

# Public Document Pack

## BELFAST CITY COUNCIL

### **SUMMONS TO ATTEND A SPECIAL MEETING OF THE COUNCIL**

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

Notice is hereby given that, following receipt of a requisition, the Lord Mayor has agreed that a special meeting of the Council will be held in the Council Chamber, City Hall, Belfast and remotely via Teams on Monday, 1st December, 2025 at 5.30 pm, for the transaction of the following business:

1. Summons
2. Apologies
3. Declarations of Interest
4. Call in - Flying of the Palestinian Flag to mark the UN Day of Solidarity with the Palestinian People (Pages 1 - 6)
  - a) Appendix One - Call-in Requisition Form (Pages 7 - 14)
  - b) Appendix Two - Call in Opinion (Pages 15 - 30)
  - c) Appendix Three - Draft Screening (Pages 31 - 48)

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

John Walsh

Chief Executive

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**Belfast**  
City Council

COUNCIL

INSERT AGENDA ITEM NUMBER

<b>Subject:</b>	Call in – Flying of the Palestinian Flag to mark the UN Day of Solidarity with the Palestinian People
<b>Date:</b>	1 <sup>st</sup> December 2025
<b>Reporting Officer:</b>	Nora Largey, City Solicitor/Director of Legal & Civic Services
<b>Contact Officer:</b>	Nora Largey, City Solicitor/Director of Legal & Civic Services Jim Hanna, Democratic Services & Governance Manager
<b>Restricted Reports</b>	
<b>Is this report restricted?</b> <span style="float: right;"> <b>Yes</b> <input type="checkbox"/> <b>No</b> <input checked="" type="checkbox"/> </span>	
<b>Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted.</b>	
<b>Insert number</b> <input type="checkbox"/>	
<ol style="list-style-type: none"> <li>1. Information relating to any individual</li> <li>2. Information likely to reveal the identity of an individual</li> <li>3. Information relating to the financial or business affairs of any particular person (including the council holding that information)</li> <li>4. Information in connection with any labour relations matter</li> <li>5. Information in relation to which a claim to legal professional privilege could be maintained</li> <li>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</li> <li>7. Information on any action in relation to the prevention, investigation or prosecution of crime</li> </ol>	
<b>If Yes, when will the report become unrestricted?</b>	
<b>After Committee Decision</b> <b>After Council Decision</b> <b>Sometime in the future</b> <b>Never</b>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
<b>1.1</b>	<p>The purpose of this report is to:</p> <ul style="list-style-type: none"> <li>• Provide Council with a copy of the call-in requisition which was received in relation to the call-in of the Council decision at its meeting of 4<sup>th</sup> November 2025 to mark the UN day of Solidarity with the Palestinian People by erecting the flag of Palestine at City Hall;</li> <li>• Provide Council with a copy legal opinion which was obtained in respect of the call-in;</li> <li>• Provide Council with a copy of the screening which was undertaken in respect of the decision; and</li> <li>• Request that Council reconsider the original decision having regard to all relevant material considerations and determine whether there is a disproportionate adverse impact on a section of inhabitants of the district.</li> </ul>
<b>2.0</b>	<b>Recommendation</b>
<b>2.1</b>	<p>Council is asked to:</p> <ul style="list-style-type: none"> <li>• Note the contents of this paper and the appended documents;</li> <li>• Note that the call-in was considered by counsel to have merit on the ‘procedural’ ground but not on the ‘community impact’ ground;</li> <li>• Note that the decision of 4<sup>th</sup> November 2025 has since been screened in accordance with the Council’s Equality Scheme and has been decision screened out;</li> <li>• Note that, notwithstanding the current provisions in Standing Orders, the Local Government Act (NI) 2014 requires Council members to reconsider their decision and determine whether there is a disproportionate adverse impact on a section of inhabitants of the district, having regard to the legal opinion received and any other relevant considerations.</li> <li>• Council is therefore asked to reconsider the decision which was taken on 4<sup>th</sup> November 2025.</li> </ul>
<b>3.0</b>	<b>Main Report</b>
<b>3.1</b>	<p><b><u>Background</u></b></p> <p>At its meeting on 3 November 2025, the Council agreed to mark the UN day of Solidarity with the Palestinian People by erecting the flag of Palestine at City Hall.</p>

3.2	<p>On 11<sup>th</sup> November 2025, the Chief Executive received a call-in requisition, which called-in the decision on both procedural grounds and community impact grounds. A copy is attached at Appendix One.</p>
3.3	<p><b><u>Call-in Process</u></b></p>
	<p>Members will be aware that the call-in process is provided for in Section 41 of the Local Government Act (NI) 2014 ('the 2014 Act'), with more detailed provision about how that process operates being contained within the Council's Standing Orders.</p>
3.4	<p>In accordance with Section 41 of the 2014 Act, 15% of members may ask for a decision to be called-in because they consider that the decision is flawed on either or both of the following grounds:</p>
	<p>(a) that the decision was not arrived at after a proper consideration of the relevant facts and issues; ('procedural ground'); and/or</p> <p>(b) that the decision would disproportionately affect adversely any section of the inhabitants of the district ('community impact' ground).</p>
3.5	<p>Members will note that the call-in requisition referred to both grounds, namely that the decision was not arrived at after proper consideration of the relevant facts and issues AND an alleged disproportionate adverse impact upon a section of the inhabitants.</p>
3.6	<p>In accordance with Standing Orders, on receipt of an admissible call-in under Section 41(1)(b), the opinion of a practicing barrister was sought on whether the call-in has merit. Counsel's opinion was sought and a copy of their opinion is attached at Appendix Two. Members are asked to note that Counsel considered that the call-in had merit on ground (a) – i.e., on procedural grounds. This is due to the decision not being screened in advance and also that, given City Hall is also work place, the Council did not have regard to its obligations under the Fair Employment and Treatment (NI) Order 1998. Counsel did not consider the call-in on community impact grounds to be made out.</p>
3.7	<p>Members will note the draft screening at Appendix Two of the report. This screening exercise was commenced after the Council decision on 4<sup>th</sup> November 2025. Members will note that the screening document also discusses the Council's obligations under the Fair Employment and Treatment (NI) Order 1998.</p>
3.8	

	Members will be aware that, notwithstanding the current wording of Standing Order 48, in recent years all legal opinions in respect of call-in requisitions are presented to Council for consideration when they are received regardless of whether the legal opinion considers the call-in has merit.
<b>3.9</b>	There is a conflict between Standing Orders as currently drafted and the 2014 Act. A paper on amending Standing Orders was discussed by the Strategic Policy & Resources Committee at its meeting on 21 <sup>st</sup> November 2025. Those changes are however subject to call-in and will require ratification before coming into force.
<b>3.10</b>	In the interim, and for the avoidance of doubt, Council is advised that the legal opinion cannot be treated as determinative. It is for the Council itself to determine whether there is merit in the community impact ground; i.e., that the original decision would have a disproportionate adverse impact upon a section of inhabitants in the district, having regard to the appended documents and any other relevant considerations.
<b>3.11</b>	Should the Council decide there is merit in the community impact ground relied upon, that decision will dictate the voting mechanism then to be undertaken on the reconsideration of the original decision. If it is determined that there is no merit in the ground, then the decision should be taken by simple majority. If it is determined that there is merit in the ground, then the decision should be taken by qualified majority.
<b>4.0</b>	<p><b>Recommendations</b></p> <p><b>Council is asked to:</b></p> <ul style="list-style-type: none"> <li>• Note the contents of this paper and the appended documents;</li> <li>• Note that the call-in was considered by counsel to have merit on procedural grounds but not on community impact grounds;</li> <li>• Note that, notwithstanding counsel's opinion and the current provisions in Standing Orders, the Local Government Act (NI) 2014 requires Council members to reconsider their decision. It is for the Council to determine whether there is a disproportionate adverse impact on a section of inhabitants of the district, having regard to the legal opinion received and any other relevant considerations; and</li> <li>• Reconsider the decision which was taken on 4<sup>th</sup> November 2025.</li> </ul>
<b>5.0</b>	<p><b>Equality &amp; Good Relations Issues</b></p> <p>None other than those detailed in the report above and considered in Counsel's opinion.</p>
<b>6.0</b>	<b>Appendices</b>

	<p>Appendix 1 –Copy call-in requisition Appendix 2 - Legal Opinion on call-in requisition dated XX Appendix 3 – Draft screening</p>
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## Call-in requisition form

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

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

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

Date of Committee meeting	3 November 2025			
Minute Heading	Strategic Policy & Resources Amendments Human Rights Day 2025 - Flag Requests			
Section under which call-in is being requested (please tick)	Section 41(1)(a) Procedural grounds	X	Section 41(1)(b) Community impact grounds	X

	Print name	Signature
Councillor	Sarah Bunting	
Councillor	Dean McCullough	
Councillor	James Lawlor	
Councillor	Davy Douglas	
Councillor	Ruth Brooks	
Councillor	Frank McCoubrey	
Councillor	Jordan Doran	
Councillor	Nicola Verner	
Councillor	Ian McLaughlin	
Councillor	Bradley Ferguson	
Councillor	Sonia Copeland	
Councillor	Ron McDowell	

