

# Equality and Human Right Impact Assessment: The Form



## EHRIA

**Aberdeen City Council**

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

<b>Name of Proposal:</b>  <b>AECC site, Bridge of Don, Development Framework</b>	<b>Date of Assessment:</b> <b>1 July 2015</b>										
<b>Service:</b>  <b>Planning and Sustainable Development</b>	<b>Directorate:</b>  <b>Communities, Housing and Infrastructure</b>										
<b>Committee Name or delegated power reference (Where appropriate):</b>  <b>Communities, Housing and Infrastructure Committee</b>	<b>Date of Committee (Where appropriate):</b>  27 October 2015										
<b>Who does this proposal affect?</b>  Please Tick ✓	<table style="width: 100%; border: none;"> <tr> <td style="padding: 5px;">Employees</td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> </tr> <tr> <td style="padding: 5px;">Job Applicants</td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> </tr> <tr> <td style="padding: 5px;">Service Users</td> <td style="text-align: center; padding: 5px;"><input checked="" type="checkbox"/></td> </tr> <tr> <td style="padding: 5px;">Members of the Public</td> <td style="text-align: center; padding: 5px;"><input checked="" type="checkbox"/></td> </tr> <tr> <td style="padding: 5px;"></td> <td style="text-align: center; padding: 5px;"><input 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"/>		<input type="checkbox"/>
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	<input type="checkbox"/>										

Other (List below)

## 2: Equality and Human Rights Impact Assessment- Pre-screening

**Is an impact assessment required?**

Yes

No

**If No, what is the evidence to support this decision?**

(Once this section is completed, please complete section 8 of the form).

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### 3: Equality and Human Rights Impact Assessment

<p><b>a- What are the aims and intended effects of this proposal?</b></p>	<p>The purpose of the AECC Site, Bridge of Don Development Framework is to guide and inform development within the land identified as Opportunity Site 13, OP13 in the proposed Aberdeen Local Development Plan 2016. The development will deliver a mixed use community complete with housing, supporting infrastructure, a park and choose site for 999 vehicles, a commercial element on the Ellon Road frontage, the potential for a neighbourhood centre to include small units that serve the local community and a household waste recycling centre to replace the facility at Scotstown Road.</p> <p>The document is proposed to be Supplementary Guidance to the emerging Local Development Plan and will inform any planning application submitted for the site.</p>
<p><b>b- What equality data is available in relation to this proposal?</b></p>	<p>The site allocation for the Existing AECC site has been through four consultation exercises –</p>

(Please see guidance notes)

- 29<sup>th</sup> -31<sup>st</sup> May – Jesmond Centre, Beacon Centre and Art Gallery
- 11<sup>th</sup> -13<sup>th</sup> September - Jesmond Centre, Beacon Centre and Art Gallery
- 27<sup>th</sup> and 28<sup>th</sup> March – Bon Accord Centre
- 25<sup>th</sup> May- 6<sup>th</sup> July 6 week statutory consultation.

Meetings also took place with the local community council.

The site has been identified in the Proposed Aberdeen Local Development Plan and was part of the consultation process for that document - ALDP Proposed Plan 2015: Main Issues Report, Publicity and Consultation- <http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=62540&sID=26040>

A consultation period carried out by the Council of 6 weeks has just been completed. The document was available online, in the local and central library as well as at Marischal College. Paper copies were also sent to the Bridge of Don Community Council.

#### Research

A Strategic Environmental Assessment (SEA) for the site has been carried out as part of the Aberdeen Local Development Plan process to identify

	<p>any significant environmental effects arising from the settlement strategy and planning policies which development at the AECC needs to comply with. In addition, an SEA screening report has also been undertaken on the Development Framework document.</p> <p>Officer Knowledge Professional expertise of Council Officers was used during the consultation process of the document. Comments were fed back into the process and helped to evolve and finalise the design proposals for the AECC site, Bridge of Don Development Framework.</p>
<p><b>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.</b></p>	<p>The initial consultation carried out by the design team was well advertised in the local newspapers and posters displayed in the libraries.</p> <ul style="list-style-type: none"> <li>• Press release and media coverage such as radio and televisions articles.</li> <li>• Three public consultation events took place from the 29<sup>th</sup> – 31<sup>st</sup> May 2014 in the Jesmond Centre, Beacon Centre and Aberdeen Art Gallery.</li> <li>• 10,000 postcard invitations to residents within and around the existing and proposed AECC sites. As well as 250 letters to individuals and organisations.</li> </ul>

- Posters advertising the events were displayed in local libraries, shops and community centres.
- This consultation process has been carried out to meet the requirements of the Masterplanning Process.

Exhibition boards were also left in Marischal College reception from 2 June until the 13<sup>th</sup> June and the AECC Main Concourse from 14<sup>th</sup> June to 27<sup>th</sup> June.

Over 1000 people attended the various events. Approximately 150 responses were returned at the events. The main issues raised were too much traffic (24%), need for more open/ recreational space, that no further residential should be provided (12%) and good site for housing (9%).

Approximately 600 people attended the September event (11<sup>th</sup> – 13<sup>th</sup> September) over the 3 days. Again letters and postcards were circulated and posters erected in the local libraries, shops and community centres. Comments raised were similar to the previous consultation exercise. With additional comments about public transport links improvements and insufficient schools were raised.

