

Consultation Report

Proposed City Centre Byelaws

November 2025

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1. Executive Summary

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

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

This report presents:

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

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

2. Background on the draft byelaws

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

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

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

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

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

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

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

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

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

Summary of Content of the Draft Byelaws

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

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

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

European Convention on Human Rights

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

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

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

Restrictions can be imposed provided any such restriction is:

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

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

Article 9:

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

Article 10:

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

Article 11:

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

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

3. The Context of the Consultation

3.1 Belfast City Council Context

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

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

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

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

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

Table 1

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

4. Consultation Design Process

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

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

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

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

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

5. Methodology

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

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

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

6. Consultation Responses

6.1 Collation of statistics from surveys

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

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

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

6.2 Consultation analysis

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

6.3 Written submissions

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

Written responses were also received from the following organisations:

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

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

6.4 Petitions

No petitions were received.

6.5 Email responses

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

6.6 Letter Response

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

6.7 Responses to the survey (hard copy submissions)

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

7. Breakdown of Responses

7.1 Overall responses to the online survey

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

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

7.2 Responses to the Consultation Questions on the draft byelaws

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

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

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

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

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

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

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

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

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

Themes in Responses – Definitely Agree / Somewhat agree

Too loud

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

Cumulative Impact

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

Negative Impact on City Centre

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

Content of Speech

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

Decibel Limit

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

Disability

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

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

Graphic Imagery

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

Themes in Responses – Somewhat disagree / Definitely disagree

Freedom of Expression

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

Questioning the Need

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

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

Other City Centre Issues

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

Council Process and Fee

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

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

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

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

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

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

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

Other (please specify)	31.9	45

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

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

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

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

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

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

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

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

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

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

Q8: Please explain your answer in the space below.

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

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

Themes in Very Positive / Positive responses

Positive Impact

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

Tradition of Preaching

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

Mix of Content

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

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

Themes in Very Negative / Negative responses

Too Loud / Negative Impact on City Centre

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

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

Disability

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

Content of Speech

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

Quality of Content

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

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

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

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

Q10: Please explain your answer in the space below.

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

Themes in Very Positive / Positive responses

Expression of Views

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

Look Away

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

Themes in Neutral Comments

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

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

Themes in Very Negative / Negative responses

Upsetting

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

Children

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

Tourists / Visitors

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

Questions relating to the Permit Scheme

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

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

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

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

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

Themes in Responses – Definitely Disagree / Somewhat Disagree

Council Process / Fee

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

Freedom of Expression

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

Administration and Enforcement

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

Ban Amplification

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

Themes in Responses – Definitely Agree / Somewhat agree

Ban Amplification

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

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

Manage Amplification

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

Support for Buskers

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

Comments on Process

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

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

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

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

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

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

Themes in Responses – Definitely Disagree / Somewhat Disagree

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

Censorship

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

Permit Hours

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

Subjective

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

Barrier

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

Existing Legislation

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

Themes in Responses – Definitely Agree / Somewhat Agree

Regulate Content

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

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

Children

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

No Need

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

Disadvantage Musicians

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

100 Metre Distance

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

Enforcement

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

Permit Application

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

Cost

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

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

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

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

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

Specific Places

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

Encourage Residential Dwellers

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

Ban Amplification

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

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

Freedom of Expression and Right to Protest

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

Equality Screening

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

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

Breach of Good Friday Agreement

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

Freedom of Expression

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

LGBT+ Community

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

Disability

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

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

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

Disproportionate Effect

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

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

Equality Screening

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

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

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

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

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

This question had 55 text responses.

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

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

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

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

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

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

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

Q22: Demographic and monitoring questions

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

Q23: What is your age?

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

Q24: What is your gender?

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

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

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

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

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

Q26. Community background of respondents

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

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

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

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

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

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

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

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

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

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

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

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

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

8. Summary and Comment on Responses

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

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

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

8.1 Summary of Monitoring Data

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

9. Conclusions

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

Appendix 1: Draft byelaws



BELFAST CITY COUNCIL

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

Made by Belfast City Council :

**Confirmed by Department for
Communities :**

In operation on and from :

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

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

INTERPRETATION

1. In these Bye-Laws -

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

‘Council’ means Belfast City Council.

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

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

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

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

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

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

General Provisions

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

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

Application Requirements

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

Permit Conditions

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

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

Behaviour and Conduct of Permit Holders

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

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

Exemptions

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

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

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

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

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

Revocation, Refusals and Appeals

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

Offences

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

Fixed Payment Notice

- [illegible]

CHIEF EXECUTIVE

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

[job title]

Appendix 2: Copy of CAJ submission

Appendix 3 - Summary of written submissions

Written submissions were received from the following organisations:

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

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

Belfast & District Trades Union Council summary

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

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

CAJ Summary

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

HERe NI response summary

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

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

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

Free Presbyterian Church Response summary

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

NIC-ICTU summary

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

NIPSA Summary

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

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

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

UNISON Summary

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

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

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

The Rainbow Project Summary

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

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

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

Socialist Party

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

Traditional Unionist Voice

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

WRDA response summary

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

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

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