Date 12/11/25

## Reasons for call-in

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

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

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

	Reasons
1	<p><b>Section 41 (1) (a)</b></p> <p>The decision arrived at was done so without a proper consideration of the relevant issues, in particular the council's obligations under section 75 (1) and (2) and section 76 of the Northern Ireland Act 1998 ('the 1998 Act').</p> <p><b>Breach of section 75 (2) of the Northern Ireland Act 1998</b></p> <p>Belfast City Council is a public authority within the meaning of section 75 (3) of the the 1998 Act.</p> <p>Section 75 (1) of the 1998 Act provides:</p> <p style="padding-left: 40px;"><i>"(1) A public authority shall in carrying out its functions relating to Northern Ireland have due regard to the need to promote equality of opportunity—</i></p> <p style="padding-left: 40px;"><i>(a) between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation"</i></p> <p>Section 75 (2) of the 1998 Act provides:</p> <p style="padding-left: 40px;"><i>"(2) Without prejudice to its obligations under subsection (1), a public authority shall in carrying out its functions relating to Northern Ireland have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group."</i></p> <p>There has not been a full EQIA carried out in respect of this issue which, given the context, is plainly divisive and controversial. The Israeli-Palestine conflict generates strong viewpoints in Northern Ireland, with significant community division in respect of who is 'right' or 'wrong'. There is further a strong Jewish community in Northern Ireland, and in the Belfast City Council area in particular. The decision to fly the flag of Palestine plainly represents Belfast City Council taking a side in a divisive international conflict, and thus alienates the Jewish community of the district who will be left feeling fearful and abandoned by their local council. The decision damages good relations between the Jewish community and others in the council area, and also between the unionist</p>

and nationalist traditions given the generally strong divisive lines that exist between the two main political traditions on this issue.

The council are in breach of the obligation in section 75 (1) and section 75 (2) of the 1998 Act.

Section 76 (1) of the 1998 Act provides:

*"(1) It shall be unlawful for a public authority carrying out functions relating to Northern Ireland to discriminate, or to aid or incite another person to discriminate, against a person or class of person on the ground of religious belief or political opinion"*

The decision discriminates against the Jewish community, by actively "taking a side" in an ongoing international conflict. This is straightforward discrimination against a class of persons on grounds of religious belief and political opinion.

**Breach of obligations under the Fair Employment and Treatment (NI) Order 1998**

As succinctly summarised in the 2012 legal opinion of David Scofield QC (as he then was) to Belfast City Council in respect of the flying of the Union flag at Belfast City Hall

*"Article 19 of the Fair Employment and Treatment (Northern Ireland) Order 1998 (FETO) has been interpreted as requiring employers to provide, and take steps to maintain, a 'neutral working environment' for employees. This concept is defined further in guidance, in which employers are urged to "promote a good and harmonious working environment"; a policy reflected in the Council's own Equal Opportunities Policy. In essence, the obligation is to create a working environment in which employees should not be subjected to a detriment by feeling intimidated or harassed, or being subjected to a 'chill factor'"*

Those employees who are of a Jewish background, or supportive of Israel as a general political opinion, will feel intimidated and harassed by Belfast City Council taking a side by hoisting the flag of those who have openly declared their intention to murder and ethnic cleanse the Jewish community from their homeland.

There has been no due consideration or legal advice obtained in respect of the potential liabilities under Article 19 of FETO.

It is noted that for completeness there is a significant difference between the flying of the flag of a divisive international foreign state, than the flying of the Union flag, which has been held to be a neutral act in so far as it simply reflects the legal constitutional status of Northern Ireland. Kerr J (as he then was) in *Re Murphy's Application* [2001] NI 425) stated:

*"... the flying of the Union flag [in the context of the Flags Regulations] is not designed to favour one tradition over another;*

	<i>it merely reflects Northern Ireland's constitutional position as part of the United Kingdom."</i>
2	
3	

### **Explanatory Notes**

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

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

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

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

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

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

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

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

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

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

		Reasons
1	The community affected by the decision	The Jewish community
2	The nature and extent of the disproportionate adverse impact	<p><b><u>Section 41 (1) (b)- adverse impact on a section of the inhabitants of the Belfast City Council area</u></b></p> <p>This decision will have a specific adverse impact on, in particular, the Jewish community. The Jewish community have repeatedly and consistently spoken out about their concerns around antisemitism, and there have been attacks on their properties, threats to boycott their goods and a general campaign of hate against that community. This has sadly been encouraged by the aggressive political campaign of those championing the cause of Palestine, who have openly expressed their determination to remove the Jewish community from their Israeli homeland, including by use of extreme violence.</p> <p>There is an ongoing extremely divisive international conflict between Israel and Palestine. This evokes strong views on all sides, but Belfast City Council is actively taking a "side" in this international conflict, which is outside any statutory or policy responsibilities of the council, and it is therefore properly to be described as a pure 'brute force' political decision designed to weaponise the council's prime civic building to send a message which is overtly hostile to the Jewish community. It is rhetorically asked: how could that do anything other than have an adverse impact on the Jewish community within the Belfast City Council area?</p> <p>The test under section 41 (1) (b) is self-evidently satisfied. As set out in more detail below, whether the decision has an adverse impact is primarily a political rather than a legal question, which is for the elected members of the council (see Humphreys J in <i>Re Bryson's Application</i> [2024] NIKB 86, at paragraph [40]). The statutory scheme put in place by Parliament (subject to any public law challenge on grounds of <i>Wednesbury unreasonableness</i>) entrusts to 15% of councillors the ability to call-in a decision on this ground; that is a political decision, and Parliament has determined that if 15% requisition, the matter must be referred back for reconsideration. This then requires a qualified majority to sustain the decision.</p> <p><b><u>Procedural issues in respect of this call-in</u></b></p> <p>As set out by Humphreys J at paragraph [40] of <i>Re Bryson's Application</i> [2024] NIKB 86 the question as to whether there is significant community detriment is essentially a classically political rather than legal question. Therefore, the statutory scheme envisages that in circumstances whereby 15% of</p>

		<p>councillors form the view a particular decision will have significant detrimental impact, then that is sufficient. Any challenge to such a position could only be amounted on grounds of Wednesbury unreasonable. Whether a call-in has merit is not properly a legal question, and is further entirely subjective: put simply, depending on who you ask.</p> <p>This call-in is clearly nowhere near the irrationally threshold. It is therefore a valid call-in under section 41 (1) (b) of the 2014 Act, which commences a process that requires (i) a legal opinion to be obtained under section 41. (2); (iii) the matter to be brought back before the council for a vote, in which an 80% majority is required in order to sustain the decision, in so far as the question of 'merit' is not to be determined by a opinion under section 41 (2).</p> <p>It is noted that the call-in form provides that, if a legal opinion obtained under section 41 (2) of the Local Government (NI) Act 2014 deems a call-in without merit, then the call-in shall not be subject to a qualified majority vote.</p> <p>These standing orders are made under powers conferred by section 37 (1) of the 2014 Act, however these powers are subject to section 37 (3) which requires that standing orders are subject to "the other provisions of the Act". They must therefore be consistent with, inter alia, section 41.</p> <p>Section 41 (2) requires the obtaining of a legal <u>opinion</u>; however nothing in this provision permits the legal opinion to be treated as adjudicatory or determinative. Rather, it must merely be put before the council at the next meeting.</p> <p>The elevation of the legal opinion to a binding adjudication is contrary to section 41 (2), and therefore the standing orders purporting to provide for such an adjudication are ultra vires section 37 (3) owing to their inconsistency with section 41 (2).</p> <p>Therefore, this call-in is valid, in order and therefore must be reconsidered by the council, with a qualified majority required.</p>
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#### Explanatory Notes

If the decision is properly requisitioned for Call In by at least 9 Members of the Council and the number of Members so requesting the Call In remains at that number at the expiration of the call in

period, the decision will not be submitted to the Council for ratification and the Chief Executive will within 1 working day seek the opinion of a practising solicitor or barrister on the validity of the Call in.

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

Where the opinion confirms that the call in has merit

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

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

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

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

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

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

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

**Note**

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

<i>Time received</i>	<i>Date received</i>	<i>Received by</i>
13:40 (approx)	12/11/25	

(for completion by Chief Executive's Office)



## BRIEF TO ADVISE

### **QUERIST: Belfast City Council**

**Re: Call-in under section 41(1) of the Local Government Act (Northern Ireland) 2014.  
Decision in respect of the flying of the national flag of Palestine at City Hall on 29  
November 2025**

#### **Introduction**

1. I am instructed that Belfast City Council (“the Council”) has received a requisition for call-in of a decision made by the Council at a meeting on 03 November 2025. The decision relates to the flying of the national flag of Palestine at City Hall on 29 November 2025. The decision is described in further detail below.
2. On 12 November 2025, a call-in requisition form, signed by 12 councillors was received by the Chief Executive. It requests call in under sections 41(1)(a) and (b) of the Local Government Act (NI) 2014 (“the 2014 Act”). Section 41(2) of the Local Government Act (NI) 2014 requires Council Standing Orders to make a provision to obtain an opinion from a practising barrister or solicitor before reconsideration of a decision under section 41(1)(b). I am asked to provide an opinion accordingly. Those seeking call in rely on both grounds under section 41(1). Whilst section 41(2) only *requires* the Council to obtain a legal opinion on a requisition made on the section 41(1)(b) ground, instructing solicitors have requested that I consider all grounds of call in relied upon.
3. Those seeking call in of the decision make representations as to the proper procedure to be undertaken by the Council in respect of the call-in request. As requested by instructing solicitors, I address that in a separate opinion.
4. This opinion is structured as follows:
  - i. Summary of the key statutory provisions.
  - ii. Consideration of the decision subject to request for call in.
  - iii. Consideration of the requisition and grounds for call in.
5. I was briefed on 19 November 2025 and asked to provide an opinion on a very urgent basis to enable the Council to progress the call-in request, bearing in mind the date of implementation of the decision and the procedural steps required to enable the Council to consider this matter. I do so accordingly.

