

Belfast Rapid Transit Consultation
Comhairliúchán maidir le córas
Luathiompair i mBéal Feirste

Integrated Impact Assessment
Measúnacht Tionchair Chomhtháite

November 2009



Department for
**Regional
Development**

www.drdni.gov.uk

AN ROINN

Forbartha Réigiúnaí

MÁNNYSTRIE FUR

Kintra Pairts Fordèrin

Participation in this Consultation Exercise

If you wish to participate in this consultation exercise, the Consultation Pack contains a Summary Document, Detailed Policy Proposals, this Integrated Impact Assessment document, and a Question and Answer Booklet to assist you when submitting your response. Alternatively, you may wish to access the Consultation Pack from our website, at www.drdni.gov.uk.

This publication can also be made available, on request, in large print, Braille and audio alternative formats. Please contact us to discuss your requirements.

The consultation period will run from 23 November 2009 to 19 February 2010. You must respond by **5pm on 19 February 2010**, otherwise we may not be able to take account of your comments. Submissions may be submitted in other languages, including Irish and Ulster-Scots, or in a different format, such as audio tape. We will acknowledge your submission in your chosen language and will publish the Department's response to the issues raised in due course.

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What is an Impact Assessment?

- 1.1. A fundamental requirement of good policy development by Government is to ensure that emerging policy proposals comply with its basic policy objectives, wider initiatives, and with statutory obligations set out elsewhere in legislation. It is important, when bringing forward policy proposals on specific issues, that the opportunity is also taken to stand back and ensure that emerging policy proposals don't have any unexpected or unacceptable impacts, or conflict with other aspects of Government policy. To assist in this process, studies, generally referred to as impact assessments, are performed on policy proposals as they are developed. These seek to identify for policy makers the expected impacts of emerging policy options on specific, defined groups or individuals. For example, people of differing community background, those living in rural areas, or businesses and voluntary organisations.
- 1.2. These various assessments are made by drawing upon available quantitative evidence. This may include relevant research either already performed, or specifically commissioned. Qualitative evidence can also provide valuable insights or help to address the limitations of more quantitative research. Consultation with the general public and specific stakeholder groups is an important aspect of the impact assessment process.
- 1.3. Where a policy is found to have a substantial adverse impact on any group or individual, consideration must be given to the scope for the policy to be adjusted to mitigate or lessen the impact before it is implemented. It is therefore important that such impact assessments are performed early during the period of policy development so as to influence and shape the final outcomes.

- 1.4. Belfast Rapid Transit is a major project which has the potential to impact on a wide range of people who live, work or visit Belfast, in a variety of different ways. This places a responsibility on the Department for Regional Development (the Department) to ensure that an assessment of the impacts of the Rapid Transit policy proposals is undertaken in a focused and coordinated way. To assist in this process, the Office of the First Minister and the Deputy First Minister has developed an Integrated Impact Assessment methodology for use by Northern Ireland government departments. It provides an opportunity to gather all the various impact assessments into one place, consider their impacts in a coordinated way, and present the conclusions for public consultation in a comprehensive and accessible way.
- 1.5. The first stage in the Integrated Impact Assessment process is the screening of policies to decide which, if any, aspects of the policy under consideration should be subjected to further impact assessment. Each proposal is tested against a number of standard preliminary questions that have been developed for each of the impact assessments. The screening exercise for the Rapid Transit policy proposals is summarised in a “screening table” (see Table 1 on page 7). The screening process provides a way of identifying which policy proposals are likely to have greatest impact, and which should be subject to further, more detailed consideration. These policy proposals are “screened in” and those not requiring further consideration are “screened out”.
- 1.6. The second stage is to perform more detailed impact assessments on the policy proposals that have been screened in. The assessment process draws upon all available evidence, including, where possible, relevant research. An assessment is made whether:
- the impacts are substantive or marginal;

- the impacts are positive or adverse in respect of the relevant policy objective or statutory obligation; and
- any adjustments should be made to the policy under development to mitigate the anticipated impacts.

- 1.7. The outcomes of these impact assessments are then subject to public consultation. This provides an opportunity for the public and stakeholder groups to verify or challenge the conclusions reached by the Department in the preparation of the impact assessments. Consultees are invited to provide any further quantitative evidence that they consider relevant to the potential impacts of the policy under development. One of the main purposes of the Integrated Impact Assessment is to obtain this valuable feedback from interest groups, relevant stakeholders and the public.
- 1.8. The outcome of the consultation process will be used to determine how or in what ways the Rapid Transit policy proposals, as set out in the Detailed Policy Proposals booklet of this Consultation Pack, should be adjusted before the Department proceeds to legislate for their implementation.
- 1.9. The feedback received to the Integrated Impact Assessment will inform the development of new legislation.

