# A4 DAERA Logo process.png

**Equality & Disability Duties**

**Screening Template**

# **Screening flowchart and template (taken from Section 75 of the Northern Ireland Act 1998 – A Guide for public authorities April 2010 *(Appendix 1)).***

**Introduction**

**Part 1. Policy scoping** – asks public authorities to provide details about the policy, procedure, practice and/or decision being screened and what available evidence you have gathered to help make an assessment of the likely impact on equality of opportunity and good relations.

**Part 2. Screening questions** – asks about the extent of the likely impact of the policy on groups of people within each of the Section 75 categories. Details of the groups consulted and the level of assessment of the likely impact. This includes consideration of multiple identity and good relations issues. This section also includes two questions related to the Disability Duties.

**Part 3. Screening decision** –guides the public authority to reach a screening decision as to whether or not there is a need to carry out an equality impact assessment (EQIA), or tointroducemeasures to mitigate the likely impact, or the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

**Part 4. Monitoring** –provides guidance to public authorities on monitoring for adverse impact and broader monitoring.

**Part 5. Consideration of Human Rights** – please note this is not a Human Rights Screening form but rather a prompt that impacts on Human Rights should be considered.

 **Part 6. Approval and authorisation** – verifies the public authority’s approval of a screening decision by a senior manager responsible for the policy.

 A screening flowchart is provided overleaf.

Policy Scoping

* + Policy
	+ Available data

Screening Questions

* Apply screening questions
* Consider multiple identities

Screening Decision: None/Minor/Major

Mitigate

 Publish Template

Re-consider screening

Publish Template

for information

Publish Template

 EQIA

Monitor

**‘None’**

Screened out

**‘Major’**

Screened in for EQIA

**‘Minor’**

Screened out with mitigation

Concerns raised with evidence

Concerns raised with evidence re: screening decision

**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 maker work through the screening process on a step by step basis.

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

**Information about the policy**

**Name of the policy**

The subject of the assessment relates to the potential decision as regards extension of the opening hours of the Helen’s Bay car park, located at Fort Road, Helen’s Bay. The car park is within a residential area and bordered by domestic dwellings on both the east and west boundaries and other dwellings across Fort Road, immediately opposite the car park.

Currently the car park opening hours are consistent with the seasonal operation of the wider Crawfordsburn Country Park, as detailed below:

9:00am – 4:30pm 1st November – 28th/29th February

9.00am – 7:00pm 1st March – 30th April

9:00am – 9:00pm 1st May to 30th September

9.00am – 7:00pm 1st October to 31st October

Prior to installation of the current measures allowing closure of the facility (gate on the car park entrance and one way traffic plates on the exit) the car park remained open on a 24 hour basis, leading to reports of antisocial behaviour within the car park.

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

The decision subject to scoping would be a revision of an existing position that has been in place since the installation of the entrance gate and single direction traffic plates in May 2012.

The measures to facilitate closure were installed as a result of complaints from local residents about night time antisocial behaviour and its impact on families living close to the car park. Reports received apparently included gangs of youths using it as a racing circuit, banging doors, shouting, fighting, lighting of fires, alcohol consumption, playing loud music well into the night, etc. At this time, the PSNI confirmed that officers had often been called out to address complaints of noise at night, but often offenders had left before they arrived. The activities were outlined by local residents as causing an unacceptable disturbance to families living nearby.

The culmination of this was that in early 2012, a petition from local residents was raised and presented through the then MP for North Down, Lady Sylvia Hermon. The petition requested that NIEA take action to resolve the issue around antisocial behaviour related disturbance to residents in the area from within the car park on Fort Road.

At the time, it is also understood that the Cllr Marion Smith canvassed residents and opinion was divided on night time closure of the car park. In order to address the issues, the installation of the operational control measures was undertaken in May 2012 and was supported by the NIEA Chief Executive at the time. The measures were installed and monitored for a period of one year before a decision on their retention was considered in 2013, taking account of the views of local residents who were provided with a short survey on the impact of the measures.

The conclusion reached as a result of the review in June 2013 was that although opinion was largely split on the subject of retaining the gate and traffic plates, the initial aim of a reduction in antisocial behaviour had been achieved. Since installation, opening and closing times at the Helen’s Bay car park located at Fort Road have been entirely consistent with the seasonal opening times of the wider Crawfordsburn Country Park.

