

EQUALITY IMPACT ASSESSMENT (EQIA): SCREENING FORM

Introduction to the EQIA screening process

A successful EQIA screening will look at 5 key areas:

1. Identify the Policy, Project, Service Reform or Budget Option to be assessed

A clear definition of what is being screened and its aims

2. Gathering Evidence & Stakeholder Engagement

Collect data to evidence the type of barriers people face to accessing services (research, consultations, complaints and/or consult with equality groups)

3. Assessment & Differential Impacts

Reaching an informed decision on whether or not there is a differential impact on equality groups, and at what level

4. Outcomes, Action & Public Reporting

Develop an action plan to make changes where a negative impact has been assessed. Ensure that both the assessment outcomes and the actions taken to address negative impacts are publically reported

5. Monitoring, Evaluation & Review

Stating how you will monitor and evaluate the **Policy, Project, Service Reform or Budget Option** to ensure that you are continuing to achieve the expected outcomes for all groups.

1. IDENTIFY THE POLICY, PROJECT, SERVICE REFORM OR BUDGET OPTION:

a) Name of the Policy, Project, Service Reform or Budget Option to be screened

Licensing of Short Term Lets (“STL”) 2024 Order.

b) Reason for Change in Policy or Policy Development

The Scottish Government brought into force The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 on 1 March 2022. This 2022 Order introduced a mandatory licensing scheme for STL, which required all STL to be licensed by 1 April 2024. Prior to the introduction of the 2022 Order, there was no requirement to licence STL in Scotland. The 2022 Order provided for changes to be made to the 1982 Act to reflect this new STL licence being introduced.

On 8 March 2023, the Licensing and Regulatory Committee “Committee” considered a report by the Director of Legal and Administration which detailed the changes introduced to short term let licensing under The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) (Amendment) Order 2023 (“**the 2023 Order**”) which came into effect in March 2023. The 2023 Order provided for a 6 month extension for existing hosts to apply for a STL licence to the Licensing Authority, to enable the host to continue operating the premises as a STL while the application was being determined, and separately, an amendment to the date by which all STL existing hosts should be licensed. At this meeting, the Committee agreed that any reference to 1 April 2023 date, within the STL Policy, was to be replaced with 1 October 2023, and any reference to the 1 July 2024 date within the STL Policy was to be replaced with 1 January 2025.

The above matters are dealt with in the EQIA document available [online](#) titled “[Licensing STL – EQIA Screening – April 2024 Review](#)”

On 30 August 2024, The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets Amendment Order 2024 (“**the 2024 Order**”) came into effect. The 2024 Order amends the 2022 Order, which amends the Civic Government (Scotland) Act 1982.

c) List main outcome focus and supporting activities of the Policy, Project, Service Reform or Budget Option

The main contents of the 2024 Order are not discretionary for Licensing Authorities across Scotland. The “discretionary” element is in relation to the fees set for the three new licence “types” under the 2024 Order – Transfer of a STL Licence, Provisional STL Licence and separately Confirmation of a STL Licence. There is an issue that has arisen from the 2024 Order which relates to the time period of the licence, when the Confirmation application has been granted. It is proposed within the STL Policy amendments that on Confirmation of a Provisional STL Licence being granted, a STL licence is in effect for a period of up to 3 years. This would be in line with the time period when a STL licence (full) is first granted.

d) Name of officer completing assessment (signed and date)

Gillian McNaught 23.8.24

2. GATHERING EVIDENCE & STAKEHOLDER ENGAGEMENT

The best approach to find out if a policy, etc is likely to impact positively or negatively on equality groups is to look at existing research, previous consultation recommendations, studies or consult with representatives of those groups. You should list below any data, consultations (previous relevant or future planned), or any relevant research or analysis that supports the Policy, Project, Service Reform or Budget Option being undertaken.

<p>Please name any research, data, consultation or studies referred to for this assessment:</p>	<p>Please state if this reference refers to one or more of the protected characteristics:</p> <ul style="list-style-type: none"> ➤ age ➤ disability, ➤ race and/or ethnicity, ➤ religion or belief (including lack of belief), ➤ gender, ➤ gender reassignment, ➤ sexual orientation ➤ marriage and civil partnership, ➤ pregnancy and maternity, 	<p>Do you intend to set up your own consultation? If so, please list the main issues that you wish to address if the consultation is planned; or if consultation has been completed, please note the outcome(s) of consultation.</p>
<p>The 2024 Order introduces the following provisions which are all mandatory:</p> <ul style="list-style-type: none"> • Transfer of a STL licence by a STL licence holder; • Provisional STL licence – an application for this type of licence can be made in relation to any premises, despite the fact that, at the time the application is made, the premises are yet to be, or are in the course of being, 	<p>Yes, it refers to all of the above protected characteristics.</p>	<p>No, the provisions introduced to the licensing regime under the 2024 Order are mandatory. The Licensing and Regulatory Committee has no discretion to introduce the changes brought into the licensing regime under the 202 Order.</p> <p>While the Licensing Authority</p>

