

## DEPARTMENT FOR INFRASTRUCTURE

### SECTION 75 EQUALITY OF OPPORTUNITY SCREENING ANALYSIS FORM

The purpose of this form is to help you to consider whether a new policy (either internal or external) or legislation will require a full equality impact assessment (EQIA). Those policies identified as having significant implications for equality of opportunity must be subject to full EQIA.

The form will provide a record of the factors taken into account if a policy is screened out, or excluded for EQIA. It will provide a basis for quarterly consultation on the outcome of the screening exercise, and will be referenced in the biannual review of progress made to the Minister and in the Annual Report to the Equality Commission.

Further advice on completion of this form and the screening process including relevant contact information can be accessed via the Department for Infrastructure (DfI) Intranet site.

### HUMAN RIGHTS ACT

When considering the impact of this policy you should also consider if there would be any Human Rights implications. Guidance is at:

- <https://www.executiveoffice-ni.gov.uk/articles/human-rights-and-public-authorities>

Should this be appropriate you will need to complete a Human Rights Impact Assessment. A template is at:

- <https://www.executiveoffice-ni.gov.uk/publications/human-rights-impact-assessment-proforma>

**Don't forget to Rural Proof.**

## Part 1. Policy scoping

The first stage of the screening process involves scoping the policy under consideration. The purpose of policy scoping is to help prepare the background and context and set out the aims and objectives for the policy, being screened. At this stage, scoping the policy will help identify potential constraints as well as opportunities and will help the policy maker work through the screening process on a step by step basis.

Public authorities should remember that the Section 75 statutory duties apply to internal policies (relating to people who work for the authority), as well as external policies (relating to those who are, or could be, served by the authority).

### Information about the policy

<b>Name of the policy</b> Model Licence Conditions 2019
<b>Is this an existing, revised or a new policy?</b> Revision to Existing policy
<b>What is it trying to achieve? (intended aims/outcomes)</b> These conditions revise and update the Model Licence Conditions for Caravan Sites 1992 <b>and</b> Model Licence Conditions Residential Caravan Sites 1994 and apply to all caravan sites: <ul style="list-style-type: none"><li>• permanent residential caravan sites;</li><li>• holiday caravan sites;</li><li>• touring caravan sites; and</li><li>• Traveller or Roma sites.</li></ul>
<b>Are there any Section 75 categories which might be expected to benefit from the intended policy?</b> No <b>If so, explain how.</b>
<b>Who initiated or wrote the policy?</b> The former Department of the Environment
<b>Who owns and who implements the policy?</b> The Department for Infrastructure
<b>Background</b> The development of caravan sites, including residential sites and their physical standards are controlled through planning permission granted for the use of land as a caravan site and the site licensing system under the Caravans Act (NI) 1963. The licensing system is administered by district councils who are responsible for issuing and enforcing site licences. The Department has a role in providing:-

- “exemption certificates” from the requirement to hold a site licence e.g. to touring caravan organisations; and
- Model Licence Conditions regulating the layout and provision of facilities, services and equipment for caravan sites including water supply, electricity and fire points. The former Department of the Environment published Model Licence Conditions in 1992 (for holiday caravan sites) and in 1994 (for residential caravan sites). The 1994 Model Licence Conditions apply to Traveller caravan sites, whether transit, or serviced.

In drawing up the conditions which will attach to any licence, councils must have regard to the Model Licence Conditions.

In March 2018 the Northern Ireland Human Rights Commission published its ‘Out of Sight, Out of Mind: Travellers’ Accommodation in NI’ investigation report. The report highlighted a range of issues including some misunderstanding in respect of site licences for Traveller sites and the application of model site licence conditions. The report contained the recommendation that the Department “review the legal and policy framework concerning site licences. This should include the development of a model site licence setting out the minimum standard of provision and safety requirements for each type of Travellers site in NI, along with enforcement powers for any breach”.

DfI reviewed the legal and policy framework seeking views from the Department for Communities, local councils, Rivers, NI Water, Health and Safety Executive (NI) and NI Fire and Rescue Service.

The review found that the 1963 legislation is fundamentally sound. However, it was noted that there was a need to revise and update caravan Model Licence Conditions by bringing forward model conditions which apply to all caravan sites. For further clarity the Department has included Explanatory Notes which will provide guidance on applicability and enforcement.

The publishing of the revised and updated Model Licence Conditions does not constitute a change in policy but is a reiteration of existing policy that all caravan sites, including Traveller/Roma sites, require a site licence that must have regard to the Model Licence Conditions.

Consultation on the draft Model Licence Conditions commenced on 31 May 2019:

<https://www.infrastructure-ni.gov.uk/consultations/draft-model-licence-conditions-2019-caravan-sites>

### Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision? No

If yes, are they

financial

legislative

other, please specify \_\_\_\_\_

### Main stakeholders affected

Who are the internal and 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

### Other policies with a bearing on this policy

• what are they?

• who owns them?