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**What is it trying to achieve? (intended aims/outcomes)**

The decision would achieve the extension of opening hours of the car park in isolation from the rest of the country park.

Recent correspondence and issues raised at stakeholder meetings with respect to Crawfordsburn Country Park have indicated there is a degree of advocacy for extension of the opening hours of the car park, both earlier in the mornings and later in the evenings.

Reasoning behind this has been cited as amelioration of illegal car parking and noise related issues associated with early morning users of Helen’s Bay beach. These users include sea swimmers and also yoga practitioners and occur outside the official opening hours set for the park. It is noted that these activities being practiced have not been sanctioned by park management and those taking part do so at their own risk.

The aim appears to be the relocation of early morning visitors to the centralised confines of the car park at Fort Road which, as previously outlined, is in an entirely residential area and bordered by domestic dwellings with family occupancy.

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

**If so, explain how.**

There are no specific benefits to be gained given the relatively small number of requests received for extended opening hours and the availability of free, legal, on-street parking a short distance away on Church Road.

The car park being opened earlier would mean this area receives access to services and facilities offered outside of all other opening times at Crawfordsburn Country Park and would seem to offer a disproportionate level of favourability of service to this area over and above opportunities offered elsewhere across the park and also wider Department managed country park sites.

Furthermore, representations have made clear that there are specific Section 75 concerns and disturbance related negative impacts that would likely result on these groups from the extension of opening hours.

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**Who initiated or wrote the policy?**

The decision has been initiated through park management at Crawfordsburn Country Park, managed on behalf of the Department by NIEA, via discussion and correspondence with local stakeholders at meetings and also to the local park email address.

As the site is a government asset, the decision, having taken necessary consideration of all legal requirements, ultimately rests with the Department.

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

NIEA, as site managers on behalf of the Department, implement the current operational requirements around the car park. NIEA, on behalf of the Department, would therefore be responsible for implementation of any deviation from the *status quo*, including the current potential decision being appraised.

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**Implementation factors**

**Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?**

It is known that prior to installation of measures allowing specified opening hours of the car park that there were significant issues relating to antisocial behaviour that had been raised by local residents. Specific issues raised included congregations of youths using it as a racing circuit, banging doors, shouting, fighting, lighting of fires, alcohol consumption, playing loud music well into the night, etc. Implementation of closure times consistent with the wider country park have been demonstrated to have dramatically curtailed antisocial behaviour.

It is known by site management from correspondence and telephone calls received to the Crawfordsburn Country Park office that there exists specific Section 75 issues relating to a number of categories including “Persons with a disability and persons without” and “Persons with dependents and persons without” and that disturbance outside current opening hours presents significant difficulties.

Any extension of opening hours would place the Department in the position of knowingly exacerbating issues relating to these Section 75 groups.

In addition to the above, there would be an impact relating to occupiers liability associated with the opening of a Departmental asset prior to staff presence onsite. The risk associated with this is that staff have not carried out necessary health and safety inspections of the site while at the same time site users are actively being invited onsite. There is a risk of damage to vehicles, property and also personal injury, liabilities to which the Department would be indefensibly exposed having knowingly initiated use in this manner.

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**Main stakeholders affected**

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

**staff**

**service users**

**other, please specify**:

Contractors are currently employed to close the site during seasonal opening that exceed employee working patterns (i.e. from 1st March to 31st October inclusive each year). Any deviation from the existing arrangement may have associated implications in terms of ability to actually provide a service, and if so the cost of providing the service.

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Other policies with a bearing on this policy

* **What are they?**

Crawfordsburn Country Park seasonal opening; Occupiers’ Liability Act (Northern Ireland) 1957.

* **Who owns them?**

Crawfordsburn Country Park seasonal opening – Department of Agriculture, Environment and Rural Affairs (DAERA).

Occupiers’ Liability Act (Northern Ireland) 1957 – Crown ownership/implementation.

**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. The Commission has produced this guide to [signpost to S75 data](https://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/Public%20Authorities/S75DataSignpostingGuide.pdf).

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

*Please ensure all data used is the most current and up to date available. You should verify this by contacting the Departmental Statisticians.*

**Religious belief** evidence/information:

None – not considered necessary to inform the decision.

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**Political Opinion** evidence/information:

None – not considered necessary to inform the decision.

