

# Public Document Pack

## BELFAST CITY COUNCIL

### **SUMMONS TO ATTEND THE MONTHLY MEETING OF THE COUNCIL**

**TO: THE LORD MAYOR, ALDERMEN AND THE COUNCILLORS OF BELFAST CITY COUNCIL**

- a) Extract from minutes of Strategic Policy and Resources Committee 20th September - Dual Language Signage at Olympia Leisure Centre (Pages 1 - 12)

Additional appendix – call-in requisition

The Members of Belfast City Council are hereby summoned to attend.

John Walsh

Chief Executive

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## Call-in requisition form

Section 41(1) of the Local Government Act (Northern Ireland) 2014 provides that a decision of the Council or one of its Committees can be called in for reconsideration if at least 15% (9 Members) of the total number of Members request it on the basis that the decision:

- (a) was not arrived at after a proper consideration of the relevant facts and issues; and/or
- (b) would disproportionately affect adversely any section of the inhabitants of the district..

We, the undersigned, require that the following decision of the Committee be called in for reconsideration.

Date of Committee meeting	20 / 09 / 2024			
Minute Heading	6a) DUAL LANGUAGE SIGNAGE AT OLYMPIA LEISURE CENTRE			
Section under which call-in is being requested (please tick)	Section 41(1)(a) Procedural grounds	<input checked="" type="checkbox"/>	Section 41(1)(b) Community impact grounds	<input checked="" type="checkbox"/>

	Print name
Councillor	JAMES LAWLOR
Councillor	NICOLA VERNER
Councillor	FRANK M'COUBREY
Councillor	JORDAN DORAN
Councillor	RUTH BROOKS
Councillor	TRACY KELLY
Councillor	SAMMY DOUGLAS
Councillor	IAN M'CLAUGHLIN
Councillor	DEAN M'CUULLOUGH
Councillor	FRED COBAIN
Councillor	BRADLEY FERGUSON
Councillor	DAVY DOUGLAS

Date 01-10-2024

**Reasons for call-in**

(see adjoining page)

(Please outline below the reasons why you consider that the decision should be called in. Failure to provide adequate reasons to support your request may invalidate the Call In).

**A. Call-in under Section 41(1)(a) – Procedural grounds**

*That the decision was not arrived at after a proper consideration of the relevant facts and issues*

	Reasons
1	
2	
3	

**Explanatory Notes**

If the decision is properly requisitioned for Call In by at least 9 Members of the Council and the number of Members so requesting the Call In remains at that number at the expiration of the call in period, the decision will not be submitted to the Council for ratification and the Chief Executive will summon a meeting of an Ad-Hoc Committee comprising the Chairs and Deputy Chairs of the 7 Committees.

On a procedural call-in, authority is delegated to the City Solicitor, in consultation with the Chief Executive, to obtain legal to be tabled at the meeting of the ad hoc committee, if it is their view that this will assist in addressing the issues raised within the call-in.

That Ad Hoc Committee will be empowered to make the following decisions on the matter which has been called in:

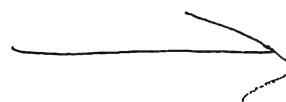
- (a) Refer the decision back to the Committee which took it for further consideration; or
- (b) Refer the decision of the Committee which originally took it to the next available meeting of the Council for ratification.

The Members who submitted requisitions on the decision called in shall be invited to attend the meeting of the Ad-Hoc Committee which is considering the request and may, with the consent of the Committee, address the meeting but they shall not have voting rights.

The Chair and Deputy Chair of the Committee where the decision in question was originally taken shall also not have voting rights at the Ad-Hoc Committee which is considering the request.

The following grounds are suggested as legitimate reasons why a Member or Members might seek for a decision to be called in on procedural grounds:

- A. Misapplication/misunderstanding as to legal requirements
- B. Failing to take into account relevant considerations/failure to exclude irrelevant considerations including factual mistake
- C. Failure to follow a procedural requirement
- D. Failure to have a fair hearing
- E. Failure to give reasons



## Reasons for call-in

(Please outline below the reasons why you consider that the decision should be called in. Failure to provide adequate reasons to support your request may invalidate the Call In).

