

# EQUALITY IMPACT ASSESSMENT (EQIA): SCREENING FORM

Introduction to the EQIA screening process

A successful EQIA screening will look at 5 key areas:

**1. Identify the Policy, Project, Service Reform or Budget Option to be assessed**

A clear definition of what is being screened and its aims

**2. Gathering Evidence & Stakeholder Engagement**

Collect data to evidence the type of barriers people face to accessing services (research, consultations, complaints and/or consult with equality groups)

**3. Assessment & Differential Impacts**

Reaching an informed decision on whether or not there is a differential impact on equality groups, and at what level

**4. Outcomes, Action & Public Reporting**

Develop an action plan to make changes where a negative impact has been assessed. Ensure that both the assessment outcomes and the actions taken to address negative impacts are publically reported

**5. Monitoring, Evaluation & Review**

Stating how you will monitor and evaluate the **Policy, Project, Service Reform or Budget Option** to ensure that you are continuing to achieve the expected outcomes for all groups.

**1. IDENTIFY THE POLICY, PROJECT, SERVICE REFORM OR BUDGET OPTION:**

a) Name of the Policy, Project, Service Reform or Budget Option to be screened

Licensing of Short Term Lets ("STL")

b) Reason for Change in Policy or Policy Development

The Scottish Government brought into force The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 on 1 March 2022. This 2022 Order introduced a mandatory licensing scheme for STL, which requires all STL to be licensed by 1 April 2024. Prior to the introduction of the 2022 Order, there was no requirement to licence STL in Scotland. The 2022 Order provides for changes to be made to the 1982 Act to reflect this new STL licence being introduced.

c) List main outcome focus and supporting activities of the Policy, Project, Service Reform or Budget Option

The main outcome is for the Licensing and Regulatory Committee to determine the content of the Short Term Lets policy, which should include temporary exemptions, licence renewal duration, maximum occupancy calculation, consultees, so that a policy can be published prior to 1 October 2022 (the statutory date that the Licensing Authority must be able to receive STL licence applications).

d) Name of officer completing assessment (signed and date)

Gillian McNaught 8.9.22

e) Assessment Verified by (signed and date)

Mairi Millar 9.9.22

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## 2. GATHERING EVIDENCE & STAKEHOLDER ENGAGEMENT

The best approach to find out if a policy, etc is likely to impact positively or negatively on equality groups is to look at existing research, previous consultation recommendations, studies or consult with representatives of those groups. You should list below any data, consultations (previous relevant or future planned), or any relevant research or analysis that supports the Policy, Project, Service Reform or Budget Option being undertaken.

<p>Please name any research, data, consultation or studies referred to for this assessment:</p>	<p>Please state if this reference refers to one or more of the protected characteristics:</p> <ul style="list-style-type: none"> <li>➤ age</li> <li>➤ disability,</li> <li>➤ race and/or ethnicity,</li> <li>➤ religion or belief (including lack of belief),</li> <li>➤ gender,</li> <li>➤ gender reassignment,</li> <li>➤ sexual orientation</li> <li>➤ marriage and civil partnership,</li> <li>➤ pregnancy and maternity,</li> </ul>	<p>Do you intend to set up your own consultation? If so, please list the main issues that you wish to address if the consultation is planned; or if consultation has been completed, please note the outcome(s) of consultation.</p>
<p>While the Licensing and Regulatory Committee recognises it is a legal requirement to licence Short Term Lets under the 2022 Order, it undertook a public consultation from 30 June 2022 to 25 August 2022 (both dates inclusive) on the proposed licensing processes, of Short Term Lets within Glasgow. This consultation sought views on a draft Short Terms Let Policy which was agreed by the Committee on 22 June 2022 and sought specific responses on the following matters:</p> <p>a) Temporary exemptions;</p>	<p>Yes, it refers to all of the above protected characteristics.</p>	<p>As stated in column 1, the Licensing and Regulatory Committee carried out a consultation on a draft Short Term Lets Policy which was agreed by it on 22 June 2022.</p> <p>There were 282 responses to the consultation. The consultation sought views from the public on specific matters as detailed at (a) to (g) in the first column of this</p>