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**Racial Group** evidence/information:

None – not considered necessary to inform the decision.

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**Age** evidence/information:

None – not considered necessary to inform the decision.

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**Marital Status** evidence/information:

None – not considered necessary to inform the decision.

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**Sexual Orientation** evidence/information:

None – not considered necessary to inform the decision.

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**Men & Women generally** evidence/information:

None – not considered necessary to inform the decision.

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**Disability** evidence/information:

Correspondence and telephone calls received to Crawfordsburn Country Park, the Minister and local elected representative relating to ongoing efforts in the local community and online to ensure the Department effects extended opening hours at Fort Road car park.

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**Dependants** evidence/information:

Correspondence and telephone calls received to Crawfordsburn Country Park, the Minister and local elected representative relating to ongoing efforts in the local community and online to ensure the Department effects extended opening hours at Fort Road car park.

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**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 of the needs, experiences and priorities for each of the Section 75 categories below:**

***Religious belief***

N/A.

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***Political Opinion***

N/A.

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***Racial Group***

N/A.

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***Age***

N/A.

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***Marital status***

N/A.

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***Sexual orientation***

N/A.

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***Men and Women Generally***

N/A.

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***Disability***

Given the known issues that exist in the area regarding noise sensitivity and the negative experiences resulting from this kind of disturbance, local residents are known to require quiet outside of reasonable daytime hours (currently considered to be balanced and in keeping with established opening and closing times).

Extension of opening hours beyond the status quo would affect this requirement by increasing the duration of availability of access, which in consideration of historic antisocial issues in the area prior to installation of the gate, would have a deleterious impact on this requirement.

Furthermore, the disturbance would not be solely confined only to the opening hours as the current arrangement allows vehicle to remain in the car park beyond closure and exit over single direct traffic plates. There is therefore an extended duration throughout which disturbance would likely occur. It must therefore be acknowledged that the further extension of opening times would also extend the likely duration of disturbance beyond what is currently experienced and considered acceptable to this group.

In addition to the above, extending the opening hours would provide greater opportunity for those wishing to participate in antisocial behaviour to enter the car park prior to closure and then remain there without interruption. Based on historic issues which led to installation of the gate and traffic plates, there is high potential for elevated levels of antisocial behaviour to return to the site. This is evidenced through the recent attempt to light fires around the previously sited clothing bank in late 2020.

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***Dependants***

Concerns have been raised by those residents in the area with dependents associated with excessive noise disturbance. Given the specific, known noise sensitivity issues around the area that has been raised both in writing and through telephone conversations with the park office, there is a requirement for low levels of noise disturbance outside reasonable daylight hours (currently considered to be balanced and in keeping with established opening and closing times).

Extension of opening hours beyond the status quo would affect this requirement by increasing the duration of availability of access, which in consideration of historic antisocial issues in the area prior to installation of the gate, would have a deleterious impact on this requirement.

Furthermore, the disturbance would not be solely confined only to the opening hours as the current arrangement allows vehicle to remain in the car park beyond closure and exit over single direct traffic plates. There is therefore an extended duration throughout which disturbance would likely occur. It must therefore be acknowledged that the further extension of opening times would also extend the likely duration of disturbance beyond what is currently experienced and considered acceptable to this group.

In addition to the above, extending the opening hours would provide greater opportunity for those wishing to participate in antisocial behaviour to enter the car park prior to closure and then remain there without interruption. Based on historic issues which led to installation of the gate and traffic plates, there is high potential for elevated levels of antisocial behaviour to return to the site. This is evidenced through the recent attempt to light fires around the previously sited clothing bank in late 2020.

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**Part 2. Screening questions**

**Introduction**

In making a decision as to whether or not there is a need to carry out an equality impact assessment, the public authority should consider its answers to the questions 1-4.

If the public authority’s conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then the public authority may decide to screen the policy out. If a policy is ‘screened out’ as having no relevance to equality of opportunity or good relations, a public authority should give details of the reasons for the decision taken.

If the public authority’s conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

If the public authority’s conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

* measures to mitigate the adverse impact; or
* the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

**In favour of a ‘major’ impact**

1. The policy is significant in terms of its strategic importance;
2. Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;
3. Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;
4. Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;
5. The policy is likely to be challenged by way of judicial review;
6. The policy is significant in terms of expenditure.

