

## Housing Executive: Policy Screening

### Part 1 - Policy Scoping

The first 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 writer work through the screening process on a step by step basis.

#### Name of the policy

Powers of Entry on Land

#### Information about the policy (General Context Statement)

Where the Housing Executive proposes to compulsorily acquire land or it appears to the Housing Executive that it requires entry onto land in order to determine whether any of its statutory powers under the 1981 Housing Order should be exercised in respect of that land, the Housing Executive has the statutory power to access third party lands for the purpose of survey or valuation.

Where the Housing Executive has already acquired land compulsorily but the owner or occupier refuses to give up possession, the Housing Executive will enter and take possession of land as it is authorised to do by virtue of the relevant Vesting Order.

This policy details the policy and procedures for the Housing Executive to exercise its statutory powers of entry on third party lands and for entering and taking possession of land it has compulsorily acquired where the occupier refuses to give up possession.

#### Is this an existing, revised or a new policy?

(Please mark an 'X' where appropriate)

Existing	Revised	New
	X	

#### What is it trying to achieve? (Intended Aims/Outcomes)

The overall aim of this policy and procedure is to provide all staff in the Housing Executive with effective guidance on how to exercise the Housing Executive's statutory powers of entry on land in accordance with all legislative requirements.

#### Are there any Section 75 categories which might be expected to benefit from the intended policy?

If so, explain how.

This policy guides an administrative process to obtain entry on to lands for the purpose of survey or valuation, it is not intended to provide benefits to any group of people, rather, it is a support policy to assist the Housing Executive in pursuit of wider statutory functions. Any person who falls within any Section 75 group might be affected by the application of this policy, if they are an owner or

tenant of land(s) which the Housing Executive require access to. However the policy is not intended to impact upon any one section 75 group more than it will the population as a whole.

**Who initiated or wrote the policy?**

The Land Asset and Policy Unit in Regional Services

**Who owns and who implements the policy?**

The Land Asset and Policy Unit owns the policy. It is implemented by the Regional Place Shaping Teams as and when required.

**Implementation factors**

<b>Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?</b>	
<b>If yes, are they:</b>	
<b>(Please mark an 'X' where appropriate)</b>	
	Financial
	Legislative
X	Other (Please Specify) :  This policy guides an administrative process to obtain entry on to lands for the purpose of survey or valuation. The need for use of this policy will arise only if and when the Housing Executive is undertaking another of its statutory functions where there is an associated potential need for the use of third party land.  This policy also guides an administrative process to obtain possession of lands compulsorily acquired by the Housing Executive if the former owner or occupier refuses to give up possession. The need for use of this policy will arise only if and when the Housing Executive is undertaking compulsory acquisition schemes.

**Main stakeholders affected**

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon?

(Please mark an 'X' where appropriate and detail as necessary)

<b>Who are the internal and external stakeholders (actual or potential) that the policy will impact upon?</b>	
<b>(Please mark an 'X' where appropriate and detail as necessary)</b>	
	Staff

<b>Who are the internal and external stakeholders (actual or potential) that the policy will impact upon?</b>	
<b>(Please mark an 'X' where appropriate and detail as necessary)</b>	
	Service Users, Customers
	Other Public Sector Organisations
	Voluntary/Community/Trade Unions
X	<p>Other (Please Specify) :</p> <p>The Powers of Entry on Land Policy applies to third party land anywhere in Northern Ireland. That land could be owned by individuals, groups or businesses</p> <p>The policy also applies to the former owners or occupiers of land compulsorily acquired by the Housing Executive if they fail to give up possession of that land.</p>

Other policies with a bearing on this policy

What are they?

N/A

Who owns them?

N/A

Available evidence

Evidence to help inform the screening process may take many forms. Policy Writers 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? Specify details for each of the Section 75 categories that evidence is required for.