#### **Key Statutory Provisions**

6. Section 41(1) of the 2014 Act requires that the Council:

*“must make provision requiring reconsideration of a decision if 15 per cent. of members of the council (rounded up to the next highest whole number of necessary) present to the clerk of the council a requisition on either or both of the following grounds-*

*(a) that the decision was not arrived at after a proper consideration of the relevant facts and issues.*

*(b) that the decision would disproportionately affect adversely any section of the inhabitants of the district.”*

7. Section 41(4) of the 2014 Act defines a “*decision*” as being a decision of the Council, or a Committee of the Council, including a decision to make a recommendation.
8. The requirement that 15% of members present the requisition equates to a requirement for at least 9 members to present a requisition in order to constitute a valid call in.

#### **The decision subject to request for call in**

9. The decision subject to the request for call in is a decision made by the full Council on 03 November 2025<sup>1</sup>. I am briefed with the Decision Register which records the decision in the following way:

*“Strategic Policy and Resources Committee- Amendments*

*...*

*Human Rights Day 2025- Flag Requests*

*The Council agreed that the minute under the heading “Human Rights Day 2025- Flag Requests” be amended to also provide that, in recognition of the International Day of Solidarity with the Palestinian People, that the Council would erect the National Flag of Palestine above the City Hall on 29<sup>th</sup> November 2025.”*

10. I am instructed that the minute of the Council meeting is not yet available but I have been provided with an electronic link to a recording of the Council meeting, which I have reviewed. When the Strategic Policy and Resources (SP&R) Committee minutes were tabled for discussion, Councillor Murphy spoke on the minute relating to Human Rights Day 2025. He welcomed the decision of the SP&R Committee and stated:

*“The...UN flag will fly on the 10<sup>th</sup> of December, marking the Universal Declaration of Human rights...we’ve heard it touched on...the importance of Human Rights, especially with everything that’s going on in the world at present. I think that’s particularly important when we see what’s unfolding daily in terms of human rights abuses and genocide in Palestine.”*

11. Councillor Murphy made comments and observations on “*the ceasefire*”, that is, the ceasefire presently in place between Israel and Palestine. Councillor Murphy noted that conflict continues despite that ceasefire. He went on to say that people had contacted him to ask what they could do to “*highlight those human rights abuses and support the*

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<sup>1</sup> Although, I note that the form for the requisition for call in refers to the “*date of Committee meeting*”. I presume this to be an error.

*people of Palestine in whatever way they can*". Councillor Murphy referred to efforts by his constituents to fundraise for children and young people in Gaza to access water and food. He went on to say, *"it's also about what we do here"*. He continued:

*"So, I would like to propose that on the 29<sup>th</sup> of November, which is the international day of solidarity with the people of Palestine, that Belfast City Hall would have the national flag of Palestine flown above the building."*

12. The proposal was seconded and voted upon. In that vote, 41 members voted for the proposal, and 15 voted against it. The proposal was therefore carried.

### **The Requisition and grounds for call in**

13. I am instructed that the Decision Register was issued on 06 November 2025, which started the 5-day working period within which a decision can be called in. This period expired at 10am on 13 November 2025. As noted above, the requisition for call-in was received within that time, on 12 November 2025. It is signed by 12 members. Standing Orders provide (as required by section 41 (1) of the 2014 Act) that a requisition for call in be made by 15% of members of the Council. In Belfast City Council, that equates to a requirement for at least 9 members to present a requisition in order to constitute a valid call in. As the subject call-in request is signed by 12 members of Council, it meets this procedural requirement.

14. The requisition form records that the call in is requested under both grounds contained in section 41 of the 2014 Act, that is:

41(1) (a): *"that the decision was not arrived at after a proper consideration of the relevant facts and issues."* ("the procedural ground")

41(1)(b): *"that the decision would disproportionately affect adversely any section of the inhabitants of the district."* ("the community impact ground").

15. I consider each of the grounds in turn below.

#### **I. Ground 41(1)(a) of the 2014 Act: that the decision was not arrived at after a proper consideration of the relevant facts and issues**

16. This is a procedural test. The principle that decision makers must take into account relevant considerations, and conversely must exclude irrelevant considerations from their mind, is one which is well known in public law terms. In the seminal case of Associated Provincial Picture Houses Ltd v Wednesbury Corporation, Lord Greene expressed the requirement this way:

*"A person entrusted with discretion must direct himself properly in law. He must call his own attention to the matters which he is bound to consider. He must exclude from his consideration matters which are irrelevant to the matter that he has to consider. If*

*he does not obey those rules, he may truly be said, and often is said, to be acting 'unreasonably'."*

17. A decision maker must therefore sufficiently inform itself about the matter before it makes a decision. However, under general public law principles, the weight to be attached to a particular consideration is a matter for the evaluation of the decision maker. I therefore consider the test under Section 41(1)(a) with these well-known public law principles in mind.
18. The call-in requisition form lists 2 reasons in support of the call-in under this ground. I address each in turn below.

**i. Breach of section 75(2) of the Northern Ireland Act 1998**

19. The call-in requisition form contends, *inter alia*:

*"The decision arrived at was done so without a proper consideration of the relevant issues, in particular the council's obligations under section 75(1) and (2) and section 76 of the Northern Ireland Act 1998 ('the 1998 Act')."*

20. In respect of the alleged breach of section 75 of the Northern Ireland Act 1998 it is contended:

*"There has not been a full EQIA carried out in respect of this issue which, given the context, is plainly divisive and controversial. The Israeli-Palestine conflict generates strong viewpoints in Northern Ireland, with significant community division in respect of who is 'right' or 'wrong'. There is further a strong Jewish community in Northern Ireland, and in the Belfast City Council area in particular. The decision to fly the flag of Palestine plainly represents Belfast City Council taking a side in a divisive international conflict, and thus alienates the Jewish community of the district who will be left feeling fearful and abandoned by their local council. The decision damages good relations between the Jewish community and others in the council area, and also between the unionist and nationalist traditions given the generally strong divisive lines that exist between the two main political traditions on this issue."*

21. In respect of the alleged breach of section 76 of the Northern Ireland Act 1998 it is contended:

*"The decision discriminates against the Jewish community, by actively "taking a side" in an ongoing international conflict. This is straightforward discrimination against a class of persons on grounds of religious belief and political opinion."*

22. Sections 75 and 76 of the Northern Ireland Act 1998 are separate provisions and impose separate duties on public authorities. It is therefore necessary to consider each in turn.

**Section 75 of the Northern Ireland Act 1998**

23. The Council's duties under section 75 are procedural in nature. That is to say, they are concerned with how decisions are reached. Section 75(1) of the Northern Ireland Act 1998 states:

*"(1)A public authority shall in carrying out its functions relating to Northern Ireland have due regard to the need to promote equality of opportunity—  
(a)between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;  
(b)between men and women generally;  
(c)between persons with a disability and persons without;  
(d)between persons with dependants and persons without"*

24. The good relations duty is set out in Section 75(2) of the Northern Ireland Act 1998 which provides:

*"(2)Without prejudice to its obligations under subsection (1), a public authority shall in carrying out its functions relating to Northern Ireland have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group."*

25. I will refer to these duties collectively as *"the Section 75 obligations"*.

26. I consider it beyond doubt that, in making the subject decision, the Council was carrying out a function for the purposes of section 75. In Hazell v Hammersmith and Fulham London LBC [1991] 1 ALL ER 545, the House of Lords considered the meaning of the word *"functions"* for the purposes of Local Government Act 1972. It concluded that the word embraces *"all the duties and powers of a local authority: the sum total of the activities Parliament has entrusted to it."*

27. The Section 75 obligations are principally procedural obligations as to how decisions are reached and not substantive obligations, that is to say that they do not prescribe what the resultant decision must be. They require that the decision maker *"have due regard to"* and *"have regard to"* the matters set out, but they do not require a particular outcome.

28. Voluminous case law in this area has grappled with the question-what does the duty to have due regard require in reality? In R (on the application of Baker and others) v Secretary of State for Communities and Local Government [2008] EWCA Civ 141, Dyson LJ considered that question:

*"What is due regard? In my view, it is the regard that is appropriate in all the circumstances. These include on the one hand the importance of the areas of life of the members of the disadvantaged racial group that are affected by the inequality of opportunity and the extent of the inequality; and on the other hand, such countervailing factors as are relevant to the function which the decision-maker is performing."*

29. Giving the judgment of the Divisional Court in R (Brown) v Secretary of State for Work and Pensions [2008] EWHC 3158 (Admin) Aikens LJ, stated that the duty to have “*due regard*” requires a “*conscious approach and state of mind*”. Significantly, in that case the Court concluded that, the duty under the Disability Discrimination Act 1998 to “*have due regard*” to, inter alia, “*the need to promote equality of opportunity between disabled persons and other persons*”, does not impose a requirement to conduct a full equality impact assessment. Rather, “*at the most it imposes a duty on a public authority to consider undertaking a DEIA, along with other means of gathering information, and to consider whether it is appropriate to have one in relation to the function or policy at issue, when it will or might have an impact on disabled persons and disability.*”
30. The necessity of equality screening in respect of local government decision making was emphasised by the High Court in this jurisdiction in Re Toner’s Application for Judicial Review [2017] NIQB 49. The Court quashed the decision of Lisburn & Castlereagh City Council in respect of the implementation of a public realm scheme because the scheme had not been subject to equality screening. In rejecting arguments that the Council had assessed equality impacts in another, more informal way, the Court concluded that “*a conscious approach to section 75 was required*”.
31. The Council has, as it is obliged to do under Schedule 9 of the Northern Ireland Act 1998, published an Equality Scheme which sets out how the Council plans to meet its Section 75 obligations. Chapter 4 states:
- “4.3 The council uses the tools of screening and equality impact assessment to assess the likely impact of a policy on the promotion of equality of opportunity and good relations.”*
32. Once a policy is screened, it will lead to one of three outcomes:
- i. The policy is “*screened in*” and an equality impact assessment will be carried out.
  - ii. The policy is “*screened out*” and mitigations are included in the policy and/or an alternative proposed policy is to be adopted.
  - iii. The policy is “*screened out*” and no mitigations are required and no alternative policy is proposed.
33. An EQIA is a thorough and systematic analysis of a policy. However, that only takes place where the policy has been screened in. In R (Brown) v Secretary of State for Work and Pensions [2008] EWHC 3158 (Admin) Aikens LJ, concluded that a full EQIA is not required in order to fulfil the “*regard*” and “*due regard*” duties.
34. I therefore do not consider that there is merit in the ground which contends that a full EQIA ought to have been carried out.
35. However, I am instructed that no equality screening exercise was carried out in respect of the decision which is the subject of this call-in request. There is no evidence that the Council had any information before it about the impact the proposal would have on

Section 75 categories before it made its decision. Indeed, the discussion in the Council chamber did not touch upon potential equality issues at all.

36. I am instructed that, after the Council made its decision, the City Solicitor arranged for the Council's Equality and Diversity Officer to commence a draft equality screening document. That draft was completed on 13 November 2025 and I have been provided with a copy of same. It is a detailed and lengthy document. I do not repeat the entirety of its contents. However, some extracts are worthy of particular note and I record them below:

i. In considering the decision, the draft screening document states:

*"The flying of flags in the north of Ireland is complex and politically sensitive. The iconic nature of City Hall means that it is a regular site of protest for different identity groups, with flags often present as indicators of support for one identity group over another."*

ii. The draft screening document records evidence touching upon each of the section 75 categories in turn. In respect of "religious belief" it records:

*"The Jewish Small Communities Network provides further insight to the Jewish community in Belfast noting 'although the synagogue is today down to under 80 members the Belfast Jewish community continues to make a contribution to life in Northern Ireland out of proportion to its numbers.'"*

iii. In respect of "political opinion", it records:

*"The appearance of Palestinian and Israeli flags, being flown as markers of segregation in Belfast has received attention since the early 2000s. The increased number of Israel flags in U/unionist areas and commentary was assessed using articles from the Belfast Telegraph, the Newsletter and the Irish News. Also surveyed were the newsletters An Phoblacht/Republican News and Loyalist. From their findings the researchers summarised the:*

*'[Graphic demonstration of the increased prevalence of political symbolism in the post-Troubles era and the way in which groups in Northern Ireland have sought to reference and draw upon similar conflict situations for their own agenda']"*

iv. In assessing the likely impact on equality of opportunity, the draft assesses the level of impact as minor and further states:

*"The impact of a flag flying for a single day should be considered in proportionality to the adverse impact."*

v. In assessing the likely impact on good relations, the draft assesses the level of impact as minor and further states:

*“...the issue of Israel and Palestine has and is continuing to divide the communities listed above which is clearly visible in the public domain.”*

- vi. The draft screening document concludes by recording that the decision should be “*screened out*”. In this section of the draft report there is a space for the drafter to “*provide a brief note here to explain how this decision was reached*”. That section is not completed in the draft.

37. I will return to the content of the draft screening document when considering the community impact grounds for call in, below. However, for the purposes of considering the procedural ground based on section 75 of the Northern Ireland Act 1998, the most significant thing to note is the timing of the draft screening report. It was created *after* the decision. Council members did not (and still have not) seen and considered that document. It did not therefore inform their decision making.
38. Having carefully considered the principles arising from the case law analysed above and the Council’s own Equality Scheme, it is my view that the subject proposal should have been screened *before* the decision was made by Councillors, in order to identify the likely impact on equality of opportunity or good relations for any of the Section 75 categories. I consider this to be a procedural failure with the result that the decision was not arrived at after a proper consideration of the relevant facts and issues
39. I note that the Council’s template requisition form for call-in includes advice “*to assist members considering calling in a decision of community impact grounds.*” That advice includes “*the decision or policy was not screened for compliance with Section 75 of the NI Act 1998*” and “*the decision is in conflict with the council’s equality scheme.*” I consider a complaint that the Council has not screened a decision and/or a complaint that the decision was in conflict with the Council’s Equality Scheme to fall into the category of Section 41(1)(a)- that it to say, it can give rise to a procedural ground of call-in. That is consistent with the tenor of the authorities outlined above which emphasise the procedural nature of the section 75 obligations. It is also of note that, despite that explanatory note, those seeking call-in categorised this issue as a procedural one. In my view, that is the correct approach.
40. For the reasons outlined above, I therefore conclude that this procedural ground of call in has merit. To be clear, I do not conclude that there has been a “*breach of section 75*” as alleged because there has been a failure to conduct a full EQIA. Rather, I conclude that the procedural failure was the failure to carry out an equality screening exercise before making the decision. When the decision is reconsidered, the outcome of the equality screening exercise will have to be considered. However, I do not conclude that the screening exercise must result in an EQIA.

#### **Section 76 of the Northern Ireland Act 1998**

41. It is contended by those seeking call-in that:



*“The decision discriminates against the Jewish community, by actively “taking a side” in an ongoing international conflict. This is straightforward discrimination against a class of persons on grounds of religious beliefs and political opinion.”*

42. Section 76 of the Northern Ireland Act 1998 states:

*“(1) It shall be unlawful for a public authority carrying out functions relating to Northern Ireland to discriminate, or to aid or incite another person to discriminate, against a person or class of person on the ground of religious belief or political opinion.”*

43. “Discrimination” is defined in section 98(5): *“a person discriminates against another person or a class of persons if he treats that other person or that class less favourably in any circumstances than he treats or would treat other persons in those circumstances.”*

44. In Re Downes’ Application for Judicial Review [2009] NICA 26, the Court of Appeal confirmed the factors which must be considered when assessing whether discrimination under section 76 has taken place:

*“[56] The question whether discrimination under s 76 has taken place must focus not only on whether it has been shown that a person or class of persons has been discriminated against but also on the nature of the act alleged to constitute discrimination. As to the first of these, Lord Hoffman said in Regina v Secretary of State for Work and Pensions, ex parte Carson and Reynolds [2005] UKHL 37, [2005] 4 ALL ER 545 ‘Discrimination means a failure to treat like cases alike. There is obviously no discrimination where the cases are relatively different...’ To like effect is Lord Nicholls’ comments in Shamoon v Chief Constable of the Royal Ulster Constabulary [2003] NI 174 that whether the discrimination has been established is ultimately to be determined by asking if the claimant received less favourable treatment than others.”*

45. The Court of Appeal went on to consider whether the appointment of an interim victims’ commissioner was discriminatory under section 76. It concluded:

*[57] Whether discrimination has occurred is conventionally addressed by examining the treatment that an actual comparator received or that which a notional comparator would have been accorded and relating this to the treatment meted out to the person alleging discrimination. In this case, Girvan J did not explicitly identify a comparator, although one may suppose that he had in mind the political parties other than the DUP who were not consulted about possible nominees for the post. But here one must concentrate on the act of discrimination alleged. It appears to us that the actual discrimination alleged is the appointment of Mrs McDougall, rather than the decision to consult only the DUP of all the political parties who might have expected to be involved in discussion about the appointment. A failure to consult some political parties while giving privileged access to one party on the issue of an appointment such as this could involve a breach of s 76 but the appointment of Mrs McDougall, although consequent on the consultation of the DUP, is not in our judgment an act of*

*discrimination under s 76. Put simply, the failure to consult other political parties may have involved discrimination but the appointment of Mrs McDougall did not. She was not aligned to any political party and there is no discernible advantage to the DUP from her actual appointment (as opposed to being consulted about it). There is likewise no corresponding disadvantage to any of the other political parties by the appointment of Mrs McDougall. We do not consider therefore that breach of s 76 has been established.”*

46. Applying those principles to this matter, first, I consider the nature of the alleged act. That is the flying of the Palestinian flag at City Hall. I recall the conclusions of Kerr J (as he then was) in Re Murphy’s Application for Judicial Review [2001] NI 425. He concluded that the Secretary of State had not acted unlawfully in the making of Flags Regulations because:

*“The making of the Regulations and the requirement that the Union flag be flown on government buildings do not treat those who oppose this any less favourably. The purpose of the Regulations is, as I have said, to reflect Northern Ireland’s constitutional position, not to discriminate against any section of its population.”*

