

**Democratic Services Section
Legal and Civic Services Department
Belfast City Council
City Hall
Belfast
BT1 5GS**



Belfast
City Council

MEETING OF THE STRATEGIC POLICY AND RESOURCES COMMITTEE
- REPORTS TO FOLLOW

Dear Alderman/Councillor,

The above-named Committee will meet both online and in-person, in the Lavery Room, City Hall on Friday, 21st November, 2025 at 9.30 am, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

Chief Executive

AGENDA:

2. Restricted Items

- (a) Fleadh Cheoil na hÉireann (Pages 1 - 44)
- (g) Asset Management - Gasworks (Pages 45 - 50)

5. Belfast Agenda/Strategic Issues

- (a) Draft Amenity Bye Laws (Pages 51 - 148)

By virtue of paragraph(s) 3 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 6
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Subject:	City Centre Byelaws
Date:	21 November 2025
Reporting Officer:	Nora Largey, City Solicitor / Director of Legal and Civic Services
Contact Officer:	Russell Connelly, Policy, Research and Compliance Officer

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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 <input type="checkbox"/>	
<ol style="list-style-type: none"> 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 After Council Decision Sometime in the future Never	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report/Summary of Main Issues
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1.1	<p>The purpose of this report is to:</p> <ul style="list-style-type: none"> • update Members on the results of formal public consultation on draft byelaws for the city centre and further engagement, • provide Members with revised draft byelaws for approval
2.0	Recommendation
2.1	<p>It is recommended that Members:</p> <ul style="list-style-type: none"> • note the contents of this report and appendices • approve the revised draft byelaws
3.0	Main Report
3.1	<p><u>Background</u></p> <p>Members will be aware of ongoing issues caused by noise and the display of graphic imagery in the city centre and the negative effect that this can have on social and economic activity. This primarily impacts the primary retail core but also extends more widely to those who work, live in and visit Belfast.</p> <p>The Council is empowered to draft byelaws under Part VI of the Local Government Act (Northern Ireland) 1972 (the “Act”) and in the absence of primary legislation to enforce such a nuisance, officers agreed to draft byelaws to address these issues.</p> <p>On 26 June 2023, Committee agreed to authorise officers to begin the formal public consultation process on a set of draft byelaws. This followed formal consultation and engagement with the Department for Communities and receipt of a legal opinion that addressed issues on human rights considerations that were raised by DfC.</p>
3.2	<p><u>Consultation and Engagement</u></p> <p>A public consultation was launched on 27 November 2023 on the Council’s online engagement platform YourSay Belfast. The consultation ran for a period of 14 weeks and ended on 4 March 2024.</p> <p>At the request of Elected Members, further workshops were held with stakeholders in May 2025.</p> <p>Party briefings have been carried out in the past few months.</p> <p>This report will give Members a high-level summary of the results of the public consultation and the workshops.</p>

	The proposed draft byelaws are attached to this report as Appendix 1 and the detailed Consultation Report is attached as Appendix 2 .
3.3	<p><u>Consultation Format</u></p> <p>The online survey contained a series of questions designed to capture both quantitative and qualitative information in relation to the following areas:</p> <ul style="list-style-type: none"> • Extent of agreement or disagreement with the introduction of a rules and regulations around the use of amplification devices and the display of promotional material (including graphic imagery) in the city centre • Level of usage of amplification and display of promotional material (including graphic imagery) in the city centre and for which purposes • Experience of the use of amplification and display of promotional material (including graphic imagery) in the city centre (positive, neutral or negative) • Extent of agreement or disagreement with the introduction of a permit scheme around the use of amplification devices and promotional literature (including graphic imagery) in the city centre • Extent of agreement or disagreement with standard conditions for a permit as listed in the draft byelaws • Extent of agreement or disagreement with the proposal that the Council may designate areas in which specific types of instruments or amplification is prohibited <p>Respondents were asked to declare their interest in Belfast in terms of whether they lived, worked, studied in Belfast, if they were a business owner in Belfast or a visitor. Respondents were also asked for feedback on equality of opportunity or good relations issues that they thought should be considered by the Council in relation to the draft byelaws.</p> <p>Standard monitoring questions for the categories of age, gender, community background, ethnic origin, disability and dependancy status were asked for the purpose of capturing data in relation to the Council's obligations under Section 75 of the Northern Ireland Act 1998. Just under three-quarters of respondents indicated that they would be happy to answer these questions.</p>
3.4	<p><u>Further Engagement</u></p> <p>At Members' requests, two further workshops with a range of stakeholders were held on 12 and 14 May 2025.</p> <p>These sessions were facilitated by an independent consultant and were attended by Elected Members from the DUP, the UUP, the Alliance Party, the Green Party and the TUV as well as representatives from the following organisations: The Committee on the Administration of</p>

	<p>Justice; Belfast Chamber; Linen Quarter BID; Crown Jesus Ministries; Socialist Party NI; TUV; PSNI; Belfast One and the Free Presbyterian Church.</p> <p>These sessions provided useful feedback, with general consensus being reached that there is nuisance created by amplified noise in the city centre.</p>
3.5	<p><u>Consultation results and analysis</u></p> <p>There was a total of 3,571 responses to the survey, with a combined total of 14,878 written comments.</p> <p>There was an extremely high level of engagement from varied sections of the public, who had a wide range of backgrounds, perspectives and opinions.</p> <p>Many of the written responses were nuanced, thoughtful, detailed, reasoned and complex. They provide a rich source of data in terms of how the city centre is experienced by individuals and groups from a wide range of backgrounds. Respondents stated in detail how amplified noise and /or the content of that amplified noise, as well as the display of graphic imagery have affected them personally, whether positively, negatively or both.</p> <p>An overriding theme amongst respondents' written answers is the importance that is attached to the (qualified) human rights afforded by the European Convention on Human Rights. The Consultation Report explores other themes in responses in more depth. Written submissions were received from a diverse selection of interested groups and organisations as follows:</p> <ul style="list-style-type: none"> • Belfast & District Trades Union Council • The Committee on the Administration of Justice • HERe NI • Free Presbyterian Church • Northern Ireland Committee – Irish Congress of Trade Unions • NIPSA • UNISON NI • Rainbow Project • Socialist Party • Traditional Unionist Voice • WRDA • A joint response from People Before Profit on behalf of a range of political parties, activist groups, art collectives, and other organisations <p>A summary of these submissions is included as Appendix 3 to the Consultation Report.</p>

	<p>A total of 36 hard copy responses were received, which all expressed disagreement with the draft byelaws.</p> <p>High-level quantitative results from the public survey in the form of pie charts and bar charts are attached to this report as Appendix 3.</p>
3.6	<p><u>Summary of Content of Draft Byelaws</u></p> <p>The draft byelaws that were published for public consultation aimed to strike the balance between freedom of expression and the need to tackle the nuisance that can result when multiple individuals or organisations come together in busy pedestrian areas to share their views, ideas or performances, often using amplification devices.</p> <p>The draft byelaws contained a requirement for a permit for anyone wishing to use an amplification device in the city centre, including the primary retail core. This related to any situation where on-street amplification is used, such as busking, preaching and outdoor performances. The same rules applied for anyone wishing to place a stand, stall or vehicle carrying any form of promotional literature or other information, regardless of its purpose. This would include displays of graphic imagery.</p> <p>The draft byelaws further provided that a modest annual fee (to be determined) would be charged to cover the costs of administering the permit scheme.</p>
3.7	<p><u>Proposed Changes to Draft Byelaws Following Consultation</u></p> <p><u>Permits</u></p> <p>Feedback from the public survey and further engagement has indicated that whilst most respondents are in favour of regulating amplification in the city centre, a permit system is not considered to be the optimal way to achieve such regulation.</p> <p>Reasons for disagreement with a permit system ranged from concerns around any fee to be charged, potential interference with freedom of expression and the ability to undertake spontaneous performances, and the administration and enforcement of such a scheme. These are explored in more detail in the consultation report.</p> <p>Officers have therefore removed a permit system from the draft byelaws.</p> <p><u>Decibel limit</u></p> <p>The revised byelaws now provide for a maximum decibel limit of 70dB for performers wishing play music or operate amplifiers and similar devices in the city centre. This decibel limit is slightly louder than the ambient street noise and should ensure that performers can be heard, whilst not being excessively loud or intrusive.</p> <p><u>Graphic Imagery</u></p>

	<p>The draft byelaws presented for public consultation included provisions around the regulation of graphic imagery. Feedback from the public consultation indicates that the display of certain images in the city centre has a mixed reception. Whilst the majority of respondents in the public consultation indicated quantitatively that their experience was positive, the written comments of those not in favour of the display of graphic imagery (particularly with regards to abortion) expressed strong views to the contrary.</p> <p>Officers are aware that enforcing a ban on certain graphic images is difficult given the current lack of legislative framework in this area. It is therefore suggested that the provisions on graphic imagery are removed from the current draft of the byelaws and that a separate report is brought back as this issue is further considered.</p> <p><u>Special Events</u></p> <p>The revised byelaws now contain provisions relating to Special Events to be held in the city centre.</p> <p>Provision is made (i) for the restriction or prohibition of amplification in the city centre during Special Events and (ii) for the suspension contained within applicable Council byelaws for prohibition of consumption of alcohol in public places in certain areas of the city centre.</p> <p><u>Alcohol</u></p> <p>Whilst not directly addressed in the draft byelaws, the issue of on-street drinking was raised in the written comments during the public consultation and subsequently in the workshops.</p> <p>Members will note that a report on the Council's view of the proposed commencement of Articles 68-72 of the Criminal Justice (Northern Ireland) Order 2008 was presented at the People and Communities Committee on 9 September 2025 and subsequently ratified at Council on 1 October.</p> <p>The proposed commencement of these Articles would effectively extend the powers conferred on police officers requiring individuals to stop drinking alcohol in a designated area, and surrender any alcoholic drinks in their possession, to council officers. Anyone refusing will be committing an offence and may be issued with a fixed penalty notice. This is an 'opt in' power that the Council may choose to avail of.</p> <p>The Council has indicated broad support of the commencement of these provisions to DfC and has noted that they would complement the proposed byelaws to make Belfast a safe and welcoming place for all, in line with the Belfast Agenda.</p>
3.8	<p><u>Enforcement Mechanisms</u></p> <p>The Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 provides a mechanism for officers to issue abatement notices in relation to noise, however, the current</p>

	<p>issues around noise in the city centre for the most part do not meet the threshold of a statutory nuisance.</p> <p>Members may be aware that Section 92 of the Act provides that penalties for the contravention of byelaws shall be in the form of a fine payable on summary conviction. The draft byelaws contain a provision whereby an authorised officer may issue a fixed penalty notice for an offence committed under the byelaws.</p> <p>Whilst the issuance of a fixed penalty notice via byelaws is not usual practice, the Department has indicated that it will consider the fixed penalty enforcement mechanism currently included in the draft byelaws.</p>
3.9	<p><u>Suggested next steps</u></p> <p>After considering feedback from the public consultation and workshops, officers have revised the draft byelaws that reflect the changes noted above. These are attached as Appendix 1 for Members' consideration and approval.</p> <p>Members are also advised that officers will continue to log and monitor all complaints about busking, preaching, or any other kind of street performance. Current statistics are included in the consultation report.</p> <p>Members will be aware that Section 91 of the Act requires byelaws to be approved by the Department for Communities before they can be adopted. Therefore, any revised draft byelaws will be subject to this process.</p>
3.10	<p><u>Financial and Resource Implications</u></p> <p>There are no financial or resource implications connected to this report. There will however be resource implications in enforcing the bye-laws if approved by DfC. This remains under consideration and more detail will be provided once a response is received from DfC.</p> <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>An equality screening was carried out on the draft byelaws that were presented for public consultation. The consultation provided useful feedback both on the draft screening form and more generally from Section 75 groups. Further screening will be undertaken as the byelaws progress to finalisation.</p>
4.0	<p>Appendices - Documents Attached</p>
	<p>Appendix 1: Proposed draft byelaws</p> <p>Appendix 2 & (a): Consultation report</p> <p>Appendix 3: High level quantitative survey results</p>

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BELFAST CITY COUNCIL

**BYE-LAWS FOR THE GOOD GOVERNANCE OF BELFAST CITY CENTRE
AND FOR THE PREVENTION AND SUPPRESSION OF NUISANCES IN BELFAST CITY
CENTRE**

Made by Belfast City Council :

**Confirmed by Department for
Communities :**

In operation on and from :

**BYE – LAWS
BELFAST CITY COUNCIL
FOR THE GOOD GOVERNANCE OF BELFAST CITY CENTRE AND FOR THE
PREVENTION AND SUPPRESSION OF NUISANCES IN BELFAST CITY CENTRE**

Bye-Laws made the _____ by Belfast City Council pursuant to Section 90 of the Local Government Act (Northern Ireland) 1972 for the good rule and government of its City Centre and the prevention and suppression of nuisances in its City Centre at a meeting of the Council held on _____

INTERPRETATION

1. In these Bye-Laws -

‘Authorised Officer’ means any person employed by the Council or any other person authorised by the Council to carry out functions under these Bye-Laws for purposes of Section 93 of the Local Government Act (Northern Ireland) 1972.

‘City Centre’ means the area delineated in [colour tbc] in the map at Schedule One.

‘Council’ means Belfast City Council.

‘Perform’ means to engage in any type of public performance or exhibition with the reasonable expectation of attracting bystanders and / or receiving donations, and includes but is not limited to the playing of musical instruments, singing, circus-based skills, street theatre, reciting and public speaking and any other type of performance or exhibition not specifically listed but which would be similar in character. For the purposes of this Bye-Law this also includes preaching.

‘Performer’ means a person who engages in any activity described in the preceding paragraph in a Public Place.

‘Public Place’ means any area open to the public including any street, road, footpath, open space, park, cemetery, green space and amenity areas.

‘Special Event’ means a large scale event which is to take place in Belfast which is exceptional in nature and will attract a significant number of visitors to the city.

General Provisions

- 2.** These Bye-Laws apply to the City Centre as shown in the map at Schedule One.
- 3.** Notice of the effect of these Bye-Laws shall be given by signs placed in such positions as the Council may consider adequate to inform persons of their existence.

- a. No person shall, after being requested to desist by an Authorised Officer cause or permit any noise to be made above 70 decibels by
 - i. Playing a musical instrument; and/or
 - ii. operating or permitting to be operated any audio device, speaker, amplifier, or similar equipment of a similar type
4. Notwithstanding the provisions of paragraph 3, where there are 2 or more Performers within 100 metres of each other and it appears to an Authorised Officer that there is a cumulative effect of the noise which is so loud or continuous as to give reasonable cause for annoyance to other persons either within places of work or in a Public Place, an Authorised Officer may ask the Performers to reduce their volume and/or to relocate to another place to perform.

Behaviour and Conduct of Performers

5. A Performer must not obstruct the public's access to and egress from any premises or interfere with the free and safe movement of pedestrians.
6. A Performer must comply with any Code of Conduct issued by the Council, which may be amended from time to time.

Exemptions

7. These Bye-Laws shall not apply to the following activities:
 - (a) Those activities taking place in a public place pursuant to an entertainment licence;
 - (b) Those activities taking place in a public place with the consent of Department of Infrastructure or the relevant landowner;
 - (c) Any procession which has been authorised by the Parades Commission;
 - (d) A cash collection in a public place which has been authorised by PSNI pursuant to The Charities Act (NI) 2008; and
 - (e) An official picket pursuant to Article 98 of the Trade Union and Labour Relations (NI) Order 1995.

Offences

8. A person who fails, without a reasonable excuse, to comply with a reasonable request from an Authorised Officer pursuant to Paragraphs 3 or 4 will be guilty of an offence
9. Any person who contravenes any of these Bye-Laws shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 of the standard scale and in the case of a continuing offence, a further fine of £2 for each day on which the offence continues after conviction.
10. Where an Authorised Officer is of the opinion that a person is committing or has committed an offence under the preceding Bye-Law, the Authorised Officer may demand the name and address of such a person and if that demand is

refused or the person gives a name and address which is false or misleading, that person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500.

Fixed Payment Notice

11. Where an Authorised Officer has reason to believe that a person has committed an offence under these Bye-Laws, the Authorised Officer may give that person a notice offering the person the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty to the Council.
12. Where a person is given a fixed penalty notice under these Bye-Laws:
 - (a) no proceedings shall be instituted for that offence before the expiration of the period of 14 days following the date of the notice; and
 - (b) the person shall not be convicted of that offence if the person pays the fixed penalty before the expiration of that period.
13. A notice under this section must give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence.
14. The Fixed Penalty Notice shall specify the name and address of the alleged offender and in general terms the nature of the contravention alleged to have been committed and the date and place of the alleged contravention.

Miscellaneous and Supplementary

Special Events

The Council may restrict or prohibit the use of amplification by Performers in certain areas of the City Centre when there is a Special Event due to take place in the city but only where it is considered necessary to do so for the purposes of facilitating or delivering the event. Any such restriction or prohibition may only be for the duration of the Special Event.

Where the Council proposes to restrict or prohibit the use of amplification for the purposes of a Special Event it shall place notice in 2 newspapers distributed in the city and on its website no less than 2 months prior to the Special Event.

The Council may suspend the prohibition contained within the applicable Belfast City Council Bye-laws prohibiting the consumption of alcohol in public places in certain areas of the city centre for Special Events. Any such suspension may only be for the duration of the Special Event and will be subject to consultation with PSNI and any other relevant stakeholders.

Where the Council proposes to suspend the prohibition contained within the Bye- Laws prohibiting the consumption of alcohol in public places in certain areas of the city centre for the purposes of a Special Event it shall place notice of the proposed restriction or prohibition in 2 local newspapers distributed in the city and on its website no less than 2 months prior to the Special Event.

Surrender of alcohol in designated places

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Consultation Report

Proposed City Centre Byelaws

November 2025

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Appendices

1. Draft byelaws
2. CAJ submission
3. Summary of written responses

1. Executive Summary

On 26 June 2023, the Council's Strategic Policy and Resources Committee authorised officers to begin the formal public consultation process on draft byelaws for the city centre.

A consultation on the draft byelaws was launched on the Council's consultation platform, YourSay Belfast, on 27 November 2023 and ran for 14 weeks until 4 March 2024. This report sets out the findings from the online consultation survey and the various submissions that were received during the consultation period.

This report presents:

- the consultation background
- the process for developing and launching the consultation
- a quantitative report of the consultation survey responses and a qualitative analysis of text responses

The aim of this report is to give Elected Members as clear a picture as possible of the public response and issues raised in relation to the proposed byelaws. This will allow Elected Members to make an informed decision based on this evidence.

2. Background on the draft byelaws

The Council's power to make byelaws arises from Part VI of the Local Government Act (Northern Ireland) 1972 (the "Act"). Section 90 sets out the purposes for which the Council may make byelaws, which are:

- "(a) For the good rule and government of the whole or any part of its district;*
- (b) For the prevention and suppression of nuisances in its district;*
- (c) For any purpose for which bye-laws may be made by it under any other transferred provision."*

Section 91(1) of the Act confirms that byelaws made by the Council shall not have effect until they are confirmed by the relevant Department. Departmental guidance on drafting byelaws was issued in February 2015 and account of that has been taken in the development of the draft byelaws.

On 18 February 2022, the Strategic Policy and Resources Committee authorised officers to undertake an initial informal consultation and engagement exercise with the Department for Communities (DfC). DfC subsequently highlighted a number of issues for further consideration:

- DfC observed that there may be the potential for the byelaws to interfere with rights under the Human Rights Act 1998 and the subsequent possibility for challenge.
- DfC commented that the power to confiscate property and dispose of it how they see fit is very powerful and may be better suited to primary legislation rather than Council byelaws. Save for the purposes for which bye-laws can be made, as set out in Section 80 of the 1972 Act, there is no restriction on the content of bye-laws, other than that "byelaws should not be made in respect of matters which are already dealt with in legislation". Ultimately, it is for the Council to decide if the existing law deals sufficiently with the matter at hand.
- DfC recommended that an exemption may need to be included for an official picket organised by a Trade Union under Article 98 of the Trade Union and Labour Relations (Northern Ireland) Order 1995 ('the 1995 Order') which provides for peaceful communication of information.

