approval processes. Each stage of assessment ensures that proposals are designed positively to redress disadvantage in the built environment</p> <ul style="list-style-type: none"> • The draft masterplan principally establishes the form and layout of the new AECC and associated multi-use buildings on the site within a landscape framework that connects to the wider area. It is essential that the brownfield site has sufficient planning direction in order that the development of the site is guided by a comprehensive design-led masterplan to avoid piece-meal development and losing the opportunity to create a distinctive high quality new place in Aberdeen • The masterplan requires that the new AECC building will achieve BREEAM 'outstanding' rating in its construction and operational needs • The facilities of the AECC are to provide a world class entertainment/cultural/business venue that is accessible to all in a site that is well connected with multi-modal active travel choices connected with the existing core paths, cycling, and public transport corridors and not reliant on car ownership for access <p>Within the site there will be areas for a range of outdoor and indoor recreational uses and it is intended that the place is a social, recreational, employment and economic destination in itself.</p>
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7: Action Planning

As a result of performing this assessment, what actions are proposed to remove or reduce any risks of

adverse outcomes identified on employees, service users or other people who share characteristics protected by <i>The Equality Act 2010</i> ?				
Identified Risk and to whom:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:
<i>No Risks Identified</i>	N/A	N/A	N/A	N/A
8: Sign off				
Completed by (Names and Services) :	Nigel McDowell – Senior Planner (Urban Design) Planning and Sustainable Development Section Communities, Housing & Infrastructure Department			
Signed off by (Head of Service) :				

Please send an electronic copy of your completed EHRIA - without signatures - together with the proposal document and/or committee report to:

Equalities Team
Customer Service and Performance
Corporate Governance
Aberdeen City Council
Business Hub 13
Second Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB

Telephone 01224 523039 Email sandrab@aberdeencity.gov.uk

9: Completion Terminology:

Assessment Pre-screening Rating:	This section will highlight where there is the obvious potential for a negative impact and subsequent risk of negative media coverage and reputational damage to the Council. Therefore, a full impact assessment is required, for example around sensitive issues such as marching, Gypsy/ Traveller issues, change to social care provision. It should also be completed to evidence why a full impact assessment was not required, example, there is no potential negative impact on people.
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Assessment Rating:	<p>After completing this document, rate the overall assessment as follows:</p> <p>Red: As a result of performing this assessment, it is evident that we will discriminate (direct, indirect, unintentional or otherwise) against one or more of the nine groups of people who share <i>Protected Characteristics</i>. It is essential that the use of the proposal be suspended until further work or assessment is performed and the discrimination is removed.</p> <p>Red Amber: As a result of performing this assessment, it is evident that a risk of negative impact exists to one or more of the nine groups of people who share <i>Protected Characteristics</i>. However, a genuine determining reason may exist that could legitimise or justify the use of this proposal and further professional advice should be taken.</p> <p>Amber: As a result of performing this assessment, it is evident that a risk of negative impact exists and this risk may be removed or reduced by implementing the actions detailed within the <i>Action Planning</i> section of this document.</p> <p>Green: As a result of performing this proposal does not appear to have any adverse impacts on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.</p>
Equality Data:	<p>Equality data is internal or external information that may indicate how the proposal being analysed can affect different groups of people who share the nine <i>Protected Characteristics</i> – referred to hereafter as '<i>Equality Groups</i>'.</p> <p>Examples of <i>Equality Data</i> include: (this list is not definitive)</p> <ol style="list-style-type: none"> 1: Application success rates by <i>Equality Groups</i> 2: Complaints by <i>Equality Groups</i> 3: Service usage and withdrawal of services by <i>Equality Groups</i> 4: Grievances or decisions upheld and dismissed by <i>Equality Groups</i>

Genuine Determining Reason	<p>Certain discrimination may be capable of being justified on the grounds that:</p> <ul style="list-style-type: none"> (i) <i>A genuine determining reason exists</i> (ii) <i>The action is proportionate to the legitimate aims of the organisation</i> <p>Where this is identified, it is recommended that professional and legal advice is sought prior to completing an Equality Impact Assessment.</p>
Human Rights	<p>The rights set out in the European Convention on Human Rights, as incorporated into the UK Law by the Human Rights Act 1998.</p>
Legal Status:	<p>This document is designed to assist us in “<i>Identifying and eliminating unlawful Discrimination, Harassment and Victimisation</i>” as required by <i>The Equality Act Public Sector Duty 2011</i>. An Equality Impact Assessment is not, in itself, legally binding and should not be used as a substitute for legal or other professional advice.</p>