47. Similarly, in this matter it is necessary to look for the purpose behind the act of flying the Palestinian flag.

48. The purpose can be gleaned from the Decision Register, which records the decision to have been made “*in recognition of the International Day of Solidarity with the Palestinian People.*” The draft equality screening document is also instructive. It notes:

*“Information on the aim of the International Day of Solidarity with the Palestinian People is extracted from the United Nations website:*

*In 1977, the General Assembly called for the annual observance of 29 November as the International Day of Solidarity with the Palestinian People (resolution 32/40 B). On that day, in 1947, the Assembly adopted the resolution on the partition of Palestine (resolution 181 (II)).*

*In resolution 60/37 of 1 December 2005, the Assembly requested the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Division for Palestinian Rights, as part of the observance of the International Day of Solidarity with the Palestinian people on 29 November, to continue to organize an annual exhibit on Palestinian rights or a cultural event in cooperation with the Permanent Observer Mission of Palestine to the UN.*

*The resolution on the observance of the International Day of Solidarity with the Palestinian People also encourages Member States to continue to give the widest support and publicity to the observance of the Day of Solidarity.”*

49. I have also considered the conclusions of the Court of Appeal in Helen McMahon’s application for Judicial Review [2019] NICA 29. It considered the lawfulness of the Secretary of State’s action in making Flags Regulations, the effect of which was to fly the

Union flag over courthouses for 15 days a year. In considering the effect of that, the Court concluded:

*“[36] The flying of flags on a small number of selected days over Omagh courthouse does not disrespect the applicant or her community or any part of her community or provide additional respect to the Unionist community or its members. It prefers neither one community over another nor does it hold one individual in higher esteem than another. It is not discriminatory. It simply reflects the constitutional position of Northern Ireland as part of the United Kingdom, as Kerr J has already pointed out.”*

50. Focusing on the nature, purpose and effect of the alleged discriminatory act, as required by the legal authorities cited above, I do not consider the act to be discriminatory for the purposes of section 76 of the Northern Ireland Act 1998. Given the expressions cited above about the purpose of the act, I do not consider that it has been established that the act constitutes “ ‘taking a side’ in an ongoing international conflict”, as suggested by the requisitioners. Whilst opposition to the flying of the flag may be a legitimately and strongly held belief, it does not follow that the act of flying the flag is discriminatory. The flying of the Palestinian flag does not treat those who oppose it less favourably. It does not prefer one community over another.
51. In this regard it is also relevant to note that there is a precedent in the Council, in respect of the Armed forces flag, for flying a flag to coincide with a festival and support those celebrating that festival.
52. I add that class of persons who the requisitioners identify as the victims of alleged discrimination is “*the Jewish community*”. I have received no evidence as to the views of anyone from the Jewish community as to the impact of the decision on them. Absent that, it is not possible to conclude that discrimination has occurred.
53. For all the reasons outlined above, I do not consider there to be merit in this ground of call in.

**ii. Breach of obligations under the Fair Employment and Treatment (NI) Order 1998**

54. Under this heading the requisition form refers to legal advice received in 2012 from David Scoffield QC (as he then was) in respect of the flying of the Union flag at City Hall. The requisition form refers to an extract of that advice in relation to Article 19 of the Fair Employment and Treatment (Northern Ireland) Order 1998 (FETO). Those seeking call in contend:

*“Those employees who are of a Jewish background, or supportive of Israel as a general political opinion, will feel intimidated and harassed by Belfast City Council taking a side by hoisting the flag of those who have openly declared their intention to murder and ethnic cleanse the Jewish community from their homeland.*

*There has been no due consideration or legal advice obtained in respect of the potential liabilities under Article 19 FETO.”*

55. It is evident from the above that the crux of this ground is the suggestion that advice as to the implications of the legal obligations under FETO arising from the decision were not considered by the Committee. Thus, this is a classic allegation that relevant information was not taken into account when making the decision.
56. FETO governs an employer’s duty to its employees. Equality Commission guidance on the duties focuses on the concept of a “*harmonious*” working environment. Since City Hall is a workplace, it is necessary to consider the effect which symbols, emblems and flags have on the working environment.
57. The draft equality screening document is also relevant to this ground. Under the section “*available evidence*”, it provides a lengthy summary of advice received in respect of flags and the status of City Hall as a workplace. It goes on to record figures relating to the religious beliefs of Council employees, obtained under FETO monitoring provisions. It therefore appears that if the equality screening had been before the Council before it made its decision, information relating to the duties to employees under FETO would have been available to members for consideration.
58. Given that City Hall is a workplace, and symbolic nature of displays of flags in Northern Ireland, I agree that a relevant consideration in making this decision was the impact the decision might have on employees having regard to the Council’s obligations under FETO. As a result, I conclude that the decision was not arrived at after a proper consideration of this relevant issue.

**II. 41(1)(b): that the decision would disproportionately affect adversely any section of the inhabitants of the district. (“the community impact ground”).**

59. The call in requisition form contends that the decision will have a disproportionate adverse impact on the Jewish Community. I do not repeat the lengthy reasoning in the requisition form but, needless to say, I have considered it all carefully. One of the key representations made is that by taking this decision the Council is “*taking a side*” in the conflict between Israel and Palestine. It is contended that the effect of the decision is “*to send a message which is overtly hostile to the Jewish community*”. Concerns around “*antisemitism*” are also raised.
60. There are a number of elements to the test under Section 41(1)(b) test. There must be (i) an adverse effect; (ii) this must be on a specified section of the inhabitants of the district; and (iii) the effect on them must be disproportionate.
61. Test (ii) can be addressed briefly, so I consider it first. The requisition states the section of inhabitants of the district which is adversely affected by the decision to be “*the Jewish*

community". Standing Order 48(b)(4) defines the "section of the inhabitants of the district" for the purposes of Section 41(1)(b) of the Local Government (NI) Act as being:

*"any section of the inhabitants that is clearly identifiable by location, interest or other category (including those categories indemnified<sup>2</sup> in section 75(1) of the Northern Ireland Act 1998)."*

62. The Jewish community is a clearly identifiable section of the inhabitants of the district, so test (ii) is met.

63. I turn now to consider tests (i) and (iii).

64. In respect of both tests, I recall that the language used by the statute is "*that the decision would disproportionately affect adversely any section of the inhabitants of the district*". I emphasise the words "*the decision*" in this context because I consider that the focus must be on the actual effect of the decision made by the Committee. I have already considered the nature and effect of the decision above.

65. I remind myself that the effect of the decision will be to fly the Palestinian flag at City Hall for one day only. I further remind myself of the conclusions of Kerr J in Murphy and the Court of Appeal in McMahon as to the effect of the flying of the Union flag. The words of Horner LJ in McMahon merit repetition:

*"[36] The flying of flags on a small number of selected days over Omagh courthouse does not disrespect the applicant or her community or any part of her community or provide additional respect to the Unionist community or its members. It prefers neither one community over another nor does it hold one individual in higher esteem than another."*

66. For the reasons already explained above, I do not conclude that the flying of the flag constitutes the Council "*taking a side*" in the conflict between Israel and Palestine. The evidence does not support a conclusion that the decision will "*send a message which is overtly hostile to the Jewish community*". The evidence from the UN on the purpose and aim of the International Day of Solidarity with Palestine People (set out above) does not support such a proposition. Further, I have carefully considered the representations made by Councillor Murphy when he proposed this action. His representations focused on "*support*" for the "*people of Palestine*". It is notable that the support is for the "*people of*" Palestine, not the state of Palestine or its government. Whilst not every elected member or indeed citizen will share the desire to act in support and solidarity, it does not follow that the act is hostile to the Jewish community. Offering support for persons who live in an area involved in a conflict is not automatically hostile towards persons who live in the area on the other side of the conflict.

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<sup>2</sup> The word "indemnified" is used in the standing order, but it may be that this is an error and should read "identified".

67. I again note the draft equality screening document, which records that past EQIAs conducted in respect of the permanent flying of the Union flag at City Hall (2012) and in respect of the flying of the Armed Forces flag on a small number of days (2013) did not result in an adverse impact on equality of opportunity.
68. For all these reasons, I do not consider that the decision has an adverse impact on the Jewish community as asserted by the requisitioners.
69. Despite this conclusion, for completeness and in order to assist a full consideration of this matter, I will nonetheless consider whether, if an adverse impact was found, it is disproportionate (test iii).
70. There are well established legal tools to analyse the proportionality of a measure. The concept of proportionality, in the legal context, has been imported from jurisprudence European Convention of Human Rights. The essence of the concept in that context is that any interference with Convention rights must be proportionate to the legitimate aim pursued. In that context, the following questions are asked:
- i. Is the objective sufficiently important to justify limiting a fundamental right?
  - ii. Are the measures designed to meet the objective rationally connected to it?
  - iii. Are the means used no more than necessary to accomplish the objective?
71. In *Azienda Agro-Zootecnica Franchini Sarl v Regione Puglia* Case [C-2/10](#) EU:C:2011:502, [2011] ECR I-6561, at para [73] the CJEU said proportionality:
- “requires that measures adopted by Member States in this field do not exceed the limits of what is appropriate and necessary in order to attain the objectives legitimately pursued by the legislation in question; where there is a choice between several appropriate measures recourse must be had to the least onerous, and the disadvantages caused must not be disproportionate to the aims pursued ...”*
72. Whilst proportionality has its genesis in European law, it is a concept which has been utilised by the UK courts in assessing the domestic lawfulness of decisions of public authorities (see for example *Pham v Secretary of State for the Home Department* [2015] UKSC 19). At its simplest, the proportionality principle requires the decision maker to strike a balance between the objective of a particular decision and the interests that might be affected by the decision. I therefore consider that the assessment of the proportionality under section 41(1)(b) of the 2014 Act should be approached with foundational principles in mind.
73. The objective, or purpose, of the decision has already been addressed above. It is to express support for and solidarity with the people of Palestine. In the proportionality balancing exercise, that purpose is on one side of the scales. On the other, is the interests of those who it is said will be affected by the decision, that is the Jewish Community. It is very difficult to assess this matter as there is no direct evidence of the impact on the Jewish community. I have not been provided with any direct evidence of views of members of the Jewish community in respect of the decision. The representations made in the

requisition form as to how the Jewish community might feel about the decision appear general and speculative. No particular rights or interests are specified. However, *arguendo*, for the sake of this assessment, I take at its height the suggestion that members of the Jewish community may feel that the decision demonstrates the Council to be “*taking a side*”. Having done so, I consider that there is an argument that any impact is minimal, given the expressed purpose of the decision and the effect of it. It will result in the flying of the flag is for a single day. It will not result in any long term policy change or position on the part of the Council.