<b>Section 75 category</b>	<b>Details of evidence/information</b>
Religious belief	<p>This policy governs a largely technical procedure for obtaining access to third party lands for the purpose of survey or valuation or for obtaining possession of land compulsorily acquired by the Housing Executive where the former owner or occupier refuses to give up possession. The process to be followed is heavily guided by legislative requirements and so no specific evidence beyond legal advice was obtained to enable this policy review.</p> <p>To be clear, this policy does not cover the decision making process to undertake compulsory acquisition in the first place, only what to do if the occupier of the land refuses to give up possession. It does not cover the decision making process that determines if access to third part lands is</p>
Political opinion	
Racial group	
Age	
Marital status	
Sexual orientation	
Men and women	

<b>Section 75 category</b>	<b>Details of evidence/information</b>
Disability	needed, only how that access should be obtained in accordance with legislative requirements.
Dependants	

### Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision? Specify details for each of the Section 75 categories that are affected.

<b>Section 75 category</b>	<b>Details of needs/experiences/priorities</b>
Religious belief	The needs of all Section 75 Groups are the same in respect of this policy. For powers of entry on third party lands, they need to be clearly informed, in accordance with the timescales contained within the legislative provisions, that the Housing Executive will be accessing their land. They also need to have the land properly reinstated if any invasive works such as trial pits are carried out.  For land which the Housing Executive has already acquired compulsorily but the owner or occupier refuses to give up possession, they have a need to be clearly informed of the date at which possession is required and that failure to deliver clear possession will result in legal action. Matters related to supporting and rehousing persons displaced from land as a result of compulsory acquisition are out with the scope of this policy. This policy only covers the statutory path to seeking possession.
Political opinion	
Racial group	
Age	
Marital status	
Sexual orientation	
Men and women	
Disability	
Dependants	

### Part 2 - Screening questions

Please see guidance below for further information

#### Screening questions

<b>1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? minor/major/none</b>		
<b>Section 75 category</b>	<b>Details of policy impact</b>	<b>Level of impact? minor/major/none</b>
Religious belief	This policy governs a largely technical process for gaining access to or seeking possession of land. None of the policy provisions could potentially impact differentially on persons of different religious beliefs.	None

<b>1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? minor/major/none</b>		
Political opinion	This policy governs a largely technical process for gaining access to or seeking possession of land. None of the policy provisions could potentially impact differentially on persons of different political opinions.	None
Racial group	This policy governs a largely technical process for gaining access to or seeking possession of land.  It is noted that there may be language barriers for some individuals of different racial groups who may be affected by the policy, and receiving subsequent correspondence on this. Should that situation arise on a case by case basis use will be made of the Housing Executive language support services as required.  Therefore it is considered that this policy will not have a differential impact on persons of different racial groups.	None
Age	This policy governs a largely technical process for gaining access to or seeking possession of land. None of the policy provisions could potentially impact differentially on persons of different ages.	None
Marital status	This policy governs a largely technical process for gaining access to or seeking possession of land. None of the policy provisions could potentially impact differentially on persons based on their marital status.	None
Sexual orientation	This policy governs a largely technical process for gaining access to or seeking possession of land. None of the policy provisions could potentially impact differentially on persons based on their sexual orientation.	None
Men and women	This policy governs a largely technical process for gaining access to or seeking possession of land. None of the policy provisions could potentially impact differentially on persons based on their gender.	None
Disability	This policy governs a largely technical process for gaining access to or seeking possession of land.  It is noted that depending on the nature of the disability the applicant may have, this could give	None

<b>1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? minor/major/none</b>		
	rise to the need to communicate differently. Should that situation arise on a case by case basis, use will be made of the Housing Executive language support services as required. Therefore it is considered that this policy will not have a differential impact on persons with a disability	
Dependants	This policy governs a largely technical process for gaining access to or seeking possession of land. None of the policy provisions could potentially impact differentially on persons based on if they have dependants.	None

<b>2. Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?</b>		
<b>Section 75 category</b>	<b>If Yes, provide details</b>	<b>If No, provide reasons</b>
Religious belief		This policy is not considered to have a differential impact on people within any of the Section 75 categories.  As such it is considered that the policy does not provide any opportunities to promote better equality of opportunity for any Section 75 group.
Political opinion		
Racial group		
Age		
Marital status		
Sexual orientation		
Men and women		
Disability		
Dependants		

<b>3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group? minor/major/none</b>		
<b>Good relations category</b>	<b>Details of policy impact</b>	<b>Level of impact minor/major/none</b>
Religious belief	This policy governs a largely technical process for gaining access to or seeking possession of land.	None

	None of the policy provisions could potentially impact differentially on persons of different religious beliefs.	
Political opinion	This policy governs a largely technical process for gaining access to or seeking possession of land. None of the policy provisions could potentially impact differentially on persons of different political opinions.	
Racial group	<p>This policy governs a largely technical process for gaining access to or seeking possession of land.</p> <p>It is noted that there may be language barriers for some individuals of different racial groups who may be affected by the policy, and receiving subsequent correspondence on this. Should that situation arise on a case by case basis use will be made of the Housing Executive language support services as required.</p> <p>Therefore it is considered that this policy will not have a differential impact on persons of different racial groups.</p>	

<b>4. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?</b>		
Good relations category	If Yes, provide details	If No, provide reasons
Religious belief		<p>This policy is not considered to have a differential impact on people of different religious belief, political opinion or racial group.</p> <p>As such it is considered that the policy does not provide any opportunities to promote good relations between persons of different religious belief, political opinion or racial group.</p>
Political opinion		
Racial group		

### 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).

No. The policy has no impact on any of the individual Section 75 groups so it will not impact on persons with multiple identities.

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

**Disability Duties:**

1. Does this policy affect (or have the potential to affect) disabled people? (Please mark an 'X' where appropriate)

Yes	No
	X

2. If yes, how does this policy pay due regard to the promotion of positive attitudes towards disabled people?

3. If yes, does this policy provide any opportunity for the engagement of, or participation of any stakeholder representatives? e.g. Housing Community network. (Please mark an 'X' where appropriate)

Yes	No

4. If yes, what efforts have been made to encourage the participation of disabled people?

N/A

**Human Rights:**

The Screening Team must consider the Human Rights "Convention Checklist" set out below. The Screening Team must be satisfied that the policy does not interfere (unless justified by a legitimate, necessary and/or proportionate aim) with any of the rights listed. On occasion, the Screening Team may require legal advice to assure the Board/CXBC of adequate consideration of Human Rights.

There are no Human Rights issues with this policy.

**Additional Human Rights Conventions:**

There are many international instruments that the UK Government have made commitments to progressively realise. Some of these impact on housing policy and it is important that when we make policy that we can assure the Board that cognisance of these instruments has been observed. This is particularly important where policies affect or have the potential to affect children and young



people and disabled people. The Screening Team may wish to seek additional legal advice or views of representative groups.

**Monitoring:**

How will this policy be monitored for equality impacts in accordance with the Housing Executive’s Equality Scheme?\*

This policy has no potential to impact on any Section 75 group so no monitoring arrangements are proposed.

\*Guidance available from the Equality Monitoring Officer, Equality Unit.

**Part 3 - Screening Team decision**

Does this policy require an equality impact assessment? (Please mark an ‘X’ where appropriate)

Yes	No
	X

**Reasons for the decision:**

There is no need for an equality impact assessment as this is a technical policy. The policy details the procedures the Housing Executive must follow in order to exercise its statutory powers of entry on third party lands; and for entering and taking possession of land it has compulsorily acquired where the occupier refuses to give up possession.

**Part 4 - Approval and authorisation**

Screened by: (Please insert name below)	Position/Job Title	Date
Lee Duffin	Equality & Safeguarding Manager	19/12/22
Approved by:		
Tony Steed	EDIS Manager	19/12/22