A legal opinion was sought on the draft byelaws and an opinion was received on 10 March 2023. The opinion provided an analysis of Articles 9, 10 and 11 of the European Convention of Human Rights. Counsel advised that the draft byelaws may have an impact upon the right to freedom of expression pursuant to Article 10 of the European Convention of Human Rights. Counsel noted that this is not an absolute right, and interference with this right may be justified if the Court were to find there was a legitimate aim in doing so. Counsel also advised that it would be prudent to include reference to a peaceful picket organised pursuant to Article 98 of the 1995 Order in the language of the exemption.

After consideration of both the feedback from DfC and the legal opinion, the byelaws were amended to include an exemption for an official picket organised by a registered Trade Union (pursuant to authorisation granted in Article 98 of the Trade Union and Labour Relations (NI) Order 1995). The title of the byelaws was amended to include “*And for the prevention and suppression of nuisances in Belfast City Centre*”.

Draft byelaws were brought to Strategic Policy & Resources Committee on 26 June 2023 and the Committee authorised those draft byelaws to be issued for public consultation. These draft byelaws are attached to this report as Appendix 1.

A draft Equality Screening was conducted in relation to the draft byelaws, which was published alongside the consultation on the YourSay platform. The screening did not find there to be any likely impact of the draft byelaws on the nine grounds included within Section 75 of the Northern Ireland Act 1998 (religious belief, political opinion, race, age, marital status, sexual orientation, men and women generally, disability and dependants).

Summary of Content of the Draft Byelaws

The draft byelaws provide that anyone who wishes to use an amplification device in the city centre, including the primary retail core, would require a permit from the Council. This would include any situation where on-street amplification is used, such as busking, preaching and outdoor performances.

The same rules would apply to anyone wishing to place a stand, stall or vehicle carrying any form of promotional literature or other information, regardless of its purpose. This would include displays of graphic imagery.

The byelaws provide that a modest annual fee will be charged to cover the costs of administering the permit scheme. This fee is yet to be determined.

European Convention on Human Rights

The articles potentially engaged by these draft byelaws are as follows:

- Article 9: Freedom of thought, conscience and religion
- Article 10: Freedom of expression
- Article 11: Freedom of assembly and association

These rights and freedoms provided are qualified rights; they may be interfered with or restricted in certain circumstances if necessary and for a legitimate aim.

Restrictions can be imposed provided any such restriction is:

- prescribed by law
- in pursuit of one or more legitimate aims specified in paragraph 2 of the Article in question
- necessary and
- proportionate

The 'legitimate aims' specified for each Article are as follows:

Article 9:

'in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.'

Article 10:

'in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.'

Article 11:

'in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions

on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.'

3. The Context of the Consultation

3.1 Belfast City Council Context

Belfast City Council recognises that it is important to support the role of the City Centre as a focal point of social and economic activity and protect the amenity of the area for those who visit, live and work there.

Significant issues have been raised over the past few years regarding the activities of buskers, preachers and various interest groups in the City Centre, primarily within the primary retail core. The Council recognises that busking can bring vibrancy to the area and should be facilitated. It is also recognised that street preaching and the ability to protest are important rights of expression in a democratic society and are protected under the European Convention of Human Rights. However, the Council must consider the context within which these activities are being undertaken, their cumulative impact and how this affects others.

Street preaching using significant amplification is occurring on a regular basis throughout the Primary Retail Core. This in turn attracts counter protests, usually but not exclusively at the weekend. In addition, protestors are regularly displaying images which cause significant distress to a variety of people for different reasons. For example, graphic images of abortions, animal experimentation and factory farming conditions. Since there are no restrictions on these activities, those protesting frequently use significant amplification to compete with each other. This in turn also appears to drive away those buskers who do not use amplification but may add to the vibrancy of the area.

Whilst the proposed byelaws would apply to the district as a whole, it is envisaged they will have a particular relevance to the city centre.

The Council has collated statistics on how many complaints have been received in recent years. Table 1 below demonstrates that whilst the total number peaked in 2020, the Council continues to receive complaints on the issues of loudspeakers and street performers in Belfast and in the city centre:

Table 1

	Loudspeaker Complaints in Belfast	Loudspeaker complaints in City Centre	Street performer complaints in Belfast	Street performer complaints in City Centre
2018	10	8	76	76
2019	17	14	78	78
2020	62	51	29	27
2021	24	22	34	34
2022	45	41	53	53
2023	29	27	22	20
2024	31	30	39	38
2025 (up to 11/11/25)	30	30	53	52

4. Consultation Design Process

Council officers within the Legal & Civic Services Department along with colleagues from Strategic Policy & Performance discussed the approach to be agreed for consultation and engagement.

Officers recognised that qualitative feedback was important to understand how the draft byelaws would be received, and therefore open-ended text response questions relating to various aspects of the draft byelaws were included in the online survey.

Recognising the importance of knowing who was contributing to the survey, respondents were asked to declare their interest in Belfast in terms of whether they

lived, worked, studied in Belfast or if they were a business owner in Belfast or a visitor. Respondents were also asked for feedback on equality of opportunity, good relations and rural needs issues that they thought should be considered by the Council in relation to the draft byelaws.

Standard monitoring questions were asked for the purpose of capturing data in relation to the Council's obligations under Section 75 of the Northern Ireland Act 1998 for the categories of age, gender, community background, ethnic origin, disability and dependancy status.

5. Methodology

The public consultation on the draft byelaws was launched on the Council's consultation online platform, YourSay Belfast on 27 November 2023 and ran for 14 weeks, concluding on 4 March 2024. This online engagement platform provides the Council with several tools to support early, transparent and ongoing dialogue when undertaking consultation and engagement exercises and for reporting back on evidence received both in terms of quantitative and qualitative information. A hard copy format of the survey was made available upon request and responses received via hard copy have been read and considered for this report.

5.1 Pre consultation engagement sessions with stakeholders in relation to the draft byelaws

Relevant stakeholders from the city centre business community had attended the Strategic and Policy Resources Committee on 18 February 2022 to present their concerns about how persistent disruptive on-street activity, in the form of protests, street entertainers, preaching and lobbying, often involving the use of amplifiers, was increasingly creating difficulties for retailers and businesses operating in the general area of Cornmarket. It was noted that the impact of these activities was creating difficulties for retailers and businesses as well as having a detrimental effect on staff mental health and wellbeing.

6. Consultation Responses

6.1 Collation of statistics from surveys

As stated above, Council officers felt it appropriate to ask a series of open-ended questions to gauge opinion on various aspects of the draft byelaws. This quantitative feedback is summarised in Section 7 of this report. Statistical breakdowns of general sentiment in terms of level of agreement or disagreement is also included.

The combination of qualitative information and statistical information will give as comprehensive a picture as possible of the responses. It should be noted, however, that like other surveys conducted on the YourSay platform, no guarantee can be given that individual respondents have not filled in the survey multiple times. This is a known limitation in the analysis of public consultation data that is provided anonymously.

In the online survey, respondents were presented with questions based on various sections of the draft byelaws and were asked to state if they definitely agreed, somewhat agreed, neither agreed nor disagreed, somewhat disagreed or definitely disagreed. Percentages in relation to each question are given in tabular format with a discussion with some of the commentary and themes in written answers following on from this.

6.2 Consultation analysis

In addition to the statistical analysis of the responses to the survey, officers have reviewed written commentary submitted by the respondents. In many cases, comments were very complex with mixed feelings towards buskers, religious preaching and graphic imagery. General recurring themes have emerged from the comments and those are discussed in the analysis of the text comments for each question.

6.3 Written submissions

A number of written submissions were made during the period of the consultation. A substantial written response was submitted by the Committee for the Administration of Justice, which laid out concerns as to how the proposed byelaws could conflict with rights set forth in the European Convention on Human Rights, the most prominent issue being the risk that it would be an offence to have static protests in the city centre. A copy of this submission is included as **Appendix 2**.

Written responses were also received from the following organisations:

- Belfast & District Trades Union Council
- The Committee on the Administration of Justice
- HERe NI
- Free Presbyterian Church
- Northern Ireland Committee – Irish Congress of Trade Unions
- NIPSA
- UNISON NI
- Rainbow Project
- Socialist Party
- Traditional Unionist Voice
- WRDA
- A joint response from People Before Profit on behalf of a range of political parties, activist groups, art collectives, and other organisations

Several of these organisations endorsed the CAJ submission. A summary of these written submissions is attached to this report as **Appendix 3**.

6.4 Petitions

No petitions were received.

6.5 Email responses

There was a total of 5 emails received that commented on the consultation. These touched on various aspects of the draft byelaws and included criticism that the terms and conditions are ill defined and are arbitrary, and that whilst the city centre benefits from music and the ability to protest, hate speech that constitutes bullying and harassment is unacceptable.

6.6 Letter Response

One letter response was received, which cautioned against enacting the byelaws. The respondent felt that they would breach human rights by removing the opportunity to protest, gather, inform and peacefully campaign.

6.7 Responses to the survey (hard copy submissions)

A total of 36 hard copy responses were received, all of which expressed disagreement with the draft byelaws. These respondents commented on the importance of freedom of expression in relation to the heritage of open-air preaching (in particular by the evangelical Christian / Protestant community) and supported the display of graphic imagery in the city centre.

7. Breakdown of Responses

7.1 Overall responses to the online survey

There were 3,571 responses to the online survey and a combined total of 14,878 written comments.

The analysis of the written comments clearly shows that there is considerable strength of feeling and demonstrates that respondents took time to compose responses that in many cases were thoughtful and reasoned.

7.2 Responses to the Consultation Questions on the draft byelaws

The consultation presented a series of questions to allow respondents to give their opinion on the substance of the proposed byelaws. The consultation also collected monitoring data on respondents' age, gender, religious background (regardless of whether or not they practice), their national identity, whether or not they were impacted by a disability, their ethnic origin and whether or not they have dependants.

Respondents could fill in the questionnaire as many times as they wanted. None of the questions in the questionnaire was mandatory. There is not, therefore, an equal number of responses for each question.

Q1: To what extent do you agree or disagree that the council should introduce rules and regulations around the use of amplification devices and the display of promotional literature or other information (including the display of graphic imagery) in the city centre?

This question had a total of 3,540 responses (31 skipped)

	Percentage	Number
Definitely agree	39.7	1,404
Somewhat agree	4.8	171
Neither agree nor disagree	1.0	36
Somewhat disagree	3.8	133
Definitely disagree	50.7	1,796
Total	100	3,540

It is immediately apparent that the majority of respondents to this question (54.5%) either definitely disagreed or somewhat disagreed with the proposal to introduce rules and regulations around the use of amplification devices and the display of promotional literature or other information in the city centre. Only 1% of respondents neither agreed nor disagreed.

Q2: Please provide any additional comments in the space below.

This question had a total of 2,215 written responses and allowed respondents to express why they agreed or disagreed with the introduction of rules and regulations as set out in Question 1.

This was a very broad and general question and it therefore elicited many broad and general responses. However, general themes were evident and are discussed in further detail below:

Themes in Responses – Definitely Agree / Somewhat agree

Too loud

Respondents who were in favour of the introduction of rules and regulations simply stated that the city centre is ‘too loud’, an ‘aural nightmare’ and that the noise of amplified voices and instruments is ‘intrusive’ and ‘unbearable’.

Cumulative Impact

A theme that emerged from the analysis of these comments is that the cumulative impact of amplification and ‘noise pollution’, can be ‘very very annoying to be bombarded by numerous buskers and preachers’, feels ‘out of control and unmanaged’ and has ‘ruined the experience’ of being in the city centre.

Negative Impact on City Centre

Respondents commented that current noise levels in the city centre from buskers and preachers does not create a ‘welcoming environment’ for both residents and tourists, makes the city centre feel ‘unsafe’, makes them feel ‘anxious’ and ‘annoyed’ and that they ‘avoid going to the city centre’.

Content of Speech

Some respondents noted that the content of some of the religious preachers’ speeches is ‘oppressive’, ‘hateful’, ‘hurtful’ and ‘damaging’. Respondents commented that buskers are sometimes ‘very loud’ and ‘intrusive’ and that there is ‘no need’ for amplification at all.

Decibel Limit

A suggestion that speakers should be kept at a 'reasonable level' and the imposition of a 'decibel limit' for any amplification was a further recurring theme.

Disability

Respondents commented that amplification makes the city centre 'extra difficult' for those with disabilities and neurodivergency disorders, such as Autism Spectrum Disorder and is 'harmful to wellbeing'.

It was also noted that unregulated speakers and performers who 'take up so much space' make the city centre 'less accessible' to those with physical disabilities who require a wheelchair or rollator.

Graphic Imagery

Respondents commented that images displayed by pro-life / anti-abortion groups are 'medically sensitive', 'highly triggering', cause 'stress', are 'disturbing', 'hugely traumatising for anyone that has been through a 'pregnancy loss' and 'should not be seen by children'. It was suggested that the use of 'very graphic images / contentious campaigns should only be used after 9:30 pm / similar to TV watershed', which would 'help balance equality with freedom of speech'.

Themes in Responses – Somewhat disagree / Definitely disagree

Freedom of Expression

Those respondents who disagreed with the introduction of rules and regulations stated that this was a 'blatant attack' on 'the fundamental right to free speech' and 'rights of assembly', that the byelaws would 'severely restrict the vibrancy' of the city centre and would 'silence the gospel message'. It was noted that the byelaws would constitute 'discriminatory behaviour' towards Christians and that 'religious liberty' is of 'vital importance', given the 'rich heritage of preaching' in Northern Ireland.

Questioning the Need

Respondents noted that the introduction of these byelaws should be as a 'measure of last resort', that they should be 'proportionate and reasonable', that there 'already laws' in relation to hate speech and that it's 'up to police' to deal with these issues. Respondents commented that the draft byelaws breach the Good Friday Agreement where it states that *'The parties affirm their commitment to the mutual respect, the*

civil rights and the religious liberties of everyone in the community ...the parties affirm in particular ...the right to freedom and expression of religion'. Respondents stated that existing legislation, for example, The Public Order Act, should 'suffice' to address these issues. It should be noted that respondents in some cases incorrectly cited legislation that does not apply in Northern Ireland.

Other City Centre Issues

Respondents commented that the Council should address 'way bigger issues' in the city centre such as 'drug paraphernalia', 'homeless sleeping in doorways', 'anti-social behaviour' and 'shoplifting' and that it should 'focus on cleaning the streets' before introducing these types of byelaws.

Council Process and Fee

Questions were raised about the Council process for granting permits citing 'huge concerns as to how this will be fairly and correctly monitored' and whether this could lead to 'subjective decisions' being made about who would or would not be granted a permit. Respondents were critical of the introduction of a fee, saying that this could be a 'barrier' that could disproportionately affect individuals.

Q3: In the past 12 months have you used an amplification device in the city centre?

This question had a total of 3,525 responses (46 skipped)

- Yes: 144 (4.1%)
- No: 3,381 (95.9%)

Q4: If the answer is yes, please indicate the activity you were participating in from the list below (select all relevant activities):

This question had a total of 141 responses (3,430 skipped)

	Percentage	Number
Busking	17.7	25
Street performance	14.9	21
Street preaching	57.4	81
Display of promotional literature or other information (including graphic imagery)	23.4	33

Other (please specify)	31.9	45

There were no written comments that addressed or specified the 'other' activities.

Q5: In the past 12 months have you displayed promotional literature or other information (including the display of graphic imagery) in the city centre?

This question had a total of 3,529 responses (42 skipped)

- Yes: 164 (4.6%)
- No: 3,365 (95.4%)

Q6: If the answer is yes please provide a description of the promotional literature or other information displayed (to include a description of any graphic imagery).

This answer had 154 text responses, which included the following descriptions:

- Anti-abortion / right to life imagery
- Vegan charity
- Prayer cards
- Religious literature including gospel tracts
- Environmental information
- Animal rights information
- Political causes e.g. Free Palestine, Gaza, support for refugees and asylum seekers
- LGBTQ+ information / Pride placards

Q7: What is your experience of the use of amplification devices in the city centre (i.e. speakers, public address system, loudspeaker, megaphone or any electronic device for the amplification of sound). You may select more than one option.

This question had a total of 3,512 responses (59 skipped)

	Percentage	Number
Very positive	32.0	1125
Positive	20.8	731
Neutral	12.8	448
Negative	13.3	466
Very negative	30.5	1071

Q8: Please explain your answer in the space below.

This question had a total of 2,690 written responses. It should be noted that many respondents wrote text responses which were partly positive and partly negative, for example in favour of music and busking but not in favour of the content of certain religious preaching, such as the following comment: “Very positive in terms of buskers/musicians. Very negative in terms of preachers and those using PA systems and megaphones to spread hatred in what is a growingly diverse city.” Another example of this viewpoint was a respondent who commented that their experience of amplification in the city centre has been ‘mixed’ and who stated that ‘the use of amplification must respect the views within our community, fostering a culture of respect and tolerance’.

However, as can be seen from the statistics, the majority of respondents have a ‘very positive’ or ‘positive’ experience of amplification in the city centre. Those responses are analysed in more detail below:

Themes in Very Positive / Positive responses

Positive Impact

Those who had a positive experience noted that they were ‘uplifted’ from listening to preachers and were ‘educated and informed’ by ‘organisations and demonstrations’. Respondents noted that amplified activities add to the ‘atmosphere and buzz’ and ‘vitality’ of the city centre.

Tradition of Preaching

Respondents noted that open air preaching has been a ‘force for good’ in society, that public preaching has a ‘long tradition’ in Belfast that is ‘part of our diverse culture’ and that to restrict it ‘would interfere with a long-term religious practice’. It was noted that freedom of expression is ‘paramount in a modern and free society’, that preachers are a ‘huge part of our culture which should be heard’ and ‘to shut that down is to oppose freedom of speech’.

Mix of Content

Respondents noted that amplification devices and buskers are a ‘welcome addition’ to the city centre and add to Belfast’s ‘atmosphere and character’. It was noted that

music adds to the 'vibrancy' of Belfast 'especially as a UNESCO City of Music' and is a 'traditional part of our culture and heritage, as well as something which can unite communities.' The 'diversity' of the city was commented upon in terms of a mixture of 'a busker in one corner and a street preacher in the other'.

Themes in Very Negative / Negative responses

Too Loud / Negative Impact on City Centre

A strong theme for those whose experience is negative is that the amplification is 'too loud', an 'assault' and 'out of control' for those visiting and working in the city centre and that the noise is 'off putting' which creates a 'disincentive to visit the city centre'. The cumulative impact of a lot of amplification was described as 'ridiculous', creating 'a very difficult atmosphere' and 'making the shopping experience unpleasant'.

The impact of high levels of noise was described as a 'cacophony' which is 'stressful' and it was stated that there is 'no need' for amplification devices, which were 'not designed for city streets'.

Disability

For those who declared themselves to be autistic or declared that they have dependants who are autistic, noise levels were described as 'painful to cope with', 'overwhelming' and 'overstimulating'.

Content of Speech

Respondents commented on experiencing amplified 'hate speech' and described this as being 'homophobic', 'transphobic', 'overtly offensive to the LGBT community', 'upsetting' and has 'no place in a modern society'.

Quality of Content

Respondents commented on the 'quality' of the content of what it being amplified', noting that there is 'no quality control', 'no standard in terms of quality of the performance' and that a performance can become an 'annoying nuisance'.

Q9: What is your experience of the display of promotional literature or other information in the city centre (including the display of graphic imagery)? You may select more than one option.

This question had a total of 3,517 responses (54 skipped)

	Percentage	Number
Very positive	29.3	1029
Positive	18.9	664
Neutral	21.5	755
Negative	12.9	452
Very negative	24.8	867

Q10: Please explain your answer in the space below.

This question had a total of 2,342 text responses.

Themes in Very Positive / Positive responses

Expression of Views

Those whose experience of graphic imagery was positive commented that it is 'important that Belfast is a space for inclusive views which allows everyone to express and share them freely and openly', that it 'offers a diverse range of information' and that 'it helps people understand'. Respondents commented on the importance of freedom of expression, noting that 'people should be free to promote or protest whatever images they want'.

Look Away

Respondents commented that if people don't like certain imagery, 'they don't have to look at it'. Although respondents acknowledged that some graphic imagery 'might be difficult to look at', it should not be 'censored' and that it is important for 'raising awareness'. It was also noted that such imagery is less 'intrusive' than loud noise.

Themes in Neutral Comments

Respondents noted that there is a 'variety of promotional literature' given out and questioned the 'criteria' for judging it. It was noted that 'a challenge lies in

establishing a fair and transparent process for determining what constitutes “graphic” content.

Themes in Very Negative / Negative responses

Upsetting

Those whose experience of graphic imagery was negative commented with regard to anti-abortion imagery that it is ‘disturbing’, ‘distressing’ ‘distasteful’, ‘triggering’, ‘upsetting’, ‘insensitive to those who have lost a child’, ‘grotesque’, ‘aggressively graphic and shocking’ ‘inappropriate in a shopping area’ and ‘offensive’.

Children

Respondents commented that this type of imagery ‘should be age appropriate’, that it is ‘inappropriate when children are present’ and ‘difficult for parents to explain’. It was further stated that some of the graphic abortion imagery would be ‘subject to age restrictions when in film and TV’ and that they ‘would be rated 18 in a movie’.

Tourists / Visitors

The impact of graphic imagery on tourists to Belfast was noted as ‘horrendous’, ‘uninviting’ ‘deeply embarrassing’ and ‘creating an unwelcome backdrop to their visit’.

Questions relating to the Permit Scheme

Q11: To what extent do you agree or disagree that the council should introduce a permit scheme around the use of amplification devices in the city centre?

This question had a total of 3,443 responses (128 skipped)

	Percentage	Number
Definitely agree	31.9	1099
Somewhat agree	9.6	331
Neither agree nor disagree	3.1	108
Somewhat disagree	5.3	181
Definitely disagree	50.1	1724

Q12: Please provide any additional comments in the space below.

This question had a total of 1,894 text responses (1,677 skipped).

Themes in Responses – Definitely Disagree / Somewhat Disagree

Council Process / Fee

Those who disagreed with the introduction of a permit system commented that it may lead to ‘unintended consequences’ such as ‘subjectivity’ in the issuance of permits and a ‘financial barrier’ for those who do not have the means to pay for a permit, which could ‘silence important voices in the public sphere’. Concern was expressed that such a system could negatively impact the arts community if it was overly complicated or expensive.

Freedom of Expression

The theme of freedom of expression was once again apparent in the responses to this question. Respondents commented that the requirement of a permit ‘conflicts with the rights to freedom of assembly and freedom of expression (Articles 10 and 11 of the Human Rights Act), and the right to religious liberties (affirmed in the Belfast Agreement)’, ‘puts barriers up to free speech in the city’ and would ‘be seen as censorship by the back door’.

Administration and Enforcement

The process of how a permit system would be managed and administered was described as ‘cumbersome regulations’ that would ‘divert public resource’, ‘costing the public purse in administration costs’. Queries were raised about the criteria for the issuance of permits, how this ‘would be open to political influence and abuse’ and that it would be ‘very hard to police and make fair decisions on who does and who does not receive a permit.’

Ban Amplification

Respondents commented that instead of introducing a permit system, the Council should ‘ban amplification’ in the city centre.

Themes in Responses – Definitely Agree / Somewhat agree

Ban Amplification

Those who were in agreement with a permit system for amplification commented (similarly to those who disagreed with the permit system) that an overall ban on amplification ‘full stop’ would be preferable for ‘acoustic buskers only please’, stating that there should be ‘no amplification’ as ‘there is no requirement for it’, particularly

for small groups but instead allow amplification where it is 'necessary' for larger crowds.

Manage Amplification

Respondents commented that a permit system would help to 'limit' the 'out of control volume' and could specify a 'maximum level of amplification'.

Support for Buskers

It was noted that any fee for buskers should be 'reasonable' or 'low' so as not to 'deter' or 'discourage' them and concern was expressed that if a permit is 'overly complicated or expensive' to obtain, Belfast could lose a 'fantastic array' of buskers.

Comments on Process

Queries were raised about the process for rescinding a permit if its conditions were broken. Respondents also noted that such a system 'will be difficult to police' and queried 'how well will it be monitored?'

Q13: To what extent do you agree or disagree that the council should introduce a permit scheme around the display of promotional literature or other information in the city centre (including the display of graphic imagery)?

This question had a total of 3,526 responses (45 skipped)

	Percentage	Number
Definitely agree	29.7	1047
Somewhat agree	9.0	318
Neither agree nor disagree	6.2	219
Somewhat disagree	6.1	215
Definitely disagree	49.0	1727

Q14: Please provide any additional comments in the space below.

This question had a total of 1,612 text responses (1959 skipped).

Themes in Responses – Definitely Disagree / Somewhat Disagree

The majority of written comments were from those who disagreed with the introduction of a permit system for the display of promotional literature or other information, including graphic imagery.

Censorship

Respondents commented that the Council should not act as a ‘censor of content’ and that any regulations should be ‘clear, transparent and applied equally to prevent any form of discrimination or bias’. Respondents raised concerns about the Council ‘shutting down’ those with whom they disagree and noted that this is an ‘overreach of authority’, ‘draconian’, ‘an attempt at censorship’, ‘partisan’ and an ‘infringement of freedom of speech and civil liberties’. It was also suggested that such a system would ‘introduce a level of bureaucracy that would hinder those who want to preach in the city centre’.

Permit Hours

It was noted that a permit would not be granted before 11am, which would put a restriction on handing out literature to commuters coming into work. It was noted that there is a ‘long standing tradition’ of handing out literature in the city centre.

Subjective

In determining what constitutes ‘graphic content’, it was noted that decisions made by the Council must be ‘guided by clear, objective criteria’ and that this subject is generally ‘subjective’. Respondents queried the ‘unclear’ term of ‘graphic’ and asked how that will be determined or defined by the Council.

Barrier

Concern was expressed that a permit system would ‘slow down solidarity actions for international events’ and would create ‘barriers’ for ‘grassroots initiatives and community -led projects.’

Existing Legislation

Respondents suggested that existing legislation around harassment and anti-social behaviour may be ‘sufficient’ to deal with issues that may arise.

Themes in Responses – Definitely Agree / Somewhat Agree

Regulate Content

Respondents in favour of a permit commented that this would be a ‘positive step’ to ensure that content displayed in public places would be ‘appropriate and sensitive to the diverse audience’ in the city centre (including children) but queried how it would be enforced. It was noted that ‘images that are designed to shock, upset or

discriminate are not acceptable' and that having regulation around what can be displayed will 'create much more of a welcoming environment' in the city centre.

Children

Concern was expressed for certain images relating to abortion that children may see in the city centre. It was stated that it is 'not appropriate' for children to see those images and that 'subjecting them to images like that shouldn't be permitted'.

Respondents noted that 'forcing graphic imagery' on people is 'completely unacceptable' and that the people sharing images 'can't control the age of the people who will see them.'

It should be noted that these comments seemed to assume that the content of graphic imagery would be regulated by the Council, but this is not the intention.

Q15: To what extent do you agree or disagree with the standard conditions listed within the proposed byelaws? (Answers range from definitely agree to definitely disagree)

PERMIT IS NOT TRANSFERABLE	Number
Definitely agree	1521
Somewhat agree	191
Neither agree nor disagree	226
Somewhat disagree	284
Definitely disagree	1245

PERMIT IS VALID FOR 1 YEAR	Number
Definitely agree	1614
Somewhat agree	294
Neither agree nor disagree	353
Somewhat disagree	465
Definitely disagree	697

PERMIT NOT NORMALLY GRANTED FOR 11PM – 11AM	Number
Definitely agree	1272
Somewhat agree	209
Neither agree nor disagree	342
Somewhat disagree	390

Definitely disagree	1261
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PERMIT APPLIES TO SPECIFIC LOCATION AND DURATION	Number
Definitely agree	1557
Somewhat agree	226
Neither agree nor disagree	233
Somewhat disagree	392
Definitely disagree	1063

PERMIT HOLDER CAN PERFORM FOR MAX 2 HOURS IN SPECIFIC LOCATION	Number
Definitely agree	1599
Somewhat agree	300
Neither agree nor disagree	284
Somewhat disagree	457
Definitely disagree	839

PERMIT HOLDER CAN PERFORM FOR MAX 1 HOUR IN PRIMARY RETAIL CORE	Number
Definitely agree	1658
Somewhat agree	290
Neither agree nor disagree	282
Somewhat disagree	345
Definitely disagree	902

MAX 1 PERFORMANCE TIME INCLUDES SETTING & PACKING UP	Number
Definitely agree	1851
Somewhat agree	359
Neither agree nor disagree	284
Somewhat disagree	207
Definitely disagree	785

PERMIT HOLDER MUST RELOCATE TO A DIFFERENT PLACE NOT WITHIN 100M OF PREVIOUS LOCATION	Number
Definitely agree	1717
Somewhat agree	296
Neither agree nor disagree	347
Somewhat disagree	336
Definitely disagree	781

Q16: Please provide any additional comments in the space below.

This question had a total of 1,531 text responses (2040 skipped)

The responses to this question were extremely broad ranging, given the various proposed permit conditions in the draft byelaws.

No Need

A general theme that emerged was that there should be 'no need' for a permit and that this was 'authoritarian', 'bureaucratic' and would 'impinge on human rights and freedom of expression'.

Disadvantage Musicians

Respondents commented that the time limits would 'overwhelmingly disadvantage musicians', be 'burdensome' and that the time spent setting up and packing up for buskers should be excluded. It was further noted that 'it's important to foster an environment where artists are given ample time to prepare and offer a high quality auditory experience'.

100 Metre Distance

Respondents commented that the distance of 100m is 'too short', 'still within earshot of amplifier' and may cause 'continued disturbance to a particular area'.

Enforcement

The issue of 'enforcement' was highlighted in the responses to this question. Respondents stated that it will be 'impractical to monitor', 'difficult to enforce' and that if the permit system 'isn't going to or can't be policed, it's pointless trying to do it at all'.

Permit Application

Several respondents made the point that if the permit applies to a person, rather than an event, this would 'add to the difficulty of simply being able to preach the gospel' and 'would discriminate against certain groups'.

Cost

Cost was mentioned in terms of the permit system being 'costly', 'an unnecessary drain on public expenditure' and a question of 'who would pay for such policing?'.

Q17: To what extent do you agree or disagree that the council may designate areas in which specific types of instruments or amplification is prohibited?

	Percentage	Number
Definitely agree	31.7	1115
Somewhat agree	9.8	344
Neither agree nor disagree	6.2	218
Somewhat disagree	5.4	189
Definitely disagree	46.9	1646

Q18: Please provide any additional comments in the space below.

This question had a total of 1,137 text responses (2434 skipped)

Specific Places

Respondents who were in favour of a prohibition in designated areas suggested specific places, such as outside City Hall, Royal Avenue, the 'main pedestrian shopping and entertainment areas', 'near religious buildings, medical buildings or residential buildings' and 'outside of city centre offices.'

Encourage Residential Dwellers

It was stated that restricting the use of amplification in residential areas 'should go some way to encouraging people to dwell in the city centre'.

Ban Amplification

The theme of banning amplification emerged in the responses to this question with respondents saying that 'safe and quiet spaces are needed', there should be a

‘blanket ban on all amplification devices’, that amplification should be ‘prohibited entirely’ and ‘should be made illegal’.

Freedom of Expression and Right to Protest

Those not in favour of such a prohibition commented that it is ‘vital that these restrictions do not impinge upon the right to protest’, that ‘this is a dangerous path to be going down’ and that any such designation would ‘conflict with the rights to freedom of assembly and freedom of expression’. Respondents also commented that this is ‘overreach’ by the Council and it is ‘not the Council’s place to restrict freedom of expression’.

Equality Screening

Q19: Please provide any comments in relation to equality of opportunity or good relations issues that you feel should be taken into account by the council in relation to the proposed byelaws.

This question had a total of 1,303 text responses (2268 skipped)

Breach of Good Friday Agreement

A pro forma (83 submissions) recurring comment in response to this question was that the draft byelaws ‘breach the Good Friday Agreement, which states, ‘*The parties affirm their commitment to the mutual respect, the civil rights and the religious liberties of everyone in the community ...the parties affirm in particular ...the right to freedom and expression of religion*’ and that the proposals could ‘increase tensions between different groups if it appears the Council is discriminating between them by granting permits to one group but not another’. As part of this same comment, it was suggested that ‘the Council could then be responsible for damaging good relations across the city’ and a ‘full EQIA’ was requested.

Freedom of Expression

The right to freedom of expression was mentioned in response to this question with concerns being raised that ‘this is an attempt to circumvent the presumption of basic human rights’ and the Council’s potential ‘censorship’.

LGBT+ Community

Regarding the LGBTQ+ community, respondents commented that some of the preaching was 'homophobic', constituted 'hate speech' and that that community is 'constantly under attack' by 'these hate preachers.' It was noted that 'homophobia and transphobia has been going unchecked for far too long', that the LGBTQ+ community 'should not be forced to listen to hateful and insulting content' and that this group are 'often the targets of harassment and bigotry broadcast over loudspeakers'.

Disability

Disability was mentioned by respondents in the context of how noise levels in the city centre 'discourage or even prohibit' the use of it by those with 'auditory sensitivity or visual impairment'. It was noted that the 'current use of speakers and their high volumes directly affects those with sensory and auditory processing issues and leads them to feelings of anxiety and confusion'.

Respondents who declared themselves to be autistic or who declared that they have dependants on the autistic spectrum commented that amplification 'creates an uncomfortable environment' and that 'the city centre should be an accessible and reasonably predictable environment'. It was also commented that 'the city needs to view this as a 'disability rights / access issue' as the city centre has become a 'hostile environment' for those who are autistic or have sensory processing issues.

It was noted that the byelaws could have a 'positive impact' and 'would make the streets easier to navigate for people who use mobility devices', if permits favoured applications in an area with wider pavements.

Disproportionate Effect

A further theme that emerged from this question was the suggestion that these byelaws would have a disproportionate effect on evangelical Christians and would constitute 'religious discrimination'. Respondents commented that this is 'an attempt to stifle the religious expression of the Evangelical Protestant community', that 'this proposal indicates preachers are the target' and that 'freedom to preach the gospel with liberty will be denied'. It was noted that 'it is crucial for the council to

acknowledge and address any bias or discriminatory attitudes towards certain forms of expression, particularly open-air preaching’.

Equality Screening

There was some criticism of the draft Equality Screening in terms of its use of ‘anecdotal evidence’, however, the data provided by the consultation responses will be considered when finalising the byelaws.

7.3 Responses to Consultation Monitoring Questions: breakdown by type of respondent (individual or group), gender, community background, national identity, age, geographical location and relationship to Belfast

Q20: Are you responding as an individual (member of the public) or on behalf of a group or organisation?

- Individual (member of the public): 98.3%, 3463
- On behalf of a group or organisation: 1.7%, 59

Q21 (if responding on behalf of a group): What is the name of your organisation or group?

This question had 55 text responses.

Q22: We would like your permission to disclose your organisation name, your written comments, and to reference your organisation name in our analysis and feedback reports. Please indicate your preference for what we do with your organisation name.

- I agree you can share and publish my organisation name and any written comments submitted on behalf of my organisation (43.6%, 24 organisations)
- I agree you can publish my organisation name as responding to the consultation but keep our written comments anonymous (20%, 11 organisations)
- Do not share or publish my organisation name (36.4%, 20 organisations)

Q23: Please indicate which sort of group you are representing:

Type of Group	Number
Church or faith based group	30
Charity	17
Community or voluntary group	13
Other (please specify)	8
Business	6
Public body	4
School	2
TOTAL	80

(The survey ended at this point if the response was on behalf of a group.)

Q21 (if responding as an individual): **About you, please tick all that apply:**

Connection to Belfast	Number
I live in Belfast	1718
I am a visitor to Belfast	1352
I work or study in Belfast	1190
I am a business owner in Belfast city centre	74
Total	4334

Q22: Demographic and monitoring questions

73.1% of respondents indicated that they were happy to answer a series of demographic and monitoring questions (26.9% declined to answer).

Q23: What is your age?

What age are you?	Number	%
Under 18	10	0.4
18-24	193	7.6
25-34	566	22.4
35-44	571	22.6
45-59	713	28.2
60+	479	18.9
Total	2532	100

Q24: What is your gender?

	Number	%
Male	1400	55.3
Female	1054	41.6
Prefer not to answer	38	1.5
Use another term	40	1.6
TOTAL	2532	100

Q25: Do you consider yourself to be trans or transgender?

Trans can be used as an umbrella term to describe people whose gender is not the same as, nor does it sit comfortably with, the sex they were assigned at birth. Trans people may describe themselves using one or more of a variety of terms e.g. transgender, transsexual, gender- queer (QC), gender- fluid, non-binary, crossdresser, genderless. The use of trans as an umbrella term may not be acceptable to all transgender people.

Transgender is someone who intends to transition, is transitioning or has transitioned from the gender they were assigned at birth.

- **Yes:** 49 (2.0%)
- **No:** 2364 (94.7%)
- **Prefer not to answer:** 84 (3.4%)

Q26. Community background of respondents

Please indicate your community background	% Total
Member of the Protestant community	41.2
Member of the Roman Catholic community	26.4
Neither	32.4
Total	100

Q27: Ethnic origin is not about nationality, place of birth or citizenship. It is about the group to which you perceive you belong. How would you describe your ethnic origin?

The overwhelming majority of respondents, 94.4%, were white, with 2.8% of respondents selecting the “prefer not to say” option. 1.2% of respondents indicated that they came from mixed or multiple ethnic groups.

Q28: Do you have a long-term illness, health issue or disability that limits your daily activities or work that you can do?

The majority of respondents (81.8%) stated that their day-to day activities were not limited by a disability or illness, with 13.8% of respondents saying yes and 4.4% of respondents preferring not to say.

Q29. If yes, how does this disability or illness affect you?

Disability or illness	Number
Mental health (e.g. depression, anxiety, bipolar, schizophrenia)	143
Physical disability (e.g. wheelchair-user, artificial lower limbs, walking aids, Musculo-skeletal difficulties)	127
Neurodiversity (e.g. autism, ADD/ADHD, dyslexia, dyscalculia, dysgraphia, dyspraxia)	103
Prefer not to answer	51

Other	39
Hearing loss: deaf, hearing loss, tinnitus	35
Communication difficulties: speech difficulties, e.g. stammer, slurred speech	16
Learning disability	13
Sight loss: blind, partially sighted	12
TOTAL	539

Q30: Do you have dependants or caring responsibilities for family members or other persons?

- **Yes:** 33.8%
- **No:** 66.2%

Q31: If yes, who do you have caring responsibilities for?

- A child or children: 72.2%
- An elderly person or persons: 27.7%
- A person or persons with a disability: 21.6%

(The survey ended at this point for those responding as an individual).

8. Summary and Comment on Responses

The examination of the data as presented above reveals a number of trends:

- There was a very high level of public engagement with the online survey and an extremely high response rate, not just to the statistical element of the survey but also in terms of written comments.
- This engagement came from a wide range of individuals in terms of age range, gender, community background and disability status, all of whom felt that the draft byelaws could potentially impact them in their leisure time, work time or both.
- Respondents displayed a strength of feeling in written comments for the most part in either positive or negative terms; there was little feedback from respondents who were 'neutral' on the subject.

- In addition to the public comments, there was a high level of engagement from a broad range of groups and organisations who feel vested in the draft byelaws.
- Respondents emphasised a general expression of support of the human rights that are protected under the ECHR.
- Respondents raised specific queries about how the byelaws may operate in practice.

8.1 Summary of Monitoring Data

The consultation monitoring data shows that the majority of respondents were men of White ethnic origin. The majority declared that they came from a Protestant background and were aged 45-59.

9. Conclusions

- This was a wide-ranging consultation for a full 14-week period that generated a very high level of engagement.
- Based on feedback received from groups and individuals, it is clear that further decisions will have to be taken on how to finalise the draft byelaws.
- Further engagement may be required with the CAJ and the Trade Unions for potentially creating an exemption in the byelaws for static protests.

Appendix 1: Draft byelaws



BELFAST CITY COUNCIL

**BYE-LAWS FOR THE GOOD GOVERNANCE OF BELFAST CITY CENTRE
AND FOR THE PREVENTION AND SUPPRESSION OF NUISANCES IN BELFAST CITY
CENTRE**

Made by Belfast City Council :

**Confirmed by Department for
Communities :**

In operation on and from :

**BYE – LAWS
BELFAST CITY COUNCIL
FOR THE GOOD GOVERNANCE OF BELFAST CITY CENTRE AND FOR THE
PREVENTION AND SUPPRESSION OF NUISANCES IN BELFAST CITY CENTRE**

Bye-Laws made the _____ by Belfast City Council pursuant to Section 90 of the Local Government Act (Northern Ireland) 1972 for the good rule and government of its City Centre and the prevention and suppression of nuisances in its City Centre at a meeting of the Council held on _____

INTERPRETATION

1. In these Bye-Laws -

‘City Centre’ means the area delineated in [colour tbc] in the map at Schedule One.

‘Council’ means Belfast City Council.

‘Permit’ means a Permit issued by the Council in accordance with these Bye-Laws.

‘Permit Holder’ means a person who holds a Permit issued pursuant to these Bye-Laws.

‘Primary Retail Core’ means the area delineated in [colour tbc] in the map at Schedule One of these Bye Laws.

‘Prohibited Place’ means an area [tbc] [within 100 metres of any place of public worship or public entertainment or other place of public assembly in which person or persons so assembled, after being requested to desist by an authorized Council officer or police officer.

‘Public Place’ means any area open to the public including any street, road, footpath, open space, park, cemetery, green space and amenity areas.

‘Permit’ means a Permit issued by the Council to carry out the activities in the City Centre which are described in these Bye Laws.

General Provisions

2. These Bye-Laws apply to the City Centre as shown in the map at Schedule One.

3. Notice of the effect of these Bye-Laws shall be given by signs placed in such positions as the Council may consider adequate to inform persons of their existence.
4. A person may not conduct or take part in any amplified performance (whether vocal or instrumental), dance, concert or other such performance in a public place in the City Centre (including the Primary Retail Core) without a valid Permit issued by the Council.
5. A person may not use amplification devices in a public place, whether as part of a performance or otherwise, in the Primary Retail Core without a Permit issued by the Council permitting the use of said device.
6. A person may not erect, place, maintain or otherwise be responsible for a stand, stall, or vehicle with promotional literature or information (whether connected to a business, charity, political or any other non-commercial purpose) in a public place in the Primary Retail Core without a Permit issued by the Council. This provision does not apply to those vehicles which are within the said area solely for the purposes of delivery to or collecting goods from business premises.

Application Requirements

7. An application for a Permit must be accompanied by payment of the relevant fee and on the production of evidence of identity and address together with two recent photographs of the applicant.
8. The cost of a Permit will be [tbc].

Permit Conditions

9. The Permit will be subject to such conditions as the Council believes necessary and proportionate.
10. Without prejudice to the generality of paragraph (9), the following standard conditions may be specified in a Permit issued by the Council to carry out the activities in the City Centre which are described in these Bye Laws —

- (a) Permits may only be used by the performer named on the permit, and shall not be used by, or transferred to, any other person.
 - (b) A Permit granted by the Council will be valid for one year from date of issue or such lesser period as may be considered appropriate by the Council.
 - (c) A Permit shall not normally be granted for activity between the hours of 11pm and 11am.
 - (d) A Permit will only allow the permitted activity in a specific location for a maximum of TWO hours. After this period the person must re-locate to a different place not within 100 metres of his/her previous location and may not return within 100 metres of any previous location until the following day.
 - (e) A Permit holder is only permitted to perform in the Primary Retail Core for a maximum period of ONE hour. After this period they must relocate to a different place not within 100 metres of their previous location and may not return within 100 metres of any previous location until the following day.
- 11.** The maximum performance periods set out in these Bye Laws shall include any time spent setting up and packing up.
- 12.** The Council may designate areas in which specific types of instruments or amplification is prohibited.
- 13.** A Permit Holder will comply with a request from an authorised officer to cease their activity or move on where in the opinion of the authorised officer the activity is endangering public safety or causing an obstruction.

Behaviour and Conduct of Permit Holders

- 14.** A Permit Holder must not obstruct the public's access to and egress from any premises or interfere with the free and safe movement of pedestrians.
- 15.** A Permit Holder must comply with the standard conditions of Permit and any Code of Conduct issued by the Council, which may be amended and reissued throughout the period of the Permit.

- 16.** The Permit Holder must also comply with any additional special conditions attached to their Permit.

Exemptions

- 17.** These Bye-Laws shall not apply to the following activities:

- (a) Those activities taking place in a public place which are organised by the Council;
- (b) Those activities taking place in a public place with the consent of Department of Infrastructure or the relevant landowner;
- (c) Any procession which has been authorised by the Parades Commission;
- (d) A cash collection in a public place which has been authorised by PSNI pursuant to The Charities Act (NI) 2008.
- (e) An official picket pursuant to Article 98 of the Trade Union and Labour Relations (NI) Order 1995

Power to remove equipment, stalls, stand, vehicles etc.

- 18.** Where the Council is unable to identify and/or contact the owner or person responsible for an unattended equipment, stall, stand or vehicle after conducting reasonable enquiries, it may cause the said equipment, stall, stand or vehicle to be so removed.
- 19.** Where the Council has exercised its powers under Paragraph 18 it may recover from the owner and/or the person responsible for the said stall, stand or vehicle the costs reasonably incurred by the Council in removing and storing same.
- 20.** Any charges incurred by the Council in removing and storing the stall shall be payable by the owner before the return of the stall, stand or vehicle.
- 21.** Where it is not possible to contact the owner, the Council may dispose of the item after 28 days from the date of seizure.

- 22.** The provisions of Paragraph 18-21 are without prejudice to the power of the Council to take other enforcement action for any breach of the conditions of Permit arising from the failure to remove the item.

Revocation, Refusals and Appeals

- 23.** The Council may vary or revoke a permit where, in its opinion, a Permit Holder fails to comply with a condition of their Permit or a Code of Conduct issued pursuant to the provisions of this Bye Law.
- 24.** The Council may temporarily revoke a permit or restrict the area to which permits applies in order to facilitate the construction, development, maintenance or repair of a public place or part thereof or for other infrastructural work thereon or such work on adjoining private property or for other operational reasons.
- 25.** Where the Council refuses to grant a permit or revokes an existing permit the applicant may appeal that decision to [tbc] within 14 days of the decision.
- 26.** Where the Council has granted a permit with special conditions imposed upon the applicant, the applicant may appeal such special conditions to the Magistrates Court within 14 days of the granting of the permit.

Offences

- 27.** Any person who contravenes any of these Bye-Laws shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500.
- 28.** A person who obstructs or impedes or refuses to comply with a request of an authorised person acting in the exercise of the functions conferred on an authorised officer shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500.
- 29.** Where an authorised officer is of the opinion that a person is committing or has committed an offence under either of the two preceding bye-laws the authorised person may demand the name and address of such a person and if that demand is refused or the person gives a name and address which is false

CHIEF EXECUTIVE

The foregoing Bye-Laws are hereby confirmed by the Department of Communities for Northern Ireland this day of 2023.

[job title]

Appendix 2: Copy of CAJ submission

Appendix 3 - Summary of written submissions

Written submissions were received from the following organisations:

- Belfast & District Trades Union Council
- The Committee on the Administration of Justice
- HERe NI
- Free Presbyterian Church
- Northern Ireland Committee – Irish Congress of Trade Unions
- NIPSA
- UNISON NI
- Rainbow Project
- Socialist Party
- Traditional Unionist Voice
- WRDA
- A joint response from People Before Profit on behalf of a range of political parties, activist groups, art collectives, and other organisations.

An overriding theme amongst written submissions is the importance that is attached to the (qualified) human rights afforded by the European Convention on Human Rights; in particular Article 10 relating to freedom of expression and Article 11 relating to freedom of assembly and association. In the context of the draft byelaws, these rights apply most frequently to open air preaching, street performances and static (sometimes spontaneous) protests.

Belfast & District Trades Union Council summary

- Belfast Trades Council would contend that this bye-law approach is over the top and has, intentionally or otherwise, spread the net far too widely and traps others who should not be caught up in its over-extensive scope.
- How would a union, community group or a number of solidarity campaigners, as opposed to one individual be considered as being in compliance with the proposed bye-law?
- Lacks clarity on what impact this bye-law would have on acts of solidarity in respect of protests of industrial action or how distribution of leaflets, fact sheets etc. by a trade union would be treated, or how amplification devices would be dealt with.
- These bye-laws have the potential to penalise citizens for no legitimate purpose and curtail or restrict legitimate activities on behalf of members, workers and the wider community.

- Setting an absolute restriction of two hours in each and every occasion takes no account whatsoever of the varied nature of some of the events which occur in the city. Such an imposition is petty, nonsensical and more than likely unenforceable.
- Belfast Trades Council is concerned that the Equality Screening for this public consultation has a flawed understanding of “political opinion” and this should be revisited and rectified before any further action is taken.

CAJ Summary

- The proposals engage human rights protected under the European Convention on Human Rights (ECHR) relating, in particular, to freedom of assembly (Article 11) and expression (Article 10). ECHR rights are directly legally binding on the Council by virtue of the Human Rights Act 1998 (HRA).
- CAJ has concerns that the proposed bye-laws will conflict with the ECHR and related human rights standards. In particular, the bye-laws as presented would risk creating an unprecedented *de facto* ‘authorisation’ regime for any static protest in the designated city centre retail area using any amplification device, and constitute a *de facto* ban, on pain of a fine, on such spontaneous protests. Permits would also limit the scope for protests in the precise area of the City Centre, where the right to protest is most frequently exercised.
- The relevant tests (legal certainty, legitimate aim, proportionality) that would need to be met for interference in ECHR rights to be considered justified and hence lawful.
- No permitted *legitimate aim* is expressly cited as the lawful basis for restrictions.
- The ‘standard conditions’ for permits would constitute a disproportionate restriction on the right to protest (with a loudhailer etc).
- If a particular concern is that some of the expression by preachers or others has included homophobic or other hate expression, the Council may wish to consider alternative interventions eg monitoring for breaches of the criminal law on stirring up hatred on grounds of sexual orientation that can be reported to the PSNI or public awareness campaigns and messaging tackling homophobia.
- Concern expressed that the proposed bylaws as they stand would constitute an unjustifiable restriction on rights to free assembly and expression for the reasons set out above. Should they be implemented, the Council is likely to face legal challenge on attempts to place restrictions on protected expressive activity, and in particular that relating to protest, that could be captured by the bye-laws

HERe NI response summary

- HERe NI is a women focused organisation within the NI LGBTQIA+ sector.
- Primarily concerned about anti-LGBTQIA+ messaging and anti-choice imagery within the primary retail district.
- Endorse the Committee on the Administration of Justice (CAJ) suggestion that the council should take further action to enhance the monitoring of street

preachers for breaches of the criminal law on stirring up hatred on grounds of sexual orientation and gender identity that can be reported to the PSNI.

- Concerns about the impact that the proposed bye-laws will have on protestors, including infringing on their right to freedom of assembly outlined within Article 11 of the ECHR.
- Suggested amendments:
 - That the council should add static protests to their exemption list (which already includes trade union pickets and parades).
 - That there should be no cost attached to the scheme and that sum of £500 fine for performing without a permit be considerably reduced.
 - Risk impinging on freedom of assembly and the right to protest.

Free Presbyterian Church Response summary

- Concerned that open-air preaching should be seen as a nuisance. It is a long established and noble practice.
- We believe that these draft laws fail to strike the balance between freedom of expression which is enshrined in the European Court of Human Rights as well as freedom of assembly and the alleged nuisance from people using amplification devices which the council professes to be seeking.
- The requirement to obtain a permit will be a hindrance to freedom of expression because there can be no spontaneous open-air.
- Byelaws place an extreme hindrance on the use of amplification equipment or the display of stands of literature outside venues which may be the focal point for a protest or demonstration.
- Note that it is proposed that any permit is to be issued to a person and not for an event. Therefore, if a preacher at an open-air who has the permit goes down sick or cannot come at the last minute nobody would have permission to stand in for him.
- Permit conditions: gives the Council too broad powers; 11am start time is too late; 11 am also applies to distribution of literature - why?; measures in clause 12 are not reasonable or proportionate.

NIC-ICTU summary

- Serious reservations about some of the proposals being made by Belfast City Council (BCC), and echoes concerns made in finer detail from our trade union affiliate NIPSA, and our long-time allies the Committee on the Administration of Justice.

NIPSA Summary

- Notes a failure to address solidarity activity around industrial action / protest
- Belfast City Council needs to make explicit how, in future, it will ensure that its bye-laws do not in any way hinder Trade Union work as regards industrial action and the solidarity/campaigning work of affiliated groups, Trades Councils, and other activist groups (political parties, pressure/solidarity

groups) who might want to support Trade Union sponsored protest/campaigns in and around the city centre area.

- The proposed time limit of 2 hours would have a serious effect on protest(s) and rallies that might be the pattern on a day of industrial/civil society action and could have a serious adverse impact on the right to campaign and organise around a campaign given that “political purpose” is specifically, listed.
- Belfast City Council needs to assess and publicise how it will explicitly exempt such solidarity work
- This exemption will also be necessary for the purposes of its own industrial relations framework – to make clear that a Trade Union protest outside it - in relation to a policy/facility managed by the Council would not be treated as a “nuisance” in the context of these bye-laws.
- Major concerns about their associated Equality Screening. For example, while claims to examine what is the likely impact “in relation to the S75 category of political opinion” it states that this is “not applicable”. This is a serious error as it fails to recognise Trade Unionism as a “political opinion” in the context of anti-discrimination law i.e. on the illegality of discriminating on the basis of “religious or similar philosophical belief and political opinion” and the fact that the latter “is not limited...to Northern Ireland constitutional politics.” This needs to be rectified before the next steps in relation to them are fully considered.
- Questions why existing noise pollution/laws relating to obstruction, hate speech etc., - already available to legally challenge the activities the bye-laws seek to target, are not being used.
- The permit’s “application requirements” treat applications at an individual level rather than organisational level. This therefore begs the question of how this could be operated in the context of Trade Union/solidarity “activity”?

UNISON Summary

- Concerned that as the byelaws are currently drafted they could disproportionately interfere with the rights of freedom of expression and freedom of assembly that are at the core of trade union activity.
- Endorses the CAJ submission.
- UNISON, other trade unions and wider civic society groups regularly hold or attend rallies, protests and demonstrations that may involve the use of amplification devices for public speaking at public places within the areas identified in these proposed bye-laws. We would request clarity from Belfast City Council as to whether the area outside the front gate entrance of Belfast City Hall is included within the ‘primary retail core’ identified in Map 2 of the bye-laws, within which not only performances but the use of amplification devices without a permit is to be prohibited.
- It is unclear from these provisions how far in advance of the use of the amplification device the person seeking the permit must apply for it. This

should be clarified, given that protests and demonstrations can often be organised at very short notice, such as in response to significant events.

- By making the bye-law specific to the individuals involved, rather than the event, the Council opens up the possibility that some individuals who use an amplification device to speak at an event in the City Centre may be liable for breach of the bye-laws whilst others are not.
- We are concerned that the maximum performance periods (two hours or one hour, depending upon the location), particularly if they are to include the periods spent on setting up and packing up, will significantly affect the ability of trade unions to hold such rallies and demonstrations in Belfast City Centre and disproportionately restrict the rights to freedom of assembly and freedom of expression.
- It is unclear from these provisions the grounds that will be used by the Council to determine whether to approve the granting of a permit in the first place. The route of appeal also appears to be unconfirmed at this point. As with the provisions above, this again raises issues regarding a lack of legal certainty for those seeking such permits.

The Rainbow Project Summary

- The Rainbow Project is a LGBTQIA+ organisation working across Northern Ireland.
- It welcomes Belfast City Council's attempt to address the harassment, graphic imagery and amplified hate expression that has become prevalent and incessant in Belfast city centre, particularly from anti-choice and anti-LGBTQIA+ individuals and organisations.
- It is clear from our engagements within our communities that amplified preaching from those who are seeking to target and cause discomfort to particularly LGBTQIA+ has a direct impact on the ability of LGBTQIA+ residents and visitors to fully engage in the city and freely access the public space in the city centre.
- It is important to recognize and tightly define the issues that these Bye-laws are attempting to address, to ensure that the net is not cast too wide so as to unacceptably restrict ECHR rights including the right to freedom of expression (Article 10) and assembly (Article 11), particularly with regards to engaging in static protests, including those which are organised with short notice or spontaneously in response to a local, national or international event.
- What constitutes a "nuisance" is an extremely subjective question, and clearly and tightly defining this is vital to the compliance of these Bye-laws with the tests set out above.
- Agreement expressed with the Committee on the Administration of Justice (CAJ) in their submission insofar as these Bye-laws place restrictions on the freedom of association and assembly that is not proportional and does not meet the legitimate aims as set out in the Convention.
- The Rainbow Project proposes that the Byelaw should be revised to become a negative procedure rather than a proactive obligation placed on all those hoping to use amplification devices in the city i.e. wherein Council was

empowered to issue warnings or notices to quit to those individuals/groups who are amplifying persistent and consistent hostility for members of the public accessing the city centre, namely by occupying public space and loudly spreading hostility multiple times a week and for long periods of time.

- We would encourage a tightening of the scope of the requirement to seek a permit, which could be achieved either by expanding the “exemptions” list included at point 17 of the Bye-laws to include static protests and demonstrations, and/or by tightly defining the ‘nuisance’ these Bye-laws are addressing as individuals/groups who create a hostile and unwelcoming environment through the amplification of anti-LGBTQIA+ messages and/or displaying what is referred to as ‘graphic imagery’ in the consultation.
- We would also support closer monitoring by Belfast City Council of preachers and those occupying City Centre on a persistent basis for breaches of the “stirring up hate” offence, and would support more concrete action by the PSNI when these offences are reported.

Socialist Party

- These bye-laws could also be used to restrict spontaneous action by workers for example in response to health and safety concerns in workplaces, solidarity initiatives such as those organised by Unite last year to support striking workers, or information stalls to encourage workers to join a union. In other words: anything which contravenes the main purpose of the city centre, making money for the retail and hospitality sector.
- In the view of the Socialist Party what is necessary to take on LGBTQ+ phobic speakers or anti-choice groups is not legal restrictions but mobilising against them - as we and others have done on many occasions. Our experience is that protests, particularly those which demonstrate the limited support for these ideas in society, have been what is key in pushing these organisations back.

Traditional Unionist Voice

- Noted the absence of a Code Of Conduct.
- Gross invasion of freedom of expression.
- Permits issued to individuals rather than organisations exposes the real intent of these laws to make it much more difficult and at times impossible for individuals to articulate their views in the public square.
- How can one pass a judgement on these proposed laws and the full impact of their chilling effect on freedom of expression when the issue of cost is left up in the air?
- The proposed hours of 11am – 11pm will prevent someone who wants to hand literature to commuters outside Great Victoria Street station from doing so. TUV sees this as an unwarranted assault on freedom of expression.
- Glaring flaws in the Equality Screening document in terms of ‘anecdotal evidence’ and how there have been zero attempts by the council to constructively engage with those impacted before using the sledgehammer of these draconian laws.

WRDA response summary

- Endorses the CAJ response
- The byelaws would disproportionately harm other city-centre activity and most particularly impact on social justice movements seeking to organise static rallies, most particularly where the rally is organised relatively spontaneously in response to an unexpected incident, atrocity or crisis.
- Concerns around the need to apply for a permit – cost and time to process
- Concerns within the women's movement about the criteria by which such a permit application would be assessed and that some groups would be disproportionately impacted (cited examples of previous interactions with BCC in relation to protests)
- Concerned with breaches of Article 10 and Article 11 ECHR; significant impact on the ability to organise protests because of the way that the by-laws focus on amplification equipment.
- Urges the Council to consider the methods by which permits are granted, and how permits could be granted with a swift turnaround (for example, within 24 hours) in the case of rallies or meetings in response to an emergent situation.

Joint response from People Before Profit on behalf of a range of political parties, activist groups, art collectives, and more

- Proposed byelaws would undoubtedly breach Articles 10 & 11 ECHR.
- Would restrict the basic ability to intervene on issues of the day.
- Imposition of fines and the requirement for payment and proof of address to access permits are exclusionary and potentially discriminatory measures.
- The byelaws represent restrictions on the activity of people in the city in relation to performance, protest, outreach etc.

**Submission to Belfast City Council consultation on draft city centre Bye-laws
‘for the good governance of Belfast city centre and for the prevention and
suppression of nuisances in Belfast city centre’**

Consultation 27 November 2023 → 04 March 2024

1. The Committee on the Administration of Justice (CAJ) is an independent human rights organisation with cross community membership, established in 1981, that works to ensure public authority compliance with obligations under international human rights law.
2. This is a response to the consultation by Belfast City Council on Bye-laws ‘for the good governance of Belfast city centre and for the prevention and suppression of nuisances in Belfast city centre’ which would introduce a Permit system in two designated areas of the City Centre, requiring a Council-issued Permit for ‘any amplified performance’, any use of ‘amplification devices’ and any non-commercial stand or stall.
3. The proposals engage human rights protected under the European Convention on Human Rights (ECHR) relating, in particular, to freedom of assembly (Article 11) and expression (Article 10) on which CAJ has a significant body of work. ECHR rights are directly legally binding on the Council by virtue of the Human Rights Act 1998 (HRA)
4. In summary, whilst understanding the issues the Council is seeking to address, CAJ has concerns that the proposed bye-laws will conflict with the ECHR and related human rights standards. In particular, the bye-laws as presented would risk creating an unprecedented de facto ‘authorisation’ regime for any static protest in the designated city centre retail area using any amplification device, and constitute a *de facto* ban, on pain of a fine, on such spontaneous protests. Permits would also limit the scope for protests in the precise area of the City Centre, where the right to protest is most frequently exercised. Take the following examples:
 - An offence would be committed by organising a static protest in the City Centre retail area using a loudhailer without first applying for a permit from the Council. This would constitute a de facto ‘authorisation’ regime for such protests (there are no notification requirements for such protests under NI law, there are notification, but not authorisation, requirements for parades).
 - The standard conditions envisaged for a Permit will not allow any such protests to take place before 11am on any day, and no such protest would be allowed to take place for more than two hours, with a 24hr ban on returning to the same location.
 - It would not be possible to hold any spontaneous static protest in the city centre retail area in response to a local or international event or atrocity, as first protest organisers would have to submit and await for approval from the Council for a Permit.

5. This submission will cover:

- Outline of Human Rights Framework.
- The issues the Council is seeking to address.
- The proposed bye-laws.
- Assessment of their compatibility with the ECHR

Outline of Human Rights Framework

6. As alluded to above, ECHR Article 11 protects the right to freedom of peaceful assembly as a fundamental right in a democratic society. Article 11 rights are closely linked to the right to freedom of expression (Article 10) and freedom of thought, conscience and religion (Article 9). There are also similar obligations under UN treaties.
7. The Council may find useful the following detailed guidelines on the scope of these rights:
- European Court of Human Rights: Guide on Article 11 of the European Convention on Human Rights: Freedom of assembly and association (2020).¹
 - European Commission for Democracy through Law (Venice Commission) OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) Guidelines on Freedom of Peaceful Assembly (3rd edition).²
8. None of the above rights are absolute and can be subject to restrictions under certain circumstances, when certain tests are met. In summary these are:
- **Legal Certainty:** restrictions must be “prescribed by law” which means not only a legal basis in domestic law, but also that the law is formulated with sufficient precision to be foreseeable, and hence avoid arbitrary application.
 - **Legitimate Aim:** restrictions can only be made in pursuance of one of a number of listed legitimate aims, namely, “the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.”
 - **Necessary in a Democratic Society (proportionality):** restrictions must answer a “pressing social need” and be proportionate to the “legitimate aim” pursued.
9. It is clear that the Council permit proposals engage and can interfere in the above ECHR rights, it is these tests that therefore would need to be met for that interference to be considered justified and hence lawful.

¹ [Guide on Article 11 - Freedom of assembly and association \(coe.int\)](https://www.coe.int/t/Document/Article11/Freedom_of_assembly_and_association.pdf)

² [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2019\)017rev-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2019)017rev-e)

10. Most of the permitted legitimate aims are not relevant to the aims of the Council's policy aim of preventing 'nuisance.' The legitimate aim likely to be relevant is that of "protection of the rights of others". It should be noted that 'rights' of others is in reference to ECHR rights and other *rights* for which there is an imperative to include.
11. Other ECHR rights would include the positive obligations under Article 8 to protect persons from racist expression. The UN and Council of Europe have both held that sectarianism in NI is to be treated as a form of racism, and the European Court of Human Rights has also held that sexual orientation is also protected by Article 8.³ The duties under the ECHR, given further domestic effect by the HRA, therefore empower and place positive duties on Northern Ireland public authorities to take steps to tackle hate expression. These provisions should be read and interpreted in line with other relevant human rights standards. This would include Article 6 of the Framework Convention for National Minorities which obliges public authorities to: *'take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity'*.
12. Article 20 of the (UN) International Covenant on Civil and Political Rights (ICCPR), which provides that: *"Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law"*. Incitement to hatred should be considered as a subset of and as the most serious type of hate expression, to be criminalised on the basis that it incites racial discrimination, hostility or violence in a public context. The ICCPR duties are further interpreted by the UN Rabat Plan of Action (on combatting incitement to hatred). Rabat sets out general principles that distinctions should be made between:
 - 1) Expression that constitutes a criminal offence.
 - 2) Expression that is not criminally punishable but may justify a civil suit or administrative sanctions.

³ The increased codification of Article 8 ECHR rights as providing for positive obligations for intervention to protect against actions that include being subjected to racist expression has been a feature of Strasbourg jurisprudence (see for example *Asku v Turkey* (app no 4149/04, 41029/04) 15 March 2012, and *Király and Dömötör v Hungary*, 2017). In relation to sexual orientation and gender identity falling within the ambit of Article 8, see *Bensaid v UK* (Application no. 44599/98) [47]. In 2011 the UN Committee on the Elimination of all Forms of Racial Discrimination made clear that "Sectarian discrimination in Northern Ireland [...] attract[s] the provisions of ICERD in the context of 'inter-sectionality' between religion and racial discrimination" (para 1(e) UN Doc CERD/C/GBR/18-20, List of themes on the UK). Later in the same year, the Council of Europe Advisory Committee on the Framework Convention for National Minorities directly addressed the approach in the predecessor draft strategy, raising concerns that the Committee "finds the approach in the CSI Strategy to treat sectarianism as a distinct issue rather than as a form of racism problematic, as it allows sectarianism to fall outside the scope of accepted anti-discrimination and human rights protection standards". AC FCNM, Third Opinion on the United Kingdom adopted on 30 June 2011, ACFC/OP/III(2011)006, para 126. The UN Committee on the Elimination of all forms of Racial Discrimination stated its position following representations from the Northern Ireland Human Rights Commission. The Commission had raised concerns that "policy presenting sectarianism as a concept entirely separate from racism problematically locates the phenomenon outside the well-developed discourse of commitments, analysis and practice reflected in international human rights law" and hence was not harnessing this framework to tackle sectarianism.

3) Expression that does not give rise to criminal, civil or administrative sanctions but still raises a concern in terms of tolerance, civility and respect for the rights of others.⁴

13. The duties to outlaw incitement to hatred are currently provided for under the 'stirring up hatred' and 'arousing fear' criminal offences in the Public Order (NI) Order 1987.⁵ This covers hate expression of a sectarian, racist, disablist or homophobic nature that reaches an incitement to hatred threshold. Reform and strengthening of this legislation has been recommended by the *Independent Review of Hate Crime Legislation in Northern Ireland*.⁶
14. The boundary between protected freedom of expression on one hand and prohibited advocacy of ethnic and religious hatred on the other has been debated internationally and locally for some time. ECHR jurisprudence has established that free expression is protected even when it "*shocks, offends or disturbs*"⁷ or is capable of "*creating a feeling of uneasiness in groups of citizens or because some may perceive them as disrespectful*".⁸ It does draw a distinction however between this and expression which "*spreads, incites, promotes or justifies hatred based on intolerance*"⁹ or matters such as "*the promotion of discrimination or ethnic division*".¹⁰
15. As alluded to below, part of the aim of the policy is to prevent the display of graphic materials. Should the Council wish to rely on the legitimate aim of 'morals' it should be noted that this has been interpreted narrowly.¹¹ Some 'graphic' material is of course already regulated by law.
16. In relation to a requirement for an authorisation procedure for a protest, it should be noted that this has only been held to be in keeping with the requirements of Article

⁴ Rabat Plan of Action, para 20, recommendations. <https://www.ohchr.org/en/documents/outcome-documents/rabat-plan-action>

⁵ <https://www.legislation.gov.uk/nisi/1987/463/part/III>

⁶ *Independent Review of Hate Crime Legislation in Northern Ireland*, final report 2020.

⁷ *Handyside v UK* 1976[49]

⁸ *Vajnai v Hungary* (2008) [57].

⁹ *Erbakan v Turkey* (1999) [57].

¹⁰ *Vona v Hungary* (application no. 35943/10) (2013) [66]

¹¹ OSCE/Venice Commission guidelines paragraph 142: *Protection of morals. On the face of Article 21, ICCPR and Article 11(2) ECHR the protection of morals may be invoked by States as a ground for imposing restrictions on the right to freedom of peaceful assembly. In practice, however, the protection of morals should rarely, if ever, be regarded as an appropriate basis for imposing restrictions on freedom of peaceful assembly. As the UN Human Rights Committee has noted, 'the concept of morals derives from many social, philosophical and religious traditions; consequently, limitations [...] for the purpose of protecting morals must be based on principles not deriving exclusively from a single tradition [...]' Any such limitations must be understood in the light of universality of human rights and the principle of non-discrimination. Any restrictions based on a narrow or exclusive conception of morality will thus be incompatible with relevant standards governing non-discrimination (at paragraphs 101 et seq. above) and content-based regulation (see paragraph 30). Moreover, States may not legitimately invoke morality as a ground for restriction in cases which concern facets of an individual's existence and identity (in particular, because these constitute the very essence of the right to freedom of expression).*

11(1) ECHR where required to ensure the peaceful nature of a meeting.¹² This limited exemption is therefore not applicable to the current Council policy.

17. It should be noted that there is a difference between an 'authorisation' requirement (whereby permission must be given before a protest takes place) and a 'notification' requirement whereby authorities must be *notified* in advance, but an 'authorisation' is not to be awaited. With or without a notification requirement, there can still be powers to impose restrictions on a protest. There are currently no authorisation requirements for protests in Northern Ireland.
18. Under the law in Northern Ireland at present, static protest (in law 'open air public meetings') have no notification requirements (with the exception of counter protests to parades). The legislation (Part II of the Public Order NI Order 1987) provides for a senior police officer to impose restrictions where there is a risk of 'serious public disorder, serious damage to property, serious disruption to life of the community' or when the purpose of the protest is for the intimidation of others from legitimate activity.¹³
19. Under Parades legislation (Public Processions NI Order 1998), there is a notification requirement for parades of 28 days, which can be waived where not 'reasonably practicable' (for example a moving protest called at short notice in response to a local or international event) in which case notice is to be given as soon as possible. Counter protest to parades have a similar 14 day notification requirement. The Parades Commission may then impose restrictions.¹⁴
20. More recent legislation has made provision for Safe Access Zones for premises providing abortion services to prevent the harassment or impeding of persons accessing abortion services within a designated zone in the vicinity of the premises.¹⁵

The issues the Council is seeking to address

21. The consultation document alludes to (but does not elaborate on) the issues the policy is seeking to address as follows:

The council has encountered issues in recent years relating to loud busking, religious preaching and various other activities involving the use of amplification devices and/or the display of graphic imagery in the city centre.¹⁶

22. The Equality Screening produced with the consultation sets out the objectives of the policy as follows:

¹² *Ziliberg v. Moldova*

¹³ <https://www.legislation.gov.uk/nisi/1987/463/part/II>

¹⁴ <https://www.legislation.gov.uk/ukpga/1998/2/contents>

¹⁵ Abortion Services (Safe Access Zones) Act (Northern Ireland) 2023 see [Safe Access Zones | Department of Health \(health-ni.gov.uk\)](#)

¹⁶ <https://yoursay.belfastcity.gov.uk/consultation-on-city-centre-byelaws>

Significant issues have been raised over the past number of years regarding the activities of buskers, preachers and various interest groups in the City Centre, mainly within the primary retail core. Officers recognise that busking can bring vibrancy to the area and should be facilitated. It is also recognised that street preaching and the ability to protest are important rights of expression in a democratic society and are protected under the European Convention of Human Rights. However, it is important to consider the context within which these activities are being considered, their cumulative impact and how this affects others.

The proposed bye-laws will introduce rules and regulations around participation in amplified performances, public speaking, meetings and events, and the display of promotional literature or other information in the City Centre. The bye-laws are not intended to prevent street preaching or the promotion of any public interest causes. Rather, they are intended to reduce the overall ambient noise and unacceptable nuisance which is caused by the cumulative impact of these various activities in the City Centre.¹⁷

23. In recent years CAJ is aware of complaints alleging that some preachers have engaged in homophobic expression, and a stall by anti-abortion protestors has carried graphic images of aborted fetuses that have caused alarm and distress.
24. In order to demonstrate compliance with the 'pressing social need' test of restrictions on rights to freedom of assembly and expression, the Council would need to provide an evidence base to justify its proposed measures.

The proposed bye-laws

25. The proposed bye-laws would introduce a Permit system for particular activity in the City Centre. They create two zones – one an (outer) City Centre covering the whole City Centre and a second a more limited (inner) City Centre ("Primary Retail Core"). The main bye laws provide that:
 - A person may not conduct or take part in any amplified performance (whether vocal or instrumental), dance, concert or other such performance in a public place in the City Centre (including the Primary Retail Core) without a valid Permit issued by the Council.
 - A person may not use amplification devices in a public place, whether as part of a performance or otherwise, in the Primary Retail Core without a Permit issued by the Council permitting the use of said device.
 - A person may not erect, place, maintain or otherwise be responsible for a stand, stall, or vehicle with promotional literature or information (whether connected to a business, charity, political or any other non-commercial purpose) in a public place in the Primary Retail Core without a Permit issued by the Council. This

¹⁷ <https://www.belfastcity.gov.uk/Documents/City-Centre-Bye-Laws-Equality-Screening>

provision does not apply to those vehicles which are within the said area solely for the purposes of delivery to or collecting goods from business premises.¹⁸

26. Permits will be available from the Council for a fee (to be determined).
27. An offence is created for contravening the bye- laws punishable by a fine of up to £500. The Council has powers to revoke a permit when conditions are not being abided by (with a right of appeal to a magistrates court), and powers to remove unattended stalls and stands.
28. The “Permit will be subject to such conditions as the Council believes necessary and proportionate” with a number of ‘standard conditions’ listed that may be specified in permits namely:
 - Permits may only be used by the performer named on the permit, and shall not be used by, or transferred to, any other person.
 - A Permit granted by the Council will be valid for one year from date of issue or such lesser period as may be considered appropriate by the Council.
 - A Permit shall not normally be granted for activity between the hours of 11pm and 11am.
 - A Permit will only allow the permitted activity in a specific location for a maximum of TWO hours. After this period the person must re-locate to a different place not within 100 metres of his/her previous location and may not return within 100 metres of any previous location until the following day.
 - A Permit holder is only permitted to perform in the Primary Retail Core for a maximum period of ONE hour. After this period they must relocate to a different place not within 100 metres of their previous location and may not return within 100 metres of any previous location until the following day.
 - The maximum performance periods set out in these bye-laws shall include any time spent setting up and packing up.
 - The Council may designate areas in which specific types of instruments or amplification is prohibited.
 - A Permit Holder will comply with a request from an authorised officer to cease their activity or move on where in the opinion of the authorised officer the activity is endangering public safety or causing an obstruction.
29. A number of exemptions are listed to the bye-laws. In summary these are:
 - Activities in a public place organised by the Council, or with the consent of the Department of Infrastructure or other relevant landowner.
 - A parade “authorised” [sic] by the Parades Commission.
 - Cash collections authorised by PSNI under the Charities Act (NI) 2008.

¹⁸ <https://www.belfastcity.gov.uk/Documents/Bye-laws-for-the-good-governance-of-Belfast-city-c>

- Trade union pickets, under Trade Union and Labour Relations (NI) Order 1995.

Assessment of their compatibility with the ECHR

30. There are a number of significant concerns that the bye-laws will infringe ECHR rights, the most prominent is the risk for static protests.
31. It is not entirely clear if the aim of the policy is to capture protests and related protected expressive activity, reference is made, without elaboration, to 'meetings' in the equality screening of the policy aims. It appears the bye-laws are not intended to capture protests, as only those using loudhailers or amplification equipment will fall within scope.
32. However, many such protests rely on such equipment and take place in the vicinity of the inner city centre and often City Hall. The bye-laws provide an exemption for parades and trade union *pickets* (presumably as already otherwise regulated) but not for static protests ('open air public meetings'), regulated by public order legislation.
33. In conflict with the ECHR, the bye-laws essentially constitute a de facto authorisation process for any static protest in the designated zone in which a loudhailer or similar equipment is used. Furthermore, they would preclude any spontaneous such protest as a permit would have to be applied for in advance.
34. It would also require a prior-authorisation for anyone erecting a table or stand with promotional literature or information for a non-commercial purpose, raising similar issues.
35. No permitted *legitimate aim* is expressly cited as the lawful basis for restrictions. This is also expressly the case in relation to the 'conditions' which make general reference to proportionality, but do not cite a legitimate aim.
36. The 'standard conditions' for permits would constitute a disproportionate restriction on the right to protest (with a loudhailer etc). For example, the stipulation that no protests can be held before 11am or last for more than two hours in the same place.¹⁹

¹⁹ OSCE/Venice Commission Guidance at paragraph 146. **Restrictions on 'time' or 'duration'**. Restrictions imposed on the time or duration of an assembly must be based on an assessment of the individual circumstances of each case. The touchstone established by the European Court of Human Rights is that demonstrators ought to be given sufficient opportunity to manifest their views. In some cases, the protracted duration of an assembly may itself be integral to the message that the assembly is attempting to convey or to the effective expression of that message.

OSCE/Venice Commission Guidance at paragraph 147. **Restrictions on 'place'**. At the core of the right to freedom of assembly is the ability of the assembly participants to choose the place where they can best communicate their message to their desired audience.²⁸² It would be disproportionate if authorities categorically excluded places suitable and open to the public as sites for peaceful assemblies. The use of such suitable sites must always be assessed in the light of the circumstances of each case. The fact that a message could also be expressed in another place, is by itself insufficient reason to require an assembly to be held elsewhere, even if that location is within sight and sound of the target audience....

37. Any reliance on the rights and freedoms of others as a legitimate aim should specify which rights of others are engaged in relation to restrictions.²⁰
38. If a particular concern is that some of the expression by preachers or others has included homophobic or other hate expression, the Council may wish to consider alternative interventions. Such alternative methods may include monitoring for breaches of the criminal law on stirring up hatred on grounds of sexual orientation that can be reported to the PSNI or public awareness campaigns and messaging tackling homophobia.
39. In relation to 'graphic images' other areas of legal regulation may also be relevant.
40. It should be noted that content-based restrictions on assemblies are not permitted where *protected* expression is concerned.²¹
41. The requirements for a permit regulating 'amplified performances' appear more designed to regulate cultural activity and in general are less of a concern in ECHR terms than the other bye-laws. There is a risk, however, that this provision may capture expressive activity on a protest and in other formats in the absence of any exemption.
42. Overall, we are concerned that the proposed bylaws as they stand would constitute an unjustifiable restriction on rights to free assembly and expression for the reasons set out above. In a practical sense, should they be implemented, the Council is likely to face legal challenge on attempts to place restrictions on protected expressive

²⁰ OSCE/Venice Commission Guidance at paragraph 143. **Protection of the rights and freedoms of others.** Assemblies potentially impact on the rights and freedoms of those who live, work, shop, trade and carry on business in the same locality. However, balancing the right to assemble and the rights of others should always aim at ensuring that assemblies may proceed, unless they impose unnecessary and disproportionate burdens on others. Rights that may be claimed by non-participants affected by an assembly include, among others: the right to privacy (protected by Article 17 of the ICCPR and Article 8 of the ECHR), the right to peaceful enjoyment of one's possessions and property (protected by Article 1 of Protocol 1 to the ECHR), the right to liberty and security of person (Article 9 of the ICCPR and Article 5 of the ECHR), and the right to freedom of movement (Article 12 of the ICCPR and Article 2 of Protocol 4 to the ECHR). Some degree of disruption with respect to these rights must be tolerated if the essence of the right to peacefully assemble is not to be deprived of any meaning. Furthermore, as also noted at paragraphs 48 and 62, neither temporary disruption of vehicular or pedestrian traffic, nor opposition to an assembly, are of themselves legitimate reasons to impose restrictions on an assembly. Where a State restricts an assembly for the purpose of protecting the rights and freedoms of others, the relevant public authority should explain in detail:

- which specific rights and freedoms of others are engaged in the particular circumstances;
- the extent to which the proposed assembly would, if unrestricted, interfere with these rights and freedoms;
- how any restrictions on the proposed assembly would serve to mitigate these interferences, and why less restrictive measures would not lead to the envisaged success.

The authorities should be allowed a margin of appreciation when assessing these issues. In particular, despite the fact that no violent act or crimes have occurred during an assembly, the intimidating character of the rallies may be taken into account by the authorities. What matters is that the repeated organisation of the rallies was capable of intimidating others and therefore of affecting their rights, especially in view of the location of the parades.

²¹ See para 30 OSCE/Venice Commission Guidance.

activity, and in particular that relating to protest, that could be captured by the bye-laws.

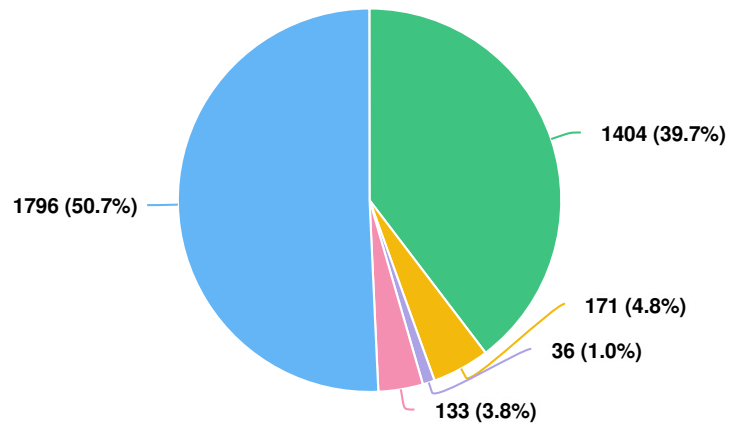
February 2024

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Website: www.caj.org.uk

Q1 To what extent do you agree or disagree that the council should introduce rules and regulations around the use of amplifica...



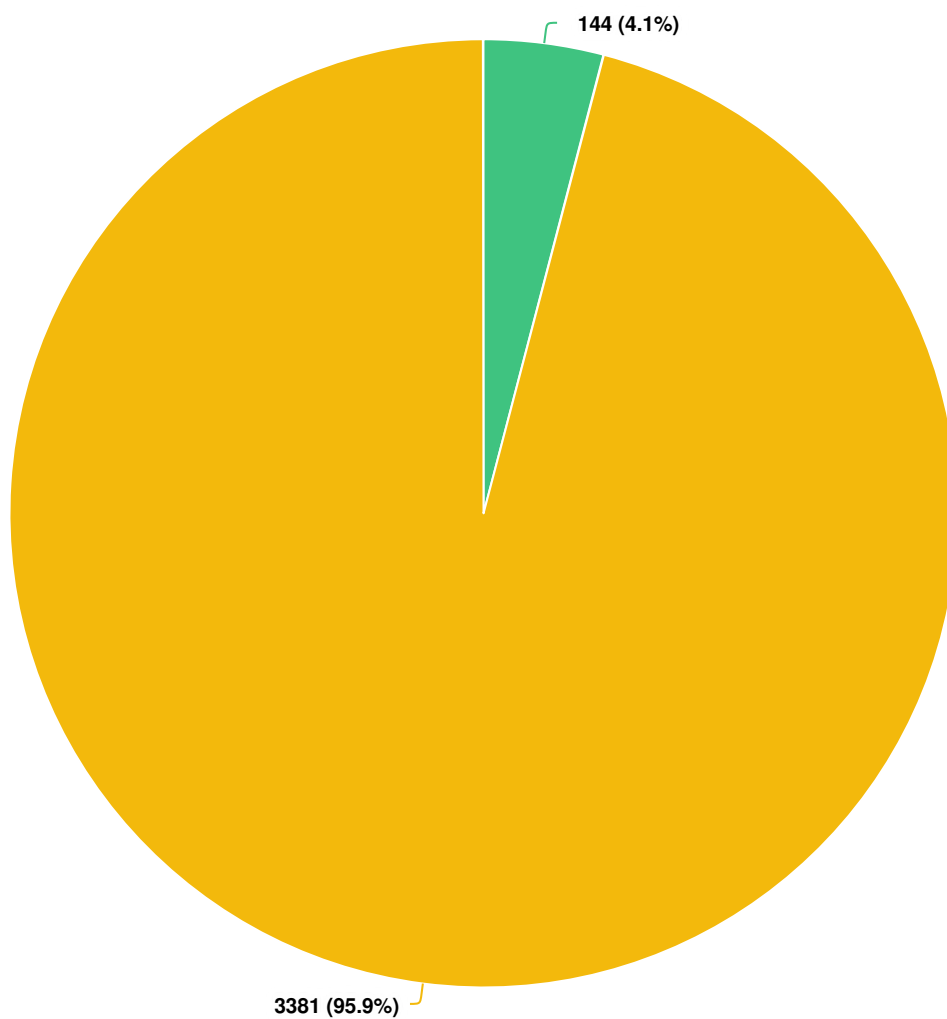
Question options

Definitely agree Somewhat agree Neither agree nor disagree Somewhat disagree Definitely disagree

Optional question (3540 response(s), 31 skipped)

Question type: Radio Button Question

Q3 In the past 12 months have you used an amplification device in the city centre?



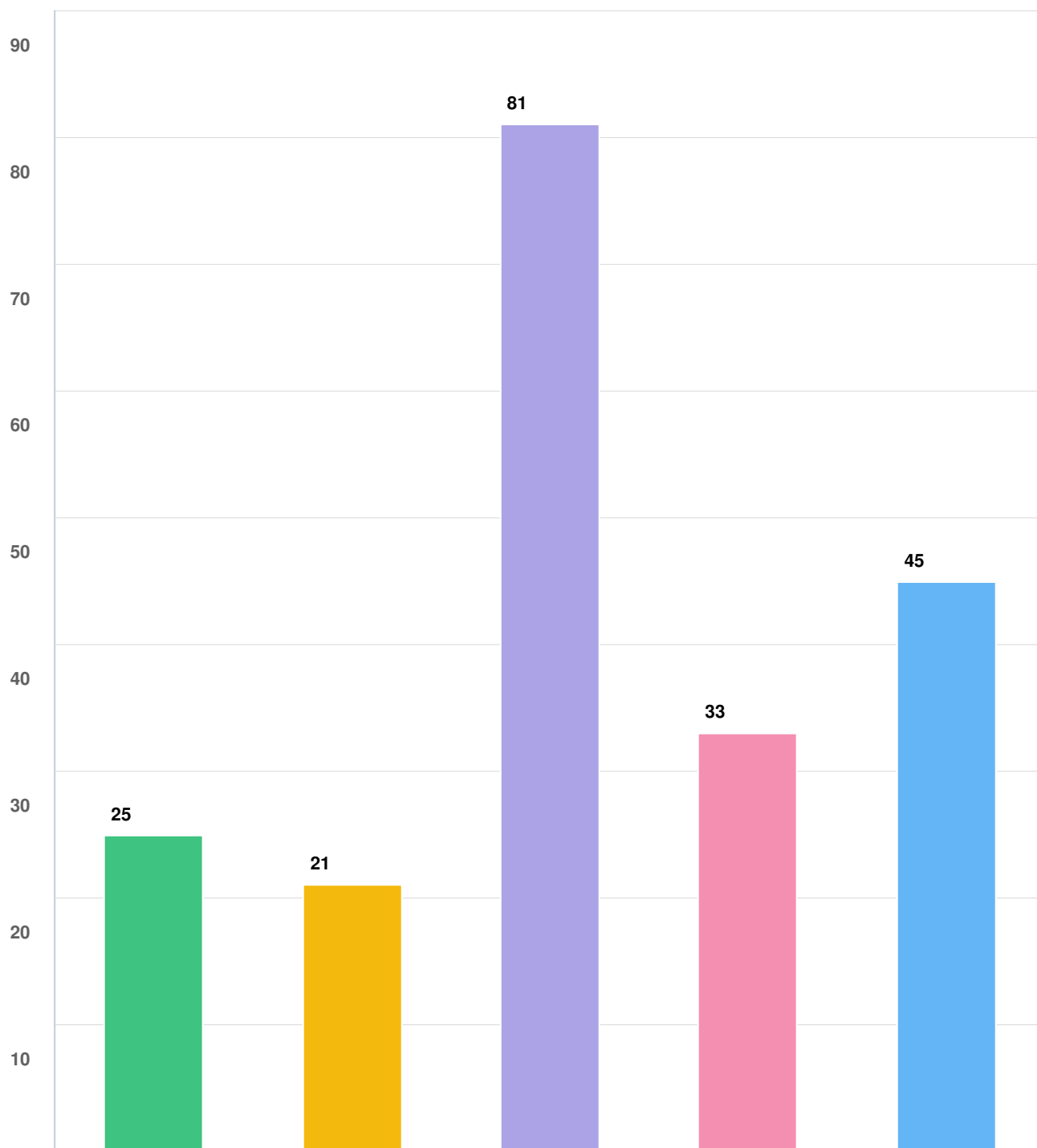
Question options

☒ Yes ☐ No

Optional question (3525 response(s), 46 skipped)

Question type: Radio Button Question

Q4 If the answer is yes, please indicate the activity you were participating in from the list below (select all relevant activities).



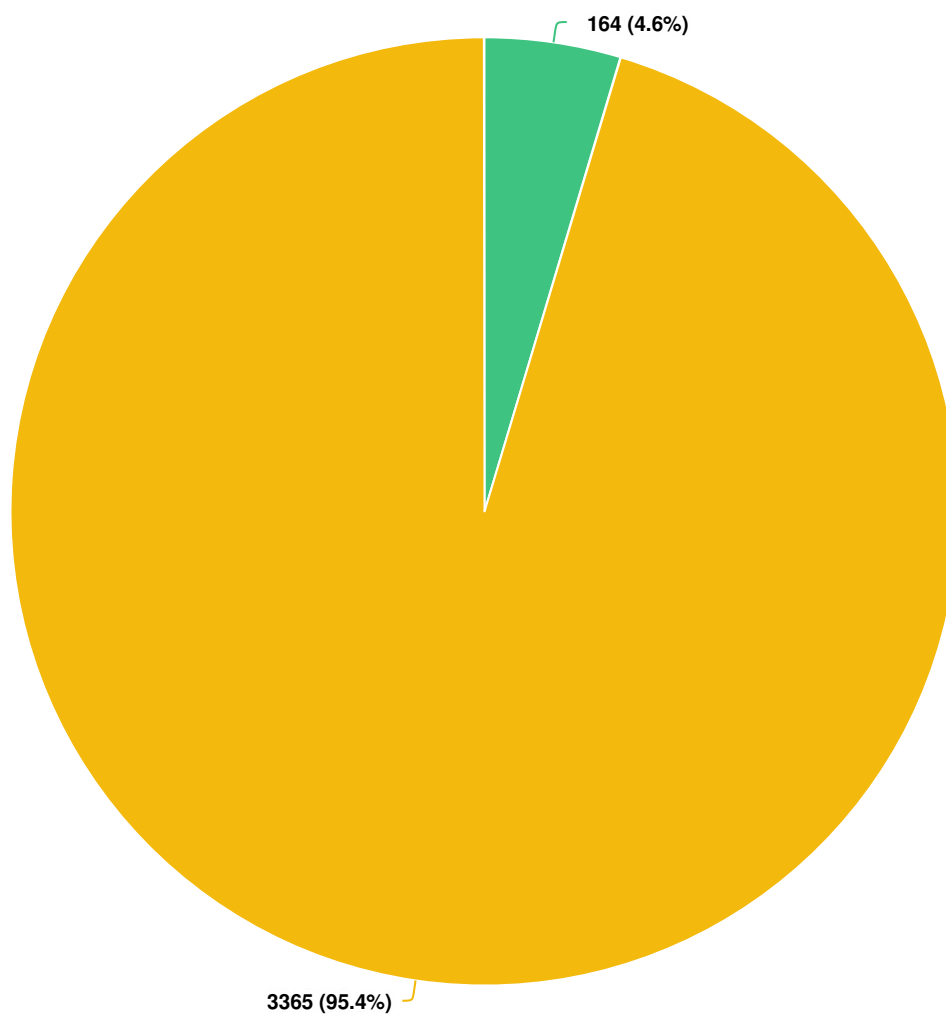
Question options

- Busking ● Street performance ● Street preaching ● Display of promotional literature or other information (including graphic imagery) ● Other (please specify)

Optional question (141 response(s), 3430 skipped)

Question type: Checkbox Question

Q5 In the past 12 months have you displayed promotional literature or other information (including the display of graphic imagery) in the city centre?



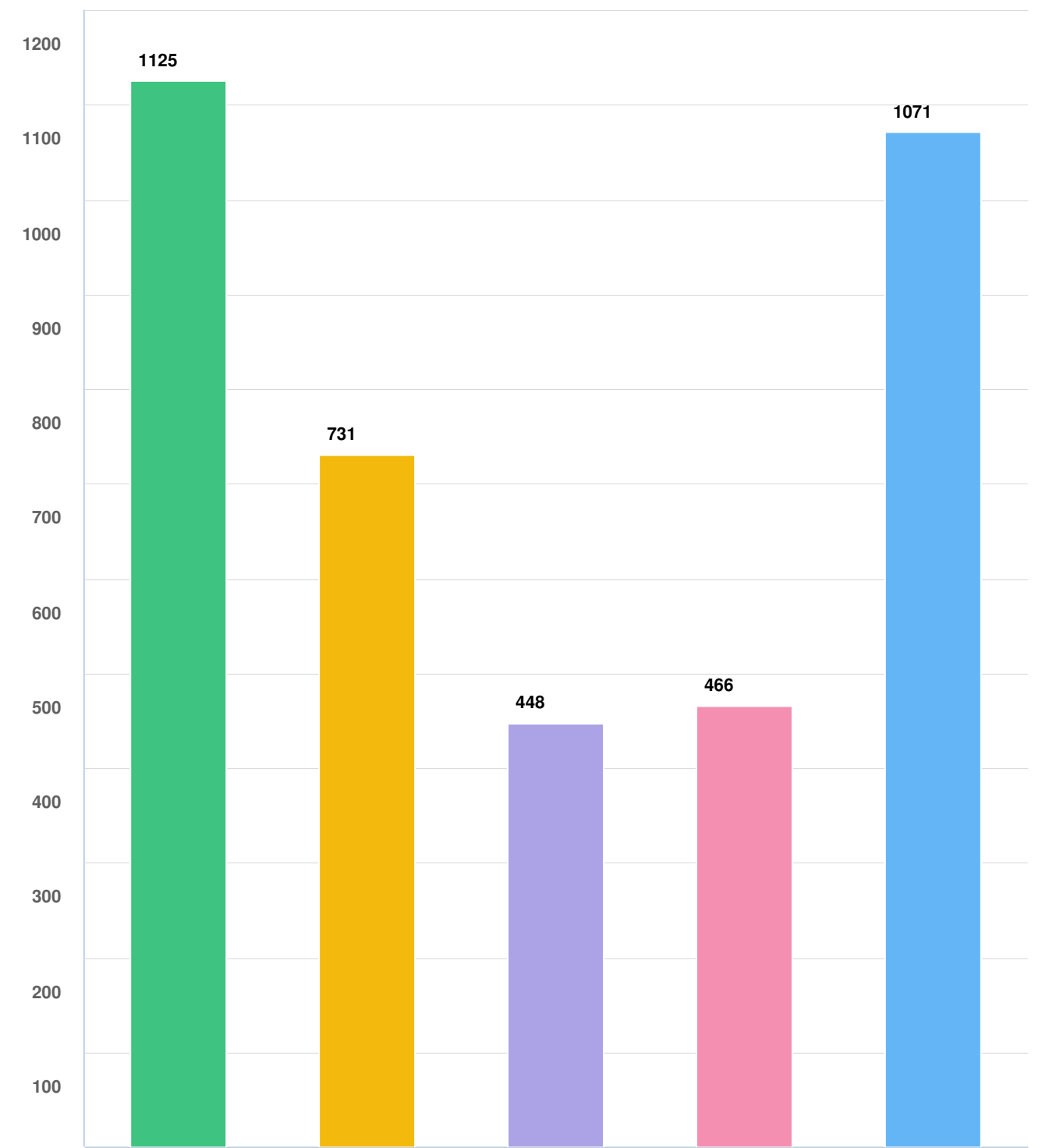
Question options

☒ Yes ☐ No

Optional question (3529 response(s), 42 skipped)

Question type: Radio Button Question

Q7 | What is your experience of the use of amplification devices in the city centre (i.e. speakers, public address system, loudspeaker, megaphone or any electronic device for the amplification of sound)? You may select more than one option.

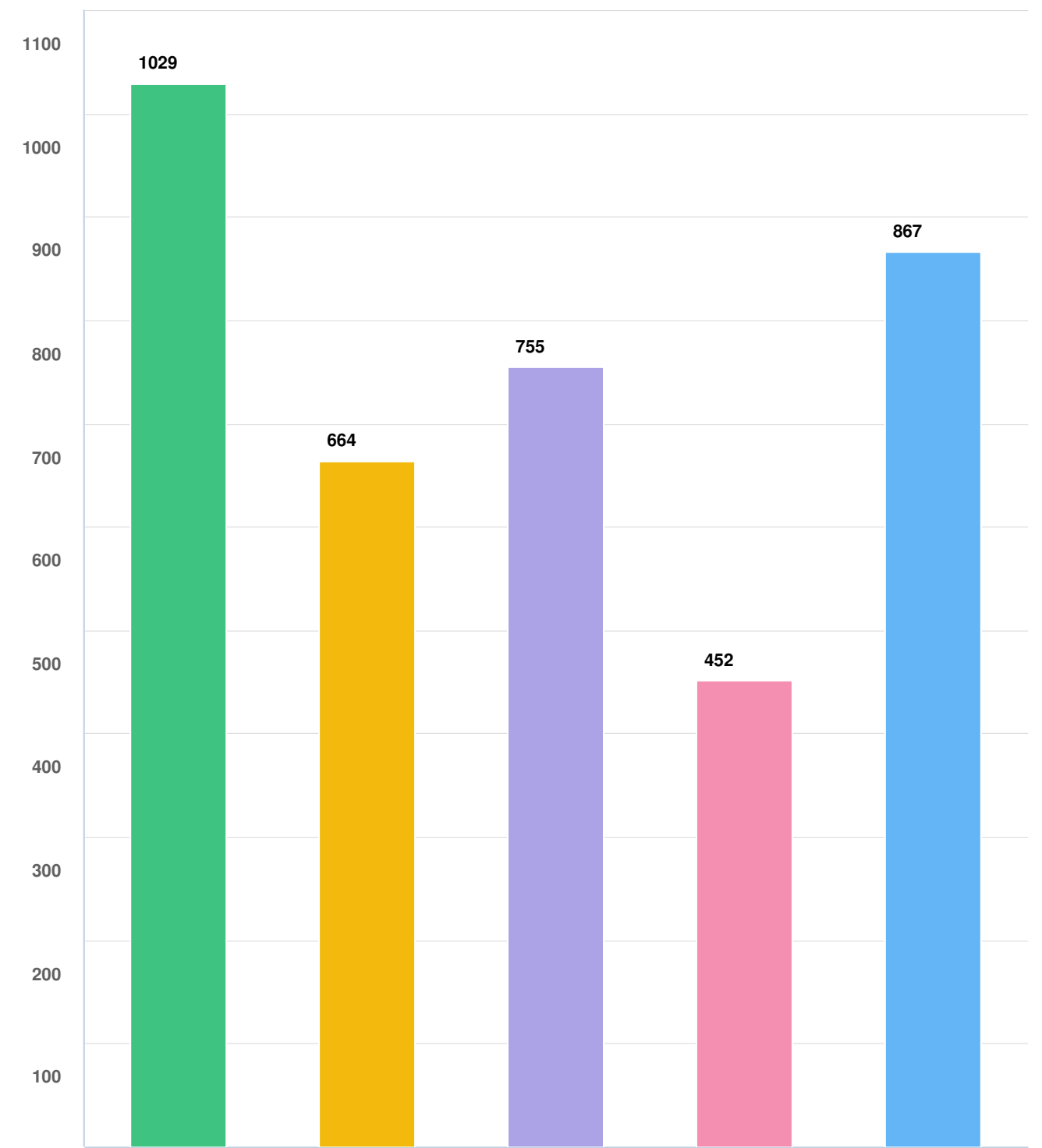


Question options

Very positive Positive Neutral Negative Very negative

Optional question (3512 response(s), 59 skipped)
Question type: Checkbox Question

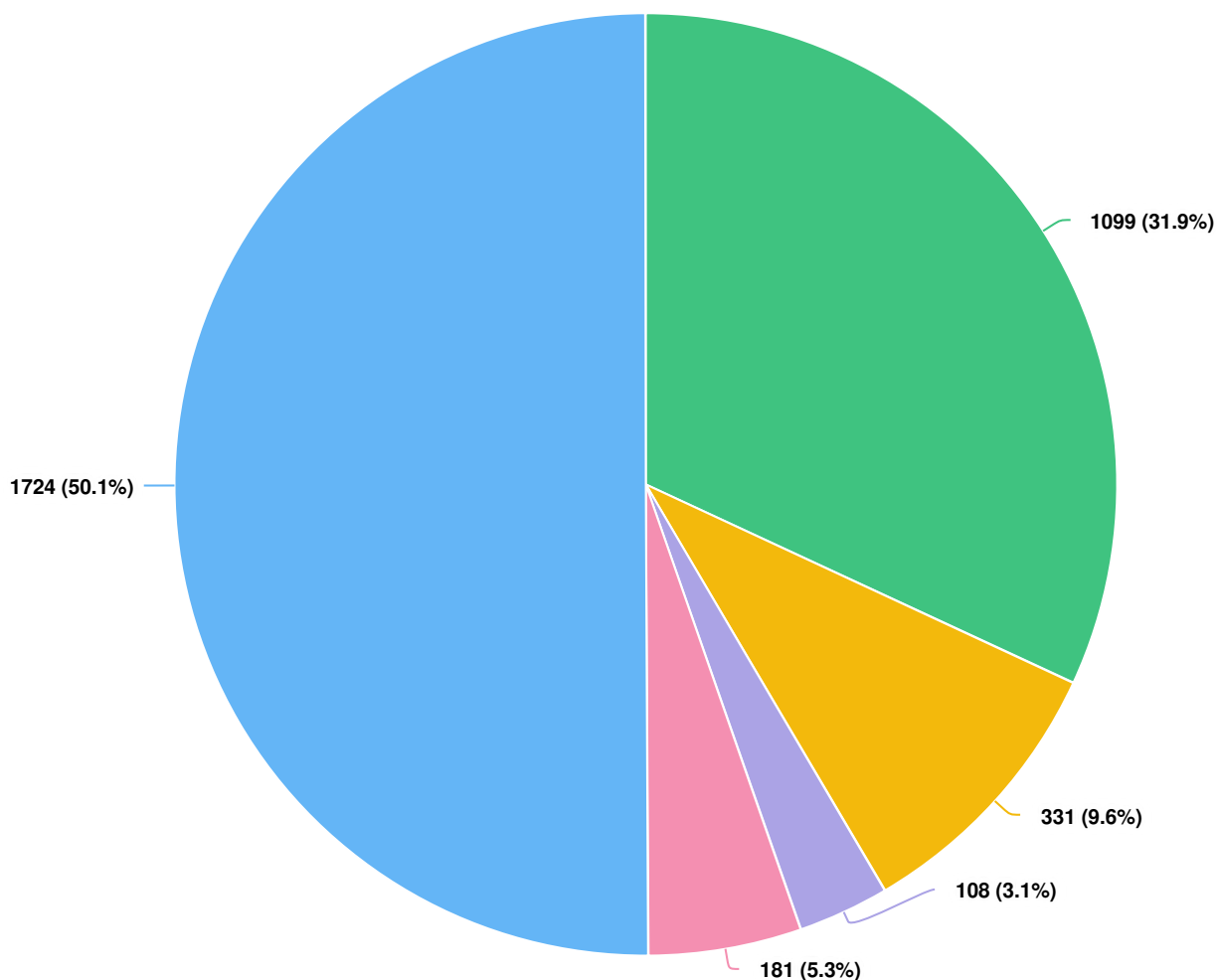
Q9 | What is your experience of the display of promotional literature or other information in the city centre (including the display of graphic imagery)? You may select more than one option.



Question options
Very positive Positive Neutral Negative Very negative

Optional question (3517 response(s), 54 skipped)
Question type: Checkbox Question

Q11 To what extent do you agree or disagree that the council should introduce a permit scheme around the use of amplification devices in the city centre?



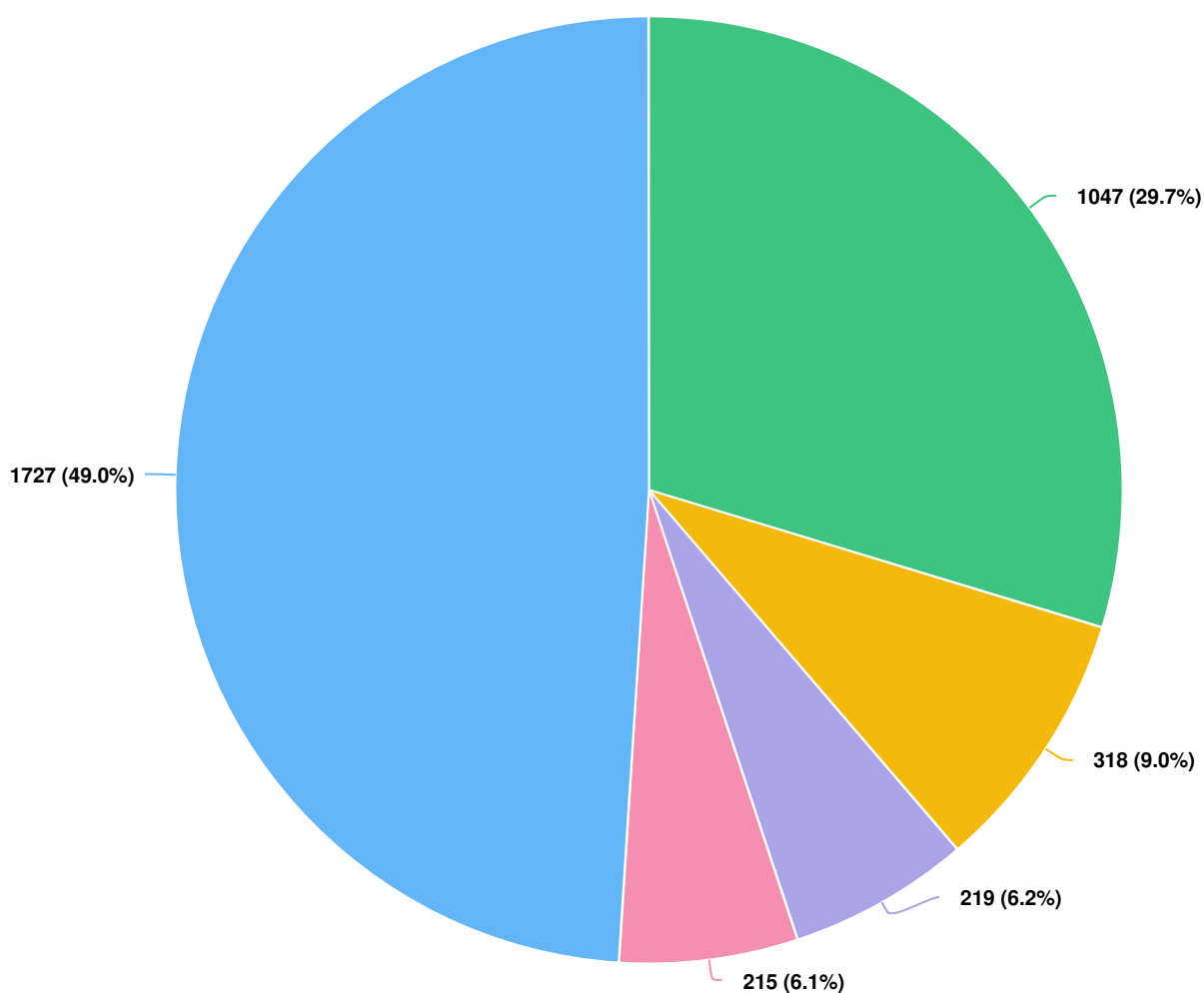
Question options

Definitely agree Somewhat agree Neither agree nor disagree Somewhat disagree Definitely disagree

Optional question (3443 response(s), 128 skipped)

Question type: Radio Button Question

Q13 To what extent do you agree or disagree that the council should introduce a permit scheme around the display of promotional literature or other information in the city centre (including the display of graphic imagery)?



Question options

Definitely agree Somewhat agree Neither agree nor disagree Somewhat disagree Definitely disagree

Optional question (3526 response(s), 45 skipped)

Question type: Radio Button Question

Q15 To what extent do you agree or disagree with the standard conditions listed within the proposed byelaws? (Answers range from definitely agree to definitely disagree)

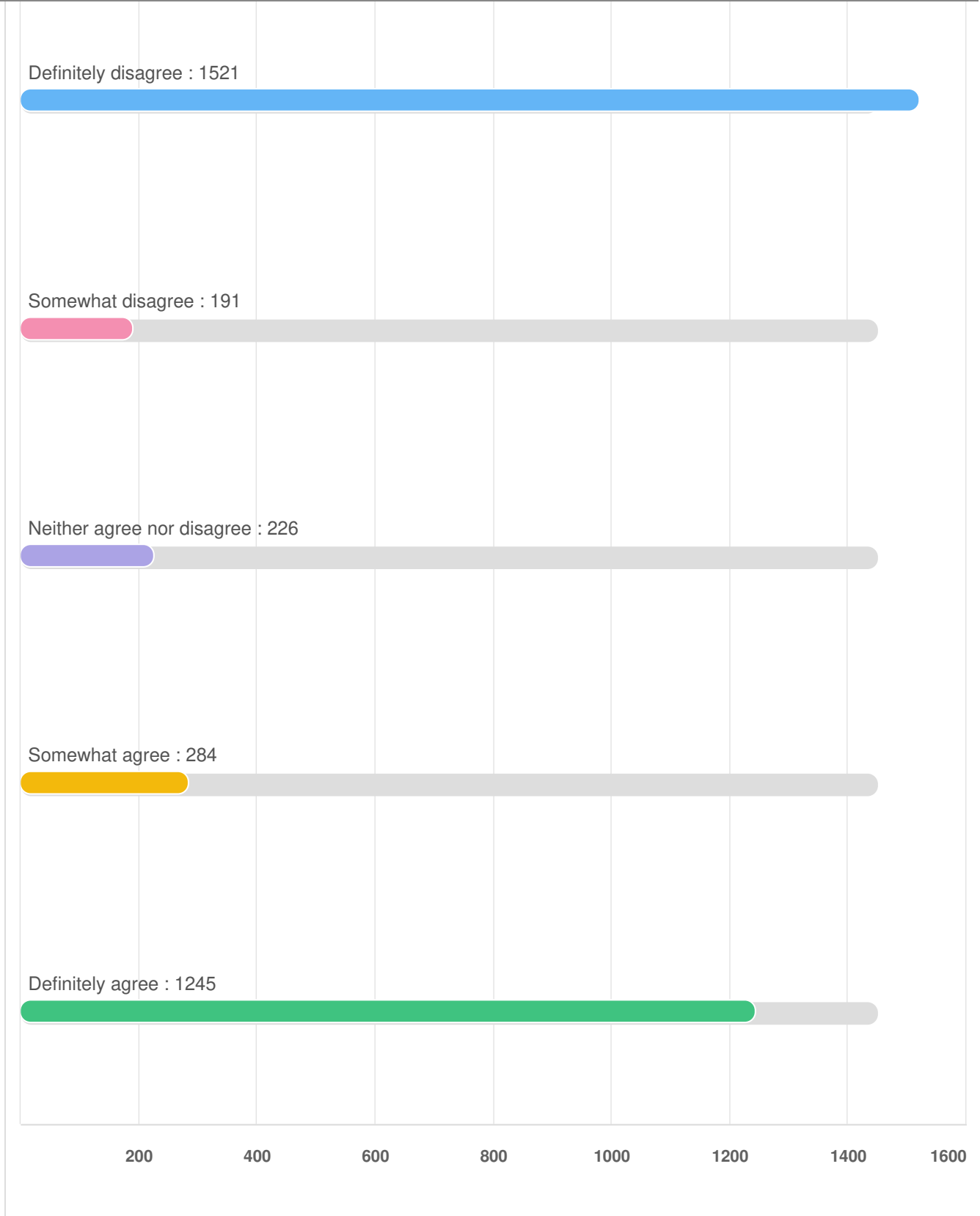


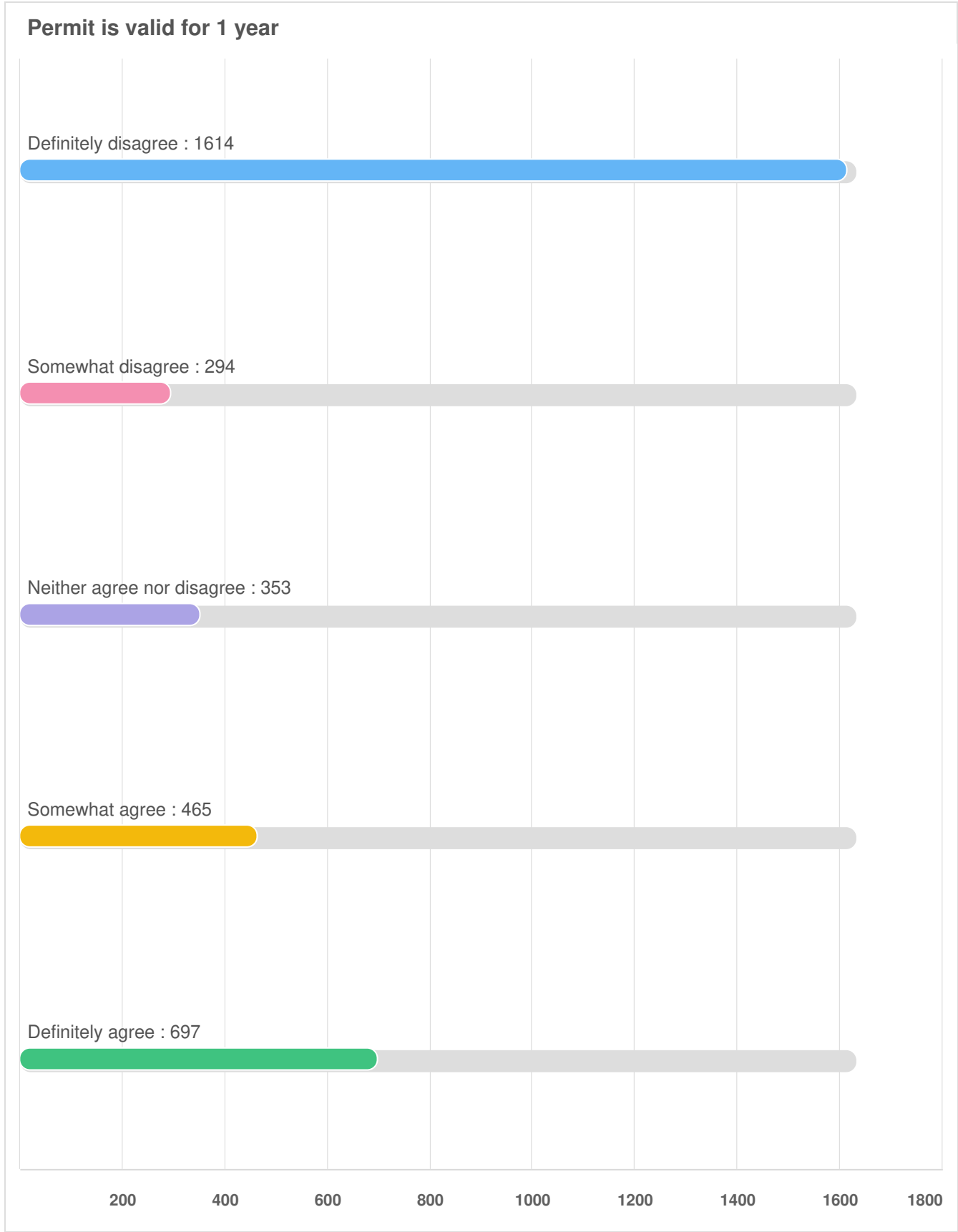
Optional question (3502 response(s), 69 skipped)