### A. Call-in under Section 41(1)(a) – Procedural grounds

*That the decision was not arrived at after a proper consideration of the relevant facts and issues*

	Reasons
1	<p><b><u>Failure (adequately or at all) to consider the cost implications of replacing the signage at Olympia before making this decision</u></b></p> <p>The decision involves replacing the existing English signage at Olympia with new bilingual signage. The cost of this was entirely unknown to the committee when making its decision (see. Committee Report, para 3.8 which does not specify any costings) and the committee was specifically advised that the costs of replacement and rebranding are likely to be significant and considerable (see. Independent Report 2019, para 5.22 and Independent Report 2019 (Executive Summary), para 5.13).</p>
2	<p><b><u>Failure (adequately or at all) to show the Section 75 screening outcome before making this decision</u></b></p> <p>The 2021 Independent Report (Addendum: Olympia leisure Centre) acknowledges regarding a decision to erect bilingual signage at Olympia; “Such a decision may also require the Council to review its Section 75 screening outcome, as the potential for major adverse impact on good relations, and possibly also equality of opportunity, cannot be ignored.”</p> <p>At 1.11 the EQIA states “Hence, while the primary focus of an EQIA will fall on the duty to promote equality of opportunity, in the Council’s view it would be remiss to ignore those occasions where harm to good relations may have the potential to have a subsequent adverse impact on access to goods, facilities and services and hence the promotion of equality of opportunity within Belfast.”</p>
3	<p><b><u>The decision is inconsistent with, or contrary to, the Council’s Language Strategy</u></b></p> <p>The 2021 Independent Report (Addendum: Olympia leisure Centre) acknowledges; “The Council’s Language Strategy makes explicit a commitment to adopt the use of Irish and Ulster-Scots in signs, and in particular where, ‘it will be seen primarily by users of Irish / Ulster Scots.’ While this commitment is not specific on this point, it could be inferred that the imposition of bilingual signage, contrary to significant, expressed views of local residents, does not fall within the current scope of the strategy.”</p>

	<p>This decision is contrary to the significant expressed views of local residents. The 2021 Independent Report (Addendum: Olympia Leisure Centre) reports the following from the consultation meeting with a broad range of local community organisations: “The sentiments expressed by those present would indicate strong local support for English Only signage, along with concern that good community relations could potentially be damaged if bilingual signage was to be installed.”</p>
4	<p><b><u>Failure (adequately or at all) to consider the fact that there is a community space within Olympia</u></b></p> <p>As part of the redevelopment of Olympia, the adjoining local community centre was knocked down. To compensate for the loss of this community centre, the Council created a community space within the new Olympia for the users of the former community centre. This fact does not appear in either the independent report or the committee report when the original decision was taken.</p> <p>Furthermore, the October 2023 consultation response does not state this other than in the inclusion of a submission from Blackstaff Residents’ Association.</p>
5	<p><b><u>In the premises, the decision was Wednesbury unreasonable</u></b></p> <p>For the reasons particularised in 1 to 6 above, the committee took this decision:</p> <ul style="list-style-type: none"> <li>i. in the knowledge that the costs of the decision are unknown;</li> <li>ii. in the knowledge that the council’s Section 75 screening outcome should have been fully reviewed but was not;</li> <li>iii. in the knowledge that the decision was inconsistent with, or contrary to, the Council’s Language Strategy;</li> <li>iv. without any regard to the fact that Olympia contained a community space where belated consultation further compounded opposition.</li> </ul> <p>It did so in the face of universal opposition from the local residents (see. Community Impact Ground 1 below) and overwhelming opposition from the protestant community, British community, and Northern Irish community (see. Community Impact Grounds 2-4 below) without undertaking an EQIA.</p>

**Explanatory Notes**

If the decision is properly requisitioned for Call In by at least 9 Members of the Council and the number of Members so requesting the Call In remains at that number at the expiration of the call in period, the decision will not be submitted to the Council for ratification and the Chief Executive will summon a meeting of an Ad-Hoc Committee comprising the Chairs and Deputy Chairs of the 7 Committees.

On a procedural call-in, authority is delegated to the City Solicitor, in consultation with the Chief Executive, to obtain legal to be tabled at the meeting of the ad hoc committee, if it is their view that this will assist in addressing the issues raised within the call-in.

That Ad Hoc Committee will be empowered to make the following decisions on the matter which has been called in:

- (a) Refer the decision back to the Committee which took it for further consideration; or
- (b) Refer the decision of the Committee which originally took it to the next available meeting of the Council for ratification.

The Members who submitted requisitions on the decision called in shall be invited to attend the meeting of the Ad-Hoc Committee which is considering the request and may, with the consent of the Committee, address the meeting but they shall not have voting rights.

The Chair and Deputy Chair of the Committee where the decision in question was originally taken shall also not have voting rights at the Ad-Hoc Committee which is considering the request.

The following grounds are suggested as legitimate reasons why a Member or Members might seek for a decision to be called in on procedural grounds:

- A. Misapplication/misunderstanding as to legal requirements
- B. Failing to take into account relevant considerations/failure to exclude irrelevant considerations including factual mistake
- C. Failure to follow a procedural requirement
- D. Failure to have a fair hearing
- E. Failure to give reasons

**B. Call-in under Section 41(1)(b) – Community impact grounds**

*That the decision would disproportionately affect adversely any section of the inhabitants of the district*

		Reasons
1	The community affected by the decision	1. The community of Blackstaff/The Village. 2. The Protestant Community 3. The British Community 4. The Northern Irish Community
2	The nature and extent of the disproportionate adverse impact	<p><b>*NOTE: The effect of the decision of this minute is to replace the <u>existing</u> English signage at Olympia with new bilingual signage</b></p> <p><b><u>1. The community of Blackstaff/The Village</u></b></p> <p>(a) The 2021 Independent Report (Addendum: Olympia leisure Centre) demonstrates the adverse impact:</p>

		<p>(i) It reports from the consultation meeting with a broad range of local community organisations: “The sentiments expressed by those present would indicate strong local support for English Only signage, along with concern that good community relations could potentially be damaged if bilingual signage was to be installed.”</p> <p>(ii) It confirms that 571 local residents signed a petition against the erection of bilingual signage at the centre.</p> <p>(iii) There was no support expressed by any member of the local community for bilingual signage at Olympia at either consultation event, nor was there any petition in support of bilingual signage at Olympia signed by members of the local community, in contrast to the position at (i) and (ii) above.</p> <p>(b) The adverse impact is compounded by the council’s belated consultation with the community groups who use the community space within Olympia (see. Procedural Grounds 5 above).</p> <p>(c) The council failed (adequately) to review its Section 75 screening to the detriment of this community and contrary to the recommendation of the 2021 Independent Report (Addendum: Olympia leisure Centre) which states regarding a decision to erect bilingual signage at Olympia; “Such a decision may also require the Council to review its Section 75 screening outcome, as the potential for major adverse impact on good relations, and possibly also equality of opportunity, cannot be ignored.” This was supported through the EQIA where at 4.20 in the report it states “The evidence that is available to date, and including the previous round of public consultation in 2019/20 along with the current consultation, does indicate that the proposal for bilingual naming and signage has the potential to have an adverse impact on good relations on grounds of religious belief, political opinion, and also perhaps national identity.”</p> <p>At 7.19 it also states “While those supporting the proposal would cast opponents as misguided, it is</p>
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impossible to disregard those on the other side of the divide who adopt a very different stance with regard to the proposal. Their vehement and passionate opposition to the introduction of bilingual signage in Olympia leisure centre was palpable at various times through the consultation period, and could indicate a significant risk of harm to community relations should the proposal be adopted.”

Appendix 2 - EQIA Draft Final Decision Report  
BCC Olympia LC.pdf (belfastcity.gov.uk)

- (d) The decision is inconsistent with, or contrary to, the Council’s Language Strategy to the detriment of this community. The Independent Report (Addendum: Olympia leisure Centre) acknowledges; “The Council’s Language Strategy makes explicit a commitment to adopt the use of Irish and Ulster-Scots in signs, and in particular where, ‘it will be seen primarily by users of Irish / Ulster Scots.’ While this commitment is not specific on this point, it could be inferred that the imposition of bilingual signage, contrary to significant, expressed views of local residents, does not fall within the current scope of the strategy.” The significant expressed view of this community is against bilingual signage at Olympia (see. (a) above).
- (e) A previous legal opinion on dual-language signage at Olympia Leisure Centre was deemed to have merit on the basis of community impact. This was not given sufficient consideration.

## **2. The Protestant Community**

- (a) The Independent Report (pp 19-20) demonstrates the overwhelming opposition to this decision by this community.
- (b) The council failed (adequately) to review its Section 75 screening to the detriment of this community and contrary to the recommendation of the 2021 Independent Report (Addendum: Olympia leisure Centre) which states regarding a decision to erect bilingual signage at Olympia; “Such a decision may also require the Council to review its Section 75 screening outcome, as the potential for major

adverse impact on good relations, and possibly also equality of opportunity, cannot be ignored.” This was supported through the EQIA where at 4.20 in the report it states “The evidence that is available to date, and including the previous round of public consultation in 2019/20 along with the current consultation, does indicate that the proposal for bilingual naming and signage has the potential to have an adverse impact on good relations on grounds of religious belief, political opinion, and also perhaps national identity.”

At 7.19 it also states “While those supporting the proposal would cast opponents as misguided, it is impossible to disregard those on the other side of the divide who adopt a very different stance with regard to the proposal. Their vehement and passionate opposition to the introduction of bilingual signage in Olympia leisure centre was palpable at various times through the consultation period, and could indicate a significant risk of harm to community relations should the proposal be adopted.”