## 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.

<b>Section 75 category</b>	<b>Details of evidence/ information</b>
Religious belief	<p>The Department does not envisage or consider that there are likely to be any specific negative impacts associated with this policy as the revised/updated Guidance will be applicable to all caravan sites</p> <p>Any issues identified during consultation relating to this Section 75 group will be fully considered.</p>
Political opinion	As above
Racial group	<p>The Northern Ireland Human Rights Commission's report 'Out of Sight, Out of Mind: Travellers' Accommodation in NI' 2018 highlighted a range of issues including some misunderstanding in respect of site licences for Traveller sites and the application of model site licence conditions.</p> <p>DfI reviewed the legal and policy framework seeking views from the Department for Communities, local councils, Rivers, NI Water, Health and Safety Executive (NI) and NI Fire and Rescue Service. It was noted that there was a need to revise and update caravan Model Licence Conditions by bringing forward model conditions which apply to all caravan sites.</p> <p>The revised/updated Explanatory Notes provide further clarity on applicability and enforcement of site licences.</p>
Age	As above
Marital status	As above

Sexual orientation	As above
Men and women generally	As above
Disability	As above
Dependants	As above

## 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	No specific needs have been identified for this Group as the revised/updated Guidance will be applicable to all caravan sites. The revised Explanatory Notes provide further clarity on applicability and enforcement of site licences.
Political opinion	As above
Racial group	<p>The Model Licence Conditions regulate the layout and provision of facilities, services, and equipment for caravan sites including water supply, electricity, and fire points.</p> <p>All caravan sites, including Traveller/Roma sites, require a site licence that must have regard to the Model Licence Conditions.</p> <p>The Model Licence Conditions set out the minimum standard of provision and safety requirements for each type of Travellers site (and other types) in NI, along with enforcement powers for any breach.</p> <p>The revised Explanatory Notes provide further clarity on applicability and enforcement of site licences.</p>
Age	As above.
Marital status	As above
Sexual orientation	As above
Men and women generally	As above
Disability	As above
Dependants	As above

## Part 2. Screening questions

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	None identified. The Model Licence Conditions 2019 will apply to all caravan sites.	None
Political opinion	As above	As above
Racial group	<p>The Model Licence Conditions regulate the layout and provision of facilities, services, and equipment for caravan sites including water supply, electricity, and fire points.</p> <p>All caravan sites, including Traveller/Roma sites, require a site licence that must have regard to these Conditions.</p> <p>The revised Explanatory Notes provide further clarity on applicability and enforcement of site licences.</p> <p>While no evidence is available of any impact the clarity provided has the potential to ensure that all sites including Travellers sites meet updated and revised conditions.</p>	Minor.
Age	As above	As above
Marital status	As above	As above
Sexual orientation	As above	As above
Men and women generally	As above	As above
Disability	As above	As above
Dependants	As above	As above



2 Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?		
Section 75 category	If <b>Yes</b> , provide details	If <b>No</b> , provide reasons
Religious belief		The Model Licence Conditions 2019 will apply to all caravan sites. No evidence is available of any opportunity to better promote equality of opportunity within this Section 75 group.
Political opinion		As above
Racial group		As above. The Model Licence Conditions 2019 will apply to all caravan sites. While no evidence is available of any opportunity to better promote equality of opportunity it is possible that the clarity provided has the potential to ensure that all sites including Travellers sites meet updated and revised conditions
Age		As above
Marital status		As above
Sexual orientation		As above
Men and women generally		As above
Disability		As above
Dependants		As above

3 To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group? minor/major/none		
Good relations category	Details of policy impact	Level of impact minor/major/none
Religious belief	The Model Licence Conditions 2019 will apply to all caravan sites. There is no evidence of an impact on good relations within this Section 75 category.	None
Political opinion	As above	As above
Racial group	As above	As above

4 Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?		
Good relations category	If <b>Yes</b> , provide details	If <b>No</b> , provide reasons
Religious belief		The Model Licence Conditions 2019 will apply to all caravan sites. There are no identified opportunities to promote good relations within this Section 75 category.
Political opinion		As above.
Racial group		As above.

## 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*).

There is no evidence that the policy has any impact on people with multiple identities.

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.

The Department does not envisage or consider that there are likely to be any specific negative impacts associated with this policy. The Model Licence Conditions 2019 will apply to all caravan sites. There is no evidence that the Model Licence Conditions 2019 have any impact in terms of equality of opportunity or good relations.

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.

As above

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

N/A

All public authorities' equality schemes must state the authority's arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity. The Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on equality impact assessment may be found in a separate Commission publication: Practical Guidance on Equality Impact Assessment.

## 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 good relations.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

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

N/A

## Timetabling and prioritising

Factors to be considered in timetabling and prioritising policies for equality impact assessment.

If the policy has been ‘**screened in**’ for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Priority criterion	Rating (1-3)
Effect on equality of opportunity and good relations	
Social need	
Effect on people’s daily lives	
Relevance to a public authority’s functions	

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the public authority in timetabling. Details of the Public Authority’s Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

Is the policy affected by timetables established by other relevant public authorities?

If yes, please provide details

## Part 4. Monitoring

Public authorities should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).

The Commission recommends that where the policy has been amended or an alternative policy introduced, the public authority should monitor more broadly than for adverse impact (See Benefits, P.9-10, paras 2.13 – 2.20 of the Monitoring Guidance).

Effective monitoring will help the public authority identify any future adverse impact arising from the policy which may lead the public authority to conduct an equality impact assessment, as well as help with future planning and policy development.

## Part 5 - Approval and authorisation

<b>Screened by:</b>	<b>Position/Job Title:</b>	<b>Date:</b>
David Doherty	DP	29/05/2019
<b>Approved by:</b>		
Irene Kennedy	Grade 7	29/05/2019

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.

### For Equality Team Completion:

<b>Date received:</b>	31 May 2019
<b>Amendments requested?</b>	Yes.
<b>Date returned to Business Area:</b>	31 May 2019
<b>Date final version received:</b>	3 June 2019
<b>Date placed on S75 Screening Webpage:</b>	7 June 2019