**In favour of ‘minor’ impact**

1. The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
2. The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;
3. Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
4. By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

**In favour of none**

1. The policy has no relevance to equality of opportunity or good relations.
2. The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions given overleaf and indicate the level of impact on the group i.e. minor, major or none.**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?**

Please provide details of the likely policy impacts and determine the level of impact for each S75 categories below i.e. either minor, major or none.

**Details of the likely policy impacts on *Religious belief*:**

None known.

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

**Details of the likely policy impacts on *Political Opinion:***

None known.

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

**Details of the likely policy impacts on *Racial Group*:**

None known.

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

**Details of the likely policy impacts on *Age*:**

None known.

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

**Details of the likely policy impacts on *Marital Status*:**

None known.

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

**Details of the likely policy impacts on *Sexual Orientation*:**

None known.

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

**Details of the likely policy impacts on *Men and Women*:**

None known.

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

**Details of the likely policy impacts on *Disability*:**

The current opening hours for Fort Road car park are consistent with the seasonal opening of Crawfordsburn Country Park and cover the majority of daylight hours. During the summer period the car park remains open for 12 hours each day and is considered to represent a reasonable and balanced position for all interested parties and stakeholders.

The decision under scrutiny would result in the opening hours for the car park being extended beyond the existing opening hours. As there are known sensitivities in the area related to noise and which are covered by the Disability Discrimination Act and the site was historically subject to prevalent and repeated instances of antisocial behaviour (leading to installation of the current opening regime) it is likely that the decision to extend the opening hours would result in prolonging of disturbance and unacceptable discrimination against these Section 75 groups.

**What is the level of impact?** Major

**Details of the likely policy impacts on *Dependants*:**

As set out previously, the current opening hours of the site are consistent with those across the wider country park with duration of opening being 12 hours during the summer months, a position which is considered reasonable and balanced for all interested parties.

The decision under scrutiny would result in the opening hours for the car park being extended beyond the existing opening hours. As there are known sensitivities in the area related to noise and which are covered by the Disability Discrimination Act and the site was historically subject to prevalent and repeated instances of antisocial behaviour (leading to installation of the current opening regime) it is likely that the decision to extend the opening hours would result in prolonging of disturbance and unacceptable discrimination against these Section 75 groups.

**What is the level of impact?** Major

1. **Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?** Yes/No (please delete as appropriate)

Detail opportunities of how this policy could promote equality of opportunity for people within each of the Section 75 Categories below:

***Religious Belief* - If Yes, provide details:**

N/A.

**If No, provide reasons:**

N/A.

***Political Opinion* - If Yes, provide details:**

N/A.

**If No, provide reasons:**

N/A.

***Racial Group* - If Yes, provide details:**

N/A.

**If No, provide reasons:**

N/A.

***Age* - If Yes, provide details:**

N/A.

**If No, provide reasons:**

N/A.

***Marital Status* - If Yes, provide details:**

N/A.

**If No, provide reasons**

N/A.

***Sexual Orientation* - If Yes, provide details:**

N/A.

**If No, provide reasons:**

N/A.

***Men and Women generally* - If Yes, provide details:**

N/A.

**If No, provide reasons:**

N/A.

***Disability* - If Yes, provide details:**

Yes – the current representations in favour of extended opening hours of the car park have so far not shown cognisance of issues relating to noise sensitivity resulting from disturbance and the potential impacts on this Section 75 group.

It is known that historically this group was affected as a result of antisocial behaviour prior to installation of the closure mechanism. An NIEA follow-up exercise highlighted that the installation of a gated access and non-return traffic plates had resulted in a significant fall in levels of antisocial behaviour. Since this time, issues relating to noise sensitivity have vastly reduced. However, impacts and concerns relating to noise sensitivity issues are still known to be present in the area and have not receded.

There is opportunity for “consciousness raising” of local residents, interested parties and wider stakeholders in the area through this exercise concerning this aspect of the local community and the required sensitivity associated with this group.

**If No, provide reasons:**

**N/A.**

***Dependants* – If Yes, provide details:**

Yes – the current representations in favour of extended opening hours of the car park have so far not shown cognisance of issues relating to noise sensitivity resulting from disturbance and the potential impacts on this Section 75 group.

