

## **LISBURN BOROUGH COUNCIL**

### **DRAFT**

## **Equality Impact Assessment for Same Sex Civil Partnership**

### **Introduction**

Section 75 of the NI Act 1998 places a statutory duty on all designated public bodies to have due regard to the need to promote equality of opportunity -

- Between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- Between men and women generally;
- Between persons with a disability and persons without; and
- Between persons with dependants and persons without.

Public bodies must also have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

(Examples of each of the groups are given in Appendix 1).

### **Equality Impact Assessment (EQIA)**

An EQIA is a rigorous analysis of any policy (policy taken in its broadest sense) that is generated by or implemented by the public body.

There are seven steps involved in the EQIA process and these are outlined below.

The seven steps necessary for the conducting of an equality impact assessment are:

- Defining the aims of the policy.
- Consideration of available data and research.
- Assessment of impacts.
- Consideration of mitigating measures and alternative policies which may better achieve equality of opportunity.
- Consultation.
- Decision of the Council.
- Monitoring for possible future adverse impact.

Although the EQIA should encompass all groups it is recognised that on occasions one or more groups will be a priority within the EQIA process.

The EQIA is meant to determine if there is a differential and negative impact on any of the groups from the policy concerned.

### **The Council Policy**

The present policy of Council was established at the Corporate Services Committee on 9 June 2005 and subsequently ratified by Council at its June monthly meeting.

The policy is that “same sex civil partnership registration be not afforded the same recognition as a civil marriage ceremony and that the Cherry Room be not used for same sex civil partnership registrations”.

### **Available Data and Research:**

#### **The Sexual Orientation Group**

In relation to this particular EQIA one group – sexual orientation (which includes gay, lesbian, bisexual and heterosexual people) – is central although other groups will also be relevant. For example, the group that includes “men and women” generally includes men and boys, women and girls, transgendered people and transsexual people.

Obviously these groups will overlap across a number of the other nine designated groups.

#### **Age & Gender of Lisburn City Council Population at 2001 Census**

At the 2001 Census the total population of Lisburn City Council (LCC) was 108,694. The recent Mid-Year estimate for 2004 gives the population as 110,200. Longer-term population projections indicate that the population within the LCC area will grow by around 5% overall by 2017.

The following notes the number of males and females within the Lisburn City Council area. Of the population of 108694 48.74% (52979) were male and 51.26% (55715) were female.

| Age    | Persons | Male  | Female |
|--------|---------|-------|--------|
| 0-19   | 33064   | 17087 | 15977  |
| 20-29  | 13582   | 6761  | 6821   |
| 30-39  | 17689   | 8487  | 9202   |
| 40-49  | 14684   | 7218  | 7466   |
| 50-59  | 12189   | 5966  | 6223   |
| 60-69  | 8560    | 4032  | 4528   |
| 70-79  | 5940    | 2505  | 3435   |
| 80+    | 2986    | 923   | 2063   |
| Totals | 108694  | 52979 | 55715  |

Just over 30% of the population is aged 19 or under, with a further 53% aged between 20 and 60 years of age. Those aged over 60 account for the remaining 16% of the population.

### **Selected Results from the NI Life & Times (NILT) Survey 2004.**

In the 2004 NI Life and Times Survey two questions were asked in relation to the rights of gay and bisexual people.

The first question was “do you agree or disagree that gay and bisexual people should not be discriminated against?”

The responses indicated that 68% agreed or agreed strongly that gay and bisexual people should not be discriminated against.

Slightly more females (71%) than males (66%) agreed or strongly agreed with the question. Generally across all age groups (with the exception of those aged 65 or over) the numbers agreeing or strongly agreeing to the question were fairly similar (66%-79%). Interestingly, those from a catholic community background were more likely to agree or strongly agree with the question (81%) while the biggest number of those who were undecided were from a protestant community background (22%).

The second question asked, “do you agree or disagree that a gay couple should have the same rights as a heterosexual married couple?”

The responses here indicated that 38% of people agreed or agreed strongly that a gay couple should have the same rights as a heterosexual married couple with 36% disagreeing or disagreeing strongly to the question.

