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**Statutory Equality Duties**

**Screening Of New Council Policies**

**(Questionnaire)**

# Screening of New Policies

**Introduction and Guidance Notes**

* 1. Section 75 of the Northern Ireland 1998 (“The Act”) requires the Council in carrying out its functions, powers and duties to have due regard to the need to promote equality of opportunity:
1. between persons of different religious belief, political opinion, racial group, age, marital

 status or sexual orientation;

1. between men and women generally;
2. between persons with disability and persons without;
3. between persons with dependants and persons without.

1.2 In addition, without prejudice to its obligations above, the Council shall in carrying out its functions, powers and duties have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group. The Council supports the principles of good relations: equity, respecting diversity and interdependence, and the development of relationships built on trust and respect.

1.3 As stated in its Equality Scheme, the Council intends to screen all of its policies (formal

 and informal), functions and roles in order to determine which would require a fuller

 equality analysis in the form of an impact assessment.

* 1. This questionnaire is aimed at providing a standardised, systematic approach to the

 screening exercise. A summary of this document will be made available to the Council’s

 consultees and the general public, via the Council’s web-site and in other formats, (upon

 request). This document may also be produced, in full, as part of consultations

 regarding Equality Impact Assessments.

1.5 When the Council is considering a new policy, it will determine whether the policy has the

 potential to have significant implications for equality of opportunity on the Section 75 categories if so will conduct a full equality impact assessment. It will also help to determine if there are opportunities to better promote good relations through tackling prejudice and/ or promoting understanding between the three Section 75 (2) categories, namely persons of different religious belief, political opinion and racial group.

* 1. Where due limited quantitative and/or qualitative research data, it is not possible to establish the ‘significance’ of the equality impact, policies which score positively against any of the screening criteria should be designated for detailed impact assessment.

|  |
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| **Part 1: Policy Scoping**Name of Policy: Street Trading Policy |
| Please tick as appropriate√ **New Policy Revised Policy** **Corporate Policy** **Departmental Policy** If Departmental, please specify which department;  **\_\_** |
| 3a. Please describe the aims of the policy:.**This policy aims to provide a framework for the processing of street trading applications, including the procedures to be followed when determining applications.****3b.** Are there any associated objectives of the policy? If so, what are they?**The policy has been designed to increase consistency and transparency in decision making process; assist in ensuring that applications are dealt with as quickly and fairly as possible; provide clarity and transparency in Council’s decision making process and give prospective applicants an early indication as to whether their application is likely to be granted or not; ensure that Council meets its legal obligations under the act and the Provision of Services Regulations 2009.** |
| re there any Section75 groups which might be expected to benefit from the intended policy? If so, explain how**This policy will be applied universally to all street traders who make application to Council** |
| Who initiated or wrote the policy? **The policy has been developed by the staff within the Health and Community Wellbeing section** |
| Who is responsible for the implementation of the policy?**The Chief Executive has the overall responsibility for this policy – the Director of Health and Community will ensure that relevant staff within the directorate are fully versed to ensure the effective implementation this policy. The Head of Health and Community section is responsible for the operational roll out of this policy,** |
| 7. Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision? If yes, are they  Financial√ Legislative Other, please specify \_\_Accessibility Issues\_\_\_\_\_\_\_\_\_\_\_  |
|  **8.**  Who are the internal/external stakeholders (actual or potential) that the policy will impact upon?√ **Staff**√ **Service Users**√ **Other public sector organisations**  **Voluntary/Community/Trade Unions** **Other, Please specify – \_\_Residents and Visitors to Derry City and Strabane District Council area**√ |
| 9. Is this policy associated with any other Council Policy(s)?Yes No √ If yes, please state the related policy(s) below.**Policy on Licensing Hot Food Vendors for Late Night Trading****Policy on Street Licencing fees****Equality Scheme 2017-2019** |
| **10(a).** How does the policy contribute towards the achievement of the Council’s strategic objectives? This policy feeds into Council’s key responsibilities, specifically to ” **Promoting and protecting the public health and the environment”** |
| 11. How does the Council interface with other bodies in relation to the implementation of this policy?**Council will consult with PSNI and Department of Infrastructure (Roads) – they may also consult with other groups such as Chamber of Commerce, City Centre Initiative, Other Street Trading Licence holders, other business and commercial premise owners in the vicinity**  |

**Available evidence**

Evidence to help inform the screening process may take many forms. Public authorities should ensure that their screening decision is informed by relevant data.