<p>constructed for use as a STL. This type of licence is of no effect, in terms of hosting guests, until it is “confirmed” by the Licensing Authority;</p> <ul style="list-style-type: none">• Confirmation of a provisional STL licence – whereby the holder of a provisional STL licence can apply to the Licensing Authority which issued the provisional STL licence, for confirmation of the licence. On confirmation by the Licensing Authority, the STL licence holder would be able to host guests in the STL premises; and• Temporary exemptions - Licensing Authority can authorise up to three periods of temporary exemptions in each calendar year, provided the total number of days over the three periods do not exceed a combined total of six weeks. <i>(While this is mandatory, exemptions within the 2022 Order were discretionary and Glasgow at present, does not permit temporary exemptions. This will be reviewed in September 2025).</i> <p>There are also a number of technical updates included in the 2024 Order relating to licences for multiple accommodation within the same premises and the definition of a STL. In addition, the 2024 Order also provides two “new” mandatory conditions relating to the information which a licence holder is required to display within the STL premises.</p>		<p>can determine the fees set for the three “new” licence applications introduced under the 2024 Order – Transfer of a STL Licence, Provisional STL Licence and separately Confirmation of a Provisional STL Licence – under the Civic Government (Scotland) Act 1982, the fees charged are based on cost recovery – the cost to process and determine an application. Given this, a consultation was not considered necessary.</p>
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3. ASSESSMENT & DIFFERENTIAL IMPACTS

Use the table below to provide some **narrative** where you think the **Policy, Project, Service Reform or Budget Option** has either a positive impact (contributes to promoting equality or improving relations within an equality group) or a negative impact (could disadvantage them) and note the reason for the change in policy or the reason for policy development, based on the evidence you have collated.

Protected Characteristic	Specific Characteristics	Positive Impact (it could benefit an equality group)	Negative Impact – (it could disadvantage an equality group)	Socio Economic / Human Rights Impacts
SEX/ GENDER	Women	<p>As the changes introduced to the STL licensing regime are mandatory, the Licensing Authority is only able to comment on the positive impact it considers based on the changes in the 2024 Order:</p> <p>Transfers – will enable a licence holder to transfer the licence. This could be perhaps if a licence holder is selling the STL property. This could ease the process of buying a “in situ” STL premises. Prior to the transfer provision being introduced, a new owner (or an individual/company with the owner’s consent), had to apply for a new STL licence and would not be able to operate the STL property</p>	<p>Community Groups and Members of the public will not be able to submit objections/representations to a transfer licence application or Confirmation of a provisional STL licence. This may give rise to concerns from neighbours of STL premises however there is no discretion on this within the 2024 Order.</p>	<p>The three new licence applications introduced under the 2024 Order will each cost applicants/licence holders money to apply for. In addition, the requirement on a licence holder to meet the mandatory (within the 2022 Order as amended by the 2024 Order) and possible additional conditions within the STL Policy may also be costly for the licence holder of a provisional STL licence. This may be more so for individuals over businesses.</p>

Protected Characteristic	Specific Characteristics	Positive Impact (it could benefit an equality group)	Negative Impact – (it could disadvantage an equality group)	Socio Economic / Human Rights Impacts
		<p>until the licence application was granted.</p> <p>Provisional STL Licence – this will enable “new builds” to apply for this licence, which may perhaps provide the applicant/licence holder with reassurance re funding of the new build and it ultimately being used as a STL premises. Prior to this type of licence being introduced an applicant would have had to have waited until the build was complete and apply to the Licensing Authority for a “full” STL licence.</p> <p>Confirmation of a STL Licence – this allows for a fairly straightforward process for a licence holder of a provisional STL licence to apply to have that licence confirmed. On confirmation being granted by a Licensing Authority a licence holder can host guests</p>		

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Protected Characteristic	Specific Characteristics	Positive Impact (it could benefit an equality group)	Negative Impact – (it could disadvantage an equality group)	Socio Economic / Human Rights Impacts
		within the premises. It is proposed that on Confirmation being granted, the STL licence will be in place for up to a period of 3 years, rather than just for the remaining period of the Provisional STL licence (as suggested in the Scottish Government transcript to Committee on the 2024 Order). On Confirmation being granted, a STL licence is in effect.		
	Men	As detailed above	As detailed above	
	Transgender	As detailed above	As detailed above	
RACE*	White	As detailed above	As detailed above	
<i>Further information on the breakdown below each of these headings, as per census, is available here. For example Asian includes Chinese,</i>	Mixed or Multiple Ethnic Groups	As detailed above	As detailed above	
	Asian	As detailed above	As detailed above	
	African	As detailed above	As detailed above	
	Caribbean or Black	As detailed above	As detailed above	
	Other Ethnic Group	As detailed above	As detailed above	