It is known that historically this group was affected as a result of antisocial behaviour prior to installation of the closure mechanism. An NIEA follow-up exercise highlighted that the installation of a gated access and non-return traffic plates had resulted in a significant fall in levels of antisocial behaviour. Since this time, issues relating to noise sensitivity have vastly reduced. However, impacts and concerns relating to noise sensitivity issues are still known to be present in the area and have not receded.

There is opportunity for “consciousness raising” of local residents, interested parties and wider stakeholders in the area through this exercise concerning this aspect of the local community and the required sensitivity associated with this group.

**If No, provide reasons:**

N/A.

1. **To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group?**

Please provide details of the likely policy impact and determine the level of impact for each of the categories below i.e. either minor, major or none.

**Details of the likely policy impacts on *Religious belief*:**

No potential impacts are known in relation to this group as the decision being appraised has no bearing on Religious belief.

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

**Details of the likely policy impacts on *Political Opinion*:**

No potential impacts are known in relation to this group as the decision being appraised has no bearing on Political Opinion.

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

**Details of the likely policy impacts on *Racial Group*:**

No potential impacts are known in relation to this group as the decision being appraised has no bearing on and Racial Group.

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

1. **Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?**

Detail opportunities of how this policy could better promote good relations for people within each of the Section 75 Categories below:

***Religious Belief* - If Yes, provide details:**

N/A.

**If No, provide reasons:**

The decision subject to appraisal will have no known, specific impact on Religious Belief and relate only to extended opening of Fort Road car par. Consequently there are no opportunities for promotion of good relations in terms of Religious Belief.

***Political Opinion* - If Yes, provide details:**

N/A.

**If No, provide reasons**

The decision subject to appraisal will have no known, specific impact on Political Opinion and relate only to extended opening of Fort Road car par. Consequently there are no opportunities for promotion of good relations in terms of Political Opinion.

Racial Group **- If Yes, provide details:**

N/A.

**If No, provide reasons**

The decision subject to appraisal will have no known, specific impact on Religious Belief and relate only to extended opening of Fort Road car par. Consequently there are no opportunities for promotion of good relations in terms of Racial Groups.

**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?  If so, please detail below.

(*For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).*

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

It is currently unknown whether any stakeholders fall into multiple Section 75 categories. Impacts are therefore unknown.

DAERA also has legislative obligations to meet under the Disability Discrimination Order. Questions 5 – 6 relate to these.

Consideration of Disability Duties

1. **Does this proposed policy or decision provide an opportunity for DAERA to better *promote positive attitudes* towards disabled people?**

Yes.

Currently those representations received in support of extending the opening hours have apparently adopted the position out of a perception of convenience and that there would be limited or no impact on anyone. Some issues raised also include illegal parking and the risk presented to health and safety. However the Department has no powers of enforcement under traffic legislation with respect to publically adopted roads and this remains a matter for the Department for Infrastructure and Police Service of Northern Ireland.

While specific detail remains confidential in nature, there are known issues around noise sensitivity in the area that would be significantly and negatively impacted upon where disturbance was both concentrated and extended beyond the status quo. This is a known historic issue pre-dating the installation of the current closure measures and is also known to still remain an issue of much sensitivity from a recognised Section 75 category that would also be covered under disability discrimination legislation.

There are opportunities for “consciousness raising” of local residents, interested parties and wider stakeholders in the area through this exercise concerning this aspect of the local community and the required sensitivity associated with this group.

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

No.

The policy is in relation to extension of opening hours of the Fort Road car park. It would effectively mean that the Department knowingly facilitates the creation of a focal point for congregation during the early morning outside official opening hours of the main Crawfordsburn Country Park when staff are not in attendance onsite, have not inspected the area with respect to health and safety considerations and cannot have effected any necessary immediate closure, mitigation or other repairs as required under occupiers liability legislation.

Furthermore, the extension would in effect mean the Department is knowingly providing opportunity of access for those wishing to partake in antisocial behavior in an area known to have been subject to such activities thereby increasing the disturbance of those with noise sensitivity. This would potentially constitute a breach of the relevant legislation designed to protect and afford equality of rights to these members of society.

It is recognised that feelings on both sides of the debate run high with those advocating a positive outcome feeling that this would be for the greater good of Helen’s Bay. Given this position and other measures set out above, it is considered likely that the proposal would directly contribute to decreasing the potential participation of affected individuals in public life through impacts resulting from increased levels of disturbance which the Department has been made aware of.