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<p>b) Temporary licences; c) Consultees; d) Period of licence on renewal; e) Additional Conditions attached to a licence; f) Maximum occupancy calculation; and g) Any additional comments on the draft policy</p> <p>The consultation document was available on Glasgow City Council's webpage and the Committee consulted with the following:</p> <ul style="list-style-type: none"><li>• Elected Members of Glasgow City Council;</li><li>• Community Councils within Glasgow;</li><li>• Glasgow Chamber of Commerce; and</li><li>• The Scottish Association of Self-Caterers.</li></ul> <p>The Report to Committee together with the draft Short Term Let policy, from 22 June 2022 can be viewed via the following link:</p> <p><a href="https://www.glasgow.gov.uk/councillorsandcommittees/viewDoc.asp?c=P62AFQDNZL81ZLT1Z3">https://www.glasgow.gov.uk/councillorsandcommittees/viewDoc.asp?c=P62AFQDNZL81ZLT1Z3</a></p>		<p>EQIA screening. Further information on the content on the questions asked in the consultation surrounding these matters are detailed in the report to Committee, to be heard by Committee on 21 September 2022.</p> <p>Throughout the consultation responses there was a common theme from those that disagreed with some parts of the draft policy. This theme was that Short Term Lets do not require to be licensed and should not be licensed. On this point, it has to be made clear that the Scottish Government introduced a mandatory licensing regime for Short Term Lets, not the Committee. It is not within the Committee's remit to amend the legislation.</p> <p>Of those that responded to the consultation, the majority of respondents agreed with the Committee's draft policy. This is evident from the number of respondents who agreed/disagreed with the specific matters raised. One matter where it seemed that the majority of respondents disagreed with the Committee's</p>
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		<p>draft policy, was temporary licences. The summary to this matter is detailed below: 40% agreed; 44% disagreed; 12% neither agreed nor disagreed; and 4% had no opinion.</p> <p>Of the respondents who provided more detail as to why they disagreed with the Committee's proposed position on temporary licences, the reasons given were:</p> <ul style="list-style-type: none"><li>• all licences should be subject to the full consultation process;</li><li>• short term let licensing should not be introduced;</li><li>• short term let licensing should only apply to people who run businesses through letting, not individuals who let out a room within a property they are residing in; and</li><li>• temporary applications are allowed for other licences.</li></ul> <p>The Committee is aware</p>
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		<p>however, that the proposed position within the draft Policy was that Committee may consider not to allow temporary licences. Temporary licences would not be subject to the full consultation process and members of the public would not be able to submit an objection or representation to the licence application. If no temporary licences were permitted, all applications would be subject to the full statutory consultation process, allowing the public to make representations on an application, where appropriate.</p>

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### 3. ASSESSMENT & DIFFERENTIAL IMPACTS

Use the table below to provide some **narrative** where you think the **Policy, Project, Service Reform or Budget Option** has either a positive impact (contributes to promoting equality or improving relations within an equality group) or a negative impact (could disadvantage them) and note the reason for the change in policy or the reason for policy development, based on the evidence you have collated.

Protected Characteristic	Specific Characteristics	Positive Impact (it could benefit an equality group)	Negative Impact – (it could disadvantage an equality group)	Socio Economic / Human Rights Impacts
SEX/ GENDER	Women	The licensing of Short Term Lets will ensure all licensed properties (where no statutory exemption applies) meet the required standards by having a licence, under the 2022 Order. The Scottish Government has detailed mandatory conditions that must be attached to all Short Term Let licences granted by the Licensing Authority. The Committee may agree to attach additional conditions (detailed in Appendix 2 of the draft Policy document that was issued for consultation). Given the reasons the licensing regime was introduced by the Scottish Government was to ensure basic safety standards are met for Short Term Let properties and that the person licensed to let the property is “fit and proper” the requirement to apply and be granted a licence should ensure all licensed	<p>The requirement to apply, be able to comply with the mandatory and possible additional licence conditions may discourage people in applying for a Short Term Let licence. People may feel the process for applying for a licence is too onerous. It should be recognised that most of the process detailed in the policy for applying for a licence is a statutory process, required by legislation.</p> <p>The availability of short term lets in Glasgow may reduce with the requirement on hosts to apply and be granted a licence.</p>	<p>The requirements to apply for a licence, including the fee and supporting documentation may be costly to potential applicants. In addition, the requirement on a potential applicant of being able to meet the mandatory conditions and possible additional conditions detailed within the draft policy, may also be costly. This may be more so for individuals over businesses.</p> <p>There could also be a potential increase in the amount licence holders charge people to rent their home if people are discouraged from applying for a licence as there could be less short term lets available.</p>



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Protected Characteristic	Specific Characteristics	Positive Impact (it could benefit an equality group)	Negative Impact – (it could disadvantage an equality group)	Socio Economic / Human Rights Impacts
		properties (Home Letting/Home Sharing/Home Sharing and Home Letting/Secondary Letting) and are safe to accommodate guests.  The maximum occupancy calculation that the majority of respondents agreed with in the consultation, may ensure that there is no overcrowding in the licensed premises.		
	Men	As detailed above	As detailed above	
	Transgender	As detailed above	As detailed above	
<b>RACE*</b>	White	As detailed above	As detailed above	
<i>Further information on the breakdown below each of these headings, as per census, is available <a href="#">here</a>.                       For example Asian includes Chinese, Pakistani and Indian etc</i>	Mixed or Multiple Ethnic Groups	As detailed above	As detailed above	
	Asian	As detailed above	As detailed above	
	African	As detailed above	As detailed above	
	Caribbean or Black	As detailed above	As detailed above	
	Other Ethnic Group	As detailed above	As detailed above	