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

|  |  |
| --- | --- |
| **Section 75 category**  | **Details of evidence/information** |
| **Religious belief**  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **LGD** | **All usual residents** | **Catholic** | **Protestant and other Christian** | **Other religions** | **None** |
| **Northern Ireland** | 1,810,863 | 817,385(45.14%) | 875,717(48.36%) | 16,592(0.92%) | 101,169(5.59%) |
| **Derry & Strabane** | 147,720 | 106,600(72.16%) | 37,527(25.40%) | 940(0.64%) | 2,653(1.80%) |

**The breakdown detailing the religious belief profile of residents in the Derry City and Strabane District Council is as follows:****There is no evidence to suggest that Street Trading Policy would impact on this S75 grouping**  |
| **Political opinion**  | **The political opinion of the Council’s elected members is as follows:**

|  |  |
| --- | --- |
| **Political Party** | **Seats Held** |
| Sinn Féin | 11 Seats |
| SDLP |  11 Seats |
| DUP | 7 Seats |
| UUP | 2 Seats |
| Alliance | 2 Seats |
| People Before Profit | 2 Seats |
| Aontú | 1 Seat |
| Independants | 4 Seats |

**This breakdown is taken as an approximate representation of the political opinion of people within the Derry City and Strabane District Council area.** **There is no evidence to suggest that Street Trading Policy would impact on this S75 grouping**  |
| **Racial group**  | **The breakdown detailing the ethnic profile of the residents of the new Council area is as follows:**

|  |  |
| --- | --- |
| **Total Usual Residents**  | **147720** |
| White  | 145546 |
| Chinese | 301 |
| Irish Traveller | 116 |
| Indian | 670 |
| Pakistani | 48 |
| Bangladeshi | 23 |
| Other Asian | 222 |
| Black Caribbean  | 53 |
| Black African | 86 |
| Black Other | 41 |
| Mixed | 462 |
| Other | 163 |

**There is no evidence to suggest that Street Trading Policy would impact on this S75 grouping**  |
| **Age**  | **The age profile of the Derry and Strabane LGD area at Census Day 2011 is as follows:**

|  |  |  |
| --- | --- | --- |
| **Age Profile** | **NI** | **Derry and Strabane**  |
| **0-4** | 124382 | 10259 |
| **5-7** | 67662 | 5653 |
| **8-9** | 43625 | 3858 |
| **10-14** | 119034 | 10904 |
| **15** | 24620 | 2363 |
| **16-17** | 51440 | 4729 |
| **18-19** | 50181 | 4443 |
| **20-24** | 126013 | 10399 |
| **25-29** | 124099 | 10481 |
| **30-44** | 373947 | 30635 |
| **45-59** | 347850 | 28082 |
| **60-64** | 94290 | 7475 |
| **65-74** | 145600 | 10775 |
| **75-84** | 86724 | 5876 |
| **85-89** | 21165 | 1217 |
| **90+** | 10231 | 571 |

**Statutory legislation provides an age limit for applicants and consent holders which is a minimum of 17 years of age. In addition no person below the age of 16 years shall be employed. There is no upper age limit.** **Factors such as limited street width or reduced access for people with pushchairs, mobility or shopping trollies could restrict access or cause a danger. These issues will be considered when an application is determined.** |
| **Marital status**  | **The table below illustrates the marital status profile of the Derry and Strabane LGD:**

|  |  |  |
| --- | --- | --- |
| **Marital Status** | **Derry and Strabane LGD** | **NI** |
| All usual residents: Aged 16+ years | **83663** | **1431540** |
| Single (never married or never registered a same-sex civil partnership): Aged 16+ years | **46326** (40.39%) | **517393** (36.14%) |
| Married: Aged 16+ years | **49218** (42.92%) | **680831**(47.56%) |
| In a registered same-sex civil p’ship: Aged 16+ years | **93**(0.08%) | **1243**(0.09%) |
| Separated (but still legally married or still legally in a same-sex civil p’ship): Aged 16+ years | **5886**(5.13%) | **56911**(3.98%) |
| Divorced or formerly in a same-sex civil partnership which is now legally dissolved:  | **6179**(5.39%) | **78074**(5.45%) |
| Widowed or surviving partner from a same-sex civil partnership: Aged 16+ years | **6981**(6.09%) | **97088**(6.78%) |

**There is no evidence to suggest that Street Trading Policy would impact on this S75 grouping**  |
| **Sexual orientation** | **Analysis of the Census 2011 indicates that between 2% and 10% of the population may be lesbian, gay or bisexual.** **There are no official statistics in relation to the number of gay, lesbian or bisexual people in Northern Ireland. However, research conducted by the HM Treasury shows that between 5% - 7% of the UK population identify themselves as gay, lesbian, bisexual or ´trans´ (transsexual, transgendered and transvestites) (LGBT). This is a sizeable proportion of the population here in Northern Ireland.****There is no evidence to suggest that Street Trading Policy would impact on this S75 grouping**  |
| **Men and women generally** | **The gender profile for the Derry and Strabane LGD is as follows:**

|  |  |  |
| --- | --- | --- |
| **LGD** | **Male** | **Female** |
| Northern Ireland | 887323 | 923540 |
| Derry and Strabane LGD | 72475 | 75245 |

