

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 Mobile Home Sites with Permanent Residents

b) Reason for Change in Policy or Policy Development

There is no change in policy however, the Scottish Government passed legislation which resulted in the Caravan Sites and Control of Development Act 1960 being amended by Part 5 of the Housing (Scotland) Act 2014 on 1 May 2017. The changes brought into the 1960 Act require owners of mobile home sites with permanent residents to have a licence unless an exemption Under Schedule 1 of the 1960 Act applies to them. The Licensing of Relevant Permanent Sites (Scotland) Regulations 2016 also came into force on 1 May 2017 which detail the operation of the new licensing system.

The Council's Licensing and Regulatory Committee as Local Authority under the Caravan Sites and Control of Development Act 1960 Act will have responsibility for granting, refusing and revoking such licences.

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

The main outcome focus is to ensure Glasgow City Council's Licensing and Regulatory Committee, as Local Authority under the Caravan Sites and Control of Development Act 1960 complies with the new licensing requirement under the legislation and also to ensure it charges an appropriate fee for such licences in line with the guidance issued to Local Authorities by the Scottish Government.

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

Gillian McNaught 29.3.19

e) Assessment Verified by (signed and date)

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Mairi Millar 29.3.19

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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.

Please name any research, data, consultation or studies referred to for this assessment:	Please state if this reference refers to one or more of the protected characteristics: <ul style="list-style-type: none"> ➤ age ➤ disability, ➤ race and/or ethnicity, ➤ religion or belief (including lack of belief), ➤ gender, ➤ gender reassignment, ➤ sexual orientation ➤ marriage and civil partnership, ➤ pregnancy and maternity, 	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><u>Caravan Sites and Control of Development Act 1960</u> This details the required changes to the licensing of mobile home sites with permanent residents.</p> <p><u>The licensing of Relevant Permanent Sites (Scotland) Regulations 2016</u> This details the operation by Local Authorities of the new licensing regime.</p> <p><u>Scottish Government Guidance issued to Local Authorities – Guidance to Local Authorities on the</u></p>	<p>Yes, it refers to all of the above.</p>	<p>No further consultation will be undertaken as the change to the licensing of mobile home sites with permanent residents is a statutory requirement. As the Council does not have any discretion to change the legislative requirements of mobile home sites with permanent residents it would not undertake a consultation as it has to manage expectations of the people who are most likely to be affected by the legislative change. The Council would only undertake a further consultation</p>

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<p>Licensing System for Mobile Home Sites with Permanent Residents dated April 2017.</p> <p><u>Scottish Government Guidance issued to Local Authorities</u> - Mobile Homes: Model Standards for Residential Site Licenses dated 4 December 2018.</p> <p>Senior officers from Neighbourhoods and Sustainability undertook site visits over February 2019 and March 2019 for those sites in Glasgow that may require a licence under the new licensing regime.</p> <p>Letters were issued from Neighbourhoods and Sustainability in February 2019 and March 2019 to site owners advising them of the changes in the licensing regime for Mobile Home Sites with Permanent Residents.</p>		<p>where it has the power to implement changes based on the responses received. There is no discretion on the Council to make any changes to this legislation.</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	<p>The change in licensing regime will provide an opportunity for Police Scotland to comment on all applications as to whether the applicant or licence holder (on renewal) is a fit and proper person. As any adverse comments would be brought to the attention of the Local Authority, who are responsible for granting licences, it should ensure licences are only granted to applicants or licence holders who are fit and proper.</p> <p>The fit and proper person test may provide greater protection for permanent residents on the site as the owner would be subject to</p>	<p>The introduction of the requirement to have a licence could increase the costs associated with living in a mobile home on these sites (rent). Site owners may increase the fees for residents to live on the site, to take account of the financial costs incurred in applying for a grant or renewal of a licence and also any potential costs incurred to ensure the site owner is able to comply with the conditions attached to a licence.</p> <p>The legislation may also discourage potential site owners from opening up a mobile home site with permanent residents given the financial implications of applying for a licence and maintaining the site to ensure conditions are complied with. This could, as a result</p>	<p>The social economic impact from the new licensing regime may increase the fees charged by the site owners to permanent residents so that the cost of applying/renewing and maintaining the site to that required by the conditions, is recovered from residents.</p>