How to use this Integrated Impact Assessment

- 1.10. This document sets out the Department's assessment of the impact of its proposals for a Rapid Transit system in Belfast. The Department's policy proposals are contained in the Detailed Policy Proposals booklet of this Consultation Pack.
- 1.11. Comments are invited on the analysis performed and conclusions reached. Questions on which your views would be particularly welcome are set out at

the end of this document. You can respond to these questions and give us your comments by completing the Question and Answer booklet which is included in this Consultation Pack. Alternatively you can download the booklet from our website, at www.drdni.gov.uk.

SCREENING OF THE RAPID TRANSIT POLICY PROPOSALS

Sustainable Development

- 2.1. Sustainable Development has been defined as “Development which meets the needs of the present without compromising the ability of future generations to meet their own needs”. It focuses on safeguarding and using existing resources in a sustainable way to enhance the long-term management of, and investment in, human, social and environmental resources.
- 2.2. Government demonstrated its commitment to the concept with its Northern Ireland Sustainable Development Strategy, which places a duty on public authorities to exercise their functions to best facilitate sustainable development in Northern Ireland, where practicable. It focuses on three interlinked pillars:
 - Social (People)
 - Environmental (Planet)
 - Economic (Prosperity)
- 2.3. These three pillars are equally important, so it is crucial that any policy benefitting one is not detrimental to the remaining two. Consequently policy makers must consider the impact of their policies on all three. The Impact Assessment Tool is employed as a method of assessing each policy’s impact on the three pillars.

2.4. Table 1 below summarises the outcome of the first stage of the Integrated Impact Assessment – the screening exercise.

Table 1 - Outcome of Screening Exercise

| IMPACT ASSESSMENT / APPRAISAL | FULL ASSESSMENT / APPRAISAL REQUIRED | | REASON |
|-------------------------------------|--------------------------------------|----|---|
| | Yes | No | |
| SOCIAL IMPACTS | | | |
| Crime | | ✓ | Policy area not relevant. |
| Community Safety and Victims | | ✓ | Policy area not relevant. |
| Equality | | ✓ | As the policy proposals will introduce enabling powers for DRD it is considered that an Equality Impact Assessment is not required (The Equality of Opportunity Screening Analysis Form can be found in Appendix 1 of this booklet). It is however proposed that a full EQIA will again be considered prior to the implementation phase of the project. |
| Health | | ✓ | No immediate impacts have been identified. It is however proposed that a further screening exercise will be undertaken prior to the implementation phase of the project. |

| | | | |
|-----------------------------------|---|---|---|
| Human Rights | | ✓ | Policy does not engage or interfere with any convention rights and freedoms. |
| Social Inclusion | | ✓ | No immediate impacts have been identified. It is however proposed that a further screening exercise will be undertaken prior to the implementation phase of the project. |
| Rural | | ✓ | No immediate impacts have been identified as the Rapid Transit project relates only to the Belfast Metropolitan Area. It is however proposed that a further screening exercise will be undertaken prior to the implementation phase of the project. |
| ECONOMIC IMPACTS | | | |
| Economic Appraisal | ✓ | | To be considered through the development of an Outline Business Case for the Rapid Transit project. |
| Economic Impact Assessment | ✓ | | Full impact required to determine effect on consumers, infrastructure, enterprise and innovation. To be considered through the development of an Outline Business Case for the Rapid Transit project. |

| | | | |
|--------------------------------|---|---|--|
| Regulatory | | ✓ | No immediate impacts have been identified. It is however proposed that a further screening exercise will be undertaken prior to the implementation phase of the project. |
| State Aid | ✓ | | To be considered through the development of an Outline Business Case for the Rapid Transit project. |
| ENVIRONMENTAL IMPACTS | | | |
| Environmental | | ✓ | No immediate impacts have been identified. It is however proposed that a further screening exercise will be undertaken prior to the implementation phase of the project. |
| Strategic Environmental | | ✓ | |

Integrated Impact Assessment Screening Conclusion

2.5. The screening process has not identified the need for any full impact assessments at this stage. However, as identified in the table above, it is proposed that a further screening exercise will be undertaken prior to the implementation phase of the project.

2.6. In addition, an economic appraisal, economic impact assessment and state aid assessment will form part of the Outline Business Case for the Rapid Transit project.

Equality Impact

2.7. Section 75 of the Northern Ireland Act 1998 requires public authorities to have due regard to the need to promote equality of opportunity and to have

regard to the desirability of promoting good relations between certain groups of people. The facilities and services provided by the Rapid Transit system will be available to and benefit all Section 75 groups and the Department considers that the system will have a positive general equality impact.