74. Therefore, whilst I consider it difficult to conduct the proportionality exercise given the lack of concrete evidence, I consider that, even if it is determined that the decision will cause an adverse impact, there is no evidence that any such impact is disproportionate.

### Conclusion

75. In conclusion and summary, my opinion is as follows:

- i. **There is merit in the call-in request under section 41(1)(a) of the 2014 Act (the procedural grounds), because the decision was not arrived at after a proper consideration of relevant facts and issues.** The facts and issues not taken into account in this instance were the potential impacts of the decision on the categories specified in section 75 of the 1998 Act, which ought to have been subject to an equality screening exercise, conducted in accordance with the Council’s Equality Scheme. The product of that exercise ought to have been taken into account. I also conclude that a further relevant consideration which was not considered was the potential impacts of the decision on City Hall as a workplace, having regard to the Council’s obligations as an employer under FETO. There is overlap between these issues.
- ii. **There is no merit in the call-in request under section 41(1)(b) of the 2014 Act (the community impact grounds), because the decision would not have an adverse disproportionate impact.** For the reasons outlined above, I do not consider that the impact of the decision would be adverse, having regard to the nature, purpose and effect of the decision. Further, if I am wrong about that and assuming *arguendo* that the decision would have an adverse impact, I do not consider that any such impact would be disproportionate, again having regard to the nature, purpose and effect of the decision.

76. The requisitioners also raise what they describe as “*procedural issues in respect of this call in*”. Those do not touch upon the section 41(1) grounds for call in, rather they touch upon the correct procedure to be followed by the Council in the processing and determination of this call-in request, under the 2014 Act and Standing Orders. As requested by the City Solicitor, I address those matters in separate advice.

77. I trust that the above is of assistance. Instructing solicitors should not hesitate to contact me should they have any queries in respect of the above.

Denise Kiley KC  
The Bar Library  
21 November 2025



## Equality Screening



The Council has a statutory duty to screen. This includes our strategies, plans, policies, legislative developments; and new ways of working such as the introduction, change or end of an existing service, grant funding arrangement or facility. This screening template is designed to help departments consider the likely equality impacts of their proposed decisions on different groups of customers, service users, staff and visitors.

Before carrying out an equality screening exercise it is important that you have received the necessary training first. To find out about the training needed or any other queries on screening, contact the Equality and Diversity Unit by email [equality@belfastcity.gov.uk](mailto:equality@belfastcity.gov.uk)

The accompanying **Screening Guidance** note provides straightforward advice on how to carry out equality screening exercises. Detailed information about the Section 75 equality duties and what they mean in practice is available on the Equality Commission's website<sup>1</sup>.

The screening template has 4 sections to complete. These are:

**Section A** - provides details about the policy / decision that is being screened

**Section B** – gives information on the consultation process, supporting evidence gathered and has 4 key questions outlining the likely impacts on all equality groups.

**Section C** - has 4 key questions in relation to obligations under the Disability Discrimination Order

**Section D** - is the formal record of the screening decision.

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<sup>1</sup> <http://www.equalityni.org/archive/pdf/S75GuideforPublicAuthoritiesApril2010.pdf>

## **Section A**

### **Details about the policy / decision to be screened**

#### **1. Title of policy / decision to be screened:-**

Flying of the National Flag of Palestine above the City Hall on 29th November, 2025

#### **2. Brief description of policy / decision to be screened:-**

*(Explain - Is this a new, revised or existing policy? Are there financial / legislative / procurement implications?)*

The Strategic Policy and Resources Committee at its meeting on Friday, 24th October 2025 approved the flying of the Human Rights Day flag and the United Nations flag from the City Hall on 10th December 2025. There were no amendments or proposals.

Approval for the minutes of the Strategic Policy and Resources Committee Friday, 24th October 2025 were presented to Council meeting on Monday 3 November 2025. Sinn Féin proposed:

That the minute under the heading “Human Rights Day 2025 - Flag Requests” be amended to also provide that, in recognition of the International Day of Solidarity with the Palestinian People, that the Council agrees to erect the National Flag of Palestine above the City Hall on 29th November 2025.

On a vote, forty-one voted for the amendment and fifteen against and it was accordingly declared carried.

#### **3. Aims and objectives of the policy / decision to be screened:-**

The amendment proposed by Sinn Féin to the minute under the heading “Human Rights Day 2025 - Flag Requests” states that the aim of the flying of the National Flag of Palestine above the City Hall on 29th November 2025 is in recognition of the International Day of Solidarity with the Palestinian People. The decision was democratically made with forty-one Elected Members voting for the amendment and fifteen against. The fifteen Elected Members who voted against the amendment were from Unionist parties. No Unionist party member voted for the amendment.

The flying of flags in the north of Ireland is complex and politically sensitive. The iconic nature of City Hall means that it is a regular site of protest for different identity groups, with flags often present as indicators of support for one identity group over another.

Information on the aim of the International Day of Solidarity with the Palestinian People is extracted from the United Nations website<sup>2</sup>:

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<sup>2</sup> <https://www.un.org/en/observances/international-day-of-solidarity-with-the-palestinian-people>

In 1977, the General Assembly called for the annual observance of 29 November as the International Day of Solidarity with the Palestinian People (resolution 32/40 B). On that day, in 1947, the Assembly adopted the resolution on the partition of Palestine (resolution 181 (II))

In resolution 60/37 of 1 December 2005, the Assembly requested the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Division for Palestinian Rights, as part of the observance of the International Day of Solidarity with the Palestinian People on 29 November, to continue to organize an annual exhibit on Palestinian rights or a cultural event in cooperation with the Permanent Observer Mission of Palestine to the UN.

The resolution on the observance of the International Day of Solidarity with the Palestinian People also encourages Member States to continue to give the widest support and publicity to the observance of the Day of Solidarity.

The UN statement provides some insight into the military and socio-political conflict in and about Palestine, which has its origins in 1940s. Over the decades since then issues from water rights to acts of terror have been framed within what is most often known as the Israeli – Palestine conflict, which has escalated in recent years leading to a humanitarian crisis. The war between Israel and Palestine is an ongoing localised, intricate conflict with connections to the Arab- Israeli Wars, demonstrating the major conflicts fought between Israel and neighbouring Arab states.

#### **4. On whom will the policy / decision impact?**

*Consider the internal and external impacts (both actual or potential) and explain:-*

Staff	YES
Service users	YES
Other public sector organizations	YES
Voluntary / community groups / trade unions	YES
Others, please specify	YES

The flying of the flags may have an impact on different user groups due to their symbolic nature as displays of solidarity. Flying of the National Flag of Palestine at City Hall is of greater significance as it is a prominent, iconic building in the capital city of Northern Ireland, Belfast.

#### **5. Are there linkages to other Agencies/ Departments?**

The flying of flags and demonstrations of support from different identity groups impact on different agencies and departments, including local and central government. The legislative and policy framework

for the governing of flags differs between central government and local government. In addition, each Council area makes its own decisions on relevant matters.

## **Section B**

**Information on the consultation process, supporting evidence gathered and has 4 key questions outlining the likely impacts for equality and good relations**

### **6. Outline consultation process planned or achieved.**

Elected Members have made the decision through democratic processes at the Council meeting on 3 November 2025 to erect the National Flag of Palestine above the City Hall on 29th November 2025.

Our 60 elected councillors represent the people of Belfast. The Council serves an overall population of 333,000 and are responsible for a range of powers and services, including land-use planning, community planning and off-street parking. The Council also have responsibility for enhanced economic, physical and social regeneration. The 60 councillors represent the 10 district electoral areas of the council area.

### **7. Available evidence**

*What evidence / information (both qualitative and quantitative) have you gathered to inform this policy? Set out all evidence below to help inform your screening assessment.*

*It is important to record information gathered from a variety of sources such as: monitoring information; complaints; research surveys; consultation exercises from other public authorities.*

The evidence presented below summarises available information on the policy aim and considers flags and identity issues related to equality, good relations and the constitutional status of the north of Ireland / Northern Ireland, which is politically divisive between U/unionists and N/nationalists and the status of City Hall as a workplace.