**There is no evidence to suggest that Street Trading Policy would impact on this S75 grouping** There is no evidence to suggest that Street Trading Policy wouldouping  |
| **Disability** | * **According to the 2011 Census 22.95% of people in the Derry and Strabane LGD have a long-term health problem or disability that limits their day-to-day activities;**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **LGD** | **All usual residents** | **Long-term health problem or disability: Day-to-day activities** **limited a lot** | **Long-term health problem or disability: Day-to-day activities limited a little** | **Long-term health problem or disability: Day-to-day activities not limited** |
| **Northern Ireland** | 1810863 | 215232(11.89%) | 159414(8.8%) |  1436217(79.31%) |
| **Derry and Strabane** | 147720 | 20710(14.02%) | 13193(8.93%) | 113817(77.05%) |

The **If a street is re-designated as a street where trading can take place applicants will be required to apply for consent. Factors such as limited street width or reduced access for wheelchair users could restrict access or cause a danger for disabled people. food waste and food packaging which is not disposed of with care can cause trip hazards, which are problematic for everyone but can be particularly detrimental for disabled people. These issues will be considered when an application is determined.** |
| **Dependant** | * **According to the 2011 Census 37.65% of households in the Derry and Strabane LGD have a dependants as compared to the Northern Ireland average of 33.85% households;**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | All households | Married or in a registered same-sex civil partnership couple: Dependent children | Cohabiting couple: Dependent children | Lone parent: Dependent children | With dependent children |
| Northern Ireland | 703275 | 138677(19.72%) | 16186(2.3%) | 64228(9.13% | 18980(2.7%) |
| Derry & Strabane | 55596 | 10370(18.65%) | 1097(1.97%) | 7284(13.1%) | 2187(3.93%) |

**When the application is determined a number of factors are considered including public safety and access to a site as specified in the existing Street trading policy. Permission would not be granted where street trading would limit street width or reduce access for people with pushchairs.** |

**Needs, experiences and priorities**

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision? Specify details for each of the Section 75 categories

|  |  |
| --- | --- |
| **Section 75 category**  | **Details of needs/experiences/priorities** |
| **Religious belief**  |  |
| **Political opinion**  |  |
| **Racial group**  | **Council recognises the increasing diversity of the community it operates in and the fact that information may need to be provided in different formats. This provision will be dealt with as per Council’s Code of Practice on Producing Information.** |
| **Age**  | **Accessibility requirements for older people and people with children in pushchairs must be taken into account when considering street trading applications** |
| **Marital status**  |  |
| **Sexual orientation** |  |
| **Men and women generally** |  |
| **Disability** | **Accessibility requirements for people with a disability must be taken into account when considering street trading applications** |
| **Dependants** | **Accessibility requirements for carers who may have dependants in wheelchairs or pushchairs must be taken into account when considering street trading applications** |

**Part 2: Screening questions**

**Introduction**

**Equality of Opportunity**

In making a decision as to whether or not there is a need to carry out an equality impact assessment, the public authority should consider its answers to the questions 1 and 2.

If the public authority’s conclusion is **none** in respect of all of the Section 75 equality of opportunity categories, then the public authority may decide to screen the policy out. If a policy is ‘screened out’ as having no relevance to equality of opportunity, a public authority should give details of the reasons for the decision taken.

If the public authority’s conclusion is **major** in respect of one or more of the Section 75 equality of opportunity categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

If the public authority’s conclusion is **minor** in respect of one or more of the Section 75 equality categories categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

* measures to mitigate the adverse impact; or
* the introduction of an alternative policy to better promote equality of opportunity.

**In favour of a ‘major’ impact**

1. The policy is significant in terms of its strategic importance;
2. Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;
3. Potential equality impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;
4. Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;
5. The policy is likely to be challenged by way of judicial review;
6. The policy is significant in terms of expenditure.

**In favour of ‘minor’ impact**

1. The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
2. The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;
3. Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
4. By amending the policy there are better opportunities to better promote equality of opportunity.

**In favour of none**

The policy has no relevance to equality of opportunity.

1. The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity for people within the equality categories.

Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity for those affected by this policy, in any way, for each of the equality categories, by applying the screening questions given overleaf and indicate the level of impact on the group i.e. minor, major or none.