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		<p>robust police checks. In addition the site owner would be subject to conditions attached to a licence, if granted. Any breach of the licence conditions (conditions will relate to parking/water and drainage/electricity/generally safeguarding the welfare of residents) could be reported by permanent residents to the Local Authority and the Local Authority would require to investigate any complaint received appropriately.</p> <p>For surrounding areas of the site and permanent residents of the site the requirements to have a licence should ensure that the Local Authority can take steps to address/enforce any significant issues relating to the site.</p>	<p>potentially impact on potential available accommodation for residents.</p> <p>The licence is only required where residents live on the site permanently so it could encourage site owners to vacate residents for several weeks/months of the year so the site owner does not require to apply for a licence and comply with conditions.</p> <p>Site owners could incur more financial costs in seeking advice to determine whether they require to apply for a licence or if an exemption applies to them; potentially applying for a licence; potentially complying with licence conditions; and potentially appealing a decision by the Local Authority.</p> <p>If a site licence is applied for and refused it could result in current residents having to find an alternative site to live on.</p>	
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	Men	As above	As above	
	Transgender	As above	As above	
RACE*				
	White	As above	As above	
<i>Further information on the breakdown below each of these headings, as per census, is available here.</i> <i>For example Asian includes Chinese, Pakistani and Indian etc</i>	Mixed or Multiple Ethnic Groups	As above	As above	
	Asian	As above	As above	
	African	As above	As above	
	Caribbean or Black	As above	As above	
	Other Ethnic Group	As above	As above	
DISABILITY				
	Physical disability	The Local Authority may be able to ensure by condition of a licence that the surface and gradient of roads and pedestrian routes be designed and maintained to take into account the requirement of differing accessibility of households. This may not be the position with sites at present.		

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<i>A definition of disability under the Equality Act 2010 is available here.</i>	Sensory Impairment (sight, hearing,)	As above	As above	
	Mental Health	As above	As above	
	Learning Disability	As above	As above	
LGBT	Lesbians	As above	As above	
	Gay Men	As above	As above	
	Bisexual	As above	As above	
AGE	Older People (60 +)	As above	As above	
	Younger People (16-25)	As above	As above	
	Children (0-16)	As above	As above	
MARRIAGE & CIVIL PARTNERSHIP	Women	As above	As above	
	Men	As above	As above	
	Lesbians	As above	As above	
	Gay Men	As above	As above	
PREGNANCY & MATERNITY	Women	As above	As above	
RELIGION & BELIEF** A list of religions used in the census is	See note	As above	As above	

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available here.				
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* 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 may be impacted on the policy.

Summary of Socio Economic Impacts

The new licensing regime may result in site owners increasing annual rent/site fees charged by them to permanent residents to cover the site owners costs incurred in applying/renewing and maintaining the site to the required condition.

Summary of Human Rights Impacts

If an adverse comment was received from a consultee on an application, it would be referred to the Licensing and Regulatory Committee for determination. The Committee would ensure that the right to a fair hearing was given to all applicants/licence holders in this situation.

4. OUTCOMES, ACTION & PUBLIC REPORTING

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

<p style="text-align: center;">Actions: Next Steps</p> <p style="text-align: center;">(i.e. is there a strategic group that can monitor any future actions)</p>		
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>The Council will make enquiries with permanent residents or their representing body, in relation to whether the licensing regime has resulted in the site owner increasing the costs residents pay to site owners to live on the site as a result of them having to apply for a licence and comply with conditions.</p> <p>The Council will do this by writing to a random sample of permanent residents on site and writing to representing bodies.</p>	<p>Gillian McNaught</p>	<p>This would be undertaken in 9-12 months as the time period for determining an application is three months from the date of application (subject to an extra 28 days where an objection or representation is received on an application from a consultee). This timescale would allow applications to be determined and feedback obtained from residents once the licence has been in place for a sufficient period of time to identify if there has been an impact on residents.</p>

Public Reporting

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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.