1. At the Strategic Policy and Resources Committee meeting on 21 September 2018<sup>3</sup> clarification on the legislation governing displays in the workplace, of clothing or other items which might be deemed to be offensive was presented. The Committee adopted the recommendation, and the minutes were approved with no amendments at Council on 1 October 2018.

A comprehensive report regarding the current legislation and guidance was attached and this included advice from the Equality Commission and Council's Application of the Guidance. Belfast City Council's approach to promoting and maintaining a good and harmonious working environment was outlined based on:

- Section 75 of the Northern Ireland Act 1998
- The Fair Employment and Treatment (NI) Order 1998
- The Fair Employment in Northern Ireland Code of Practice
- Guidance from the Equality Commission on Promoting a Good & Harmonious Working Environment

The main points were highlighted:

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<sup>3</sup> <https://minutes.belfastcity.gov.uk/documents/s74049/pr210918m2.pdf>

- The City Hall including the Council Chamber should be considered a workplace environment given that staff are situated and working within these locations. In addition, they are used by clients, customers, third parties and members of the public. Therefore, the good and harmonious environment is required to be promoted within these settings by all who use them.
- While there is no definitive or exhaustive list about what is deemed offensive given the variety of emblems etc. which exist and the fact that context often plays a part, the current BCC Joint Declaration of Protection and the guidance from the Equality Commission should be taken into consideration along with the duty to promote equality and good relations.
- In addition, as outlined in the Code of Conduct for Councillors, the promotion of a culture of respect, equality and trust and the embracing of diversity in all its forms should be sought.
- Furthermore, Members should display civic leadership on compliance with Section 75 of the Northern Ireland Act 1998 and how we promote equality of opportunity and good relations.

In addition to the appended report providing clarity on legislation governing the workplace, two other appendices were attached (i) EQIA Consultation Report Recommendations: Promoting a Good and Harmonious Environment December 2012 (ii) Belfast City Council Joint Declaration of Protection September 1997. An extract from the Joint Declaration of Protection seeks commitment from Elected Members in implementing the Council's policy which requires 'Commitment to promoting and maintaining a good and harmonious working environment in which the dignity of every employee is respected.'

2. The report on Segregation and the Environment; Breaking Down Barriers (Belfast City Council, August 2024) outlined the complexity of equality, good relations and the city's resilience capability.
3. The Council is in the process of developing a new Good Relations Strategy and Multi Year Action Plan which seeks to set the Council's strategic direction on Good Relations for the next 10 years. Over the past 6 months considerable consultation and engagement has taken place, with over 400 engagements with Community, Statutory, Government and Political Sectors.
4. The Shared City Partnership was established by Belfast City Council to support Council to meet its obligations in the promotion of good relations. This relates to Section 75, part B, which states; 'a public authority is required, in carrying out its functions, to have regard to the desirability of promoting good relations between persons of different religious belief; political opinion and different racial group.'

The SCP is formally established as a Working Group of the Council's Strategic Policy & Resources Committee and as such, all recommendations of the SCP are subject to the agreement of that Committee and to ratification by the full Council.

5. The Commission of Flags, Identity, Culture and Tradition (FICT) report was published in 2021. The report contains the findings of the Commission on Flags, Identity, Culture and Tradition. The report was published by The Executive and notes:

The Commission hopes that the recommendations can aid in a process where issues of Flags, Identity, Culture and Tradition are no longer contested and contentious, but become a means by which we foster, develop and embed respect, a key outcome in the Programme for Government.

6. The Ireland Palestine Solidarity Campaign in Belfast are holding a demonstration at City Hall on Friday 14 November 2025 at 6:00 PM, to 'march for Palestinian children in need'<sup>4</sup>. Their aims are to:
- Demand immediate humanitarian access, protection for civilians, and safe medical evacuations for children who urgently need specialist treatment.
  - Amplify the story of Wafaa Hamad so no other child faces the same fate. Wafaa died after more than a year of suffering because she was repeatedly denied evacuation, medicine and adequate care.
  - Hold a peaceful, family-friendly demonstration.

The event is hosted by Belfast members of the Ireland-Palestine Solidarity Campaign (IPSC) which exists to mobilise people in Ireland to support the political, civil and human rights of all Palestinians, and to work for their national and democratic rights including the Right of Return for Palestinian refugees and their descendants. The IPSC was set up in 2001 by Irish human rights and community activists, academics, trade unionists, journalists, and Palestinians living in Ireland.<sup>5</sup>

7. The Parades Commission<sup>6</sup> details applications made for marches and demonstrations due to take place in Belfast on Saturday 29 November 2025, these are:
- 1642 Boyne Bridge Defenders Historical Group
  - Ireland-Palestine Solidarity Campaign
  - ##AA Veterans Support##
  - Ulster-Scots Agency
  - Reclaim the Agenda

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<sup>4</sup> [https://www.facebook.com/BelfastIPSC?locale=en\\_GB](https://www.facebook.com/BelfastIPSC?locale=en_GB)

<sup>5</sup> <https://www.ipsc.ie/about/aims>

<sup>6</sup> <https://www.paradescommission.org/>

Section 75 category	Details of evidence/information and engagement
Religious belief	<p>On Census Day 21<sup>st</sup> March 2021, considering the resident population within the Belfast City Council area:</p> <ul style="list-style-type: none"> <li>- 49% belong to or were brought up in the Catholic religion (NI 46%) and 36% belong to or were brought up in a 'Protestant and Other Christian (including Christian related)' religion (NI 43%); and 3% other religions (NI 1%) and 12% no religion (NI 9%).</li> </ul> <p>Christianity remains the main religion. Religious diversity reflected through Hindu, Sikh, Muslim, Buddhist and Jewish communities is not captured at Census level.</p> <p>The Jewish Small Communities Network<sup>7</sup> provides further insight to the Jewish community in Belfast noting 'although the synagogue is today down to under 80 members the Belfast Jewish community continues to make a contribution to life in Northern Ireland out of proportion to its numbers.'</p> <p>The Jewish community is amongst Northern Ireland's oldest ethnic and religious minorities and has thrived over four or five generations. The Jewish Small Communities Network states 'If today its numbers have declined, the Jewish community continues to play a significant role in the religious and cultural life of the province.' Further information provided by the Jewish Small Communities Network includes:</p> <ul style="list-style-type: none"> <li>- Belfast boasts a thriving branch of the Council of Christians and Jews and a friendship society for elderly members of the Jewish and wider communities.</li> <li>- The community plays a significant part in supporting annual Holocaust commemorations in Northern Ireland.</li> <li>- The Northern Ireland Friends of Israel combines Jewish and non-Jewish supporters and has attracted over 6,000 people to its events since its launch in 2009.</li> </ul> <p>The Metropolitan District Council for the City of Bradford received a petition from their Elected Members on 11th March 2025 to fly the Palestinian Flag on 29th November, UN International Day of Solidarity with the Palestinian People.</p>

<sup>7</sup> <https://jscn.org.uk/belfast-jewish-community/>



A report prepared by their Director of Legal and Governance's<sup>8</sup> recommendations on flying the Palestinian flag was based on consultations and advised:

Equality and diversity are a significant factor in this decision. The advice following an equality impact assessment is that flying the flag would not foster good relations between those of different protected characteristics. However, the advice also recognises that as the duty on the decision maker is only to have due regard to the impact of the proposal and any potential mitigation to be lawful.

The context for the assessment should be noted as population demographics in Bradford are very different than in Belfast with larger number of Jews and of Muslims. The Equality Impact Assessment, carried out under the Equality Act 2010, on the impact of flying the Palestinian also considered hate crime statistics and community cohesion, with the need for the Council to represent the whole of the community. Engagement with different communities in Bradford gave some insight to religious identities and flags:

- Council for Mosques are strongly in favour of showing solidarity with the people of Gaza and Palestine and support the raising of the flag.
- Other faiths were inclined to be supportive but also aware that flags can become divisive.
- The Jewish community representative expressed the damage to inter-faith relationships and trust.

The correlations between political, religious and racial background simply described as inter-faith relations are much more complex with identity constructed from race and geographic origin, as well as religion.

In Belfast City Council the composition of the workforce is shown in the most recent Article 55 of the Fair Employment and Treatment (NI) Order 1998 figures, which are:

As at 01/01/23, there are 62.8% male employees and 37.2% female employees.

For employees who worked 16 hours or more per week.

The proportion of Protestants is 51.6% whilst the proportion of Roman Catholics is 48.4% (excluding non-determined).

