

Equalities and Human Rights Impact Assessment

Section 270B of the Town and Country Planning (Scotland) Act 1997, as amended, requires planning authorities to “*perform their functions...in a manner which encourages equal opportunities*”. This complements a range of legislation which applies to public and private sector organisations to underpin equal opportunities and human rights.

This Equalities and Human Rights Impact Assessment assesses the Proposed Aberdeen City and Shire Strategic Development Plan to help ensure that the Plan does not discriminate and that, where possible, opportunities are taken to promote equality, as well as all other human rights and good relations between groups.

The extant Aberdeen City and Shire Strategic Development Plan 2014 also went through an Equalities and Human Rights Assessment, so this assessment builds on that experience.

All Equalities and Human Rights Assessments involve three stages:

1. Assessing the impact of proposed or existing policies or functions on different equalities groups including collecting and analysing relevant data;
2. Consulting people who are likely to be affected by the policies; and
3. Reviewing and revising the policies in the light of the consultation and assessment.

An Equalities and Human Rights Assessment involves thinking through the potential consequences of policies and functions on both the identified equality target groups and society at large, making sure that as far as possible, any negative impacts are minimised or eliminated and that opportunities for promoting equality and respect for all other human rights are maximised.

The assessment follows the process adopted by Aberdeen City Council.

1:Equality and Human Rights Impact Assessment- Essential Information

<p>Name of Function: Proposed Aberdeen City & Shire Strategic Development Plan</p>	<p>Date of Assessment: 06 July 2018</p>
<p>Service: Strategic Place Planning (Aberdeen City) Planning & Building Standards (Aberdeenshire Council)</p>	<p>Directorate: Place (Aberdeen City Council) Infrastructure Services (Aberdeenshire Council)</p>
<p>Committee Name or delegated power reference</p> <p>Aberdeen City & Shire Strategic Development Planning Authority</p> <p>Aberdeen City Council - Full Council</p> <p>Aberdeenshire Council - Full Council</p>	<p>Date of Committee:</p> <p>Aberdeen City & Shire Strategic Development Planning Authority – 24th August 2018</p> <p>Aberdeen City - Full Council - 10th September 2018</p> <p>Aberdeenshire - Full Council - 27th September 2018</p>
<p>Who does this function affect?</p> <p>Please Tick ✓</p>	<p>Employees <input checked="" type="checkbox"/></p> <p>Job Applicants <input type="checkbox"/></p> <p>Service Users <input checked="" type="checkbox"/></p> <p>Members of the Public <input checked="" type="checkbox"/></p>

	Other (List below) <input type="checkbox"/>
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2: Equality and Human Rights Impact Assessment- Pre-screening

Yes, an Equality and Human Rights Impact Assessment is required.

3: Equality and Human Rights Impact Assessment

a- What are the aims and intended effects of this function?	To guide the future development of the Aberdeen City Region over the period to 2040 in such a way that it becomes more prosperous, sustainable and inclusive.
b- What equality and human rights data is available in relation to this function?	<p>The Proposed Strategic Development Plan promotes the need to help create sustainable, mixed and inclusive communities, with the associated services, facilities and infrastructure that this will require. This will help to create better places which everyone will benefit from.</p> <p>No Human Rights should be negatively infringed by the Proposed Strategic Development Plan.</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.

The Proposed Plan is a major step in the preparation of the next Aberdeen City and Shire Strategic Development Plan which, once adopted, will replace the current Strategic Development Plan, approved in by Scottish Ministers in 2014.

The Proposed Plan is informed by a consultation period on an earlier Main Issues Report, which invited all interested groups and individuals to make their views known. A 10 week period of public consultation will be undertaken on the content of the Proposed Plan itself, and this will enable interested individuals and groups the opportunity to make representations on the Spatial Strategy and policy issues affecting the future of the City Region.

d- Financial Assessment

If applicable, state any relevant cost implications or savings expected from the function.

Costs (£)

Implementation cost £

Projected Savings £

e- How does this function contribute to the public sector equality duty: to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations?

The Proposed Strategic Development Plan should not have any adverse negative impacts on people with protected characteristics. The Proposed Plan helps to meet the needs of different people groups, in this case, the needs of the citizens of Aberdeen City and Aberdeenshire. All consultation activities will be advertised locally, including via newspapers and on social media. The Proposed Plan will help to promote greater understanding and good relations between Council employees, and promote relationships between the two Councils. This will benefit Service Plans across both Local Authorities.

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

The Proposed Strategic Development Plan will inform the next Local Development Plans for both Aberdeen City and Aberdeenshire Councils. The Local Development Plan will ensure that development is in the right place, is efficient and makes the best use of existing infrastructure capacity. Both the Strategic Development Plan and the Local Development Plans involve consultations with members of the public, which will provide a platform for people to have a say.

This specifically links with the following Generic Equality Outcomes: E.O.1, E.O.3, E.O.6, E.O.7, E.O.8 and E.O.9.

4: EQUALITY IMPACT ASSESSMENT – TEST

What impact will implementing this function 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 the impact and, if applicable, justification where a genuine determining reason exists.
Age (People of all ages)		✓		The Proposed Strategic Development Plan promotes the need to help create sustainable, mixed and inclusive communities, with the associated services, facilities and infrastructure that this will require.
Disability (Mental, Physical, Sensory and Carers of Disabled people)		✓		The Proposed Strategic Development Plan promotes the need to help create sustainable, mixed and inclusive communities, with the associated services, facilities and infrastructure that this will require.
Gender Reassignment	✓			The Proposed Strategic Development Plan is expected to have no impact on gender reassignment.
Marital Status (Marriage and Civil Partnerships)	✓			The Proposed Strategic Development Plan is expected to have no impact on marital status.
Pregnancy and Maternity	✓			The Proposed Strategic Development Plan is expected to have no impact on pregnancy or maternity.

Race (All Racial Groups including Gypsy/Travellers)	✓			The Proposed Strategic Development Plan is expected to have limited impact on race, however the Plan does recognise the specific housing needs of gypsies and travellers and also promotes the need for improved quality of life and life chances in regeneration areas.
Religion or Belief or Non-belief	✓			The Proposed Strategic Development Plan is expected to have no impact on religious / non-religious beliefs.
Sex (Women and men)	✓			The Proposed Strategic Development Plan is expected to have no impact on sex.
Sexual Orientation (Heterosexual, Lesbian, Gay And Bisexual)	✓			The Proposed Strategic Development Plan is expected to have no impact on sexual orientation.
Other (e.g.: Poverty)	✓			The Proposed Strategic Development Plan recognises the need for affordable housing, for example for low income groups / young people / people with families / single people. The Plan encourages economic growth which will increase employment opportunities. The Plan promotes regeneration which will increase the quality of life and life chances in these areas.

			<p><u>Fairer Scotland Duty</u></p> <p>The Fairer Scotland Duty, Part 1 of the Equality Act 2010, came into force on 1 April 2018. It places a legal responsibility on particular public bodies in Scotland to actively consider ('pay due regard' to) how they can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions.</p> <p>To fulfil their obligations under the Duty, public bodies must be able to meet key requirements in each case:</p> <ul style="list-style-type: none"> • to actively consider how they could reduce inequalities of outcome in any major strategic decision they make; and • to publish a written assessment, showing how they've done this. <p>The Proposed Strategic Development Plan is a spatial, land use plans which is primarily about place, and the delivery of high quality outcomes. The Proposed Plan promotes good placemaking and is a vital document to the success and sustainability of the City Region.</p> <p>The Proposed Plan has been prepared following a period of public consultation on the 'Main Issues' likely to affect the City Region over the next 20 years.</p> <p>The Proposed Plan includes a Vision which takes into account the principal economic and social characteristics of the area, in addition to physical and environmental characteristics. A key</p>
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				<p>part of the Vision is that both Councils will have worked to create a more open, inclusive society by 2040.</p> <p>In addition, a key Aim of the Proposed Plan is to make sure the area has enough homes and job opportunities to support the level of services and facilities needed to maintain and improve quality of life. Another key Aim is the provision of sustainable mixed communities, which meet the highest standards of placemaking and will cater for the needs of the whole population.</p> <p>Part of the Spatial Strategy of the Proposed Plan includes the designation of Regeneration Priority Areas (Banff, Macduff, Fraserburgh and Peterhead). Although these areas all have their own individual priorities, common themes across all are to diversify and grow the economy, build on local community spirit and enhance feelings of a distinctive place, and to work together to become better connected destinations.</p> <p>A specific object of the Proposed Plan in relation to Communities is to make sure that new development meets the needs of the whole community, both now and in the future, and makes the City Region a more attractive and sustainable place for residents and businesses to remain, grow and relocate to. Providing affordable housing is critical to delivering sustainable mixed communities and the Proposed Plan sets out Housing Supply Targets and Housing Land Requirements in this context.</p>
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5: HUMAN RIGHTS IMPACT ASSESSMENT – TEST