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<b>Protected Characteristic</b>	<b>Specific Characteristics</b>	<b>Positive Impact (it could benefit an equality group)</b>	<b>Negative Impact – (it could disadvantage an equality group)</b>	<b>Socio Economic / Human Rights Impacts</b>
<b>DISABILITY</b>	Physical disability	As detailed above	As detailed above	
<i>A definition of disability under the Equality Act 2010 is available <a href="#">here</a>.</i>	Sensory Impairment (sight, hearing, )	As detailed above	As detailed above	
	Mental Health	It may give reassurance to those who suffer anxiety that they are complying with legislation if they wish to let out a property.  To potential guests it may give reassurance that the property meets the required standards – mandatory conditions. In addition, it may give reassurance that the host is fit and proper and has been through police and licensing authority checks.	As detailed above.	
	Learning Disability	As detailed above	As detailed above	
<b>LGBT</b>	Lesbians	As detailed above	As detailed above	
	Gay Men	As detailed above	As detailed above	
	Bisexual	As detailed above	As detailed above	
<b>AGE</b>	Older People (60 +)	As detailed above	As detailed above	
	Younger People	As detailed above	As detailed above	

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<b>Protected Characteristic</b>	<b>Specific Characteristics</b>	<b>Positive Impact (it could benefit an equality group)</b>	<b>Negative Impact – (it could disadvantage an equality group)</b>	<b>Socio Economic / Human Rights Impacts</b>
	(16-25)			
	Children (0-16)	As detailed above	As detailed above	
<b>MARRIAGE &amp; CIVIL PARTNERSHIP</b>	Women	As detailed above	As detailed above	
	Men	As detailed above	As detailed above	
	Lesbians	As detailed above	As detailed above	
	Gay Men	As detailed above	As detailed above	
<b>PREGNANCY &amp; MATERNITY</b>	Women	As detailed above	As detailed above	
<b>RELIGION &amp; BELIEF**</b> A list of religions used in the census is available <a href="#">here</a> .	See note	As detailed above	As detailed above	

\* For reasons of brevity race is not an exhaustive list, and therefore please feel free to augment the list above where appropriate; to reflect the complexity of other racial identities.

\*\* There are too many faith groups to provide a list, therefore, please input the faith group e.g. Muslims, Buddhists, Jews, Christians, Hindus, etc. Consider the different faith groups individually when considering positive or negative impacts. A list of religions used in the census is available [here](#).

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## Summary of Protected Characteristics Most Impacted

All protected characteristics would be impacted by the Short Term Lets policy. The Committee is aware from responses received to the consultation that the majority of those who responded agreed with the majority of the draft policy. There were comments received to the consultation which disagreed and questioned the introduction of a Short Term Let licensing regime but this matter is not within the Committee's remit to amend as it is mandatory, introduced by the Scottish Government.

## Summary of Socio Economic Impacts

There could be a possibility that people may not apply for a licence given the process involved which could lead to less short term let accommodation being available within Glasgow.

## Summary of Human Rights Impacts

None. This is a mandatory licensing regime.

## 4. OUTCOMES, ACTION & PUBLIC REPORTING

<b>Screening Outcome</b>	<b>Yes /No Or / Not At This Stage</b>
<b>Was a significant level of negative impact arising from the project, policy or strategy identified?</b>	Not at this stage.
<b>Does the project, policy or strategy require to be amended to have a positive impact?</b>	Not at this stage.
<b>Does a Full Impact Assessment need to be undertaken?</b>	Not at this stage.