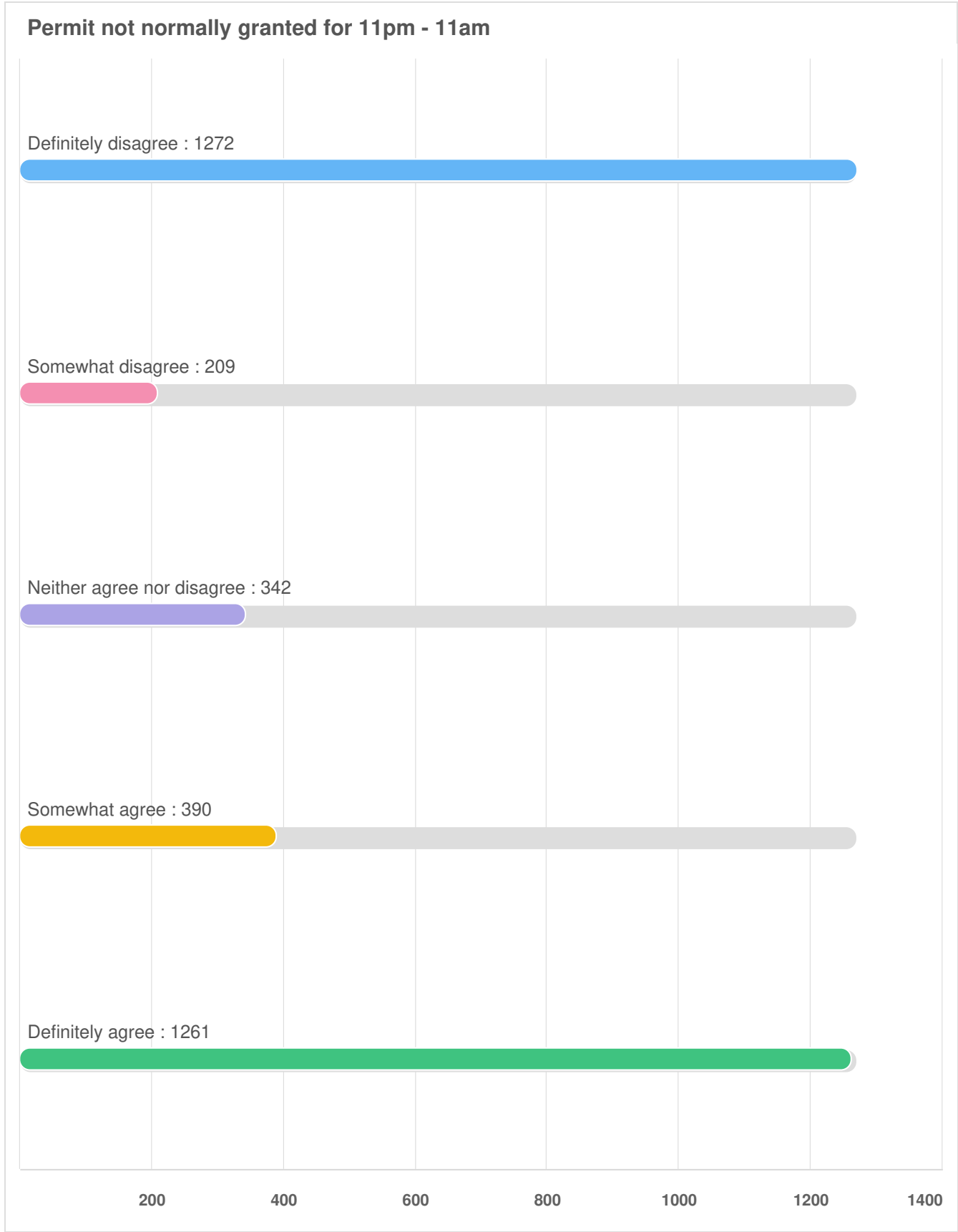
Question type: Likert Question

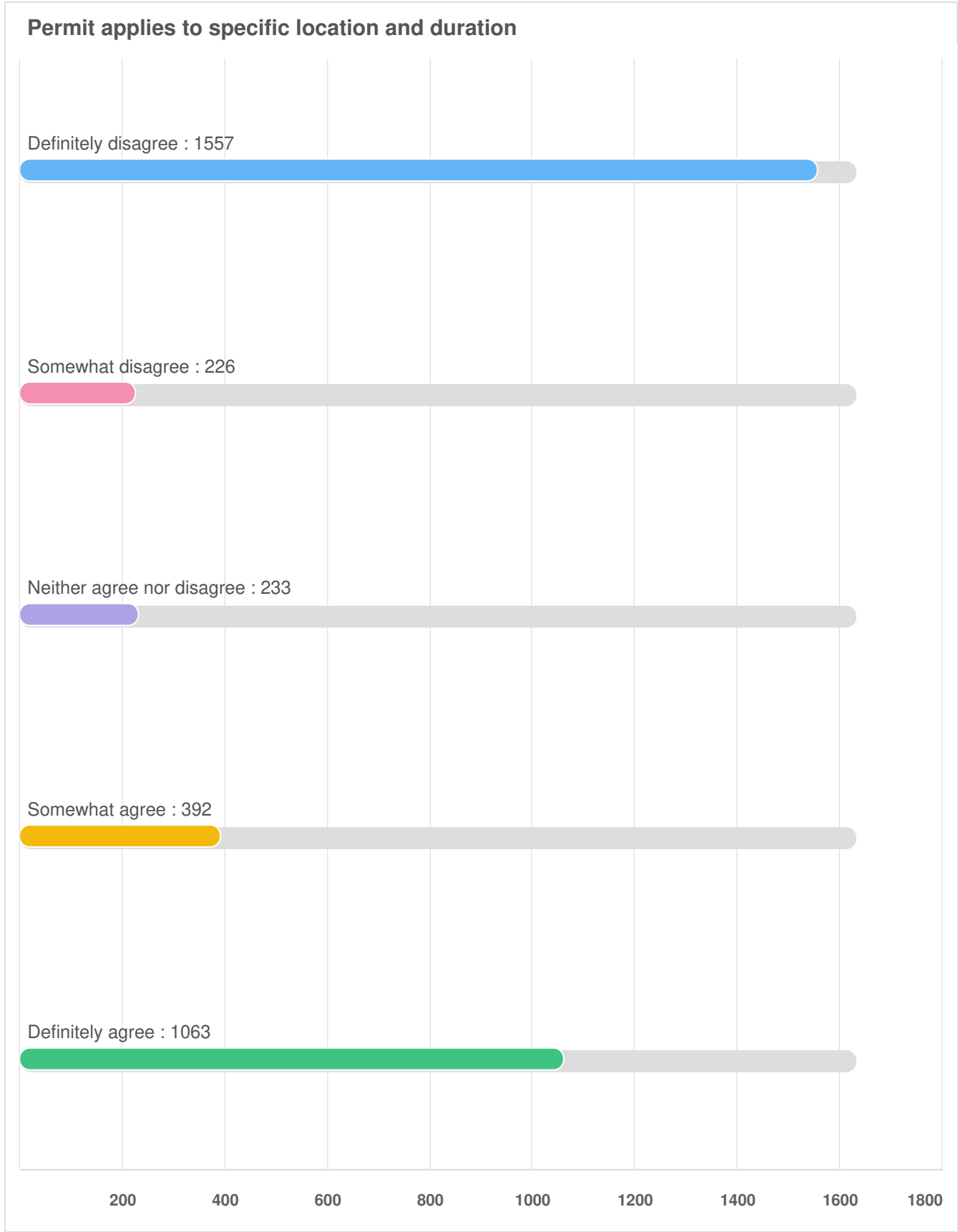
Q15 | To what extent do you agree or disagree with the standard conditions listed within the proposed byelaws? (Answers range from definitely agree to definitely disagree)

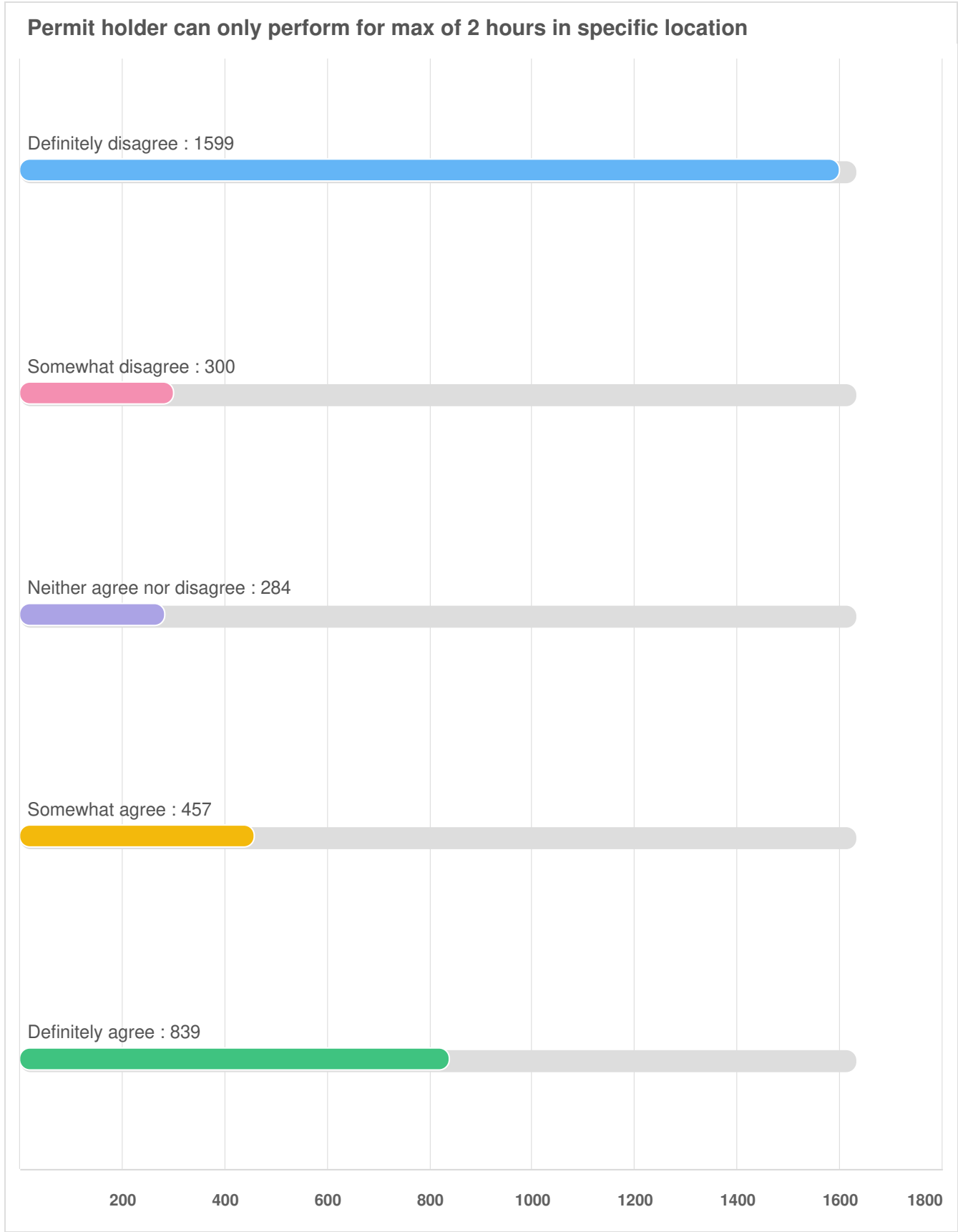
Permit is not transferable

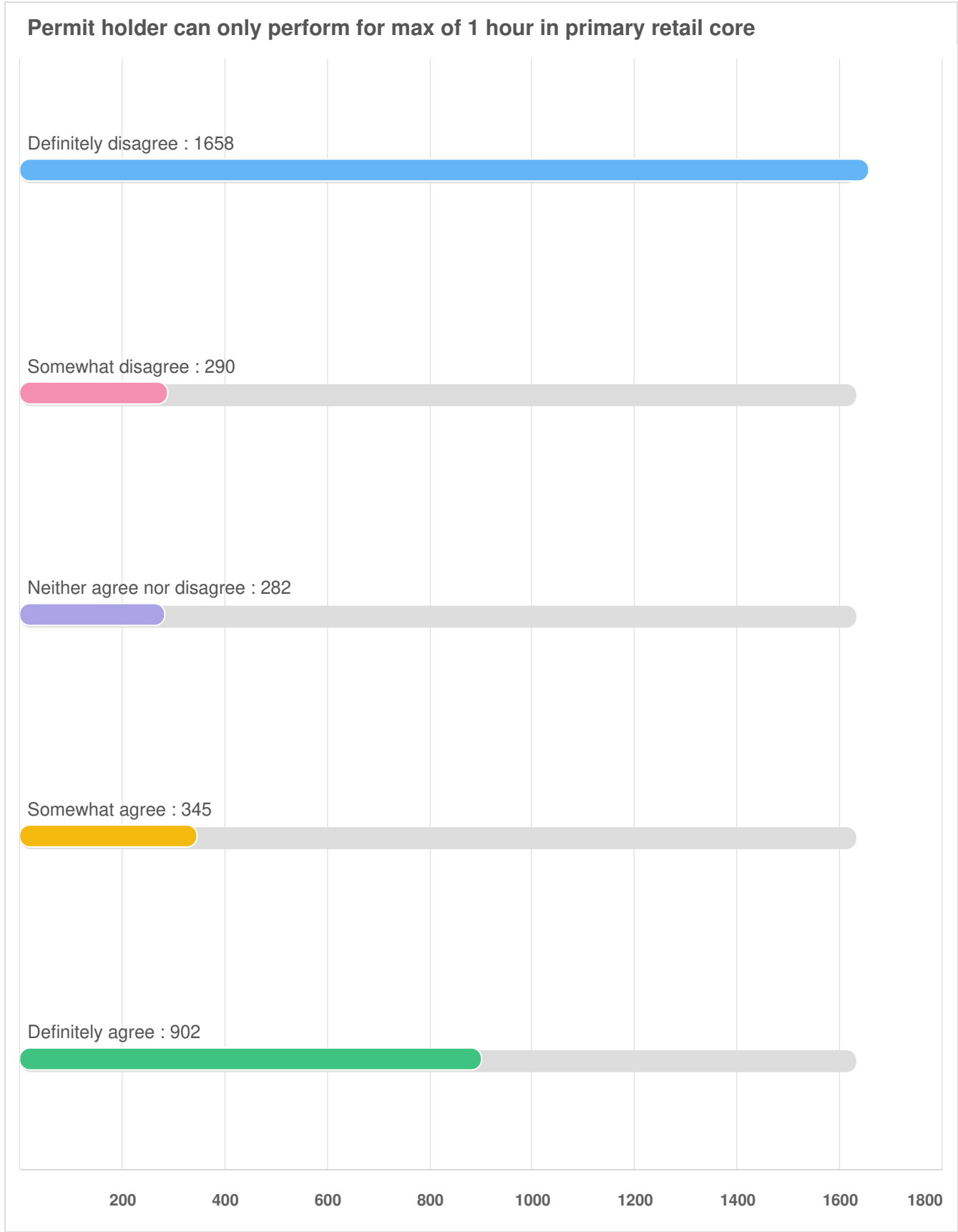


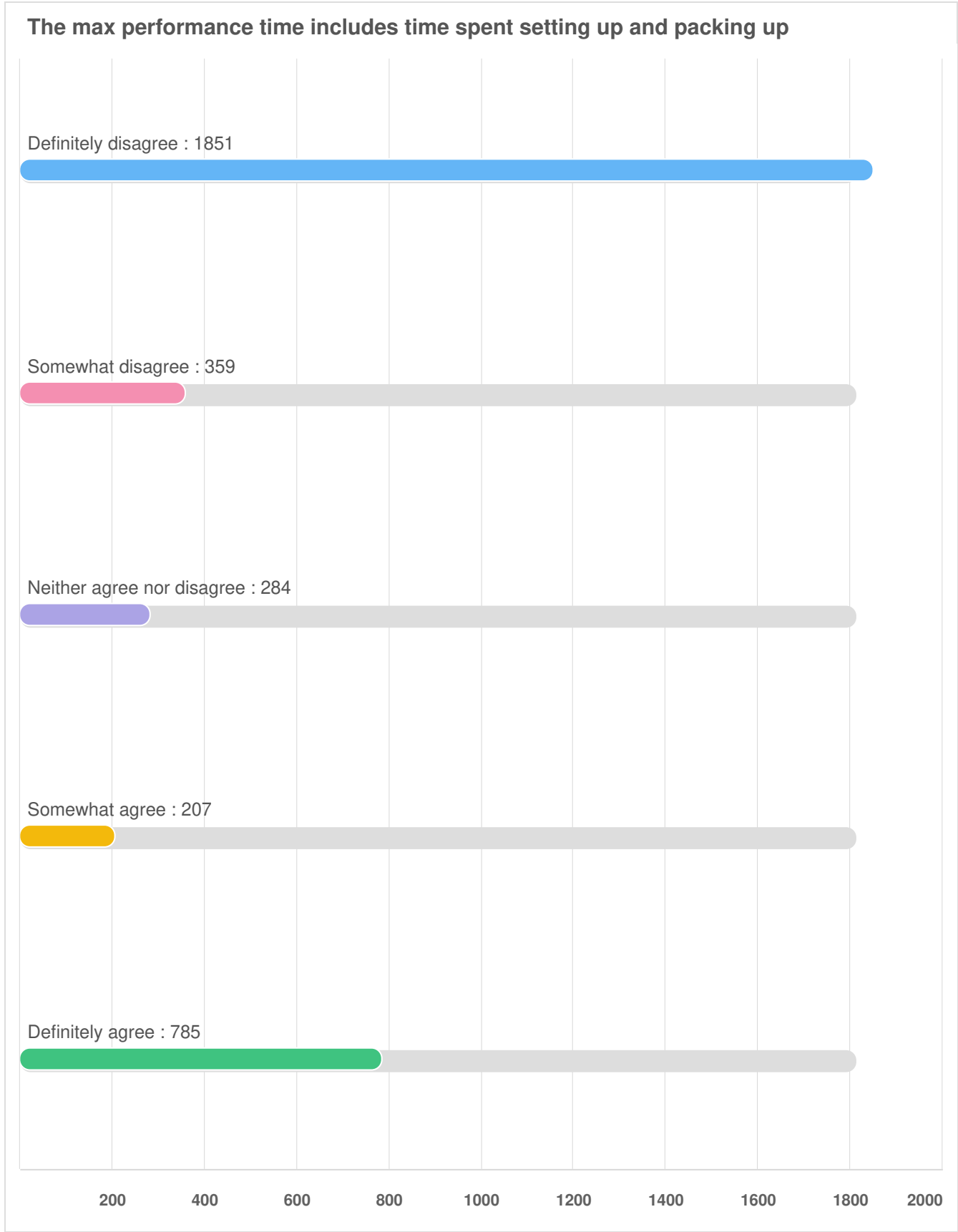






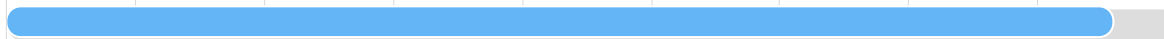






Permit holder must re-locate to a different place not within 100 metres of previous location

Definitely disagree : 1717



Somewhat disagree : 296



Neither agree nor disagree : 347



Somewhat agree : 336



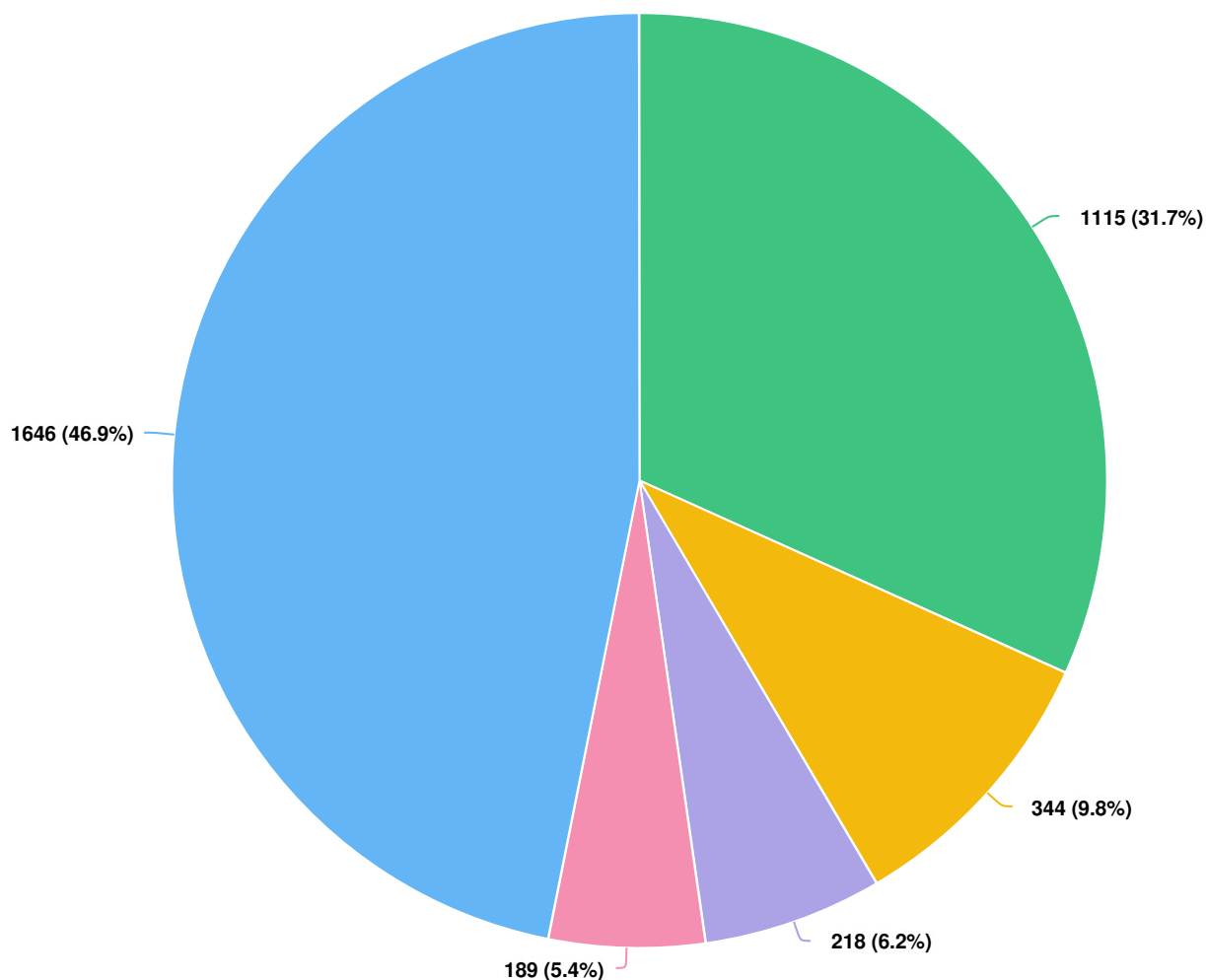
Definitely agree : 781



200 400 600 800 1000 1200 1400 1600 1800 2000

Q16 Please provide any additional comments in the space below.

Q17 To what extent do you agree or disagree that the council may designate areas in which specific types of instruments or amplification is prohibited?



Question options

☒ Definitely disagree ☐ Somewhat disagree ☐ Neither agree nor disagree ☐ Somewhat agree ☐ Definitely agree

Optional question (3512 response(s), 59 skipped)

Question type: Radio Button Question

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