- 2.8. The proposals for a Rapid Transit system were included in both the Regional Transportation Strategy and the Belfast Metropolitan Transport Plan, both of which were the subject of Equality Impact Assessments. In view of this the Department has concluded that an Equality Impact Assessment of these proposals to introduce enabling powers is not required (The Equality of Opportunity Screening Analysis Form can be found in Appendix 1 of this booklet). However, it is proposed that the Department will again consider a full Equality Impact Assessment prior to the implementation phase of the project.

Consultation Questions

- 2.9. You can respond to these questions by completing the Question and Answer booklet which is included in this Consultation Pack. Alternatively you can download a copy of the Question and Answer booklet from our website, at www.drdni.gov.uk. In considering these questions you should bear in mind that it is proposed that a further Integrated Impact Assessment screening exercise will be undertaken prior to the implementation phase of the project.

Question 1: Do you have any views on the Integrated Impact Assessment Screening conclusion reached by the Department?

Question 2: Are there any particular equality issues that need to be considered in relation to the policy proposals contained in the Detailed Policy Proposals booklet?

APPENDIX 1: DRD SECTION 75 EQUALITY OF OPPORTUNITY SCREENING ANALYSIS FORM 2005

Section 1

Introduction

This form is intended 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 consultation on the outcome of the screening exercise and will be referenced in the quarterly review of progress made to the Minister and in the Annual Report to the Equality Commission. Copies of completed forms should be retained on file within business areas and reference should be made to the outcome of the screening exercise and subsequent consultation in any submission made to the Minister.

Background

The Legal Background

Under section 75 of the Northern Ireland Act 1998, the Department is required to have due regard to the need to promote equality of opportunity:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

The main groups within each of the nine categories, highlighted above, are identified at Appendix 1.

In addition, without prejudice to its obligations above, the Department is also required, in carrying out its functions relating to Northern Ireland, to have regard to the desirability of promoting good relations between persons of different religious beliefs, political opinion or racial group.

Advice on Completion of the Screening Form

It is important that the screening form is completed carefully and thoughtfully. Your Divisional or Agency Equality Officer and the Department's Equality Unit in room 413A will be happy to assist with all aspects of the screening process and will help with the completion of the form, if required.

Further advice on the screening process can be accessed at Section 4 of the Equality Commission's Guide to the Statutory Duties.

Policies included for EQIA

If, after screening, it is decided that a policy will require a full EQIA, a decision will be required on the priority and timing of the assessment. The screening form should be noted accordingly, signed off and copied to the Equality Unit for inclusion in the EQIA programme.

Policies excluded for EQIA

If a decision is taken to screen out the policy or where there is ambiguity about the equality implication of the proposal, the screening form should be signed off by a senior officer responsible for the policy and a copy sent to the Equality Unit to arrange for consultation. Copies of all screening out forms will be placed on the Department's consultation website.

Section 2 – Policy to be Screened

Definition of Policy

There have been some difficulties in defining what constitutes a policy in the context of Section 75. To be on the safe side it is recommended that you consider changes to or any new initiatives, proposals, schemes or programmes as policies. The policies covered in the Equality Scheme EQIA programme are a reasonable guide both to the nature of external departmental policies and the level at which they should be considered.

The revised Guidance from The Equality Commission emphasises that the Statutory duties apply to internal policies (relating to people who work for the organisation) as well as external policies (relating to those who are, or could be, served by the organisations).

It is important to remember that even if a full EQIA has been carried out in respect of an “overarching” policy or strategy, it will still be necessary for the policy maker to consider if a further EQIA needs to be carried out in respect of those policies cascading from the overarching strategy.

OFMDFM Guidance on Legislative Procedures (Primary and Subordinate) sets out clearly the stages at which equality of opportunity considerations should be taken into consideration in the development of legislation.

Overview of Policy Proposals

The aims and objectives of the policy must be clear and well defined. You must take into account any available data of evidence that will enable you to come to a decision on whether or not a policy may or may not have a differential impact on any of the S75 categories. Evidence may be qualitative and or quantitative and may include research or internal information and or experience in relation to service and customer monitoring exercises. Where appropriate, arrangements should be made to obtain any data necessary to assist screening.