Appendix 2 - EQIA Draft Final Decision Report BCC Olympia LC.pdf (belfastcity.gov.uk)

- (c) A previous legal opinion on dual-language signage at Olympia Leisure Centre was deemed to have merit on the basis of community impact. This was not given sufficient consideration

### **3. The British Community**

- (a) The Independent Report, pp 19-20, demonstrates the overwhelming opposition to this decision by this community.
- (b) The council failed (adequately) to review its Section 75 screening to the detriment of this community and contrary to the recommendation of the 2021 Independent Report (Addendum: Olympia leisure Centre) which states regarding a decision to erect bilingual signage at Olympia; “Such a decision may also require the Council to review its Section 75 screening outcome, as the potential for major adverse impact on good relations, and possibly also equality of opportunity, cannot be ignored.” This was

supported through the EQIA where at 4.20 in the report it states "The evidence that is available to date, and including the previous round of public consultation in 2019/20 along with the current consultation, does indicate that the proposal for bilingual naming and signage has the potential to have an adverse impact on good relations on grounds of religious belief, political opinion, and also perhaps national identity."

At 7.19 it also states "While those supporting the proposal would cast opponents as misguided, it is impossible to disregard those on the other side of the divide who adopt a very different stance with regard to the proposal. Their vehement and passionate opposition to the introduction of bilingual signage in Olympia leisure centre was palpable at various times through the consultation period, and could indicate a significant risk of harm to community relations should the proposal be adopted."

Appendix 2 - EQIA Draft Final Decision Report BCC Olympia LC.pdf (belfastcity.gov.uk)

- (c) A previous legal opinion on dual-language signage at Olympia Leisure Centre was deemed to have merit on the basis of community impact. This was not given sufficient consideration.

#### **4. The Northern Irish Community**

- (a) The Independent Report, pp 19-20, demonstrates the overwhelming opposition to this decision by this community.
- (b) The council failed (adequately) to review its Section 75 screening to the detriment of this community and contrary to the recommendation of the 2021 Independent Report (Addendum: Olympia leisure Centre) which states regarding a decision to erect bilingual signage at Olympia; "Such a decision may also require the Council to review its Section 75 screening outcome, as the potential for major adverse impact on good relations, and possibly also equality of opportunity, cannot be ignored." This was supported through the EQIA where at 4.20 in the report it states "The evidence that is available to date, and including the

		<p>previous round of public consultation in 2019/20 along with the current consultation, does indicate that the proposal for bilingual naming and signage has the potential to have an adverse impact on good relations on grounds of religious belief, political opinion, and also perhaps national identity.”</p> <p>At 7.19 it also states “While those supporting the proposal would cast opponents as misguided, it is impossible to disregard those on the other side of the divide who adopt a very different stance with regard to the proposal. Their vehement and passionate opposition to the introduction of bilingual signage in Olympia leisure centre was palpable at various times through the consultation period, and could indicate a significant risk of harm to community relations should the proposal be adopted.”</p> <p>Appendix 2 - EQIA Draft Final Decision Report BCC Olympia LC.pdf (belfastcity.gov.uk)</p> <p>(c) A previous legal opinion on dual-language signage at Olympia Leisure Centre was deemed to have merit on the basis of community impact. This was not given sufficient consideration.</p>

### **Explanatory Notes**

If the decision is properly requisitioned for Call In by at least 9 Members of the Council and the number of Members so requesting the Call In remains at that number at the expiration of the call in period, the decision will not be submitted to the Council for ratification and the Chief Executive will within 1 working day seek the opinion of a practising solicitor or barrister on the validity of the Call in.

When the opinion of the solicitor or barrister is received by the Chief Executive she shall:

#### **Where the opinion confirms that the call in has merit**

1. circulate the opinion to the Members of Council; and
2. include the decision of the Committee on the agenda for the next available meeting of the full Council for decision.

Please note that the full Council will be required to decide on such a matter by way of a qualified majority vote where at least 80% of the members present and voting will be required to support a decision.

Where the opinion indicates that the call in does not have merit

1. circulate the opinion to the Members of Council; and
2. include the decision on the agenda for the next meeting of the full Council for ratification by way of a simple majority decision.

The following advice is offered to assist Members considering calling in a decision on Community Impact grounds:

- A. The decision or policy was not screened for compliance with Section 75 of the NI Act 1998
- B. The decision in question is contrary to a strategic or community plan or policy agreed by the council
- C. The decision is in conflict with the council's equality scheme
- D. For decisions requiring an equality impact assessment, the assessment was not properly conducted
- E. The disproportionate impact of a decision outweighs its beneficial effect
- F. The decision does not comply with the council's best value duty

The requirement is for a decision to be reconsidered- accordingly disproportionate adverse impact is necessarily qualified in that those decisions in which an adverse impact is identified may still be adopted if the impact is reasonably justified.

**Note**

Call-in requisitions must be delivered to the Chief Executive no later than 10.00am on the fifth working day following the publication of the draft minutes or decision register.

<i>Time received</i>	<i>Date received</i>	<i>Received by</i>

*(for completion by Chief Executive's Office)*