Slightly more females (41%) than males (36%) agreed or strongly agreed with the question. Generally across younger age groups (aged 18-44) 46% to 49% agreed or strongly agreed with the question. For the older age groups (45+) the figures agreeing or strongly agreeing with the question were 26% to 38%. Generally disagreement with the question increases with age, with 43% of those aged 65+ disagreeing or strongly disagreeing. Interestingly, those from a catholic community background were more likely to agree or strongly agree with the question (54%) while those from a protestant community background were more likely to disagree or disagree strongly to the question (46%).

### **Estimates of sexual orientation numbers – NI and LCC**

Most regional studies do not ask questions in relation to sexual orientation. It is therefore often difficult to establish data for such groups. The various studies that may collect data in relation to sexual orientation is often linked to “health” and “lifestyle” surveys. These are often small-scale surveys from which it is difficult to establish overall population figures. Also, such surveys are often in relation to one or two groups (gay and/or lesbian) and not all the relevant groups.

Some commentators have given estimates of 10% for this group within any population. Others have indicated that a more realistic figure may be as low as 5% but with an upper limit of 7%.

The following table gives an estimate for the number of lesbian, gay, bisexual and transgendered (LGBT) people within Northern Ireland and the Lisburn City Council area.

| Area                 | Population at 2001 Census | Estimated Number* |
|----------------------|---------------------------|-------------------|
| Northern Ireland     | 1685267                   | 84263-117968      |
| Lisburn City Council | 108694                    | 5435-7609         |

\*the estimated number is based on a figure of 5%-7% of the population

Source: Avert.org & Alcohol Concern

(If the estimate of 10% is utilised the figures for NI and LCC would be 168526 and 10869 respectively).

It is obvious that whatever estimated figure is used this will be across the various age groups and both male and female. The gathering of data on sexual orientation is, it is generally recognised, difficult and made more so by the sensitive nature of the subject. The above estimates therefore should be taken in this context.

### **Legislation**

The Civil Partnership Regulations (NI) 2005 will come into force on 5 December 2005.

This makes provision for the establishment of systems of civil partnership registration. The Act also makes comprehensive provision for the rights and responsibilities that flow from forming a civil partnership, as well as the formal ending of the civil partnership.

With a 14-day notification period the earliest a same sex civil partnership registration can occur is 19 December 2005.

The legislation does note the distinction between (same sex) civil partnership registrations and (heterosexual) marriage. While the legal rights conferred on civil partners would reflect to a large extent those of marriage it remains the case that civil partnership is not marriage and marriage will remain the union of one man and one woman.

### **Queries and comments relating to the present policy of Council**

There has been some confusion regarding this policy in that the decision by Council was represented in some parts of the media as a total ban on the carrying out of same-sex civil partnership registration.

It is worth reiterating that the policy is that “same sex civil partnership registration be not afforded the same recognition as a civil marriage ceremony and that the Cherry Room be not used for same sex civil partnership registrations”.

Council will, therefore, fulfil its legal obligations and carry out same sex civil partnership registration.

A range of queries and comments have been made to Council relating to the present policy regarding civil partnership registrations. These include those:

- Asking for clarification of the Councils policy/decision;
- Asking how the decision was taken/arrived at;
- Questioning/disagreeing with the decision of Council;
- Asking for information through a Freedom of Information request;
- From a Councillor indicating decision a breach of the Councils Equality Scheme;

### **The Cherry Room**

The Cherry Room within Lagan Valley Island is a function room that is used for a range of activities including civil marriage ceremonies.

### **Other Councils Responses to Same Sex Partnership Registration**

Councils were asked to give their response in relation to same sex partnership registration. Fourteen Councils gave a response at this point in time. Of these fourteen Councils eight indicated that they were intending to extend the same service to all.

Other comments received included:

- Council has been informed of the regulations/legislation;
- Council will carry out civil partnerships in accordance with the regulations/legislation;
- Council will meet its responsibilities under legislation;
- Opposition to the regulations/legislation has been recorded;
- Council has made no decision on the facilities to be used at this time;
- Council has made no decision at this time;

## **LCC Civil Partnership Registration - Staff Training**

The General Registrar's Office has advised that it will be undertaking training on the registration of Civil Partnerships prior to the introduction of the legislation on 5 December 2005. LCC staff will undertake training in November.