2.1 Please insert below a brief description of the policy/legislation, including the title and all the main aims and objectives

| | |
|--------------|--|
| Title | Rapid Transit Bill |
| Aims | To give the Department for Regional Development (DRD) the necessary powers to enable it to deliver a Rapid Transit system for Belfast in respect of: <ul style="list-style-type: none">• Acquisition of land• Procurement of goods, services and facilities• Award of operation contracts• Dis-application of route licensing to Rapid Transit• Bye-laws regarding passenger conduct |

• **Off-board ticketing**

It is essential that **all** the aims/objectives of the policy be clearly and fully defined.

2.2 On whom will the policies/legislation impact? Please specify

DRD

2.3 Who is responsible for (a) devising and (b) delivering the policy, eg is it DRD, a Whitehall Department or EU? What is the relationship and have they considered this issue and any equality issues?

(a) DRD

(b) DRD

2.4 What linkages are there to other NI Departments/NDPBs in relation to this policy/legislation?

Department of the Environment – in relation to licensing issues.

2.5 What data are available to facilitate the screening of this policy/legislation?

Rapid Transit is specifically referred to in the Regional Transportation Strategy (RTS) and the Belfast Metropolitan Transport Plan (BMTP), both of which were the subject of Equality Impact Assessments.

2.6 Is additional data required to facilitate screening? If so, give details of how and when it will be obtained.

No

See Appendix 4 of the Equality Commission Practical Guidance on EQIA which provides a list of Sources of S75 data or speak to Central Statistics Research Branch, (Stephanie Harcourt, ext 40878) or Equality Unit (Jackie Gregg, ext. 40867, or Tim Lavery ext. 40850).

Section 3 – Screening Analysis

In cases where there is no available quantitative evidence, you will need to take a pragmatic, common sense judgement as to whether the policy/legislation you are screening may have a particular/differential impact on any of the groups. Discussions with Equality Unit, Statistics Branch and organisations representing the Section 75 Groups will be important and helpful at this stage in obtaining qualitative evidence of impacts. Every effort should be made to ensure that assessments are evidence based.

The following criteria must be considered when screening.

3.1 Is there any evidence of higher or lower participation or uptake by the following Section 75 groups?

| | Yes | No |
|-------------------------|-----|----------------------------|
| Religious belief | | ✓ <input type="checkbox"/> |
| Political opinion | | ✓ <input type="checkbox"/> |
| Racial group | | ✓ <input type="checkbox"/> |
| Age | | ✓ <input type="checkbox"/> |
| Marital status | | ✓ <input type="checkbox"/> |
| Sexual orientation | | ✓ <input type="checkbox"/> |
| Men and Women generally | | ✓ <input type="checkbox"/> |
| Disability | | ✓ <input type="checkbox"/> |
| Dependency | | ✓ <input type="checkbox"/> |

Please give details

No evidence of higher or lower participation or uptake by any Section 75 groups. The purpose of this Bill is to give powers to DRD to deliver a Rapid Transport System. This proposal will not have an impact on any Section 75 groups.

3.2 Is there evidence that any of the following Section 75 groups have different needs, experiences, issues and priorities in relation to this policy issue?

| | Yes | No |
|-------------------------|-----|----------------------------|
| Religious belief | | ✓ <input type="checkbox"/> |
| Political opinion | | ✓ <input type="checkbox"/> |
| Racial group | | ✓ <input type="checkbox"/> |
| Age | | ✓ <input type="checkbox"/> |
| Marital status | | ✓ <input type="checkbox"/> |
| Sexual orientation | | ✓ <input type="checkbox"/> |
| Men and Women generally | | ✓ <input type="checkbox"/> |
| Disability | | ✓ <input type="checkbox"/> |
| Dependency | | ✓ <input type="checkbox"/> |

Please give details

No evidence that Section 75 groups have different needs, experiences, issues and priorities in relation to this policy issue. The scope of this policy is limited to vesting DRD with powers to deliver a Rapid Transit system. A full EQIA on the Rapid Transit system will again be considered before the scheme approaches the implementation stage.

3.3 Have consultations with the relevant representative organisations or individuals within any of the Section 75 categories, indicated that policies of this type create problems specific to them?

| | Yes | No |
|-------------------------|-----|----------------------------|
| Religious belief | | ✓ <input type="checkbox"/> |
| Political opinion | | ✓ <input type="checkbox"/> |
| Racial group | | ✓ <input type="checkbox"/> |
| Age | | ✓ <input type="checkbox"/> |
| Marital status | | ✓ <input type="checkbox"/> |
| Sexual orientation | | ✓ <input type="checkbox"/> |
| Men and Women generally | | ✓ <input type="checkbox"/> |
| Disability | | ✓ <input type="checkbox"/> |
| Dependants | | ✓ <input type="checkbox"/> |

Please give details of any consultations carried out, and any problems identified.