**Good Relations and Disability Duties**

In relation to the policy under consideration, if the answer to the screening questions 3 to 5 set out in the screening template a designated working group will:

* Consider the potential opportunities to promote good relations (Q3)
* Consider the potential opportunities to promote positive attitudes towards people with a disability (Q4)
* Consider the potential opportunities to encourage participation by disabled people in public life.

The group will collate all available evidence and consult with relevant stakeholders as part of its consideration, where this consultation is proportionate, relevant and enhances decision-making.

Completion of the screening template will take the Group’s consideration into account together with relevant evidence.

**Screening questions**

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| 1. **What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? minor/major/none**
 |
| **Section 75 category** | **Details of policy impact** | **Level of impact? minor/major/none** |
| **Religious belief** | All street trading applications will be assessed as per Council policy regardless of Section 75 category | None |
| **Political opinion**  | All street trading applications will be assessed as per Council policy regardless of Section 75 category | None |
| **Racial group**  | All street trading applications will be assessed as per Council policy regardless of Section 75 category | None |
| **Age** | All street trading applications will be assessed as per Council policy regardless of Section 75 category | None |
| **Marital status**  | All street trading applications will be assessed as per Council policy regardless of Section 75 category | None |
| **Sexual orientation** | All street trading applications will be assessed as per Council policy regardless of Section 75 category | None |
| **Men and women generally**  | All street trading applications will be assessed as per Council policy regardless of Section 75 category | None |
| **Disability** | All street trading applications will be assessed as per Council policy regardless of Section 75 category | None |
| **Dependants**  | All street trading applications will be assessed as per Council policy regardless of Section 75 category | None |
| 1. **Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?**
 |
| **Section 75 category**  | If **Yes**, provide details  | If **No**, provide reasons |
| **Religious belief** |  | No – This policy will be applied universally |
| **Political opinion**  |  | No – This policy will be applied universally |
| **Racial group**  |  | No – This policy will be applied universally |
| **Age** |  | No – This policy will be applied universally |
| **Marital status** |  | No – This policy will be applied universally |
| **Sexual orientation** |  | No – This policy will be applied universally |
| **Men and women generally**  |  | No – This policy will be applied universally |
| **Disability** |  | No – This policy will be applied universally |
|  **Dependants** |  | No – This policy will be applied universally |

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| **3.** **Are there opportunities to better promote good relations between Section 75 equality categories through tackling prejudice and/or promoting understanding?** $$√$$ **Yes No****If Yes, the policy will be considered by a Designated Working Group**  |
| **Section 75 category**  | **Details of opportunities identified (including details of consultation with relevant stakeholders)** |
| **Religious belief** |  |
| **Political opinion**  |  |
| **Racial group**  |  |

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| **4. Is there evidence to suggest that this policy would promote positive attitudes towards people with a disability?** |
| **If Yes, provide details**  | **If No, provide reasons** |
|  | No – however consideration will be given to needs of people with a disability when assessing all street trading applications |
| **5. Is there evidence to suggest that this policy would encourage the participation of people with a disability in public life?** |
| **If Yes, provide details**  | **If No, provide reasons** |
|  | No – this policy will be applied universally regardless of Section 75 category. |

**Additional considerations**

**Multiple identity**

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities?

(*For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).*

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.

**Part 3. Screening decision**

If the decision is not to conduct an equality impact assessment, please provide details of the reasons.

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| Every decision will be made on a case by case basis and when considering applications Licensing Officers will assess all relevant positive and negative impacts of allowing street trading to take place and take all factors into account. Licensing officers will ensure unencumbered access for all (pedestrians, wheelchair users or people with pushchairs) when discussing licensing agreements. |

If the decision is not to conduct an equality impact assessment the public authority should consider if the policy should be mitigated or an alternative policy be introduced. Please provide details

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If the decision is to subject the policy to an equality impact assessment, please provide details of the reasons.

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**Part 4: Mitigation**

When the public authority concludes that the likely impact is ‘minor’ and an equality impact assessment is not to be conducted, the public authority may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or better promote good relations.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or to better promote good relations through tackling prejudice and/ or promoting understanding between the three Section 75 (2) categories, namely persons of different religious belief, political opinion and racial groups?

If so, give the **reasons** to support your decision, together with the proposed changes/amendments or alternative policy.

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**Part 5 - Approval and authorisation**

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| --- | --- | --- |
| **Screened by:**  | **Position/Job Title**  | **Date** |
|  |  |  |
| **Approved by:** |  |  |
|  |  |  |

Note: A copy of the Screening Template, for each policy screened should be ‘signed off’ and approved by a senior manager responsible for the policy, made easily accessible on the public authority’s website as soon as possible following completion and made available on request.