Does this function have the potential to impact on an individual’s Human Rights? Evidence of impact and, if applicable, justification where the impact is proportionate should be provided. The particular function should be lawful, necessary and proportionate.

Proportionality: The principle of proportionality in human rights law means that when undertaking any function that interferes with a Convention right, a public authority must interfere with that right as little as possible, only going as far as is necessary to achieve the desired aim.

Any interference with a Convention right should be carefully designed to meet the objective in question and must not be arbitrary or unfair. Do not “use a sledgehammer to crack a nut”.

ARTICLES	EVIDENCE
Article 2: Right to life Yes <u>No</u>	N/A
Article 3: Right not to be subjected to torture, inhumane or degrading treatment or punishment Yes <u>No</u>	N/A
Article 4: Prohibition of slavery and forced labour Yes <u>No</u>	N/A

Article 5: Right to liberty and security Yes <u>No</u>	N/A
Article 6: Right to a fair and public hearing Yes <u>No</u>	N/A
Article 7: No punishment without law Yes <u>No</u>	N/A
Article 8: Right to respect for private and family life, home and correspondence Yes <u>No</u>	N/A
Article 9: Freedom of thought, conscience and religion Yes <u>No</u>	N/A
Article 10: Freedom of expression Yes <u>No</u>	N/A
Article 11: Freedom of assembly and association Yes <u>No</u>	N/A

Article 12: Right to marry and to found a family Yes <u>No</u>	N/A
Article 14: Right not to be subject to discrimination Yes <u>No</u>	N/A
Article 1 of Protocol 1: Protection of property Yes <u>No</u>	N/A
Article 2 of Protocol 1: Right to education Yes <u>No</u>	N/A
Article 3 of Protocol 1: Right to free elections Yes <u>No</u>	N/A

6- EHRIA Summary	
Report Title	Proposed Aberdeen City & Aberdeenshire Strategic Development Plan
Assessment Rating	<p>RED - <input type="checkbox"/></p> <p>RED AMBER - <input type="checkbox"/></p> <p>AMBER - <input type="checkbox"/></p> <p>GREEN - <input checked="" type="checkbox"/></p>
Assessment not required	N/A – assessment completed.
Assessment completed	<p>As a result of completing this assessment, detail the actions proposed to remove or reduce any risks of adverse outcomes which were identified at Section 7 below.</p> <p>N/A</p>
Review of function impact	<p>Assessing impact does not end with the introduction of new or revised functions. Assessment of impact should be considered as ongoing, to monitor the actual impact of the function.</p> <p>The following timescales are suggested to review ongoing functions dependent on their respective assessment rating:</p> <p>RED – 12 months</p> <p>RED AMBER – 18 months</p> <p>AMBER – 24 months</p>

	GREEN – 36 months			
7- Action Planning				
Identified Risk and to whom:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:
Non-identified	N/A	N/A	N/A	N/A

8 - Sign off	
Completed by (Names and Services) :	Claire McArthur, Team Leader (Acting), Aberdeen City & Shire Strategic Development Planning Authority
Signed off by (Head of Service) :	Gale Beattie, Chief Officer – Strategic Place Planning, Aberdeen City Council Robert Gray, Head of Planning & Building Standards, Aberdeenshire Council
<p>Only sections 6, 7 and 8 will be attached to the committee report</p> <p>The full EHRIA will be published on Aberdeen City Council's website under http://www.aberdeencity.gov.uk/xeq_EHRIA_Search.asp</p> <p>Please send an electronic format of the full EHRIA without signature to: SHoward@aberdeencity.gov.uk</p>	