

Strategic Policy and Resources Committee

Friday, 1st November, 2024

SPECIAL HYBRID MEETING OF THE STRATEGIC POLICY AND RESOURCES COMMITTEE

Members present: Councillor Murphy (Chairperson); and
Alderman McCoubrey;
Councillors Beattie, Black, Brennan, Bunting, Cobain,
de Faoite, R-M. Donnelly, Duffy, Ferguson, Garrett,
Groogan, Long, Maghie, McDonough-Brown, I. McLaughlin,
R. McLaughlin, Nelson and Whyte.

In attendance: Mr. J. Walsh, Chief Executive;
Ms. N. Largey, City Solicitor/Director of Legal and
Civic Services;
Ms. S. Grimes, Director of Property and Projects;
Mr. T. Wallace, Director of Finance; and
Mr. J. Hanna, Democratic Services and Governance
Manager.

Apologies

No apologies were reported.

Declarations of Interest

No declarations of interest were received.

Forth Meadow Community Greenway

The Committee considered the following report:

“1.0 Purpose of Report or Summary of main Issues

1.1

- To provide members of the Strategic Policy & Resources Committee (‘the Committee’) with an update on the steps which were agreed at its meeting on 22nd September 2023 namely that an equality screening be undertaken by an external organisation with experience in minority languages in relation to the decision to erect dual language signage at the Forth Meadow Community Greenway and a further legal opinion be obtained on the issues raised at the meeting from an appropriately qualified person in relation to minority language rights.

2.0 **Recommendation**

2.1 The Committee is asked to:

- Note the contents of the report; and
- Determine next steps in relation to the erection of signage on the Forthmeadow Community Greenway

3.0 **Main Report**

Background

3.1 At its meeting on 23rd March, the Committee was presented with a number of options in relation to dual language signage on parts of the Forthmeadow Community Greenway.

The Committee agreed to the following proposal:

'That the Committee agrees the proposals in respect of signage for the Forth Meadow Community Greenway as outlined in paragraph 3 of the report, subject to the Beacons, Information Panels and the Directional Finger Post Signs located in the Gaeltacht Quarter area (that is Section 3 – Fall Park, Section 4 – Bog Meadows, Section 5- Westlink to City Centre and Springfield Park/Dam) all being in dual-language, that is, English and Irish'.

3.2 The officer recommendations are set out below, with the Committee decision on additional signage shown in red.

Beacons

Section 1 - Glencairn - 2 sides English and 2 sides Ulster Scots

Section 2 - Forth River / Springfield Road/Innovation Factory - 4 sides English

Section 3 - Falls Park - 2 sides English and 2 sides Irish

Section 4 - Bog Meadows - 2 sides English and 2 sides Irish
Springfield Park/Dam - 4 faces English (Irish)

Information Panels

Section 1 - Glencairn - English

Section 2 - Forth River / Springfield Road/Innovation Factory - English

Section 3 - Falls Park Dual - English/Irish

Section 4 - Bog Meadows Dual - English/Irish

Section 5 – Westlink to City Centre - English (Irish)

Springfield Park/Dam – English (Irish)

Directional Finger Post Signs

Section 1 - Glencairn English

Section 2 - Forth River / Springfield Road/Innovation Factory - English

Section 3 - Falls Park - English

Section 4 - Bog Meadows - English

Section 5 – Westlink to City Centre - English (Irish)

Springfield Park/Dam - English (Irish)

3.3 On 3rd April 2023, the Chief Executive received a ‘call-in requisition’ in relation to this decision.

3.4 Previous Call-in

Members will be aware that the call-in process is provided for in Section 41 of the Local Government Act (NI) 2014 (‘the 2014 Act’), with more detailed provision about how that process operates being contained within the Council’s Standing Orders.

3.5 According to Section 41 of the 2014 Act, 15 per cent of members may ask for a decision to be called-in because they consider that the decision is flawed on ‘either or both of the following grounds— (a) that the decision was not arrived at after a proper consideration of the relevant facts and issues; (b) that the decision would disproportionately affect adversely any section of the inhabitants of the district’. Members will note that the call-in requisition referred to both grounds as set out above.

3.6 In accordance with Standing Orders, on receipt of an admissible call-in under Section 41(1)(b), the opinion of a practicing solicitor or barrister will be sought on whether the call-in has merit. Where a decision is called in under both grounds of Section 41 of the 2014 Act and is found to have merit, Standing Order 48(b)(8) requires the substantive decision to be taken by qualified majority.

3.7 Counsel’s opinion was subsequently sought and counsel took the view that the call-in had merit on procedural grounds as the decision had not been subject to equality screening.

3.8 The legal opinion was circulated to Party Group Leaders on 30th June 2023 who were advised that officers were making arrangements to have the decision screened. Unfortunately due to officer error, the legal opinion was not placed before the next available meeting of the Committee, which is required under Standing Order 48(b)(8).

3.9 Whilst the opinion was not formally tabled, Committee will note that the opinion was discussed by the Committee at its meeting on 23rd September 2023. In light of those discussions, Committee requested an external expert with experience in dealing with minority language issues conduct a screening of the March 2023 decision and that officers seek a further legal opinion on the wider issues.

3.10 Given the additional information contained within this report in relation to the external screening and senior counsel's opinion, which was not before Committee in September 2023, officers are of the view that any decision taken on foot of this report is a new decision and is not therefore subject to qualified majority vote.

3.11 Language Strategy

Members will be aware that the Council's Language Strategy was adopted in 2019. This Strategy states that the Council aspires to create a place where linguistic diversity is celebrated and respected, and where those who live, work and visit Belfast can expect to access what Belfast has to offer, using forms of language with which they are familiar and comfortable.