The Rapid Transit scheme was subject to extensive consultation with relevant organisations as part of the RTS and BMTP. There was no indication that policies of this type create specific problems.

The screening decision will be included in the department's biannual consultation with S75 consultees.

Further consultation will be carried out on the scheme when it approaches the implementation scheme.

3.4 Is there an opportunity to better promote equality of opportunity or community relations by altering the policy, or by working with others, in Government, or in the larger community in the context of this policy?

Yes No

Please give details

No opportunity has been identified to better promote equality of opportunity or community relations by altering the policy.

3.5 It may be that a policy/legislation has a differential impact on a certain Section 75 group, as the policy has been developed to address an existing or historical inequality or disadvantage. If this is the case, please give details below:

There is no evidence that this stage of the policy will have a differential impact on any section 75 group.

3.6 Please consider if there is any way of adapting the policy to promote better equality of opportunity or good relations.

Please give details

No way identified to adapt the policy to promote better equality of opportunity or good relations.

3.7 In relation to departmental obligations under Section 49A of the Disability Discrimination Act 1995 (DDA 1995) (as amended by the Disability Discrimination (Northern Ireland) Order 2006), please consider if there is any way of adapting the policy to show due regard to the need to promote positive attitudes towards disabled people and/or encourage participation by disabled people in public life.

Please give details

No way identified to adapt the policy to promote positive attitudes towards disabled people or encourage participation by disabled people in public life. The scope of this policy is limited to vesting DRD with powers to deliver a Rapid Transit system. A full EQIA on the Rapid Transit system will again be considered when the scheme approaches the implementation stage.

Section 4

EQIA Recommendation

You should consider carefully in this section whether full EQIA is necessary, particularly where answers to any questions in Section 3 are affirmative.

4.1 Full EQIA procedures should be carried out on policies considered to have significant implications for equality of opportunity. Please fill in the following grid in relation to the policy/legislation.

| Prioritisation Factors | Significant Impact | Moderate Impact | Low Impact |
|--|---------------------------|------------------------|-------------------|
| Social Need. | | | ✓ |
| Effect on people's daily lives. | | | ✓ |
| Effect on economic, social and human rights. | | | ✓ |
| Strategic significance | | | ✓ |
| Financial significance | | | ✓ |

Please give details

It is considered that this policy to introduce enabling powers has a low impact on all equality of opportunity considerations.

- 4.2 In view of the considerations in Section 3 and 4 do you consider that this policy/legislation should be subject to a full EQIA? Please give reasons for your considerations. If you are unsure, please consult with affected groups and revisit the screening analysis accordingly. **No**

No. As the policy proposals will introduce enabling powers for DRD it is considered that a full EQIA at this stage in the Rapid Transit project would be meaningless. It is however proposed that a full EQIA will again be considered prior to the implementation phase of the project.

- 4.3 If an EQIA is considered necessary please comment on the priority and timing in light of the factors in table 4.1.

N/A

- 4.4 If an EQIA is considered necessary is any data required to carry it out/ensure effective monitoring?

Please give details

N/A

Section 5

Endorsement

I can confirm that the proposed policy has been screened for equality of opportunity and good relations implications and has been screened out for equality impact assessment/~~requires a full equality impact assessment.~~

Signed: **Ciarán de Búrca**

Agency/Division: Rapid Transit Division

Date: 20 August 2009

| Main Groups Relevant to the Section 75 Categories | |
|--|--|
| <u>Category</u> | <u>Main Groups</u> |
| Religious belief | Protestants; Catholics; people of non-Christian faiths; people of no religious belief |
| Political opinion | Unionists generally; Nationalists generally; members/supporters of any political party |
| Racial Group | White people; Chinese; Irish Travellers; Indians; Pakistanis; Bangladeshis; Black Africans; Black Caribbean people; people with mixed ethnic group |
| “Men and women generally” | Men (including boys); women (including girls); trans-gendered people |
| Marital status | Married people; unmarried people; divorced or separated people; widowed people |
| Age | For most purposes, the main categories are: children under 18, people aged between 18-65, and people over 65. However, the definition of age groups will need to be sensitive to the policy under consideration |
| “Persons with a disability” | Disability is defined as: A physical or mental impairment, which has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities as defined in Sections 1 and 2 and Schedules 1 and 2 of the Disability Discrimination Act 1995 |
| “Persons with dependants” | Persons with personal responsibility for the care of a child; persons with personal responsibility for the care of a person with an incapacitating disability; persons with personal responsibility for the care of a dependant elderly person |
| Sexual orientation | Heterosexuals; bi-sexuals; gays; lesbians |

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