	<p>A final design team led consultation took place from 27<sup>th</sup> to 28<sup>th</sup> March 2015, in the Bon Accord Centre and an unmanned exhibition at Marischal College. The City Centre location was chosen given the higher footfall from previous consultation exercises.</p> <p>A website was also set up as part of the various consultation exercised – <a href="http://www.aeccevolves.com">www.aeccevolves.com</a>.</p> <p>A 6 week Council led consultation was carried out to allow statutory consultees and members of the public to comment on the document. This ran from 25 May – 6 July 2015. Articles were in the paper advertising the consultation process and the documents were also available in the Bridge of Don library, the Central Library and Marischal College. A total of 7 responses were received and will be reported back to CHI committee in October 2015.</p>
<p><b>d- Financial Assessment</b></p> <p>If applicable, state any relevant cost implications or savings expected from the proposal.</p>	<p><b>Costs (£)</b></p> <p>Implementation cost <input data-bbox="1048 1161 1267 1230" type="text" value="£ N/A"/></p> <p>Projected Savings <input data-bbox="1048 1278 1267 1347" type="text" value="£ N/A"/></p>

**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?**

The Development Framework was part of a public consultation where the general public were able to provide comment and input into the process. The proposal for the site will increase the variety of house types in the Bridge of Don area and will provide 25 % affordable housing provision.

This therefore will contribute to the public sector duty by advancing equality of opportunity.

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

The Council's Equality Outcomes relevant to the AECC Bridge of Don, Development Framework are:

Outcome 3 "An accessible city" and Outcome 6 " Housing and Infrastructure which takes into account the different needs of different communities"

The Draft AECC, Bridge of Don Development Framework has been produced in an open, fair and inclusive manner.

The Development Framework was developed in accordance with the Aberdeen Masterplanning Process Supplementary Guidance which considers connection and access for all as a key factor.

The aim of the Development Framework is to provide a series of strategic design and development principles to guide the right and most appropriate forms of development are considered for the area.

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#### 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)
<b>Age</b> (People of all ages)		√		Improved access for a variety of ages.
<b>Disability</b> (Mental, Physical, Sensory and Carers of Disabled people)	√			
<b>Gender Reassignment</b>	√			
<b>Marital Status</b> (Marriage and Civil Partnerships)	√			
<b>Pregnancy and Maternity</b>	√			

## 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)
<b>Race</b> (All Racial Groups including Gypsy/Travellers)	√			
<b>Religion or Belief or Non-belief</b>	√			
<b>Sex</b> (Women and men)	√			
<b>Sexual Orientation</b> (Heterosexual, Lesbian, Gay And Bisexual)	√			
<b>Other</b> (e.g: Poverty)		√		The provision of 25% affordable housing.

## 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:

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

Yes

No

Evidence:

<p><b>Article 6: Right to a fair and public hearing</b></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Evidence:</p>
<p><b>Article 8: Right to respect for private and family life, home and correspondence</b></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Evidence:</p>
<p><b>Article 10: Freedom of expression</b></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Evidence:</p>
<p><b>Article 14: Right not to be subject to discrimination</b></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Evidence:</p>

<p><b>Other article not listed above, please state:</b></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p><b>Evidence:</b></p>
<p align="center"><b>6: Assessment Rating:</b></p>	
<p><b>Please rate the overall equality and human right assessment</b> (Please see Completion terminology)</p>	<p> <input type="checkbox"/> <span style="color: red;">Red</span> <input type="checkbox"/> <span style="color: red;">Red</span> <span style="color: orange;">Amber</span> <input type="checkbox"/> <span style="color: orange;">Amber</span> <input checked="" type="checkbox"/> <span style="color: green;">Green</span> </p>
<p><b>Reason for that rating:</b></p>	<p>The Development Framework does not have any negative impacts and in some areas provides a positive outcome. The Draft Framework sets high level design-led planning guidance which will inform future development through the planning system.</p> <p>The Development Framework is a strategic document, a more detailed document(s) will be produced as part of the planning</p>

	application process.
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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 *The Equality Act 2010* ?**

<b>Identified Risk and to whom:</b>	<b>Recommended Actions:</b>	<b>Responsible Lead:</b>	<b>Completion Date:</b>	<b>Review Date:</b>
N/A				
N/A				
N/A				

<b>8: Sign off</b>				
<b>Completed by (Names and Services) :</b>		Laura Robertson (Senior Planner) - Planning and Sustainable Development.		
<b>Signed off by (Head of Service) :</b>				
<p>Please send an electronic copy of your completed EHRIA - without signatures - together with the proposal document and/or committee report to:</p> <p>Equalities Team  Customer Service and Performance  Corporate Governance  Aberdeen City Council  <b>Business Hub 13</b>  Second Floor North  Marischal College  Broad Street  Aberdeen  AB10 1AB</p>				

### 9: Completion Terminology:

<b>Assessment Pre-screening Rating:</b>	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.
<b>Assessment Rating:</b>	After completing this document, rate the overall assessment as follows: <b>Red:</b> 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. <b>Red Amber:</b> 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. <b>Amber:</b> 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><b>Green:</b> 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>
<b>Equality Data:</b>	<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"> <li>1: Application success rates by <i>Equality Groups</i></li> <li>2: Complaints by <i>Equality Groups</i></li> <li>3: Service usage and withdrawal of services by <i>Equality Groups</i></li> <li>4: Grievances or decisions upheld and dismissed by <i>Equality Groups</i></li> </ol>
<b>Genuine Determining Reason</b>	<p>Certain discrimination may be capable of being justified on the grounds that:</p> <ol style="list-style-type: none"> <li>(i) <i>A genuine determining reason exists</i></li> <li>(ii) <i>The action is proportionate to the legitimate aims of the organisation</i></li> </ol> <p>Where this is identified, it is recommended that professional and legal advice is sought prior to completing an Equality Impact Assessment.</p>
<b>Human Rights</b>	<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>
<b>Legal Status:</b>	<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>