



Subject:	Forthmeadow Community Greenway
Date:	25 th October 2024
Reporting Officer:	Nora Largey, City Solicitor & Director of Legal & Civic Services
Contact Officer:	Nora Largey, City Solicitor Sinead Grimes, Director of Property & Projects

Restricted Reports

Is this report restricted? Yes No

Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted.

Insert number

1. Information relating to any individual
2. Information likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the council holding that information)
4. Information in connection with any labour relations matter
5. Information in relation to which a claim to legal professional privilege could be maintained
6. Information showing that the council proposes to (a) to give a notice imposing restrictions on a person; or (b) to make an order or direction
7. Information on any action in relation to the prevention, investigation or prosecution of crime

If Yes, when will the report become unrestricted?

After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input checked="" type="checkbox"/>
Never	<input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	<ul style="list-style-type: none"> 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 (link to be inserted), 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	<p>The Committee is asked to:</p> <ul style="list-style-type: none"> 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
3.1	<p><u>Background</u></p> <p>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.</p> <p>The Committee agreed to the following proposal:</p> <p><i>“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”.</i></p> <p>3.2</p> <p>The officer recommendations are set out below, with the Committee decision on additional signage shown in red.</p> <p>Beacons</p> <p>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)</p> <p>Information Panels</p> <p>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)</p>

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.

Previous Call-in

3.4 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.

Language Strategy

- 3.11** 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.

Equality screening

- 3.14** 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.

Equality & good relations considerations

3.16 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

3.20	<p>act as a catalyst for heightening community tensions, given the local demography and history of those areas.</p> <p>Committee will further note that the screening identifies a potential mitigation of erecting trilingual signage at Springfield Dam, to include Ulster Scots and Irish.</p>
4.0	<p>Recommendations</p> <p>Committee is asked to:</p> <ol style="list-style-type: none"> 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	<p>Equality & Good Relations Issues</p> <p>None other than those detailed in the report above.</p>
6.0	<p>Appendices</p> <p>Appendix 1 – screening outcome report</p>