<b>Actions: Next Steps</b> (i.e. is there a strategic group that can monitor any future actions)		
Further Action Required/ Action To Be Undertaken	Lead Officer and/or Lead Strategic Group	Timescale for Resolution of Negative Impact (s) / Delivery of Positive Impact (s)
<p>To monitor how many licences are applied for and how many Short Term Lets are applied for by 1 April 2023 (time when all Short Term Lets currently operating in Glasgow should have applied for a licence).</p>	<p>Gillian McNaught</p>	<p>8 months</p> <p><u>Review 11 May 2023 undertaken by Gillian McNaught</u></p> <p>At present there are currently 109 Short Term Let (“STL”) licence applications lodged with the Licensing Authority. 30 STL applications have been granted and the remaining applications are in the process of being determined. It should be noted however, that on 1 March 2023, The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) (Amendment) Order 2023 (“<b>2023 Order</b>”) was passed by Scottish Parliament. This 2023 Order came into force on 31 March 2023. This 2023 Order amended the date by which existing hosts must apply to the Licensing Authority for a STL licence. Prior to the 2023 Order, all existing STL hosts, those hosts that operated a STL prior to 1 October 2022, were required to apply to the Licensing Authority for a STL licence by 1 April 2023. This date, under the 2023 Order has been amended to 1 October 2023. In addition, the date by which all STL hosts must be licensed, under the 2023 Order is now 1 January 2025, this was previously 1 July 2024. Based on this 2023 Order the “further action” should be reviewed in a further 6 months, at which point the Licensing Authority will have the application figures after 1 October 2023 – the date by which existing hosts must apply to the Licensing Authority to enable the Short Term Let to continue operating while the application is pending.</p> <p><u>Review 18 September 2023 undertaken by Gillian McNaught</u></p>

		<p>Licensing officers have reviewed the STL Policy, including seeking Counsel's opinion, in light of the recent judicial review decision (Aberbuch v City of Edinburgh Council). Licensing also received correspondence from a trade association seeking a review of the STL Policy in light of the Aberbuch decision.</p> <p>While there are suggested amendments to the STL Policy proposed in light of the review, the underlying principles that were consulted upon within the draft STL Policy (June 2022 – September 2022) remain. For example there remains a link to planning, no temporary exemptions, floor plan required and maximum occupancy calculation. There is a suggestion to include wording around when the Committee may allow for a temporary licence application to be lodged however this is not considered to be a substantial change to the Policy that was consulted upon. The fee proposed for this is in line with the Scottish Government's Business Regulatory Impact Assessment. In these circumstances no further consultation in relation to the proposed amendments was considered necessary.</p> <p>If the amendments are agreed by Committee, the EQIA will be reviewed in 6 months.</p> <p><u>Review 18 April 2024 undertaken by Gillian McNaught</u></p> <p>The Committee did agree the amendments to the STL Policy on 20 September 2023. The Licensing Section experienced a high volume of STL applications in the last week before the existing host deadline of 1 October 2023.</p> <p>At the present time, STL applications continue to be processed by the Licensing Section. There have been some licences granted and none refused to date. The Committee is aware of possible legislative changes relating to STL by Ministers. A further EQIA will be undertaken in light of any legislative changes.</p>
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All completed EQIA Screenings are required to be publically available on the [Council EQIA Webpage](#) once they have been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. (See [EQIA Guidance](#): Pgs. 11-12)

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## 5. MONITORING OUTCOMES, EVALUATION & REVIEW

The Equalities Impact Assessment (EQIA) screening is not an end in itself but the start of a continuous monitoring and review process. The relevant Strategic, Policy, or Operational Group responsible for the delivery of the Policy, Project, Service Reform or Budget Option, is also responsible for monitoring and reviewing the EQIA Screening and any actions that may have been take to mitigate impacts.

Individual services are responsible for conducting the impact assessment for their area, staff from **Corporate Strategic Policy and Planning** will be available to provide support and guidance.

## Legislation

### Equality Act (2010) - the Equality Act 2010 (Specific Duties) Scotland Regulations 2012

The 2010 Act consolidated previous equalities legislation to protect people from discrimination on grounds of:

- race
- sex
- being a transsexual person (transsexuality is where someone has changed, is changing or has proposed changing their sex – called ‘gender reassignment’ in law)
- sexual orientation (whether being lesbian, gay, bisexual or heterosexual)
- disability (or because of something connected with their disability)
- religion or belief
- having just had a baby or being pregnant
- being married or in a civil partnership, and
- age.

Further information: [Equality Act Guidance](#)

As noted the Equality Act 2010 simplifies the current laws and puts them all together in one piece of legislation. In addition the **Specific Duties (Scotland Regulations 2012)** require local authorities to do the following to enable better performance of the general equality duty:

- report progress on mainstreaming the general equality duty
- publish equality outcomes and report progress in meeting those
- impact assess new or revised policies and practices as well as making arrangements to review existing policies and practices
- gather, use and publish employee information
- publish gender pay gap information and an equal pay statement
- consider adding equality award criteria and contract conditions in public procurement exercises.

Further information: [Understanding Scottish Specific Public Sector Equality Duties](#)

### Fairer Scotland Duty

Authorities should also consider Socio-Economic Impacts where appropriate. Further information: [Fairer Scotland Duty Interim Guidance](#)

### Enforcement

Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.