### **Assessment of Impacts**

The Guidelines given by the Equality Commission in respect of the assessment of impacts includes the following:

“The authority must use the information gathered to decide whether there is, or is likely to be, a differential impact, whether direct or indirect, upon the relevant group (or groups)”.

“If an adverse effect on any of those groups can be identified, policy makers will need to assess whether the policy is unlawfully discriminatory, taking into account that some policies are intended to increase equality of opportunity by requiring or permitting affirmative or positive action, or action to redress disadvantages. They will then have to decide how to ensure that the public authority acts lawfully”.

“Even if the policy is not unlawful, policy makers need to consider what to do in light of the adverse impact identified”.

(Equality Commission EQIA Guidelines p21).

### **Mitigating Measures**

The Guidelines given by the Equality Commission in respect of measures which might mitigate any adverse impact includes the following:

“The consideration of mitigating measures and alternative policies is at the heart of the EQIA process”.

“Mitigation can take the form of lessening the severity of the adverse impact”.

“Ways of delivering policy aims which have a less adverse effect on the relevant equality category, or which better promote equality of opportunity for the relevant equality category, must in particular be considered”.

(Equality Commission EQIA Guidelines p29).

## **Consultation**

Consultation, with interested individuals and organisation, forms part of undertaking an Equality Impact Assessment.

Council is therefore seeking your views on the policy.

All comments you may wish to make in relation to the policy would be most welcome.

## **Data Protection Act 1998**

Lisburn City Council is collecting this information for the purposes of conducting the Equality Impact Assessment into the policy as noted above.

The responses received, from organisations and individuals, will be used to inform the Equality Impact Assessment document on which Council will make their decision regarding the policy.

Organisations and groups whose details are already in the public domain will be reported accordingly and for those individuals making a response, confidentiality, will be addressed as per the Data Protection Act.

Please forward your comments to:

Stephen Malcolm  
Equality Officer  
Lisburn City Council  
Island Civic Centre  
The Island  
Lisburn BT27 4RL

Telephone: 028 9250 9491  
Fax: 028 9250 9208  
E-mail: [stephen.malcolm@lisburn.gov.uk](mailto:stephen.malcolm@lisburn.gov.uk)

All comments must be received by **30 December 2005**.

## Appendix 1

### The Designated Groups, with Examples

| Designated Category       | Examples   |
|---------------------------|--|
| Age                       | The following as a minimum – under 18, 18-64, 65 or over   |
| Marital Status            | Married people; unmarried people; divorced or separated people; widowed people   |
| Men & Women               | Men, including boys; Women, including girls; Transgendered people; Transsexual people  |
| Persons with a Disability | As defined in DDA  |
| Persons with Dependants   | Includes care of a child; care of a person with a disability; care of a dependant elderly person   |
| Political Opinion         | Unionists generally; Nationalists generally; Members/Supporters of any political party; Other  |
| Racial Group              | Chinese; Irish Traveller; Indian; Pakistani; Bangladeshi; Black African; Black Caribbean; White; Mixed ethnic group; Any other ethnic group; Nationality |
| Religious Belief          | Protestant; Catholic; Hindu; Jewish; Islam/Muslim; Sikh; Buddhist; Other religion; People of no religious belief   |
| Sexual Orientation        | Gay; Lesbian; Bisexual; Heterosexual   |

(Source: Equality Commission EQIA Guidelines p53).

**Consultation Response Form**

**Lisburn City Council Policy on Same Sex Civil Partnership Registration**

|   |  |
|---|--|
| Respondent (Name of Individual or Name of Organisation) |  |
| Contact Details   |  |

**Response on the Council Policy**

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The responses received, from organisations and individuals, will be used to inform the Equality Impact Assessment document on which Council will make their decision regarding the policy.

If you are willing to have your response attributed then please indicate so by signing below:

Signature:

Date:

Thank you for your response.