

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

Extinguishment of Public Rights of Way Policy

Information about the policy (General Context Statement)

Where the Housing Executive considers it necessary or expedient to do so, it may submit to the Department for Communities an order (an “Extinguishment Order”) to extinguish any public right of way over land which the Housing Executive owns or which it proposes to acquire, for example if it is necessary to facilitate a Housing Association Transfer scheme.

An Extinguishment Order may provide for the removal or retention of cables, wires, mains, pipes or other apparatus placed along, across, over or under the land for which the right of way exists. It may also provide for the extinction, modification or preservation of any rights as to the use or maintenance of such cables, wires, mains, pipes or apparatus.

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 aim of this policy and procedure is to provide all staff with effective guidance on how to process an extinguishment of a public right of way over Housing Executive 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.

All Section 75 categories might be expected to benefit from the policy if they personally require an extinguishment of a public right of way to facilitate the sale of Housing Executive land to them. However, no Section 75 group is expected to benefit more greatly than the population as a whole.

At a more distant level persons from any Section 75 group might be impacted by the extinguishment of a public right of way as that right of way will be taken away. Again, no Section 75 group is expected to be impacted more greatly than 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 our Regional Place Shaping Teams with input from Asset Management and Local Offices

Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?	
If yes, are they:	
(Please mark an 'X' where appropriate)	
	Financial
	Legislative
X	Other (Please Specify) : This policy guides an administrative process extinguish a public right of way. 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 an extinguishment. Further, it is the responsibility of the Department for Communities to approve any extinguishment order. The Housing Executive cannot complete an extinguishment if DfC do not agree to it.

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)	
	Staff
X	Service Users, Customers
	Other Public Sector Organisations
	Voluntary/Community/Trade Unions
X	Other (Please Specify) :

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)

	The Housing Executive owns approx. 1600ha of land across NI. It is possible that an extinguishment may be needed over land it owns. If it is, it is not only our tenants who could be affected but also other residents or people who visit or use the area.
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Other policies with a bearing on this policy

What are they?

The Land and Regeneration Services Land Disposals Policy

Who owns them?

The Land Asset and Policy Unit

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.

Section 75 category	Details of evidence/information
Religious belief	<p>This policy governs a largely technical procedure. 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>It does not cover the decision making process that determines if an extinguishment is needed, only how an extinguishment should be obtained in accordance with legislative requirements.</p>
Political opinion	
Racial group	
Age	
Marital status	
Sexual orientation	
Men and women	
Disability	
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.

Section 75 category	Details of needs/experiences/priorities
Religious belief	In relation to this policy and procedure an individual from any Section 75 Group has a need to be clearly advised that the extinguishment is being proposed, have the opportunity to object and have those objections properly considered.
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

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		
Section 75 category	Details of policy impact	Level of impact? minor/major/none
Religious belief	This policy governs a largely technical process for the obtaining an extinguishment of a public right of way over Housing Executive land. None of the policy provisions could potentially impact differentially on persons of different religious beliefs.	None
Political opinion	This policy governs a largely technical process for the obtaining an extinguishment of a public right of way over Housing Executive 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 the obtaining an extinguishment of a public right of way over Housing Executive land. It is noted that use may have to be made of the Housing Executive's language support services to meet the communication needs of some persons	None

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		
	of different racial groups on a case by case basis, particularly during resident consultation, However since these support services are available, it is considered that the policy does not impact differentially on persons of different racial groups.	
Age	This policy governs a largely technical process for the obtaining an extinguishment of a public right of way over Housing Executive 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 the obtaining an extinguishment of a public right of way over Housing Executive land. None of the policy provisions could potentially impact differentially on persons of different marital status.	None
Sexual orientation	This policy governs a largely technical process for the obtaining an extinguishment of a public right of way over Housing Executive land. None of the policy provisions could potentially impact differentially on persons of different sexual orientations.	None
Men and women	This policy governs a largely technical process for the obtaining an extinguishment of a public right of way over Housing Executive land. None of the policy provisions could potentially impact differentially on persons of different genders.	None
Disability	<p>This policy governs a largely technical process for the obtaining an extinguishment of a public right of way over Housing Executive land.</p> <p>It is noted that, depending of the nature of the disability a person has, use may need to be made of the Housing Executive’s language support services, particularly during resident consultation. It is also noted that persons with a disability may have greater challenges in accessing Notices and maps made available for public inspection in a public venue.</p> <p>However, since these language support services are available and a facility to provide documents directly to the person upon request has been included in policy, it is considered that the policy</p>	None

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		
	does not impact differentially on persons with a disability.	
Dependants	This policy governs a largely technical process for the obtaining an extinguishment of a public right of way over Housing Executive land. None of the policy provisions could potentially impact differentially on persons with dependants.	None

2. Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?		
Section 75 category	If Yes, provide details	If No, provide reasons
Religious belief		As stated above this policy is largely technical in nature and practice is heavily governed by legislation. No differential impacts were identified for any Section 75 group and so it is considered that it is not possible to promote better equality of opportunity for any Section 75 groups.
Political opinion		
Racial group		
Age		
Marital status		
Sexual orientation		
Men and women		
Disability		
Dependants		

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		
Good relations category	Details of policy impact	Level of impact minor/major/none
Religious belief	This is a largely technical land management policy and has no bearing on Good Relations	None
Political opinion		
Racial group		

4. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?		
Good relations category	If Yes, provide details	If No, provide reasons
Religious belief		As stated above this policy is largely technical in nature and practice is heavily governed by legislation. No Good Relations impacts were identified and so it is considered that it is not possible to promote better Good Relations through this policy.
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 specific 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?

This is a technical policy setting out the administrative procedures that must be completed in relation to extinguishments of public rights of way and in general will have no direct impact on persons with a disability. However, as highlighted above during consultations for any extinguishments of public rights of way the requirements for alternative formats and access requirements to view maps etc. for disabled people should always be taken into account.

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
	X

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

Yes	No

Reasons for the decision:

The policy has been determined to have no potential to impact differentially on any Section 75 group.

Part 4 - Approval and authorisation

Screened by: (Please insert name below)	Position/Job Title	Date
Kelly Anderton	Policy Officer	21/06/23
Lee Duffin	Equality & Safeguarding Manager	21/06/23
Approved by:		
Tony Steed	EDIS Manager	22/06/23