

DoF Screening template

Screening is the first of two methods by which the necessary level of “regard” is demonstrated as being paid to the statutory equality goal, as set out in Section 75 of the Northern Ireland Act 1998. The DoF Equality Scheme commits us to screening our policies. This includes our strategies and plans, policies, legislative developments; and new ways of working such as – the introduction, change or end of an existing service, procedure, policy etc.

This screening template is designed to help business areas consider the likely equality and human rights impacts of their proposed decisions on different groups of customers, service users, staff and visitors.

Detailed information about the Section 75 equality duties and what they mean in practice is available on the Equality Commission’s website:
<http://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/S75GuideforPublicAuthoritiesApril2010.pdf>

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 accessible on the DoF website as soon as possible following completion and made available in alternative formats on request.

All Section 75 consultees should be advised of the screening exercise once the final policy decision has been taken.

The screening template has 4 sections to complete. These are:

Section A - details about the policy / decision that is being screened.

Section B - 4 key questions that require you to outline the likely impacts on equality groups, and all supporting evidence.

Section C - 4 key questions in relation to obligations under the Disability Discrimination Order and the Human Rights Act.

Section D - the formal record of the screening decision.

SECTION A

Information about the policy

This 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 on a step-by-step basis.

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

Is this a new or revised policy?

Revised

a) Name of the policy

Proposed amendment of Schedules 1 and 2 of the Building (Prescribed Fees) Regulations (Northern Ireland) 1997 (the Fees Regulations)

b) Brief Description of the policy

A two-stage uplift of the prescribed fees payable to district councils to enforce the Building Regulations, as set out in Schedules 1¹ and 2² of the Fees Regulations. These have not increased since 2013, so do not currently take account of increases in operating costs or inflation that has occurred since then.

The first increase is proposed in April 2022, with the second due to follow in April 2023. This would result in a total overall increase of around 35% for most of the fees included in these Schedules.

¹ Fees for one or more domestic buildings

² Fees for certain small buildings, extensions and alterations

Note: Schedule 3³ of the Fees Regulations, which mostly applies to non-domestic buildings, would not be subject to change at this stage as they are based largely on the estimated cost of work, thus inflation proofing them to some degree.

c) Aims of the policy/ Rationale behind the changes

This is an interim measure ahead of the Department of Finance carrying out a wholesale review of the Fees Regulations, which for some time have not resulted in full cost recovery for councils. The current situation is not sustainable as ratepayers are subsidising councils' building control departments due to the shortfall. It is also important to ensure that councils are properly resourced to enforce the Building Regulations.

d) Who will the policy affect?

Anyone who is building or carrying out works to dwellings (or to other small buildings which would fall within the remit of Schedule 2) for which the Building Regulations are applicable and which therefore require approval from a council Building Control department. This includes homeowners, developers and those operating in the wider construction industry.

It would also more generally affect all ratepayers, who are currently subsidising councils' Building Control Departments, by moving closer to the desired 'user pays' principle where the costs are met instead by the fees charged.

e) Is this a NICS wide policy?

No, it is applicable to citizens, including developers and the wider construction industry.

f) Who will implement the policy?

³ Work other than work to which Schedule 1 or 2 apply

Building Standards Branch, Department of Finance, would make the legislative changes and the building control departments of district councils will then implement the policy by increasing the fees charged to customers in line with the amended Schedules.

- g) Will this policy or revision address an existing inequality? **No**
If yes, please give details.
- h) Will this policy or revision benefit any Section 75 categories? **No**
If yes, please give details.
- i) Will this policy or revision have an adverse differential impact upon any of the Section 75 groupings? **No**. If yes, please give details.

Section B

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? Set out all evidence below along with details of the different Section 75 groups you have met and / or consulted with to help inform your screening assessment. Please also provide details of priorities and needs identified for each Section 75 group.

- **Religious belief**

None, as no evidence has been obtained that the planned changes would particularly affect any specific Section 75 groups.

- **Political opinion**

As above.

- **Racial group**

As above.

- **Age**

As above.

- **Marital status**

As above.

- **Sexual orientation**

As above.

- **Men & women generally**

As above.

- **Disability**

As above. The existing exemptions from fees for alteration work carried out for factors relating to a building user or users' physical disability will remain in place.

- **Dependants**

As above.

If you have no evidence held, outline how you will obtain it:

Not applicable. The proposed measures would apply equally to anyone carrying out relevant building work. It is not possible to obtain a breakdown of existing or previous fees payees under any of these groups, except where a physical disability has been stated, in relation to seeking an exemption from fees for that reason.

Screening questions

There are 4 essential screening questions:

1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the nine Section 75 categories? (none)
2. Are there opportunities to better promote equality of opportunity for people within the Section 75 categories? **No**
3. To what extent is the policy likely to impact upon good relations between people of different religious belief, political opinion or racial group? **None**
4. Are there opportunities to better promote good relations between these three groups? **No**

Are there likely impacts on Section 75 Categories?

- **Religious belief:** The proposed measures would apply equally to anyone carrying out relevant building work. No evidence has been obtained that the planned changes would particularly impact on any specific Section 75 groups.