3.12 In 2022, officers brought forward a draft Action Plan flowing from the Language Strategy which was informed through regular stakeholder meetings. Following a period of public consultation, the final version of the Action Plan was adopted in June 2024. This sets out a number of actions which are intended to further the ambitions set out in the Language Strategy, including the promotion of the use of Irish in delivering Council services.

3.13 In tandem with this process, officers were also working with Irish Language stakeholders to co-design a draft Irish Language Policy, which is currently subject to public consultation. This policy includes a commitment to rolling out dual language signage across Council facilities, including parks and greenways. As part of those proposals, the Forthmeadow Community Greenway is likely to fall under the priority 1 categories of Council facilities for the roll out of dual language signage.

3.14 Equality screening

The Forthmeadow Community Greenway was subject to significant consultation and was equality screening in 2020 but was screened out at that time. However, there is no reference to bilingual signage as part of that consultation or screening process.

3.15 Officers have been working with an external expert in relation to the screening as requested by Committee meeting in September 2023. As part of that screening work representations have been considered from Conradh na Gaeilge and the Committee on the Administration of Justice, together with advice received from senior counsel in relation to the wider legal issues. The draft screening report is attached at Appendix Two.

3.16 Equality and good relations considerations

Section 75 of the Northern Ireland Act 1998 ('the 1998 Act') requires public authorities to have regard to 'the need to promote equality of opportunity' and to 'the desirability of promoting good relations'.

3.17 Senior counsel opinion on wider language issues has advised that there are a number of factors to be taken into account in circumstances where there appears to be a conflict between both of these duties. These are set out below:

- a) It would appear that the good relations duty is intended to be complementary to equality rather than in conflict with it, and it is intended to embrace diversity in all its forms.
- b) Both duties must be discharged, i.e. the Council must have due regard to the need to promote equality of opportunity, and regard to the desirability of promoting good relations.
- c) The Council's Equality Scheme requires the Council to assess compliance with both obligations under Section 75 through Equality Impact Assessments, screening etc.
- d) Neither duty requires a particular substantive outcome (albeit that the substantive outcome must be appropriately informed by the procedural consideration under the duties).

3.18 Committee will recall that Forth Meadow Community Greenway is a £5.1million EU PEACE IV-funded project to connect existing open spaces in north and west Belfast along a 12km route from Clarendon Playing Fields to Weavers Cross, the new Transport Hub in the city centre. The greenway passes through two District Electoral Areas (DEAs), Black Mountain and Court. While Black Mountain DEA is predominantly single identity in terms of community background, parts of Court DEA are far more mixed. There is detailed discussion in relation to community background within the screening.

3.19 Committee will note that the draft screening report concludes that whilst many of the measures proposed by the Council align closely with its statutory obligations and its own strategies in relation to the promotion of minority languages and the enhancement of good relations, there is also the possibility that the proposed inclusion of dual language signage at certain locations may act as a catalyst for heightening community tensions, given the local demography and history of those areas.

3.20 Committee will further note that the screening identifies a potential mitigation of erecting trilingual signage at Springfield Dam, to include Ulster Scots and Irish.

4.0 Recommendations

Committee is asked to:

1. Note the contents of the report; and
2. Determine next steps in relation to the erection of signage on the Forthmeadow Community Greenway.

5.0 Equality and Good Relations Issues

None other than those detailed in the report above.”

Proposal

Moved by Councillor Beattie,
Seconded by Councillor Garrett,

That the Committee agrees to the erection of signage at the Forth Meadow Community Greenway as set out in paragraph 3.2 of the report as follows:

Beacons

Section 1 – Glencairn - 2 sides English and 2 sides Ulster Scots
Section 2 – Forth River / Springfield Road/Innovation Factory – 4 sides English
Section 3 – Falls Park - 2 sides English and 2 sides Irish
Section 4 – Bog Meadows - 2 sides English and 2 sides Irish
Springfield Park/Dam – 4 faces English (Irish)

Information Panels

Section 1 – Glencairn – English
Section 2 – Forth River / Springfield Road/Innovation Factory – English
Section 3 – Falls Park Dual – English/Irish
Section 4 – Bog Meadows Dual – English/Irish

Section 5 – Westlink to City Centre - English (Irish)
Springfield Park/Dam – English (Irish)

Directional Finger Post Signs

Section 1 – Glencairn English
Section 2 – Forth River / Springfield Road/Innovation Factory – English
Section 3 – Falls Park - English
Section 4 – Bog Meadows – English
Section 5 – Westlink to City Centre – English (Irish)
Springfield Park/Dam – English (Irish)

Amendment (1)

Moved by Councillor Long,
Seconded by Councillor Maghie,

That the Committee agrees that erection of all the signage at the Forth Meadow Community Greenway be trilingual, that is, in English, Irish and Ulster Scots.

On a vote, five Members voted for the amendment (1) and fifteen against and it was declared lost.

Amendment (2)

Moved by Councillor Bunting,
Seconded by Alderman McCoubrey,

That the Committee agrees to erection of signage at the Forth Meadow Community Greenway as set out in paragraph 3.2 of the report, except for the signage at Springfield Park/Dam which would be trilingual, that is, in English, Irish and Ulster Scots.

On a vote, nine Members voted for the amendment (2) and ten against, with one no vote and it was declared lost.

Original Proposal

The original proposal standing in the name of Councillor Beattie and seconded by Councillor Garrett was put to the meeting when fifteen Members voted for it and five against and it was declared passed.

Standing Order 14 - Submission of minutes to Council

In accordance with Standing Order 14, the Committee agreed, as the meeting had been held later than seven clear days before the meeting of the Council, that the minutes of the meeting be submitted to the Council on 4th November for ratification.

Chairperson