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Protected Characteristic	Specific Characteristics	Positive Impact (it could benefit an equality group)	Negative Impact – (it could disadvantage an equality group)	Socio Economic / Human Rights Impacts
<i>Pakistani and Indian etc</i>				
DISABILITY	Physical disability	As detailed above	As detailed above	
<i>A definition of disability under the Equality Act 2010 is available here.</i>	Sensory Impairment (sight, hearing,)	As detailed above	As detailed above	
	Mental Health	As detailed above.	As detailed above.	
	Learning Disability	As detailed above	As detailed above	
LGBT	Lesbians	As detailed above	As detailed above	
	Gay Men	As detailed above	As detailed above	
	Bisexual	As detailed above	As detailed above	
AGE	Older People (60 +)	As detailed above	As detailed above	
	Younger People (16-25)	As detailed above	As detailed above	
	Children (0-16)	This age category is very unlikely to apply for a STL licence.	This age category is very unlikely to apply for a STL licence.	
MARRIAGE & CIVIL PARTNERSHIP	Women	As detailed above	As detailed above	
	Men	As detailed above	As detailed above	

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Protected Characteristic	Specific Characteristics	Positive Impact (it could benefit an equality group)	Negative Impact – (it could disadvantage an equality group)	Socio Economic / Human Rights Impacts
	Lesbians	As detailed above	As detailed above	
	Gay Men	As detailed above	As detailed above	
PREGNANCY & MATERNITY	Women	As detailed above	As detailed above	
RELIGION & BELIEF** A list of religions used in the census is available here .	See note	As detailed above	As detailed above	

* For reasons of brevity race is not an exhaustive list, and therefore please feel free to augment the list above where appropriate; to reflect the complexity of other racial identities.

** There are too many faith groups to provide a list, therefore, please input the faith group e.g. Muslims, Buddhists, Jews, Christians, Hindus, etc. Consider the different faith groups individually when considering positive or negative impacts. A list of religions used in the census is available [here](#).

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Summary of Protected Characteristics Most Impacted

Most protected characteristics would be impacted by the changes introduced under the 2024 Order.

Summary of Socio Economic Impacts

There could be a financial cost to applicants/licence holders applying for any of the three licence types introduced under the 2024 Order.

Summary of Human Rights Impacts

None - the changes introduced under the 2024 Order are mandatory.

4. OUTCOMES, ACTION & PUBLIC REPORTING

Screening Outcome	Yes /No Or / Not At This Stage
Was a significant level of negative impact arising from the project, policy or strategy identified?	Not at this stage.
Does the project, policy or strategy require to be amended to have a positive impact?	Not at this stage.
Does a Full Impact Assessment need to be undertaken?	Not at this stage.

<p style="text-align: center;">Actions: Next Steps</p> <p style="text-align: center;">(i.e. is there a strategic group that can monitor any future actions)</p>		
Further Action Required/ Action To Be Undertaken	Lead Officer and/or Lead Strategic Group	Timescale for Resolution of Negative Impact (s) / Delivery of Positive Impact (s)
<p>To monitor how many licences introduced under the 2024 Order over the next 12 months.</p>	<p>Legal Manager – Licensing</p>	<p>12 months</p>

Public Reporting

All completed EQIA Screenings are required to be publically available on the [Council EQIA Webpage](#) once they have been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. (See [EQIA Guidance](#): Pgs. 11-12)

5. MONITORING OUTCOMES, EVALUATION & REVIEW

The Equalities Impact Assessment (EQIA) screening is not an end in itself but the start of a continuous monitoring and review process. The relevant Strategic, Policy, or Operational Group responsible for the delivery of the Policy, Project, Service Reform or Budget Option, is also responsible for monitoring and reviewing the EQIA Screening and any actions that may have been take to mitigate impacts.

Individual services are responsible for conducting the impact assessment for their area, staff from **Corporate Strategic Policy and Planning** will be available to provide support and guidance.

Legislation

Equality Act (2010) - the Equality Act 2010 (Specific Duties) Scotland Regulations 2012

The 2010 Act consolidated previous equalities legislation to protect people from discrimination on grounds of:

- race
- sex
- being a transsexual person (transsexuality is where someone has changed, is changing or has proposed changing their sex – called ‘gender reassignment’ in law)
- sexual orientation (whether being lesbian, gay, bisexual or heterosexual)
- disability (or because of something connected with their disability)
- religion or belief
- having just had a baby or being pregnant
- being married or in a civil partnership, and
- age.

Further information: [Equality Act Guidance](#)

As noted the Equality Act 2010 simplifies the current laws and puts them all together in one piece of legislation. In addition the **Specific Duties (Scotland Regulations 2012)** require local authorities to do the following to enable better performance of the general equality duty:

- report progress on mainstreaming the general equality duty
- publish equality outcomes and report progress in meeting those
- impact assess new or revised policies and practices as well as making arrangements to review existing policies and practices
- gather, use and publish employee information
- publish gender pay gap information and an equal pay statement
- consider adding equality award criteria and contract conditions in public procurement exercises.

Further information: [Understanding Scottish Specific Public Sector Equality Duties](#)

Fairer Scotland Duty

Authorities should also consider Socio-Economic Impacts where appropriate. Further information: [Fairer Scotland Duty Interim Guidance](#)

Enforcement

Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.