What is the level of impact? **None**

- **Political opinion:** As above

What is the level of impact? **None**

- **Racial group:** As above

What is the level of impact? **None**

- **Age:** As above

What is the level of impact? **None**

- **Marital status:** As above

What is the level of impact? **None**

- **Sexual orientation:** As above

What is the level of impact? **None**

- **Men and women generally:** As above

What is the level of impact? **None**

- **Disability:** As above

What is the level of impact? **None**

- **Dependants:** As above

What is the level of impact? **None**
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).

None have been identified.

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.

Not applicable.

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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.

Alternatively there may already be policies in place which would mitigate any adverse impact identified.

Mitigation measures proposed:

Not applicable.

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Section C

DoF also has legislative obligations to meet under the [Disability Discrimination Order](#) and the [Human Rights Act](#) . The following questions relate to these two areas.

Consideration of Disability Duties

Does the proposed policy / decision provide an opportunity for DoF to better **promote positive attitudes** towards disabled people?

Explain your assessment in full

No. The proposed measures for increases in the prescribed fees would apply equally to anyone carrying out relevant building work and seeking building control approval. The existing exemptions remain for some adaptations relating to a building user or users' physical disability. Given the nature of the proposals, it would not provide the Department with an opportunity to promote positive attitudes towards people with disabilities.

Does the proposed policy / decision provide an opportunity to actively **increase the participation** by disabled people in public life?

Explain your assessment in full

Given that the proposal is to increase most of the prescribed fees set out in Schedules 1 and 2 of the Prescribed Fees Regulations, which would affect those carrying out relevant building works, it would not provide an opportunity to actively increase the participation by people with disabilities in public life.

Consideration of Human Rights

The Human Rights Act (HRA) 1998 brings the European Convention on Human Rights (ECHR) into UK law and it applies in N Ireland. Articles 3 and 4 are classified as “absolute” rights ie the State can never withhold or take away these rights. All others are either “qualified” or “limited”. Further information is available via the following link

<http://www.nicshumanrightsguide.com/>

Indicate any potential *adverse impacts* that the policy / decision may have in relation to human rights issues.

| | <u>Adverse Impact</u> | |
|---|-------------------------|----|
| | (delete as appropriate) | |
| Right to Life | Article 2 | No |
| Prohibition of torture, inhuman or degrading treatment | Article 3 | No |
| Prohibition of slavery and forced labour | Article 4 | No |
| Right to liberty and security | Article 5 | No |
| Right to a fair and public trial | Article 6 | No |
| Right to no punishment without law | Article 7 | No |
| Right to respect for private and family life, home and correspondence | Article 8 | No |
| Right to freedom of thought, conscience and religion | Article 9 | No |
| Right to freedom of expression | Article 10 | No |
| Right to freedom of peaceful assembly and association | Article 11 | No |

| | | |
|---|---------------------------------|----|
| Right to marry and to found a family | Article 12 | No |
| The prohibition of discrimination | Article 14 | No |
| Protection of property and enjoyment of possessions | Protocol 1 Article 1 | No |
| Right to education | Protocol 1 Article 2 | No |
| Right to free and secret elections | Protocol 1 Article 3 | No |

Please indicate any ways which you consider the policy positively promotes human rights.

Not applicable.

Please explain any adverse impacts on human rights that you have identified.

Not applicable.

If you have identified any adverse impacts on human rights through this screening you must complete a Human Rights Impact Assessment:
<https://www.executiveoffice-ni.gov.uk/publications/human-rights-impact-assessment-proforma>.

Monitoring Arrangements

Public authorities should consider the guidance contained in the Commission's [Monitoring Guidance for Use by Public Authorities \(July 2007\)](#):

<http://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/S75MonitoringGuidance2007.pdf>

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.

Please detail proposed monitoring arrangements below:

The Building Regulations, including the Prescribed Fees Regulations, are enforced on behalf of the Department by local councils. The Department liaises with council representatives in relation to this on a regular basis in Building Control Liaison Meetings and by correspondence if any urgent issues arise. Departmental officials have also been meeting with a specially formed Fees Working Group comprising of council representatives in relation to the review of building control fees, including these proposed measures.

The Northern Ireland Building Regulations Advisory Committee (NIBRAC) has a role in advising on and approving changes to the Building Regulations. A NIBRAC Fees Working Group will also be established to feed into the wider review of the fees methodology.

Section D - Formal Record of Screening Decision

Title of Proposed Policy / Decision being screened:

Proposed amendment of Schedules 1 and 2 of the Building (Prescribed Fees) Regulations (Northern Ireland) 1997

I can confirm that the proposed policy / decision has been screened for (i) equality of opportunity, (ii) good relations disabilities duties and (iii) human rights issues

On the basis of the answers to the screening questions, I recommend that this policy / decision is –

* **Screened Out** – No EQIA necessary (no impacts)

Provide a brief note to explain how this decision was reached:

The proposed measures would apply equally to anyone carrying out relevant building work. No evidence has been obtained that the planned changes would particularly impact on any specific Section 75 groups.

The existing fees exemptions remain for some adaptations relating to a building user or users' physical disability.

Screening assessment completed by -

Name Anna McNulty
Grade Deputy Principal (Acting)
Date 19 August 2021

And approved by –

Name John Saulters
Grade Grade 7
Date 19 August 2021

Central Support Team Notified 22nd October 2021

Equality Contacts advised 25th October 2021

Screening uploaded to DoF website 25th October 2021