<sup>8</sup> <https://bradford.moderngov.co.uk/ieDecisionDetails.aspx?ID=7172>

	<p>For employees who work less than 16 hours per week</p> <p>The proportion of Protestants and Roman Catholics is 45.3% and 54.7% respectively.</p>																						
Political opinion	<p>The Local Government Election May 2023 returned 60 elected members in total from the following political parties:</p> <table border="1"> <thead> <tr> <th>Party</th><th>Number of Members</th></tr> </thead> <tbody> <tr> <td>Sinn Fein</td><td>22</td></tr> <tr> <td>Democratic Unionist Party</td><td>14</td></tr> <tr> <td>Alliance Party</td><td>11</td></tr> <tr> <td>Social Democratic &amp; Labour Party</td><td>5</td></tr> <tr> <td>Green Party</td><td>3</td></tr> <tr> <td>Ulster Unionist Party</td><td>2</td></tr> <tr> <td>Independent</td><td>1</td></tr> <tr> <td>People Before Profit Alliance</td><td>1</td></tr> <tr> <td>Traditional Unionist Voice</td><td>1</td></tr> <tr> <td><b>Total</b></td><td><b>60</b></td></tr> </tbody> </table> <p>In the context of Northern Ireland there are correlations between political, religious and racial background. Reports including 'Flags towards a New Understanding' (Bryan and Nolan, Institute of Irish Studies, 2016) and 'Sectarianism in Northern Ireland: A Review' (Morrow et al, 2018) demonstrate the depth of complexity of political opinion and how it impacts on everyday life. Various legal opinions also reflect matters relevant to political opinion. Salient matters include:</p> <ul style="list-style-type: none"> <li>• The flying of flags at local government buildings is left to the discretion of the local authority as it is not regulated by legislation- the Flags (NI) Order 2000 and Flags Regulations (NI) 2000.</li> <li>• The flying of flags at City Hall is a politically sensitive matter. On 3 December 2012 the Council agreed to adopt a policy of flying the Union Flag at City Hall on designated days only. The policy follows the designated days set out by the Department for Digital, Culture, Media and Sport. That decision was an emotive one for the Protestant/Unionist/Loyalist community. Weekly processions and protests ensued in the city, often resulting in civil</li> </ul>	Party	Number of Members	Sinn Fein	22	Democratic Unionist Party	14	Alliance Party	11	Social Democratic & Labour Party	5	Green Party	3	Ulster Unionist Party	2	Independent	1	People Before Profit Alliance	1	Traditional Unionist Voice	1	<b>Total</b>	<b>60</b>
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	<p>disorder. Whilst protests against that decision have become less frequent, it is understood that minor protests do still take place.</p> <ul style="list-style-type: none"> <li>• The Council does not have a policy which deals specifically with the flying of other flags, that is to say, flags other than the Union Flag. The policy, in that respect, is that requests to fly a flag are considered by the Strategic Policy and Resources Committee on a case by case basis. Decisions of the Committee are subject to ratification by the full Council.</li> </ul> <p>The fifteen Elected Members who voted against the amendment were from Unionist parties.</p> <p>The appearance of Palestinian and Israeli flags, being flown as markers of segregation in Belfast has received attention since the early 2000s. The increased number of Israel flags in U/unionist areas and commentary was assessed using articles from the <i>Belfast Telegraph</i>, the <i>News Letter</i> and the <i>Irish News</i>.<sup>9</sup> Also surveyed were the newsletters <i>An Phoblacht/Republican News</i> and <i>Loyalist</i>. From their findings researchers summarised the:</p> <p>[G]raphic demonstration of the increased prevalence of political symbolism in the post-Troubles era and the way in which groups in Northern Ireland have sought to reference and draw upon similar conflict situations for their own agendas.</p>
Racial group	In the context of Northern Ireland there are correlations between political, religious and racial background. For example in relation to national identity many Protestants identify as British and many Catholics identify as Irish. However, this is a complex correlation, as significant research into identity and race such as the Northern Ireland Life and Times Survey, demonstrates.
Age	There is no specific evidence for these groups identified as relevant to the policy and therefore it cannot be gathered at this stage.
Marital status	
Sexual orientation	
Men and women generally	
Disability	
Dependents	

<sup>9</sup> <https://www.tandfonline.com/doi/abs/10.1080/10702890701801775>

8. What is the likely impact (indicate if the policy impact is positive or negative) on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? What is the level of impact?

Section 75 category	Likely impact?	Level of impact? Minor/Major/None
Religious belief	The information gathered, both qualitative and quantitative, demonstrates the complexity of some of the issues relating to protected characteristics listed under Section 75. The impact of a flag flying for a single day should be considered in proportionality to the adverse impact.	Minor
Political opinion		
Racial group		
Age		
Marital status		
Sexual orientation		
Men and women generally		
Disability		
Dependants		

9. Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?

The 2012 EQIA on the flying of the Union flag concluded that there was no evidence to show that the presence of the flag on a permanent basis restricted access to the City Hall or its grounds in any way or prevented anyone from accessing the services and events provided there and that there was therefore no adverse impact on equality of opportunity.

In the 2013 screening of the flying of the Armed Forces flag on a small number of days it was also considered not to have any impact on access to the City Hall and therefore on equality of opportunity.

Section 75 category	If Yes, provide details	If No, provide reasons
Religious belief		The information gathered, both qualitative and quantitative, demonstrates the inter-relationships between the protected characteristics listed under Section 75. No specific opportunities to better promote equality of opportunity for one particular group has been identified in relation to this policy.
Political opinion		
Racial group		
Age		
Marital status		

Sexual orientation		However, it is important for the work undertaken in City Hall, including the exhibition and stain glass windows which represents diverse backgrounds in Belfast, and the recently opened changing places facility, to be promoted as symbols of the city of Belfast, which aims to be welcoming, safe, fair and inclusive for all.
Men and women generally		
Disability		
Dependants		

**10. To what extent is the policy likely to impact (positive or negatively) on good relations between people of different religious belief, political opinion or racial group? What is the level of impact?**

Good relations category	Likely impact?	Level of impact? Minor/Major/None
Religious belief	Good relations issues are conventionally understood to be between the two main communities in Belfast - Protestant / Unionist / Loyalist and Catholic / Nationalist / Republican, including those from different racial backgrounds.  However, the issue of Israel and Palestine has and is continuing to divide the communities listed above which is clearly visible with public domain.	Minor
Political opinion		
Racial group		

**11. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?**

Good relations category	If Yes, provide details	If No, provide reasons
Religious belief	The Council ensures, as far as reasonably possible, that there is a balance between events and supportive action which are of relevance to the two main communities, structured on religious, political and racial identities.  It should be noted that the two 'main' communities understood as N/nationalist and U/unionist are structured on religious, political and racial divisions. Issues of social justice are common in both 'main communities' and are based upon shared, lived experiences of barriers based on disability, gender, sexual orientation, age and dependents status. A focus on social justice	
Political opinion		
Racial group		

	should be prioritised through the lens of good relations and inequalities.	
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## **Section C**

Belfast City Council also has legislative obligations to meet under the **Disability Discrimination Order** and Questions 12-13 relate to these two areas.

### **Consideration of Disability Duties**

**12. Does this proposed policy / decision provide an opportunity for the Council to better promote positive attitudes towards disabled people?**

*Explain your assessment in full*

There are no opportunities within this current policy to better promote positive attitudes towards disabled people.

**13. Does this proposed policy / decision provide an opportunity to actively increase the participation by disabled people in public life?**

*Explain your assessment in full*

There are no opportunities within this current policy to actively increase the participation by disabled people in public life.

### **14. Multiple Identities**

**Provide details of data on the impact of the policy with multiple identities**

The information gathered, both qualitative and quantitative, demonstrates the complexity of some of the issues relating to protected characteristics listed under Section 75.

**Specify relevant Section 75 categories concerned.**

### **15. Monitoring Arrangements**

*Section 75 places a requirement the Council to have equality monitoring arrangements in place in order to assess the impact of policies and services etc; and to help identify barriers to fair participation and to better promote equality of opportunity.*

*Outline what data you will collect in the future in order to monitor the impact of this policy / decision on equality, good relations and disability duties.*

<b>Equality</b>	<b>Good Relations</b>	<b>Disability Duties</b>
Comments and complaints from various groups.	Comments and complaints from various groups.	Comments and complaints from various groups.

## **Section D**

### **Formal Record of Screening Decision**

#### **Title of Proposed Policy / Decision being screened**

Flying of the National Flag of Palestine above the City Hall on 29th November, 2025

I can confirm that the proposed policy / decision has been screened for –

x	equality of opportunity and good relations
x	disabilities duties

On the basis of the answers to the screening questions, I recommend that this policy / decision is – (*place an X in the appropriate box below*)

	<b>*<u>Screened In</u></b> – Necessary to conduct a full EQIA
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	<b>*<u>Screened Out</u></b> – No EQIA necessary (no impacts)  Provide a brief note here to explain how this decision was reached:
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x	<b>* <u>Screened Out -</u></b> Mitigating Actions (minor impacts) <ul style="list-style-type: none"><li>• Provide a brief note here to explain how this decision was reached:</li><li>• Explain what mitigating actions and / or policy changes will now be introduced:</li></ul> Raising awareness of the of the Council's approach to an inclusive and diverse society may counter any perceived negative impact.
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## **Formal Record of Screening Decision (cont.)**

### **Screening assessment completed by (Officer Level) –**

Name: Lorraine Dennis

Date: 13/11/25

### **Screening decision approved by:**

Name: Nora Largey

Date: 19/11/25

Department: Legal and Civic Services

Please save the final version of the completed screening form and forward to the Equality and Diversity Unit – [equality@belfastcity.gov.uk](mailto:equality@belfastcity.gov.uk). The screening form will be placed on the BCC website and a link provided to the Council's Section 75 consultees.

For more information about equality screening contact –

**Equality & Diversity Unit**

**Belfast City Council**

**City Hall**

**Belfast**

**BT1 5GS**

**Telephone: 028 9027 0511**

**[equality@belfastcity.gov.uk](mailto:equality@belfastcity.gov.uk)**

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