**Part 3. Screening decision**

**If the decision is *not to conduct an equality impact assessment*, please provide details of the reasons.**

N/A.

**If the decision is not to conduct an equality impact assessment the public authority should consider if the policy should *be mitigated or an alternative policy be introduced* - please provide details.**

N/A.

**If the decision is to *subject the policy to an equality impact assessment*, please provide details of the reasons.**

Any proposal to extend opening hours of the Fort Road car park must be subject to an equality impact assessment given the known issues related to noise sensitivity and disturbance and the fact that the extension of opening of the car park would undoubtedly enable increased levels of this disturbance leading to impacts on Section 75 groups in the locality.

There are known historic issues in the area relating to antisocial behaviour (set out previously and not reproduced here) that instigated discussion around overnight closure of the car park. In May 2012 this resulted in the installation of the gated entrance and the installation of the directional traffic plates on the exit, intended to prevent access when the entry gate was locked. The result of this was an apparently significant reduction in antisocial behaviour in the car park, which at the time had been the objective. In the time that has now passed since installation and the associated reduction in disturbance levels, those residing nearby can reasonably be expected to have adapted to the normal “background” level of disturbance. Given this, they can be described as having an expectation of enjoyment of their residence in a peaceable manner.

An argument raised in relation to the extension of the opening hours is that it would mitigate repeated illegal parking issues along Church Road, with early morning visitors apparently forced to park on areas covered by double yellow lines. On the contrary, there is considerable legal on-street parking available further along Church Road and those parking illegally are making a conscious choice to do so. Further, it should again be noted that this department does not have any means of enforcement relating to illegal parking under traffic legislation. This remains a matter for the Department for Infrastructure and PSNI respectively, and would seem the most logical means through which resolution of this issue can be achieved.

The extension of the current opening regime would effectively relocate any perceived disturbance to the car park area and would lead to prolonged opportunity for disturbance both during the early morning and later in the evening. Given the Department has been made aware of noise related sensitivity issues in this area, there are known impacts on those members that would be considered part of Section 75 categories. These issues cannot be mitigated given the nature of the decision being taken and the status quo is considered to represent the most balanced option.

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All public authorities’ equality schemes must state the authority’s arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity. The Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on equality impact assessment may be found in a separate Commission publication: [A Practical Guide to Equality Impact Assessment](https://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/PracticalGuidanceonEQIA2005.pdf?ext=.pdf)

**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.

**Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?**

No.

If has previously been suggested that the opening hours for the car park be extended for a trial period. Unfortunately this form of mitigation would still place the Department in breach of its duties in respect of the aforementioned disturbance factors relating to Section 75 groups. This form of mitigation is therefore not considered feasible due to the unacceptable impacts that would result.

**If so, *give the reasons* to support your decision, together with the proposed changes/amendments or alternative policy.**

N/A.

**Timetabling and prioritising**

Factors to be considered in timetabling and prioritising policies for equality impact assessment.

If the policy has been **‘screened in’** for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment.

**On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.**

| **Priority criterion** | **Rating (1-3)** |
| --- | --- |
| Effect on equality of opportunity and good relations  | 1 |
| Social need | 1 |
| Effect on people’s daily lives | 3 |
| Relevance to a public authority’s functions | 2 |
| **Total score** | 7 |

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the public authority in timetabling. Details of the Public Authority’s Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

**Is the policy affected by timetables established by other relevant public authorities?**

No.

**If yes, please provide details.**

N/A.

**Part 4. Monitoring**

Section 75 places a requirement on DAERA to have equality monitoring arrangements in place in order to assess the impact of policies and services etc; and to help identify barriers to fair participation and to better promote equality of opportunity. Please note the following excerpt from The Equality Commission for Northern Ireland in relation to monitoring:

*A system must be established to monitor the impact of the policy in order to find out its effect on relevant groups. The results of ongoing monitoring must be reviewed on an annual basis. The public authority is required to publish the results of this monitoring. And they must be included in the public authorities´ annual review on progress to the Equality Commission. The Equality Scheme must specify how and where such monitoring information will be published. It is therefore essential that monitoring is carried out in a systematic manner and that the results are widely and openly published.*

*If the monitoring and analysis of results over a two year period show that the policy results in greater adverse impact than predicted, or if opportunities arise which would allow for greater equality of opportunity to be promoted, the public authority must ensure that the policy is revised to achieve better outcomes for the relevant equality groups.*

Further advice on monitoring can be found at: [ECNI Monitoring Guidance for Public Authorities](https://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/S75MonitoringGuidance2007.pdf?ext=.pdf)

Outline what data you will collect in the future in order to monitor the impact of this policy or decision on equality, good relations and disability duties.

**Equality:**

It is considered that the current arrangements for opening/closure of the car park represent the most balanced position, covering the needs of the vast majority of site users. That being said, the park office is contactable both by telephone and by email and site management monitor this on an ongoing basis.

**Good Relations:**

Members of the public are able to contact the park directly by email and telephone. Site staff also perform regular site patrols and inspections and members of the public are also able to approach and raise any issues. These will be resolved in line with the Department’s complaints procedures and also in accordance with all legal obligations relating to the nature of any issue raised.

**Disability Duties:**

The Department is aware of issues around sensitivity to noise and will continue to monitor the current operational requirements pending the outcome of any equality impact assessment.

**Part 5. Consideration of Human Rights**

1. **The Human Rights Act (HRA) 1998 brings the European Convention on Human Rights (ECHR) into UK law and it applies in N Ireland. Indicate below by deleting Yes/No as appropriate, any potential *adverse impacts* that the policy or decision may have in relation to human rights issues.**

See Annex A for brief synopsis on each of the Human Rights Articles & Protocols

|  |  |  |
| --- | --- | --- |
| 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** | Yes |
| 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 1Article 1** | Yes |
| Right to education | **Protocol 1Article 2** | No |
| Right to free and secret elections | **Protocol 1Article 3** | No |

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

The car park was historically the subject of repeated antisocial behavior to the point where this was the catalyst for installation of the current access gate and non-return traffic plates on the exit. On installation of the measures and implementation of opening and closure consistent with the wider Crawfordsburn Country Park, this was significantly reduced, as confirmed by respondents to a 2013 survey completed 1 year after these measures commenced.

Those advocating for the extension of opening apparently do so from a view of personal convenience – either they are unprepared to walk the additional distance from where legal, free on-street parking exists, or they wish to relocate visitors to a concentrated area within the car park which is bordered by residential housing.

This approach would place the Department in the position where it would be willingly and knowingly facilitating access during early mornings and late in the evening (and beyond, given cars can remain inside the car park after closure) increasing levels of noise related disturbance and a high potential of increasing levels of antisocial behaviour which drew significant levels of complaint and instigated the installation of the current measures, thereby curtailing the peace of the area and rights of those living there to peaceably enjoy their home and enjoy their possessions.

The above would directly impact on established human rights including “Right to respect for private and family life, home and correspondence” and “Protection of property and enjoyment of possessions”.

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

Article 11 outlines the “Freedom of assembly and association”. It could be argued that the decision being scrutinised would further enhance this right as extended opening hours of the site would facilitate greater opportunity to exercise this right.

However, this does obviously come at the cost of disturbance to those living in the area and impinges on the aforementioned human rights that would be adversely affected by the proposal. Furthermore, there is existing, free and legal parking a short distance along Church Road that would afford the same rights without contributing to the deterioration of the human rights of others.

**Part 6 - Approval and authorisation**

# **Screening Checklist**

Before signing off this screening template please confirm that you have completed all the actions listed below.

I can confirm that all the actions listed below have been completed –

* I have explained any technical issues in plain English (easily understood by a 12 year old)
* I have used the most relevant, current & up to date data available
* I have added evidence and explained my assessments in full
* I have provided a brief note to justify my decision to ‘Screen In’ or ‘Screen Out’
* A copy of this screening template and the final decision has been sent to the Equality Unit for their consideration before it has been forwarded for sign-off

**Screening assessment completed by (Staff Officer level or above) -**

**Name:** Officially approved by relevant Officer **Grade:** SSO

**Branch:** NIEA NED Regional Operations

**Signature:** Officially approved by relevant Officer

**Screening decision approved by (must be Grade 3 /Deputy Secretary or above) -**

**Name:** Officially approved by relevant Officer **Grade:** G3

**Branch:** NIEA

**Signature:** please insert a scanned image of your signature

Officially approved by relevant Officer

Note: 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 easily accessible on the public authority’s website as soon as possible following completion and made available on request.

Please save the final signed version of the completed screening form in the CM container (AE2-19-11940) below as soon as possible after completion and forward the CM link to Equality Branch at equality@daera-ni.gov.uk. The screening template must be saved to the container in **HTML format** (not PDF) in order to comply with accessibility requirements. The screening form will be placed on the DAERA website and a link provided to the Department’s Section 75 consultees.

 

For more information about equality screening, contact –

DAERA Equality Unit

Equality, Diversity & Public Appointments Branch

Ballykelly House

111 Ballykelly Road

LIMAVADY
BT49 9HP

Email: equality@daera-ni.gov.uk

Tel: 028 7744 2027



**Annex A**

**Synopsis of Human Rights Act Articles & Protocols**

***Article 2***

 **E+W+S+N.I.*Right to life***

1. Everyone’s right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.**E+W+S+N.I.**
2. Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than absolutely necessary:**E+W+S+N.I.**

(a) In defense of any person from unlawful violence;

(b) In order to effect a lawful arrest or to prevent the escape of a person lawfully detained;

(c) In action lawfully taken for the purpose of quelling a riot or insurrection.

***Article 3***

 **E+W+S+N.I.*Prohibition of torture***

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

***Article 4***

**E+W+S+N.I.*Prohibition of slavery and forced labour***

1. No one shall be held in slavery or servitude.**E+W+S+N.I.**
2. No one shall be required to perform forced or compulsory labour.**E+W+S+N.I.**
3. For the purpose of this Article the term “forced or compulsory labour” shall not include:**E+W+S+N.I.**

(a) Any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 of this Convention or during conditional release from such detention;

(b) Any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service;

(c) Any service exacted in case of an emergency or calamity threatening the life or well-being of the community;

(d) Any work or service which forms part of normal civic obligations.

***Article 5***

 **E+W+S+N.I.*Right to liberty and security***

1. Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:**E+W+S+N.I.**

(a) The lawful detention of a person after conviction by a competent court;

(b) The lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law;

(c) the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;

(d ) the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;

(e) The lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;

(f) The lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.

1. Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him.**E+W+S+N.I.**
2. Everyone arrested or detained in accordance with the provisions of paragraph 1(c) of this Article shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.**E+W+S+N.I.**
3. Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.**E+W+S+N.I.**
4. Everyone who has been the victim of arrest or detention in contravention of the provisions of this Article shall have an enforceable right to compensation.**E+W+S+N.I.**

***Article 6***

**E+W+S+N.I.*Right to a fair trial***

1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.**E+W+S+N.I.**
2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.**E+W+S+N.I.**
3. Everyone charged with a criminal offence has the following minimum rights:**E+W+S+N.I.**

(a) To be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;

(b) To have adequate time and facilities for the preparation of his defense;

(c) To defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;

(d) To examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(e) To have the free assistance of an interpreter if he cannot understand or speak the language used in court.

***Article 7***

**E+W+S+N.I.*No punishment without law***

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed.**E+W+S+N.I.**
2. This Article shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognised by civilised nations.**E+W+S+N.I.**

***Article 8***

**E+W+S+N.I.*Right to respect for private and family life***

1. Everyone has the right to respect for his private and family life, his home and his correspondence.**E+W+S+N.I.**
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.**E+W+S+N.I.**

***Article 9***

**E+W+S+N.I.*Freedom of thought, conscience and religion***

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.**E+W+S+N.I.**
2. Freedom to manifest one’s religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.**E+W+S+N.I.**

***Article 10***

**E+W+S+N.I.*Freedom of expression***

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.**E+W+S+N.I.**
2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.**E+W+S+N.I.**

***Article 11***

 **E+W+S+N.I.*Freedom of assembly and association***

1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.**E+W+S+N.I.**
2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.**E+W+S+N.I.**

***Article 12***

**E+W+S+N.I.*Right to marry***

Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right.

***Article 14***

**E+W+S+N.I.*Prohibition of discrimination***

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

**Protocol 1**

***Article 1***

 **E+W+S+N.I.*Protection of property***

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

**Protocol 1**

***Article 2***

 **E+W+S+N.I.*Right to education***

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

**Protocol 1**

***Article***

***3* E+W+S+N.I.*Right to free elections***

The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature