

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



**Belfast  
City Council**

18<sup>th</sup> August, 2020

**MEETING OF STRATEGIC POLICY AND RESOURCES COMMITTEE**

Dear Alderman/Councillor,

The above-named Committee will meet remotely via Teams on Friday, 21st August, 2020 at 9.30 am, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

**AGENDA:**

1. **Routine Matters**

- (a) Apologies
- (b) Minutes
- (c) Declarations of Interest

2. **Restricted Items**

- (a) Finance Update (Pages 1 - 26)
- (b) Operational Recovery of Council Services (Pages 27 - 42)
- (c) Innovation and Inclusive Growth Commission Thinkpiece on Economic Stimulus (Pages 43 - 64)
- (d) Bryson Recycling - Kerbside Recycling Contract (Pages 65 - 68)
- (e) Minutes of Meeting of Party Group Leaders' Consultative Forum
- (f) DfC COVID-19 Recovery: Revitalisation Fund update (To Follow)

3. **Matters referred back from Council/Motions**

- (a) Motion - Suicide Awareness Training
- (b) Motion - Opening our Streets for Everyone

4. **Belfast Agenda/Strategic Issues**

- (a) Inclusive Growth - Update on the Development of the City Charter & Inclusive Growth Network Launch Event (Pages 69 - 74)
- (b) Partnership Panel (Pages 75 - 86)
- (c) Invitation to join COP26 UK Mayors Advisory Council (Pages 87 - 88)

5. **Physical Programme and Asset Management**

- (a) Assets Management (Pages 89 - 94)

6. **Finance, Resources and Procurement**

- (a) Audit and Risk Panel Annual Report to Strategic Policy & Resources Committee, including draft Annual Governance Statement (Pages 95 - 98)
- (b) Contracts Update (Pages 99 - 102)

7. **Equality and Good Relations**

- (a) Equality and Rural Needs Screening Outcome Q1 (Pages 103 - 110)
- (b) Dual Language Street Signs Policy (Pages 111 - 146)

8. **Operational Issues**

- (a) Use of the City Hall and the provision of Hospitality (Pages 147 - 150)

9. **Issues Raised in Advance by Members**

- (a) Video and web streaming of Council Committee meetings - Councillor McReynolds
- (b) Lighting up City Hall for World Suicide Awareness Day on 10th September - Councillor Long



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<b>Subject:</b>	Inclusive Growth - Update on the Development of the City Charter & Inclusive Growth Network Launch Event
<b>Date:</b>	21 August 2020
<b>Reporting Officer:</b>	John Tully, Director of City and Organisational Strategy
<b>Contact Officers:</b>	John Greer, Director of Economic Development Christine Robinson, Strategy, Policy and Partnerships Manager Clare Hutchinson, Policy and Performance Analyst

<b>Restricted Reports</b>	
<b>Is this report restricted?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>If Yes, when will the report become unrestricted?</b>	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

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

<b>1.0</b>	<b>Purpose of Report or Summary of Main Issues</b>
1.1	In March 2020 the council's commitments to Inclusive Growth document was published. One key commitment was the development and implementation of an Inclusive Growth City Charter for Belfast. Since then a cross council team led by Strategy, Policy and Partnerships has been progressing the development of this charter. The purpose of this paper is to provide a short update on progress to date and proposed key activities going forward.
1.2	In addition we would like to inform Elected Members that the Chair of the Strategic Policy & Resources Committee, Councillor Christina Black and the Deputy Chair, Councillor Sarah Bunting, have been extended an invitation to attend the virtual launch event of the Inclusive

	Growth Network (IGN), of which Belfast City Council is a member, on <b>Thursday 17 September from 3-4pm.</b>
<b>2.0</b>	<b>Recommendations</b>
2.1	<p>The Committee is asked to:</p> <ul style="list-style-type: none"> <li>a) Note the progress to date in relation to the development of the charter and agree to an elected members workshop / engagement following the initial developmental stages.</li> <li>b) Note the proposed key stages of work going forward to shape the council's future ambitions with regard to the development and implementation of a city charter for Belfast.</li> <li>c) Note the proposed attendance of the Chair and Deputy Chair of the Strategic Policy &amp; Resources Committee at the IGN virtual launch event.</li> </ul>
<b>3.0</b>	<b>Main report</b>
	<b>Inclusive Growth City Charter</b>
3.1	Members will be aware that in 2019 they tasked officers with the production of a cross council 'strategy' to reflect their growing ambitions in relation to inclusive growth. The result of this process was the production of the councils 'Commitment to Inclusive Growth'. This document sets out a clearly defined list of ambitions and linked actions as to how the council, in its capacity as a corporate body and as a city leader, will deliver against its commitment in the next two years.
3.2	The document contained commitments that Belfast City Council would progress over the next two years, including the development of an Inclusive Growth City Charter for employers across the city – setting a city wide standard in relation to procurement, employment and civic / neighbourhood engagement.
	<b>Inclusive Growth City Charter Working Group</b>
3.3	An initial employer workshop was held in partnership with Allstate NI in Jan 2020, with over 70 employers from a wide range of sectors represented. It was agreed that a small working group would be convened with broad representation from this group, to help council shape and co-design the charter (nominees were received but the work was paused until May 2020 due to COVID).

3.4	<p>The first working group virtual meeting was held on 21 July 2020 with almost all members in attendance. The meeting aims and outcomes were to:</p> <ul style="list-style-type: none"> <li>• Bring working group members together to co-design the charter</li> <li>• Discuss and test emerging ideas, building on the January workshop, to scope the charter</li> <li>• Agree the purpose and role of the working group</li> <li>• Agree high level actions and responsibilities for the next 3 months</li> </ul>
3.5	<p>Initial feedback from the working group was very positive in terms of support for the charter. They felt that that given the unfolding COVID-19 crisis and the significant impact on the economy, the charter could be an opportunity to demonstrate a collective commitment to an inclusive recovery, creating a stronger, more resilient, and fairer city economy and society. The need to be ambitious in our thinking and to work in collaboration were highlighted as key design principles going forward.</p>
3.6	<p>This work is being completed in partnership with officers from Place &amp; Economy and Finance &amp; Resources to ensure the charter, when developed, fully reflects corporate priorities and ambition associated with, amongst other things, employment, procurement, young people and skills progression.</p> <p><b>Proposed Next Steps</b></p>
3.7	<p>Over the coming months the cross council team will complete the following steps:</p> <ul style="list-style-type: none"> <li>• <b>Draft scoping note</b> – draw up an initial scoping document (reflecting members ambitions and best practice from elsewhere) of a what a charter for Belfast could potentially look like by end August 2020.</li> </ul> <p>This scoping document will set out in draft form options of, what the charter could be, who it's for, it's principles, focus, and suggestions as to how it could be developed and implemented for Belfast. This document will be used to guide the discussions as part of our further engagement with stakeholders.</p> <ul style="list-style-type: none"> <li>• <b>Extensive engagement</b> – engage with wide range of stakeholders to co-design the charter and seek their views on its design, during September to November 2020.</li> </ul>

We recognise that for us to achieve our aim of a fit for purpose charter that is for all of Belfast and not just a council initiative, we must ensure our engagement is broad and has appropriate representation from key sectors. This stage is vital if we are to design a charter that that will meet the collective aspirations of the working group of being ambitious and making a tangible difference to the lives of citizens.

We will carry out meaningful engagement with a range of stakeholders including anchor institutions and other employers; community and voluntary sector; other public sector partners; communities; trade unions; those individuals that the strategy would focus on supporting (i.e. our four target groups) and representative bodies.

We have identified the purpose of the engagement as:

- Helping businesses and organisations understand what inclusive growth and a charter are;
- Testing the emerging ideas in the scoping note to co-develop and refine the Inclusive Growth City Charter;
- Achieving buy-in and ownership of the Inclusive Growth City Charter;
- Encouraging early adopters of the Inclusive Growth City Charter.

We will use the feedback already gathered from the consultation on the Inclusive Growth Commitments to inform our discussions and we will ensure we engage with those hard to reach groups who often face additional barriers to economic growth eg. those with a disability, those with dependants, those from a migrant community.

We will also carry out engagement through the strong sectoral partnership relationships in Place & Economy and will drive development of the structure through the Community Planning Partnership.

- **Members Workshop** – following the above we will host a development workshop with elected members. (December 2020)

Following our engagement we will summarise key findings and refine key principles and areas of focus to arrive at a final draft charter, including how it should be implemented and monitored.

- **Public consultation** - Hold a focused public consultation on the draft charter.

We will carry out a focused public consultation on the draft charter using our on-line platform and some further focused sessions and make any final changes/amendments

- **Charter launch** - Plan pilot and launch of the charter.

We will design a delivery plan and materials and agree a communications strategy and identify partners to launch the charter and carry out a pilot.

#### **Inclusive Growth Network**

3.8

The purpose of the IGN is to support areas at the forefront of the inclusive growth agenda with the practical evidence, knowledge and expertise to advance local ambitions for more inclusive, green and sustainable economies. The IGN is hosted by the Centre for Progressive Policy ( CPP) and funded by the Joseph Rowntree Foundation ( JRF) As an IGN member Belfast has access to a facilitated peer network and a package of support designed to inform and advance our local activity. Other IGN member organisations include Barking and Dagenham, Bristol, Cardiff, Glasgow, Greater Manchester, Leeds, Liverpool City Region, North Ayrshire, North of Tyne, Sheffield City Region and West Midlands.

#### **IGN Launch Event – Thursday 17 September, 3pm- 4pm**

3.9

The Chair of the Strategic Policy & Resources Committee, Councillor Christina Black and the Deputy Chair, Councillor Sarah Bunting, have been invited to attend a closed online roundtable discussion on Thursday 17 September from 3-4pm. Confirmed speakers include Lord Jim O'Neill and Meghan Harte, Director of LISC in Chicago and former Deputy Chief of Staff to Mayor Rahm Emmanuel.

	<b>Financial &amp; Resource Implications</b>
3,10	There are no additional financial or resource implications.
	<b>Equality or Good Relations Implications/Rural Needs Assessment</b>
3.11	As agreed within the initial Inclusive Growth Commitments equality screening, a separate screening will be undertaken as part of the draft charter design process. The findings from the initial screening are already being utilised to inform the engagement design and content.
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	None





<b>Subject:</b>	Partnership Panel
<b>Date:</b>	21 August 2020
<b>Reporting Officer:</b>	John Tully, Director of City and Organisational Strategy
<b>Contact Officers:</b>	Christine Robinson, Strategy, Policy and Partnerships Manager Mark Mulholland, Policy and Performance Analyst

<b>Restricted Reports</b>	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
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Never	<input type="checkbox"/>

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

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	To advise Members that Communities Minister, Carál Ní Chuilín, recently announced that she is to reconvene the Partnership Panel – a body set up to strengthen relationships between the NI Executive and local government.
1.2	This meeting is scheduled to take place on 16 September 2020 and the invite letter is provided at <b>Appendix 1</b> to this report for your information.
<b>2.0</b>	<b>Recommendations</b>
2.1	The Committee is, therefore, asked to:

	<p>a) agree that proposed agenda items for Partnership Panel meetings be reported through this committee, or to the Party Group Leaders Forum when committee timings are not viable to ensure political oversight; and</p> <p>b) agree that in future the minutes and outcomes of the Partnership Panel shall be reported back to this committee for information and consideration.</p>
<b>3.0</b>	<b>Main report</b>
3.1	The Local Government Act (NI) 2014 provided for the establishment of the Partnership Panel for NI. The Act provides for all Executive Ministers (including Junior Ministers) to be members of the Partnership Panel. Local government representation on the Panel comprises one nominated elected Member from each of the 11 councils (designated as a position of responsibility) and cross-party representation from NILGA.
3.2	The Partnership Panel provides a structured, political relationship between central and local government, creating opportunities for innovative working between Ministers and councillors, and the formation of joint policies which will ultimately improve co-ordination and help deliver better outcomes for local people. It has not met since 2016.
3.3	Minister Ní Chuilín has indicated that reconvening the Partnership Panel will provide an opportunity to discuss how we can continue to work together for the benefit of everyone, particularly in the social and economic recovery from Covid-19. It will provide an opportunity to consider joint policy design on key issues of public concern and improve coordination between departments and councils.”
3.4	It is therefore anticipated that the next meeting of the Panel will explore how both tiers of government can continue to work together in leading recovery from the Covid-19 pandemic. Recognising the importance of the financial and organisational sustainability of local government for progressing this recovery within their local areas and communities. The meeting will also be asked to agree Standing Orders and Terms of Reference for the Partnership Panel and these have been provided at <b>Appendix 2 and 3</b> to this report for your information.
3.5	As a position of responsibility, Councillor McAteer’ s role will be to provide a corporate voice for the Council, alongside working with other local government representatives to promote wider local government sector positions, on key areas which require closer engagement and action from relevant Executive Ministers and their departments.

<p>3.6</p> <p>3.7</p> <p>3.8</p> <p>3.9</p>	<p>Councillor McAteer shall be supported in this role by officers in the Strategic Hub. Briefing will be provided reflecting the current priorities of the Council and the wider local government sector through continued involvement and engagement with local government bodies such as SOLACE NI and the Northern Ireland Local Government Association (NILGA).</p> <p>It is understood that agenda items for the September Meeting of the Panel will include Finance, Recovery Plan and City Deals.</p> <p><b><u>Financial &amp; Resource Implications</u></b></p> <p>None associated with this report.</p> <p><b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b></p> <p>None associated with this report.</p>
<p><b>4.0</b></p>	<p><b>Appendices – Documents Attached</b></p>
	<p><b>Appendix 1</b> – Partnership Panel Letter of Invite, 5 August 2020</p> <p><b>Appendix 2</b> – Partnership Panel Standing Orders, November 2016</p> <p><b>Appendix 3</b> – Partnership Panel Terms of Reference, November 2016</p>

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**From: The Minister**

**Level 9  
Causeway Exchange  
1-7 Bedford Street  
Belfast  
BT2 7EG**

Telephone: (028) 9051 2662  
e-mail: [private.office@communities-ni.gov.uk](mailto:private.office@communities-ni.gov.uk)  
Our ref: SUB-1736-2020  
Date: 5 August 2020

Council Chief Executives

Dear Chief Executive

### **LOCAL GOVERNMENT PARTNERSHIP PANEL**

After discussions with NILGA, a virtual meeting of the Partnership Panel has been scheduled to take place on 16 September 2020 at 2.00 pm. via Zoom.


The Panel has not met since October 2016 and, like local government, I am eager to have the Panel meeting again to enable the discussion of regional and strategic matters thus supporting the joined up and collaborative work that central and local government have been doing. I think such discussions are particularly important at this time as we emerge from the worst effects of the pandemic.

At the last meeting held on 12 October 2016, the Panel approved the amended Terms of Reference and Standing Orders. Minor changes have been made and agreement to final versions of these will be sought at the meeting. I attach copies of these for your information.

An agenda and associated papers will be forwarded to council Chief Executives and Panel members in due course.

I would be grateful if you could also confirm your attendance with my Diary Team by email ([Private.Office@communities-ni.gov.uk](mailto:Private.Office@communities-ni.gov.uk)) or telephone (028 9051 2692).

Yours sincerely,



**Carál Ní Chuilín MLA  
Minister for Communities**

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## **Northern Ireland Partnership Panel: Standing Orders**

- 1) The Department for Communities will establish and maintain a body known as the Partnership Panel for Northern Ireland (“the Partnership Panel”).

### **PURPOSE**

- 2) The Panel provides a forum where elected representatives may:
  - i. give advice to any Northern Ireland department about matters affecting the exercise of any of its functions;
  - ii. make representations to any Northern Ireland department about any matters affecting, or of concern to, those involved in local government;
  - iii. give advice to those involved in local government; and
  - iv. initiate actions, stemming from the Panel’s discussions, involving any Northern Ireland Department and local government.

### **MEMBERSHIP OF THE PARTNERSHIP PANEL**

- 3) The Partnership Panel is to consist of :
  - i) Councillors;
  - ii) Ministers; and
  - iii) a maximum of 5 elected representatives of such representative body or association of the district councils as appear to the Department to be appropriate.
- 4) All Executive Ministers are members of the Partnership Panel, and will be invited to attend meetings for substantive agenda items relating to their portfolio responsibility. The members of the Partnership Panel will therefore include:
  - i) Minister for Communities (Chair);
  - ii) Minister of Justice;
  - iii) Minister of Finance;
  - iv) Minister of Education;
  - v) Minister of Agriculture, Environment and Rural; Affairs
  - vi) Minister of Health;
  - vii) Minister for the Economy;
  - viii) Minister for Infrastructure; and
  - ix) The Executive Office.
- 5) The Minister for Communities is the Chair.
- 6) Each council may nominate a councillor to serve as a member to the Panel.

- 7) Appointments to the membership of the Partnership Panel shall be made as soon as is reasonably practical after each ordinary election and in any event so that a meeting can be convened within one to six months of the election.
- 8) Substitutes will be permitted with prior express permission from the Chair.

### **RESIGNATION FROM THE PARTNERSHIP PANEL**

- 9) A person appointed as a member of the Partnership Panel shall normally remain a member until the end of the day before the ordinary election following his/her appointment i.e. in the case of a local government member until the end of the day before local government elections and in the case of a Northern Ireland Minister, the day before the Assembly elections, or until the end of the person's term of office with the authority of which they are a member.
- 10) However, a member may resign from the Partnership Panel by giving written notice to the Panel Secretariat, who shall notify the Communities Minister.
- 11) On ceasing to be a member of the Partnership Panel, a member shall also cease to be a member of any committee or working group of the Partnership Panel.

### **MEETINGS OF THE PARTNERSHIP PANEL**

- 12) The Chief Executive of each of the 11 councils shall be invited to attend the meetings of the Partnership Panel in an observer role.
- 13) Partnership Panel members should agree the frequency of meetings as one of their first items of business at their first meeting.
- 14) The Partnership Panel may conduct its own business or that of its committees or working groups by video link or other electronic means.

### **SUPPORT ARRANGEMENTS**

- 15) Three officials from the Department for Communities should support the Minister for Communities alongside a small number of officials (as required) supporting other Executive Ministers in attendance.
- 16) The local government membership should be supported by three Chief Executives, one of which should be the Chief Executive of NILGA.
- 17) Supporting officials and officers should not have speaking rights during full Partnership Panel meetings, unless expressly invited by the Chair/ member to speak.
- 18) Central government officials and local government officers should meet regularly to support the management of the business of the Panel going forward.



## **ESTABLISHMENT OF COMMITTEES AND WORKING GROUPS**

- 19) The Partnership Panel may set up committees and working groups to examine specific issues. A motion to establish a committee or working group shall specify its proposed terms of reference, an assessment of the costs, benefits and any other implications of establishing the committee or working group and a date which it shall cease to exist. Such a date shall not be more than 12 months later than the date of its first meeting, unless the Partnership Panel determines otherwise. It shall also specify how the proposed subject to be investigated by the working group differs from or complements other policy initiatives already taken forward (or to be taken forward) by the Northern Ireland Executive. In the event of there being an overlap with policy work already underway details should be provided of any liaison arrangements proposed.
- 20) In exceptional circumstances the Partnership Panel may extend committees and working groups beyond 12 months. This will be subject to a review of their performance against their terms of reference, their outstanding work programme and the date on which this work will be completed. No resolution to extend the life of a committee or working group should be valid for more than 12 months without a fresh resolution.
- 21) The members of any committee or sub-committee established by the Partnership Panel shall be elected by the Partnership Panel from among its members.

## **THE CHAIRING OF THE PARTNERSHIP PANEL AND ASSOCIATED COMMITTEES**

- 22) The Partnership Panel shall be chaired by the Communities Minister or an Executive Minister nominated by him or her. The Partnership Panel shall select the chairs of its committees from among the members of the Partnership Panel.

## **INVITEES**

- 23) The Partnership Panel, its committees or working groups may invite any other person to attend meetings and may invite such a person or body to submit evidence and produce documents or to speak.

## **WORK PROGRAMME**

- 24) The Partnership Panel Secretariat shall draw up and maintain a forward work programme for a rolling period of 12 months. The forward programme should be a regular agenda item of the Partnership Panel meetings and should be compiled taking into account the views of all Departments within the Executive. It will also need to reflect the views of the local government representatives.

## **SECRETARIAT**

- 25) Joint Secretariat functions to the Panel will be provided by the Department for Communities and NILGA.

## **AGENDA**

- 26) The Chair, in consultation with the central government and local government membership, shall determine the agenda for meetings of the Partnership Panel.
- 27) The Chair of each committee or working group of the Partnership Panel shall determine the agenda of their meetings. The Chair may require specified items to be discussed at any meeting of the committees and working groups.
- 28) Documents relating to the business to be taken at the Partnership Panel or its committees and working groups should normally be made available to members at least 5 working days before the meeting to which they relate. With the agreement of the Partnership Panel, its committees or working groups documents may be made available by electronic means only.

## **DECISIONS**

- 29) The decisions of the Partnership Panel, its committees and working groups will be taken on the basis of consensus. Decisions will not be made by voting. Disagreements over matters of policy or procedure will be recorded in the meeting notes. Individual dissension on matters of general agreement shall be recorded at the request of any member.

## **RECORDINGS OF PROCEEDINGS**

- 30) A record of the proceedings of the Partnership Panel, its committees and working groups will be taken and made available on the DfC website.

# **Partnership Panel for Northern Ireland: Terms of Reference**

## **INTRODUCTION**

The Partnership Panel for Northern Ireland will provide a formal mechanism for constructive liaison between Executive Ministers and local government elected members at a political level on strategic policy matters of mutual interest and concern.

Executive Ministers and elected councillors (nominated by the 11 councils) are key decision-makers and that responsibility should be used to good effect when furthering the business of the Panel. It is incumbent on the members to strengthen relationships between the two tiers of government and ensure ownership of the Panel operates on a shared basis. Members must create a foundation for strategic thinking on a regional basis and an environment of collective and practical thinking for the Partnership Panel to fully function.

It is intended that the Panel will be reviewed to coincide with each Programme for Government period.

## **TERMS OF REFERENCE**

The Panel may:

- give advice to any Northern Ireland Department about matters affecting the exercise of any of its functions;
- make representations to any Northern Ireland Department about any matters affecting, or of concern to, those involved in local government;
- give advice to those involved in local government, and
- initiate actions, stemming from the Panel's discussions, involving any Northern Ireland Department and local government.

## **MEMBERSHIP OF THE PARTNERSHIP PANEL**

The Partnership Panel is to consist of:

- Councillors;
- Ministers; and
- a maximum of 5 elected representatives of such representative body or association of the district councils as appear to the Department to be appropriate.

All Executive Ministers are members of the Partnership Panel, and will be invited to attend meetings for substantive agenda items relating to their portfolio responsibility.

The Minister for Communities will be the Chair.

A meeting Chair shall be agreed by the Panel in circumstances where the Chair is unable to attend all or part of a Panel session.

## **ADMINISTRATIVE SUPPORT**

Departmental officials and local government officers will meet regularly to support the business of the Panel going forward.

To ensure a smooth, efficient and effective process, sufficient administrative support will be provided by DfC and NILGA to enable the Partnership Panel to perform and address the business described in this paper.

## **MANAGEMENT ARRANGEMENTS**

### **Secretariat**

Joint Secretariat support will be provided by the DfC and NILGA.

### **Meetings**

The Partnership Panel will meet at such times and such venues as the Chair will determine. The Panel may invite other persons to attend meetings in order to submit evidence and produce documents, or to speak.

### **Agenda**

The Chair of the Partnership Panel will determine the agenda for the meetings, taking into account the views of Executive Ministers, local government councillors and members of a body representative of district councils.

Documents relating to the business of a meeting will normally be made available to members at least five working days before the meeting to which they relate.

### **Record of proceedings**

Record of the proceedings of meetings will be in action format, listing key decisions and actions to be taken and will be prepared by the Secretariat. Copies will normally be forwarded to Panel Members within 4 weeks of the meeting. Following approval of the draft record, the Secretariat shall arrange for this record to be published on the DfC website.



<b>Subject:</b>	Invitation to join COP26 UK Mayors Advisory Council
<b>Date:</b>	21 August 2020
<b>Reporting Officer:</b>	Suzanne Wylie, Chief Executive
<b>Contact Officer:</b>	Grainia Long, Commissioner for Resilience

<b>Restricted Reports</b>	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To seek committee approval for Belfast City Council to accept an invitation to join the COP26 UK Mayors Advisory Council, and agree that the Lord Mayor should represent Council on the Taskforce, with officer support from the Commissioner for Resilience.
<b>2.0</b>	<b>Recommendations</b>
2.1	The Committee is asked to <ul style="list-style-type: none"> <li>• Approve BCC membership of the Mayors Advisory Council, and that the Lord Mayor represents Council, with the Chair of Strategic Policy &amp; Resources Committee to deputise if required.</li> </ul>
<b>3.0</b>	<b>Main Report</b>
3.1	<b>Key points to note</b> Glasgow will host the 26th UN Climate Change Conference of the Parties (COP26) at the Scottish Event Campus (SEC) on 1 – 12 November 2021. The climate talks will be the

	biggest international summit the UK has ever hosted; bringing together over 30,000 delegates including heads of state, climate experts and campaigners to agree coordinated action to tackle
3.2	The COP26 President Designate and UK Secretary of State for Business, Energy and Industrial Strategy, Alok Sharma, has written to invite the Lord Mayor, or appropriate nominee, to join the COP26 UK Mayors Advisory Council. The group will meet quarterly and will be focused on the COP campaigns, communications and events in the lead-up to, and at, COP26; including engagement with all communities and sectors across the UK as part of the goal to make this an 'All of Society' COP.
3.3	Fully committed to the principles of the UN, the COP26 will focus on promoting tangible action that brings to life the transformational change required to unleash the full potential of the Paris Agreement with key ambitions including: phase out coal power by 2025, pledge to net zero emissions by 2050 and speed up the transition to low emission vehicles.
3.4	The Secretary of State Alok Sharma held meetings in Belfast during the week of the 10 August, and during meetings with BCC and city partners (the Belfast Climate Commission) stressed the importance of city involvement in preparation for COP. He restated his encouragement that Belfast would play an active role in a UK Mayors Advisory Council.
	<b>Finance &amp; Resource Implications</b>
3.5	Membership of the UK Mayors Advisory Council does not involve a financial contribution however, some travel within the UK may be required.
	<b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b>
3.6	None arising from this paper.
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	None



<b>Subject:</b>	I. Brooke Drive–NIE Networks Substation Lease II. Cromac Street, Station Street and Kent Street Car Parks – Licence Agreements III. Blanchflower Playing Fields – NIE Networks sub-station Lease
<b>Date:</b>	21 <sup>st</sup> August 2020
<b>Reporting Officer:</b>	Sinead Grimes, Director of Physical Programmes
<b>Contact Officer:</b>	Pamela Davison, Estates Team Leader

<b>Restricted Reports</b>	
<b>Is this report restricted?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>If Yes, when will the report become unrestricted?</b>	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

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

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	The purpose of this report is to seek approval from Members to asset related disposal, acquisition and estates matters.
<b>2.0</b>	<b>Recommendations</b>
2.1	The Committee are asked to approve -  <b>I. Brooke Drive NIE Substation – Lease</b>  - the disposal of c. 0.007 acres of land along with a cable easement and right of way at Brooke Drive to Northern Ireland Electricity (NIE) Networks Ltd for the purposes

	<p>of an electricity substation. Disposal by way of a 950 year lease from 1 January 2020, subject to a premium of £2,350.</p> <p><b>II. Cromac Street, Station Street and Kent Street Car Parks – Licence Agreements</b></p> <ul style="list-style-type: none"> <li>- a new one year licence for Cromac Street Car Park from Northern Ireland Housing Executive from 1 April 2020 and a new fee structure for payment of licence fees due under a current licence at Kent Street car park and the terms already agreed for a new licence at Station Street Car Park, both of which are held from DfC.</li> </ul> <p><b>III. Blanchflower Playing Fields - Lease of land for an NIE Networks sub-station</b></p> <ul style="list-style-type: none"> <li>- the lease to NIE Networks Ltd of c.29.45 sq m of land at Blanchflower Playing Fields for a term of 99 years from the date of the agreement at a peppercorn rent of £1 p,a. The Lease will also grant NIE Networks a right of way to carry out installation, repairs and maintenance works at the sub-station.</li> </ul>
<b>3.0</b>	<b>Main report</b>
	<p><b>I. Brooke Drive NIE Substation – Lease</b></p> <p><b><u>Key Issues</u></b></p> <p>3.1 In 2010 an area of c. 0.007 acres of Council owned land at Brooke Drive was erroneously leased to NIE by private individuals for the proposes of a substation. The Estate Unit discovered the error and approached NIE to rectify the situation. Subject to Members approval, it has been agreed that NIE will enter into a new 950 year lease for the land from the Council from 1 January 2020, subject to a premium of £2,350. The new lease would also reserve an access right and cable easement for NIE.</p> <p><b><u>Financial and Resource Implications</u></b></p> <p>3.2 A suitable lease will be agreed and finalised by officers from the Estates Unit and Legal Services. The Council will receive a premium £2,350.00 on completion.</p> <p><b><u>Equality and Good Relations Implications/Rural Needs Assessment</u></b></p> <p>3.3 None</p>
	<p><b>II. Cromac Street, Station Street and Kent Street Car Parks – Licence Agreements</b></p> <p><b><u>Key Issues</u></b></p> <p>3.4 The Council currently hold and operate three off street car parks under licence agreements from NIHE and DfC. Details on each are provided below:-</p> <ul style="list-style-type: none"> <li>- Cromac Street Car Park is held from NIHE under a one year licence from 1 April 2019 with an annual fee of £48,500. The fee was valued by LPS using a formula based on a percentage of income the car park generated in the previous year. The Council have been holding over under this licence from 1 April 2020.</li> <li>- Station Street Car Park is held from DfC under a three year licence from 1 July 2016 at £48,000 per annum. This fee was also valued by LPS using a formula based on a</li> </ul>



percentage of income. Terms for a new licence have been agreed with DfC and reported to Committee

- Kent Street Car Park is held from DFC under a three year licence from 1 July 2019 at £25,290 per annum. Again the fee has been calculated by LPS based on a percentage of income.

After the initial COVID 19 lockdown was implemented, usage of each car park decreased significantly and Members agree to waive parking fees for all off street car parks until 29 June 2020. After the decision was taken, the Estates Unit contacted both NIHE and DFC and sought a rent free period on all three car parks to correspond with the duration of the parking charge waiver. This was granted by DfC on their car parks, however, NIHE sought advice from LPS in relation to Cromac Street with the intention that any rent free period would be incorporated within the terms of a new licence.

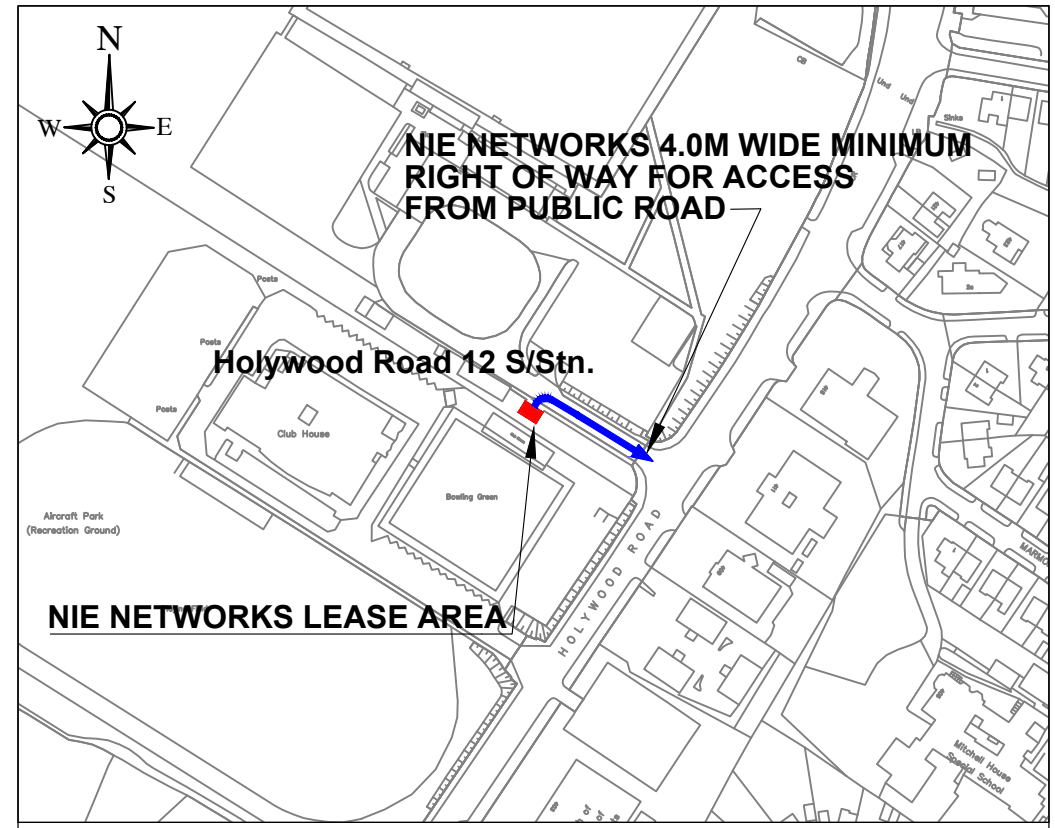
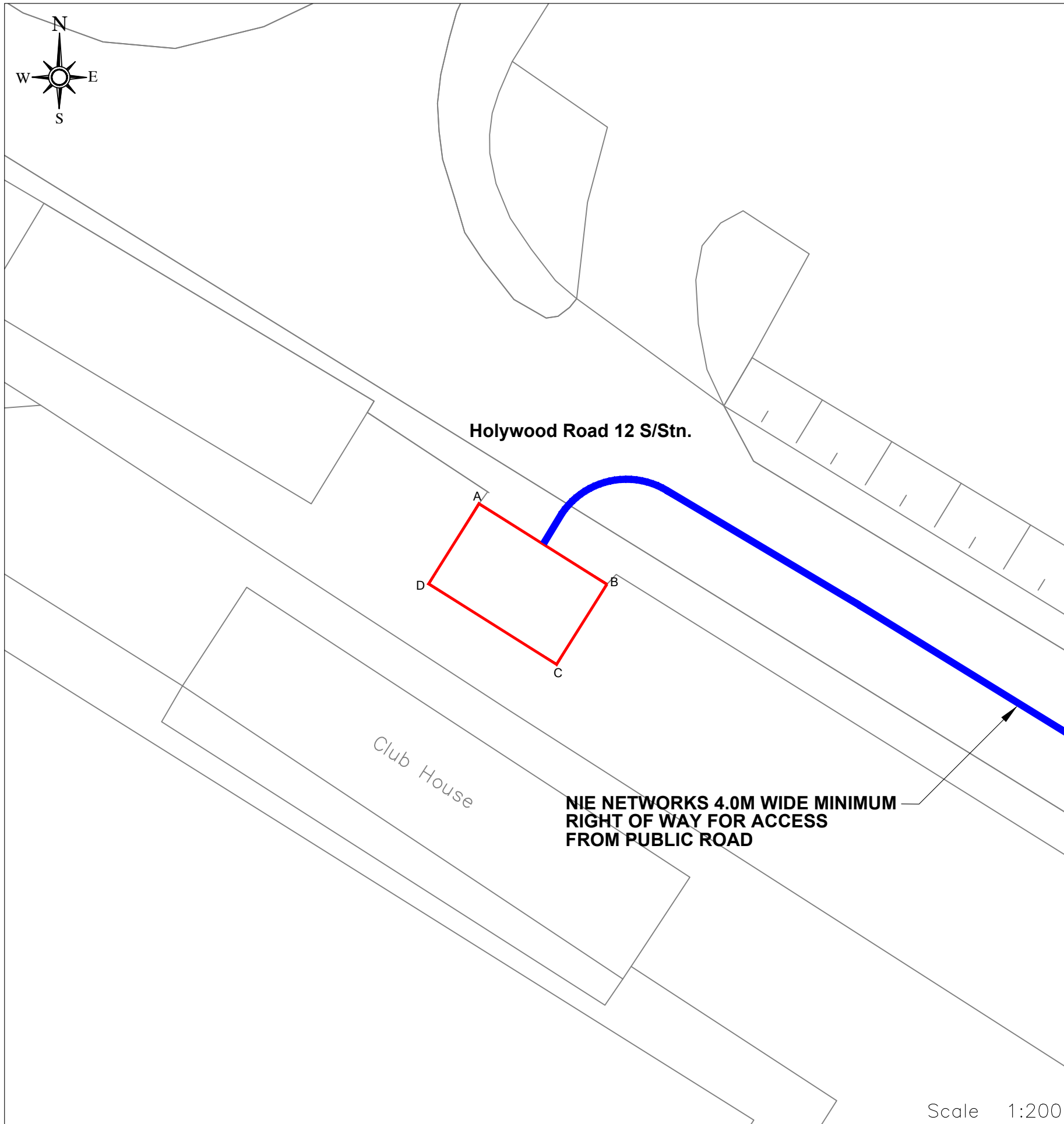
3.5 Parking charges have since resumed, however usage continues at much lower than normal levels, with a corresponding reduction in income to the Council. Therefore, the Estates Unit have again contacted NIHE and DfC, this time seeking new flexible terms (in addition to the 3 month rent free period) to account for the reduction in income envisaged for at least the remainder of the current financial year. NIHE and DfC both subsequently instructed LPS to advise them on the matter. After negotiations with the Estates Unit, LPS have recommended the following fee structure on all three car parks for the current financial year based on stepped projections of income from 2019/20 at the following percentages (per month):-

- April - June 2020 – 0%
- July and August 2020 – 60%
- September – November 2020 – 75%
- December 2020 – March 2021– 90%

To ensure that all parties are protected, it is proposed that a reconciliation of the fees payable should be undertaken after 31 March 2021 using actual income from the current financial year. This may result in the Council making a balancing payment should income be higher than anticipated or could result in a partial refund of fees should the anticipated levels of parking not materialize.

3.6 The above approach has been agreed with LPS by the Estates Unit, subject to Members approval. DfC have also agreed the proposal in relation to Kent Street and Station Street Car Parks. In relation to Cromac Street Car Park, NIHE are reporting the proposal internally on the 18 August and so any agreement will also be subject to this receipt of this approval. Agreement from all parties to the new fee structure will result in the need to temporarily amend the terms of the existing licence at Kent, Street, revise the terms agreed for the new

	<p>Station Street licence and enter into a new one year licence for Cromac Street from 1 April 2021. Member's approval is sought for each course of action.</p> <p><b><u>Financial and Resource Implications</u></b></p> <p>3.7 Suitable agreements will be agreed and finalised by officers from the Estates Unit and Legal Services. The Council will receive 3 three months rent free on each car park from 1 April 2020, with stepped uplifts as detailed above up to 31 March 2021, subject to a reconciliation based on actual income after this period.</p> <p><b><u>Equality and Good Relations Implications/Rural Needs Assessment</u></b></p> <p>3.8 None</p>
	<p><b>III. Blanchflower Playing Fields - Lease of land for an NIE Networks sub-station</b></p> <p><b><u>Key Issues</u></b></p> <p>3.9 It is proposed that a lease will be granted to NIE Networks for c.29.45 sq m of land situated at Blanchflower Playing Fields for a NIE sub station. The lease will be for a term of 99 years from the date of the agreement at a peppercorn rent of £1 per annum. The lease will also grant NIE Networks a right of way from the Holywood Road to carry out installation, repairs and maintenance works at the sub-station. The sub-station and right of way are located along the south western boundary of Blanchflower Playing Fields and will therefore not impact on the use of the remainder of the playing fields site.</p> <p><b><u>Financial &amp; Resource Implications</u></b></p> <p>3.10 A suitable lease will be agreed and finalised by officers from the Estates Unit and Legal Services.</p> <p><b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b></p> <p>3.11 None</p>
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	Appendix 1 - Site Map showing the c. 29.45 sq m of land at Blanchflower Playing Fields proposed to be leased to NIE Networks



SUB-STATION LEASE AREA A-B-C-D-A

**SITE MEASUREMENTS.**

- A - B = 6.85m.
- B - C = 4.30m.
- C - D = 6.85m.
- D - A = 4.30m.

Lease Area = 29.45m<sup>2</sup>

**SUB-STATION NOTES**

1. NIE NETWORKS TO LEASE THE AREA A-B-C-D-A.
2. NIE NETWORKS TO HAVE A RIGHT OF WAY AS PER THE 1:2500 LOCATION PLAN.

**LEGEND**

- NIE NETWORKS LEASE AREA
- NIE NETWORKS 4.0m WIDE MINIMUM RIGHT OF WAY FOR ACCESS FROM PUBLIC ROAD



NIE NETWORKS JOB No. 18/62157

Title  
**NIE NETWORKS LEASE SITE PLAN**  
**HOLLYWOOD ROAD 12 S/STN.**  
**12 HOLLYWOOD ROAD**  
**BELFAST**  
**BT4 INT**

DRAWING OFFICE DARGAN  
 Surveyed by H.Lloyd  
 Drawn by P.Gilmore  
 Checked by P.Gilmore  
 Approved by H.Lloyd

Map Nos. 1.G. 130-11se Date 19/07/2019 Scale AS SHOWN  
 Sheet Size A3 Drawing No. EIL 2655

REPRODUCED FROM THE ORDNANCE SURVEY MAP WITH THE PERMISSION OF THE DIRECTOR AND CHIEF EXECUTIVE © CROWN COPYRIGHT

REV	AMENDMENT	INT	DATE

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<b>Subject:</b>	Audit & Risk Panel Annual Report to Strategic Policy & Resources Committee, including draft Annual Governance Statement
<b>Date:</b>	21 August 2020
<b>Reporting Officer:</b>	Ronan Cregan, Director of Finance and Resources and Deputy Chief Executive
<b>Contact Officer:</b>	Claire O'Prey, Head of Audit, Governance and Risk Services (AGRS)

<b>Restricted Reports</b>	
<b>Is this report restricted?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>If Yes, when will the report become unrestricted?</b>	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

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

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	The Audit and Risk Panel is constituted as a working group of the Strategic Policy and Resources Committee. The purpose of the Panel is to provide an independent assurance on the adequacy of the Council's risk management framework and associated control environment. The Panel also oversees the Council's financial reporting process.
1.2	The purpose of this report is to provide a summary to Committee of the key issues that have been considered and discussed by the Panel during the 2019/20 financial year, the assurances received and the areas requiring attention. This report also summarises the process by which the year-end reports are to be considered by the members of the Audit and Risk Panel.

<b>2.0</b>	<b>Recommendations</b>
2.1	<p>The Committee is asked to;</p> <ul style="list-style-type: none"> <li>• Note the summary of the work of the Audit &amp; Risk Panel during 2019/20 as set out at Section 3 below.</li> <li>• Note the process by which the year-end reports are to be considered by members of the Audit &amp; Risk Panel.</li> </ul>
<b>3.0</b>	<b>Main report</b>
	<p><u>Key Issues</u></p> <p><b>Summary of the work of the Audit and Risk Panel in 2019/20</b></p> <p>3.1 During 2019/20, the Panel met 4 times (including a training session at Belfast Castle). The Audit &amp; Risk Panel did not meet in June 2019, following the elections in May, as the composition of the Panel had to be agreed by Strategic Policy and Resources (SP&amp;R) Committee on 21 June and ratified by Council on 1 July, with nominations to the Panel sought from each of the 8 parties thereafter.</p> <p>3.2 In the absence of an Audit &amp; Risk Panel and in order to ensure that there was proper consideration of the year-end papers, the Audit Assurance Board met on 3 June 2019 to review these reports. In addition, an annual report was submitted to SP&amp;R committee in June 2019 providing a summary of the key issues that had been considered and discussed by the Panel during the 2018/19 financial year, the assurances received and the areas requiring attention.</p> <p>3.3 During 2019/20, the Panel has considered audit plans and issues arising from audit activity, such as the findings, assurance levels and recommendations arising from audit work and the progress being made to implement audit recommendations. It also received regular updates on:</p> <ul style="list-style-type: none"> <li>• the Council's financial position, as set out in its financial statements</li> <li>• reports from the Council's external auditors</li> <li>• risk management</li> <li>• business continuity</li> <li>• fraud, financial irregularity and whistleblowing investigations</li> <li>• governance related matters</li> <li>• financial control</li> <li>• health and safety</li> </ul>

- performance management
- staff attendance.

3.4

The key assurances that the Panel has received on are as follows:

- the Council's financial statements and annual governance statement 2018/19, as prepared by the Deputy Chief Executive and Director of Finance and Resources and his team; this provided a management assurance on the Council's financial position
- the audited accounts and the associated external audit annual letters for 2018/19 (providing an opinion on the accounts) and report to those charged with governance (setting out control issues arising from the annual external audit), as prepared and presented by the Northern Ireland Audit Office. This provided an external assurance on the Council's financial position for 2018/19. (The accounts for 2019/20 are in the process of being prepared for the new deadline of 31 August 2020)
- NIAO assurance on the Council's performance management arrangements, specifically in reference to the Improvement Duty placed upon the Council by relevant legislation. The NIAO's audit of this area provided an unqualified opinion
- the Head of Audit, Governance and Risk Service's annual assurance statement on the adequacy and effectiveness of the Council's risk management, control and governance arrangements, based on the findings of audit work completed throughout the year.

3.5

Where areas for improvement have been identified, these have been reported and implementation of agreed recommendations is actively monitored and reported back to the Panel. The Panel has, on occasions, raised issues where either audit reports have identified significant issues or progress against recommendations has not been satisfactory, with Directors asked, where necessary, to attend the Panel and provide further explanation. The key areas considered during 2019/20 have included waste collection, safeguarding, IT asset management, IT project management, budgetary control and financial reporting, organisational culture and the implementation of the new HR / payroll system.

3.6	<p>The Audit and Risk Panel have also received updates during the year on the Council's risk management arrangements, including reports on the management of the Council's key corporate risks.</p> <p><u>June 2020 meeting of the Audit &amp; Risk Panel / year-end reports</u></p>
3.7	<p>In line with the changes to the Councils decision making processes in response to the impact of Covid-19 and related to this, the extension of the deadline for preparation of the financial accounts to 31 August 2020, the usual meeting of the Audit &amp; Risk Panel in June 2020 did not take place. However the usual reports, including the draft Annual Governance Statement and other important year-end papers, were considered by the Audit Assurance Board on 28<sup>th</sup> July 2020 and circulated to Audit &amp; Risk Panel members for review, comment and agreement during August 2020. Subsequently a request was received to convene a meeting of the Audit &amp; Risk Panel to discuss these year-end papers. This will be going ahead with a virtual meeting of the Audit &amp; Risk Panel that was originally scheduled for 8<sup>th</sup> September. In line with usual protocol, the minutes of the Audit &amp; Risk Panel meeting would be presented to the following SP&amp;R Committee for approval.</p> <p><u>Financial &amp; Resource Implications</u></p>
3.8	None
3.9	<p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>None</p>
4.0	<b>Appendices – Documents Attached</b>
	None





<b>Subject:</b>	Contracts Update
<b>Date:</b>	21 August 2020
<b>Reporting Officer:</b>	Ronan Cregan, Deputy Chief Executive and Director of Finance and Resources
<b>Contact Officer:</b>	Noleen Bohill, Head of Commercial and Procurement Services

<b>Restricted Reports</b>	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

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

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	The purpose of this report is to: <ul style="list-style-type: none"> <li>• seek approval from members for tenders and STAs over £30,000</li> </ul>
<b>2.0</b>	<b>Recommendations</b>
2.1	The Committee is asked to: <ul style="list-style-type: none"> <li>• Approve the public advertisement of tenders as per Standing Order 37a detailed in Appendix 1 (<b>Table 1</b>)</li> <li>• Approve the award of STAs in line with Standing Order 55 exceptions as detailed in Appendix 1 (<b>Table 2</b>)</li> </ul>
<b>3.0</b>	<b>Main report</b>
3.1	<u>Competitive Tenders</u> Section 2.5 of the Scheme of Delegation states Chief Officers have delegated authority to authorise a contract for the procurement of goods, services or works over the statutory limit

<p>3.2</p>	<p>of £30,000 following a tender exercise where the council has approved the invitation to tender</p> <p>Standing Order 60(a) states any contract that exceeds the statutory amount (currently £30,000) shall be made under the Corporate Seal. Under Standing Order 51(b) the Corporate Seal can only be affixed when there is a resolution of the Council.</p> <p>Standing Order 54 states that every contract shall comply with the relevant requirements of national and European legislation.</p> <p><u>Single Tender Actions (STAs)</u></p> <p>The following STAs are being submitted for approval:</p> <ul style="list-style-type: none"> <li>• Supply and Delivery of Fruit and Vegetables to Belfast Zoo (T1498). Ongoing service delivery whilst a formal procurement exercise is completed. The service covers a range of fruit, vegetables and other food items that are required to provide the animals at Belfast Zoo with a varied diet. The current contract is due to expire on 31st August 2020.</li> <li>• Supplies of Alcohol based Sanitiser, urgent procurement to manage the impact of Covid19 (retrospective reporting for emergency supply).</li> </ul> <p><u>Financial &amp; Resource Implications</u></p> <p>3.3 The financial resources for these contracts are within approved corporate or departmental budgets</p> <p>3.4 <u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>None</p>
<p><b>4.0</b></p>	<p><b>Appendices – Documents Attached</b></p>
	<p>Appendix 1</p> <p>Table 1 Competitive Tenders</p> <p>Table 2 Direct Award Contracts</p>

**Table 1 – Competitive Tenders**

<b>Title of Tender</b>	<b>Proposed Contract Duration</b>	<b>Estimated Total Contract Value</b>	<b>Senior Responsible Officer</b>	<b>Short description of goods/ services</b>
Tender for the procurement of laptops and docking stations	Up to 8 mths	£200,000	R Cregan	Laptops and docking stations to facilitate homeworking
Replacement Financial System (T2051)	Up to 10 years	£3.5m - £800K upfront Capital; £300K per annum	R Cregan	Procurement of a new corporate financial system
Provision of a Roma Support Project PEACE IV Programme Services (T2111)	Up to 20 months	£169,676	N Grimshaw	Delivery of a project to support the Roma and settled community as part of the Peace IV programme of work
Tender for the provision of delivery of events as part of Wider Work plan Peace IV Programme Services(T2018)	Up to 2 years	£80,000	N Grimshaw	Delivery of events as part of the Peace IV programme of work Seeking re approved as value has increased
Provision of a Shared Spaces and Services Volunteer Training PEACE IV Programme Services (T2085)	Up to 18 months	£124,000	N Grimshaw	Delivery of volunteer training as part of the Peace IV programme of work Seeking re approved as duration has increased
Provision of 'Shared History, Heritage and Identity Content / Narratives for Interpretative Panels on Shared Space Greenway' PEACE IV Programme Services (T2084)	Up to 19 months	£80,000	N Grimshaw	Delivery of interpretative panels on Shared Space Greenway as part of the Peace IV programme of work Seeking re approved as duration has increased
Music Strategy	Up to 10 months	£60,000	A Reid	Music strategy and implementation plan to feed in to Council's application for UNESCO City of Music 2021

Virtual server licensing	Up to 3 years	£47,877	R Cregan	Licensing and support for the council's virtual server infrastructure
Uninterruptible power supply (UPS) equipment	Up to 1 year	£134,354	R Cregan	Uninterruptible power supply (UPS) equipment across the BCC IT estate
Corporate digital backup environment	Up to 1 year	£88,838	R Cregan	Implementation of a new corporate backup environment

**Table 2- Direct Award Contracts (Single Tender Action)**

<b>Title of Tender</b>	<b>Supplier</b>	<b>Total Value</b>
Supply and Delivery of Fruit and Vegetables to Belfast Zoo (T1498)	Arnott's Fruit Limited and First4fruit	£35,000
Supply of Alcohol based sanitiser	Antrim Supplier trading as Workwear	£47,850



<b>Subject:</b>	Equality and Diversity: Equality Screening and Rural Needs Outcome Report - Quarter 1
<b>Date:</b>	21 August 2020
<b>Reporting Officer:</b>	John Walsh, City Solicitor/Director of Legal and Civic Services
<b>Contact Officer:</b>	Lisa McKee, Democratic Services Officer

<b>Restricted Reports</b>	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

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

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	To provide members with a summary of equality screenings and rural needs impact assessments for Quarter 1 - April to June 2020.
<b>2.0</b>	<b>Recommendations</b>
2.1	The Committee is asked to <ul style="list-style-type: none"> <li>• note the contents of the report.</li> </ul>
<b>3.0</b>	<b>Main report</b>
	<u>Key Issues</u>
3.1	One of the main requirements of the Council's Equality Scheme is to carry out the screening of new and revised policies. This allows any impacts related to equality of opportunity and/or good relations to be identified and addressed.
3.2	The Equality Commission for Northern Ireland recommends that, once a policy has been screened and it has a major potential to impact on equality of opportunity and good

3.3	<p>relations, then it should be subjected to an EQIA. An EQIA is a thorough and systematic analysis of a policy, whether that policy is formal or informal and, irrespective of the scope of that policy or the size of the public authority. The primary function of an EQIA is to determine the extent of any differential impact of a policy upon the section 75 categories and to determine if the differential impact is adverse. An EQIA can assist in decision-making and improve policy making by adding to the evidence base available.</p> <p>In addition, the Council has a statutory duty under the Rural Needs (NI) Act 2016 to consider rural needs in the development of new policies, plans or strategies or in any service design/delivery decisions and is required to ensure that annual reporting returns are submitted to DAERA.</p> <p>An equality screening and rural needs impact assessment template is completed by the relevant officer, in collaboration with the Equality and Diversity Unit. On a regular basis, the Unit collates all completed templates into a screening outcome report and publishes onto the Council's website along with the relevant completed templates. The current screening outcome report for April to June 2020 is attached at <b>Appendix 1</b>.</p> <p>So that Members are aware, and as agreed at Gold on 29 July, the Equality &amp; Diversity Team will be:</p> <ul style="list-style-type: none"> <li>• <b>Carrying out an overarching strategic screening</b> of our response to Covid 19 and the transition to recovery covering key areas including staff policies, changes to services, additional governance arrangements</li> <li>• <b>Providing equality support to departments during the recovery programme</b> where specific screenings are required; and arranging meetings of the Equality Consultative Forum and Disability Advisory Panel.</li> </ul>
3.5	<p><u>Financial &amp; Resource Implications</u></p> <p>None</p>
3.6	<p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>The actions outlined contribute to our legal compliance regarding the promotion of equality, good relations and rural needs.</p>
4.0	<p><b>Appendices – Documents Attached</b></p>
	<p><b>Appendix 1</b> : Screening Outcome and Rural Needs Impact Assessment Report - Quarter 1 2020-21</p>



**Belfast  
City Council**

**Equality Screening Outcome Report and Rural Needs Impact  
Assessment**

**Q1 - April to June 2020**

## Introduction

### Legislation – An Overview

#### Section 75 Statutory Equality Duties

Section 75 of the Northern Ireland Act 1998 requires the Council, when carrying out its functions in relation to Northern Ireland, to have due regard to the need to promote equality of opportunity between nine categories of persons, namely:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

Without prejudice to its obligations above, the council must also have regards to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

The Council's Revised Equality Scheme was formally approved by the Equality Commission in March 2015. The revised Scheme outlines how we propose to fulfil our statutory duties under Section 75. Within the Scheme, the council gave a commitment to apply the screening methodology below to all new and revised policies and where necessary and appropriate to subject new policies to further equality impact assessment.

- What is the likely impact of equality of opportunity for those affected by this policy/proposal, for each of the Section 75 equality categories?
- Are there opportunities to better promote equality of opportunity for people within Section 75 equality categories?
- To what extent is the policy/proposal likely to impact on good relations between people of different religious belief, political opinion or racial group?



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

In keeping with the Council's commitments in its Equality Scheme, the Council has applied the above screening criteria to new policies and proposals. Screening identifies policies that are likely to have an impact on equality of opportunity and/or good relations.

Screening identifies the impact of the policy/proposal as major, minor or none.

- If major – an Equality Impact Assessment may be carried out.
- If minor – consider mitigation or alternative policy and screen out.
- If none – screen out and give reasons.
- Ongoing screening – for strategies/policies that are to be put in place through a series of stages – screen at various stages during implementation.

The council also committed within its Revised Equality Scheme to prepare and publish for information regular reports on its screening exercises. This is screening report providing details on all screenings undertaken from the period January to December 2020.

### **Rural Needs Impact Assessments**

The Council also has a statutory duty under the Rural Needs (Northern Ireland) Act 2016 to consider rural needs in the development of new policies, plans or strategies or in any service design/delivery decisions. The Council must therefore engage with rural stakeholders in relation to policy development when it is relevant and appropriate. The Equality and Diversity Unit is responsible for reporting to the Strategic, Policy and Resources Committee and for ensuring that annual reporting returns are submitted to DAERA.

To further promote openness and transparency, there is a link to each completed screening and rural needs impact assessment template on the Council's website.

[www.belfastcity.gov.uk](http://www.belfastcity.gov.uk)

The templates detail all policies screened over this period and includes decisions reached.

## Consultation

The development of new policies and proposals will be supported by effective engagement processes to ensure that staff, service users and all interested parties are fully involved.

Planning for, and delivering safe and cost effective services requires close collaboration at many levels.

If you have any queries about this document, and its availability in alternative formats (including Braille, disk and audio cassette, and in other languages to meet the needs of those who are not fluent in English) then please contact:

Lisa McKee  
Equality and Diversity Unit  
Belfast City Council  
City Hall  
Belfast  
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## Screening Outcome

The screening outcomes are outlined in the table below. Three possible outcomes are recorded:

If **Major** – an Equality Impact Assessment may be carried out. **EQIA** - subject to further scrutiny under Section 75 of the NI Act 1998 to determine the impact upon those directly affected, which in turn will require informal and formal consultation with a wide range of stakeholders.

If **Minor** – consider mitigation or alternative policy and screen out.

If **None** – screen out and give reasons.

### Screening Outcome Options

Major= In

Minor= Out with mitigation

None= Out without mitigation

### Equality Impact Assessments (EQIAs)

We have also added for notation purposes details of those EQIAs which are currently being undertaken by the Council.

### Rural Needs Impact Assessment Options

Does the policy, plan, strategy or service design/delivery impact on the social and economic needs of people in rural areas?

### Belfast City Council Equality Screening Outcome Report and Rural Needs Impact Assessment

This report includes published screenings and Rural Needs Impact Assessments for the period April to June 2020. Copies are available on request and can also be found at: <http://www.belfastcity.gov.uk/council/equality/eqia.aspx>

Description of Policy/Proposal	Rural Needs Impact Assessment	ECNI Screening Decision and Contact
Covid 19 – Household Waste and Recycling Centre Recovery Plan	This Plan will provide an interim recycling and waste service for all residents of Belfast, both urban and rural	Screened Out – Mitigating Actions (minor impacts) Contact: Jennifer Stephens ext 3439
Springfield Dam Park Project	This project will not impact on the social and economic needs of those living in rural areas	Screened Out – No EQIA necessary (no impacts) Contact: Michelle Bagnall ext 3678
Covid 19 – Scheme for Licensing of Café Pavements	This policy Café licenses in Belfast City Centre and will not impact on those living in rural areas	Screened Out –Mitigating Actions (minor impacts – screening still in draft form as unable to undertake consultation due to urgency)

<b>Description of Policy/Proposal</b>	<b>Rural Needs Impact Assessment</b>	<b>ECNI Screening Decision and Contact</b>
		Contact: Stephen Hewitt ext 2435
Covid 19 – Community Support Fund	This Fund is being advertised as widely as possible throughout Belfast including rural areas	Screened Out – Mitigating Actions (Minor impacts) Contact: Stevie Lavery ext 3258
Covid 19 – Microfunding Support for Grassroots Organisations	This Funding is being advertised as widely as possible throughout Belfast including rural areas	Screened Out – Mitigating Actions (Minor impacts) Contact: Stevie Lavery ext 3258



<b>Subject:</b>	Dual Language Street Signs Policy
<b>Date:</b>	21 August 2020
<b>Reporting Officer:</b>	John Walsh, City Solicitor / Director of Legal & Civic Services
<b>Contact Officer:</b>	Aidan Thatcher, Director of Planning & Building Control

<b>Restricted Reports</b>	
<b>Is this report restricted?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>If Yes, when will the report become unrestricted?</b>	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

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

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	The purpose of this report is for Members to consider the Notice of Motion in relation to the Dual Language Street Signs Policy.
<b>2.0</b>	<b>Recommendations</b>
2.1	<p>The Committee is asked to:</p> <ul style="list-style-type: none"> <li>• Consider the Notice of Motion in relation to the Dual Language Street Signs Policy.</li> <li>• If Members are minded to adopt the policy position as set out in the notice of motion, you are asked to consider a minimum response threshold in respect of the survey requirement.</li> </ul>

	<ul style="list-style-type: none"> <li>• Following discussions at Party Group Leader’s Consultative Forum a protocol for managing engagement with consultees will be developed for consideration by members at a subsequent meeting.</li> <li>• In the event that Members wish to adopt an alternative threshold to the current policy position of 2/3 supporting as being the trigger for erecting a second name plate, it is open to Members to do this.</li> <li>• If Members are minded to change the policy, a revised policy will be drafted in accordance with your decision and presented for adoption with an equality screening carried out. Committee to note that other revisions could be made to the current policy to address issues which have arisen since it was first adopted, for example new streets or streets which have no occupiers, and accordingly these revisions could be incorporated within any new policy should you choose to adopt one.</li> </ul>
<b>3.0</b>	<b>Main report</b>
3.1	<p><u>Background</u></p> <p>The Council adopted a Street Naming and Buildings Numbering Policy in February 2009 which incorporates a Dual Language Street Signs Policy. At Council on 3 February 2020, Councillor Walsh proposed the following Notice of Motion:</p> <p>“This Council has one of the most restrictive policies of any council in the North in regards to Irish Language Street Signage Policy.</p> <p>Currently, the policy is that you need a 1/3rd of the eligible electorate in a street to sign a petition which starts the process. Once the process has been initiated, a letter is sent to everyone in that street who is on the electoral register asking if they consent to have bilingual signage installed. The resident has three options, namely, Yes, No and Don’t Care. For the process to come to a successful conclusion, 2/3rds of the total electorate in the street need to consent to yes. If a letter is not returned, it is considered by the Council as saying that they don’t consent for the bilingual signage. Furthermore, where residents send the survey back saying ‘Don’t Care, this is also considered to be a negative response.</p> <p>If we, as Elected Members were held to the same standard as this policy in the Local Government elections, not one Member would have been returned to serve on this Council, as we would not have met those restrictive parameters. The Council’s Language Strategy refers to increasing the visibility of the Irish Language</p>

3.2	<p>in our City. However, it is essential not to impose the Irish language on residents if the majority of them in a street do not consent to it.</p> <p>Therefore, this Council will amend its Irish language street signage policy to the following:</p> <ul style="list-style-type: none"> <li>i. continue with the 1/3rd of the eligible electorate in the street to initiate the process;</li> <li>ii. change the policy to reflect that it will be the majority of respondents to the survey that will decide if the process has been successful. Therefore, it will be 50% +1 of respondents that will determine if the petition to erect bilingual signage has been successful. Non-respondents will not be considered as a negative response; and</li> <li>i. those respondents who respond as ‘Don’t Care’ are not considered to be a negative response and will be treated as a void vote.”</li> </ul> <p>The motion was seconded by Councillor McLaughlin. In accordance with Standing Order 13(f), the motion was referred, without discussion, to the People and Communities Committee.</p>
3.3	<p><u>Key Issues</u></p> <p>The motion sets out a proposal to move from the current arrangements (<math>\frac{1}{3}</math> expressing an interest by petition and <math>\frac{2}{3}</math> indicating a preference in a subsequent survey to erect a dual language street sign) to a simple majority of respondents. The proposal would mean that non-respondents are not considered in the context of any final decision on dual street naming. The proposal retains the current trigger through a petition to initiate the process. Given that no minimum response threshold is established Members may wish to consider that if you support the motion to change the current policy, whether a minimum threshold of those on the electoral register responding should be met through the survey before the matter is referred to committees for consideration. For example that the respondents to the survey would equate to a minimum of <math>\frac{1}{3}</math> (or such other figure as you may agree) to those on the electoral register in that street.</p>
3.4	<p>Article 11 of the Local Government (Miscellaneous Provisions) (NI) Order 1995 requires the Council to take into account the views of the occupiers in a street.</p>

3.5	The current Council policy was subject to a legal challenge which was successfully defended. A copy of the judgement is attached for information. This does not affect the ability of the Council to adopt a different policy should it choose to do so.
3.6	Some political concern has been expressed as to how the process is undertaken in terms of engagement relating to the consultation required to inform the decision. A protocol to sit alongside the policy could establish principles underpinning that process. The rationale for this approach, in terms of the political view expressed, is to ensure the integrity of the process.
3.7	Conradh na Gaeilge obtained and provided the briefing attached at Appendix 2. This suggests that in the context of treaty obligations, specifically the European Charter for Minority Languages, that the suggested minimum response threshold could be construed as unreasonable in that it operates as a barrier to the erection of a name plate in another language. It suggests that this could be unlawful as being contrary to treaty obligations.
3.8	Counsel's opinion has been obtained and is attached at Appendix 3. The opinion confirms that a 50+1 rule for responses, ignoring non-responses is likely to be susceptible to legal challenge, particularly in cases where there is a very low response to the consultation. It further confirms that the adoption of a minimum response threshold for the consultation, mirroring the trigger required through the petition (1/3 of residents) addresses any potential legal frailty in the context of the formal requirements of the 1995 Order. Counsel is also of the opinion that establishing such a threshold is not contrary to treaty obligations. The opinion recommends all decisions in which the response threshold is not met are referred to Committee for consideration to address any special or particular circumstances that might arise.
3.9	<p><u>Financial &amp; Resource Implications</u></p> <p>Any change to the policy to the extent suggested is likely to result in a greater number of applications and a greater number of signs to be erected.</p>
3.10	<p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>This change of policy will need to be equality screened.</p>
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	<p>Appendix 1 – Judgement</p> <p>Appendix 2 – Conradh na Gaeilge Briefing</p> <p>Appendix 3 - Opinion</p>



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*Judgment: approved by the Court for handing down  
(subject to editorial corrections)\**

Delivered: **04/12/2014**

**IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND  
QUEEN'S BENCH DIVISION (JUDICIAL REVIEW)**

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**IN THE MATTER OF AN APPLICATION BY EILEEN REID  
FOR JUDICIAL REVIEW**

**IN THE MATTER OF A DECISION OF BELFAST CITY COUNCIL**

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**HORNER J**

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B. Background to the policy on dual language street names	2-13
C. Background to the application	14-20
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**A. Introduction**

[1] This is a challenge by Eileen Reid ("the Applicant") who lives at 13 Ballymurphy Drive, Belfast, to the decision of Belfast City Council ("the Council") to refuse to erect an additional street name plate in Irish at Ballymurphy Drive, Belfast. The application for such a street name plate had the support of 52 out of the 92 members living in the street who were eligible to vote. She claims that the decision to refuse to erect a street name plate is unlawful, as is the policy underlying it. As this is a judicial review, it is important to emphasise that the court is not concerned with the merits of whether there should be a dual street name plate at Ballymurphy Drive but rather on whether the process that ultimately determined that no additional street name should be erected, was lawful.

**B. Background to the policy on dual language street names**

[2] Article 11(1) of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995 states:

“A council may erect at or near each end, corner or entrance of any street in its district a name plate showing the name of the street; and a name plate erected under this paragraph –

(a) shall express the name of the street in English; and

(b) may express the name in any other language.”

[3] Street names and dual name plates have been a source of discord in Northern Ireland over the years leading to community tensions. They have also been a contentious issue at local government as the minutes of the meetings of the council and its various committees testify. On 12 June 1995 the attention of the Health and Environmental Services Committee (“HES”) of the council was drawn to Article 11 of the 1995 Order which had just come in to effect. At that meeting on 12 June the HES requested a draft policy be produced to deal with the erection of street name plates in a language other than English and that this should be presented to the HES after consultation with all the other party groups of the council. By 11 December 1995 a policy had been agreed but there were issues as to the resources required to make it work. It was estimated that the basic cost of providing second language street signs over a 5 year period would be in the region of £200,000. To that sum had to be added the cost of providing additional staff and the resources to establish administrative systems and procedures. It was considered that this would require expenditure of approximately £30,000 per year over a 5 year period. Implementation of the policy was deferred pending consultation on the funding issues with the Department of the Environment. The views of the Director of Legal Services were sought by the Director of Health and Environmental Services with regard to the feasibility of the council charging for the erection of dual language street signs.

[4] On 10 August 1998 HES reached a decision that the council should implement the draft policy for the erection of dual language street signs. At the full meeting of the council on 1 September 1998 the council ratified HES’s decision and the policy came into effect. This was an open policy and one in respect of which councillors would have been aware. Any ratepayer on inquiry could have found out about it.

[5] The policy noted that Article 11 of the 1995 Order gave councils the discretionary power to erect dual language street signs or secondary name street plates in languages other than English. It records at paragraph 2:

“These policy proposals were developed in close consultation with the Director of Legal Services and are

designed to promote consistent and reasonable responses. However, the policy should not be applied in such a way as to prevent due consideration being given to the particular circumstances of each application. Having regard to the significant resource consequences of administering the implications of the policy, the policy should be reactive in nature.”

- [6] The process can be summarised thus:
- (i) Only applications supported by a petition representing not less than one third of the people appearing on the electoral register of the street will be progressed.
  - (ii) Where that requirement has been met the council will canvass those persons appearing on the Electoral Register of that street and seek their views on their request to erect a street sign in a second specified language. They will be each given a pre-paid envelope to be returned within one month of receipt.
  - (iii) Where two-thirds or more of the occupiers appearing on the Electoral Register have indicated that they are in favour of the erection of a second language street sign, then such a sign will be erected. People not returning a reply will be deemed not to be in favour of the application.
  - (iv) The council retains an overriding discretion to take the particular circumstances of each application into account in deciding whether there should be a street name plate erected regardless of the numbers voting in favour of the application.

[7] On 2 March 2000 the UK Government signed the Council of Europe Charter for Regional or Minority languages and ratified it in March 2001. The Charter was to come into force on 2 July 2001. The Policy and Resources Committee (“PRC”) of the council considered the Charter and asked for a detailed report. This was prepared by the Assistant Chief Executive. At a meeting of 13 December 2002 various recommendations for compliance with the Charter were put forward. It is specifically recorded at paragraph 27 in respect of place names in Irish:

“This issue is not expected to provide any difficulty for the Council, since it already has a policy of providing dual language street names in Belfast, if requested by two-thirds of the residents of the street.”

This was then ratified by the full council on 6 January 2003. On 21 February 2003 the PRC considered the report of the Director of Legal Services which recorded that it had the force of international law but that “there is no specific domestic national legislation to compel District Councils to abide by the guidance coming from

Government". On 3 March 2003 the PRC minutes were ratified at the meeting of the council.

[8] The policy was then reviewed following a request by the PRC. It was reaffirmed by the HES Committee on 16 June 2007 and at a meeting of the full council on 1 May 2007 it was agreed that it should be taken back to the HES for further consideration.

[9] On 11 June 2007, after further consideration by the HES of the policy, a one year pilot scheme was introduced whereby applications for additional street name plates no longer required petitions with one-third support before progressing to a full survey. There was also discussion of the two-thirds approach. On 2 June 2007 the council approved the decision instituting the pilot scheme. On 3 September 2008 HES reviewed the policy again and agreed to end the pilot scheme. On 1 October 2008 the full council sent the policy back for further consideration. On 8 October 2008 HES reaffirmed the decision of 3 September 2008 requiring submission of a petition. On 3 November 2008 this decision was approved by the full council.

[10] On 5 December 2011 HES was asked to consider whether the policy should be amended so as to require two-thirds only of those who had returned a survey form. On 8 February 2012 HES considered the range of options, discussed the matters and reaffirmed the policy after a number of votes. On 1 March 2012 the full council ratified the HES minutes following a contested vote.

[11] The Policy has thus been the subject of considerable democratic scrutiny by the council and its committees over an extended period of time. It is clear that it has been the subject of considerable debate and dispute. But ultimately the policy in general, and the two-thirds majority of issued surveys rule in particular, has prevailed.

[12] The policy seems to have worked well. From 1998 until the end of 2013, 180 applications have been made to the council to erect a street name plate in a second language. 144 of those applications have been approved. 34 applications were not progressed as there were insufficient responses to the council's surveys. From 2009 until the end of 2013, all the applications which were submitted have been approved, save for two applications, both of which had an insufficient response to the council's survey. In the two years preceding the present application, that is 2011 and 2012, there was a 100% success rate in respect of applications received.

[13] Of the 25 councils in Northern Ireland, 14 councils have a dual language policy. For the 14 who have a dual language policy, three use a straight majority of surveys returned, four use a two-thirds majority of surveys returned, two use a two-thirds of issued surveys rule and the other five are not known. The other two councils with the two-thirds of issued surveys rule are Castlereagh and Strabane councils.

### C. Background to the Application

[14] On 23 May 2013 an application was received for dual language street signs for Ballymurphy Drive, Belfast, from Glór na Móna, 195 Whiterock Road, Belfast. This is an Irish language group, one of whose aims is to promote the Irish language. The application included a petition that met the one-third requirement. Accordingly, under its policy the council had to carry out its own survey. A survey was sent to all those people who appeared on the Electoral Register for Ballymurphy Drive. Ninety-two surveys in total were issued with a deadline of 13 July 2013 for the return of the surveys. The letter accompanying the survey stated that following the questionnaire, based on the returns, Mr Martin, Head of Service, may make a recommendation to the council. It also indicated that as there were 92 people eligible to complete the survey the appropriate minimum for recommending approval was not less than 62 replies. Enclosed with the letter was a pre-paid envelope. The questionnaire contained 3 statements in respect of which the party surveyed was asked to tick their preferred answer. They were as follows:

- (a) I wish to have a second street name plate erected at Ballymurphy Drive, the second one being an Irish translation.
- (b) I do not wish to have a second street name plate erected at Ballymurphy Drive, the second one being an Irish translation.
- (c) I have no preference either way. (As the policy states two-thirds of those surveyed must approve the request before recommendation is made, this answer is taken that you are happy with the current position regarding the sign.)

[15] The deadline was extended because it included a public holiday during the response period to the end of August 2013. There were 52 “Yes” responses received in total. There were 21 responses received on 17 June 2013, 25 responses on 4 July 2013, 11 responses on 10 July 2013. The remaining “yes” responses were received as follows, one response on 19 June 2013 and two responses on 20 June 2013. There seems to have been some organised campaign to obtain responses given that the vast majority of responses were received in three batches on three particular dates. These surveys are not confidential.

[16] On 5 November 2013 Mr Flanigan, Solicitor, wrote on behalf of the applicant asking the council to confirm that the application in respect of Ballymurphy Drive had been granted. The response from the Health and Environmental Services Department was from Mr Martin, Head of Service. He said:

“I would confirm that the application in respect of Ballymurphy Drive has not been granted due to insufficient responses being returned to the Council ...

In the case of Ballymurphy Drive 92 people were eligible for completing (sic) the survey and the appropriate minimum recommending approval is not less than 62 replies in favour of the dual language street sign. To date Building Control have received 52 replies in favour of the dual language street sign.”

[17] In response to requests as to how many were against the dual language street sign the council replied on 19 November 2013 that one person had responded on the basis that he was not in favour.

[18] There followed a letter of 26 November 2013 from Michael Flannigan, Solicitor, complaining that the policy was Wednesday unreasonable and ultra vires, as it was not consistent with the relevant statutory duty, it was not consistent with the council’s position that it would act in accordance with its obligations under the European Charter for Regional or Minority languages and that it was an unlawful fetter on the council’s discretion.

[19] On 15 January 2014 Mr John Walsh, Town Solicitor for the council replied dealing with the complaints that have been made and concluding as follows:

“The policy requirement for two-thirds of residents to respond favourably is not unreasonable and properly falls within the exercise of the council’s discretion as to the circumstances in which it will erect a second name plate.”

[20] He denied the policy was unlawful and said that the council had taken legal advice. The solicitors responded by issuing proceedings on behalf of the applicant and seeking leave to apply for judicial review.

#### **D. The Grounds of Challenge**

[21] There were five grounds of challenge put forward at the hearing. They were:

- (a) The refusal of the council to consider the proposal to erect an Irish language street name plate at Ballymurphy Drive was ultra vires, unlawful and of no effect because the respondent fettered its discretion in applying the policy in such a way as to prevent due consideration being given to the particular circumstances of this application. (“Ground 1”)
- (b) The council’s dual language street sign policy is ultra vires, unlawful and of no effect because it requires two-thirds or more of the occupiers appearing on the Electoral Register to indicate that they are in favour of the proposal to erect a second language street sign before the respondent will consider the proposal and/or because it deems those who do not reply to the proposal as not being in favour of it because it is Wednesday unreasonable to:



- (i) deem those that do not respond to the proposal as being opposed to it, and/or
  - (ii) set the level of expressions of approval at the same threshold as that formally required to change the street name. (“Ground 2”)
- (c) The impugned terms of the policy are inconsistent with the terms of Article 11 of the 1995 Order, insofar as Article 11 requires the respondent to have regard to the views **expressed by the occupiers**, whereas the impugned terms of the policy allow those who do not respond to the proposal to be considered to have expressed opposition to it. (“Ground 3”)
- (d) The impugned terms of the policy are inconsistent with the council’s commitment to act in accordance with its obligations under the European Charter for Regional or Minority Languages, and in particular the Charter obligation under 10(2)(g) to the **use of adoption of traditional and correct forms of place-names in regional or minority languages**, which Charter should be used to interpret the statutory discretion available to the respondent under Article 11 of the 1995 Order. (“Ground 4”)
- (e) The policy is treated by the respondent as if it were of legislative force and expressed in mandatory terms, and as such amounts to an improper attempt by the respondent to exercise legislative powers where none exist. In particular, the impugned terms of the policy are ultra vires as an attempt to re-enact the substantive terms of (the repealed) Section 21 of the Public Health Amendment Act 1907, where no such legislative power exists. (“Ground 5”)

As can be seen there is an overlap with some of these different arguments.

[22] At this stage I should record my thanks to both counsel who presented their respective cases both clearly and comprehensively. I have taken into account all the points which they have made in their detailed and nuanced skeleton arguments and oral submissions. The interests of brevity forbid me from rehearsing all of the arguments in full.

#### **E. Statutory Background**

[23] The relevant provision is Article 11(4) of the 1995 Order. It describes the discretionary power the council has to erect a second name plate:

“In deciding whether and, if so, how to exercise its powers under paragraph (1)(b) or (2) in relation to any street, a council should have regard to any views in the matter expressed by the occupiers of premises in that street ...”

[24] It is noteworthy that the requirement under the relevant provision is that the council “shall have regard to any views on the matter expressed by the occupier of premises ...”.

[25] Article 11(1) clearly gives the council a discretion whether or not to erect a second name plate. How that discretion is to be exercised is set out in 11(4). The words used and their context do not suggest that the council is only to have exclusive regard to the views expressed by the occupiers. In Sandford Ltd v New Zealand Recreational Fishing Council Inc [2008] NZCA 160 (this decision was subsequently upheld by the Supreme Court) the Court of Appeal found that a requirement to “have regard to” a matter requires the decision-maker “to give the matter genuine attention and thought but it remains open to the decision-maker to conclude that the matter is not of sufficient significance to outweigh other contrary considerations”. The expression “to have regard to” is weaker than “to have particular regard to” and it is certainly much less constraining than “take into account” and “give effect to”. So under this provision the council has a discretion. It must give genuine attention and thought to the expressed views of the occupiers, but it is still entitled to take into account other lawful considerations affecting its decision. I consider that this is the lawful way for the council to approach the discretion vested in it pursuant to Article 11(1).

## F. Discussion

### Ground 1

[26] The applicant says that the council fettered its discretion by requiring two-thirds of the Electoral Register at Ballymurphy Drive to approve the addition of a second street name in Irish. The council responds by stating that its discretion is not fettered. It could take into account other matters, but the applicant, for whatever reason, chose not to bring these matters to the attention of the council.

[27] There can be no doubt that the applicant and/or her solicitor and/or the local councillor for the area did not offer any reasons to try and persuade the Head of Service, HES or the council, despite not achieving 62 votes in favour of the proposal that there should be a second street sign in Irish erected at Ballymurphy Drive. However, subsequently the applicant has offered reasons which include:

- (i) The proportion of the people in the lower Falls area with an interest in Irish is approximately 20%.
- (ii) This street is within the Gaeltacht Quarter which is built on the traditional strengths of the Irish language and culture.

[28] The policy expressly states at Section 2 as follows:

“These policy proposals were developed in close consultation with the Director of Legal Services and are designed to promote consistent and reasonable responses. However, the policy should not be applied in such a way as to prevent due consideration being given to the particular circumstances of each application. Having regard to the significant resource consequences of administering the implications of the policy, the policy should be reactive in nature.”

The policy then goes on to state at (iii) of Section 3:

“Where two-thirds or more of the occupiers appearing on the Electoral Register have indicated they are in favour of the erection of a second language street sign, then such a sign will be erected. People not returning a reply will be deemed not to be in favour of the application.”

[29] The following points are of significance:

- (i) The applicant complains that the application was not considered by the HES (or the full council) but was in fact dealt with by a council officer(s) and he operated as if he was in a self-imposed straitjacket.
- (ii) The policy in relation to dual street signs was public, well-known and has been in operation for a number of years. It has been taken advantage of successfully by the occupiers of many streets in the Belfast area.
- (iii) Mr Martin, Head of Services, “found no circumstances which warranted” it being put before the committee. Mr Martin, on the evidence adduced before this court, was legally entitled to reach such a conclusion.
- (iv) The committee could decide that despite not reaching the two-thirds threshold that it wished to consider the matter in response to prompting by local residents and/or their solicitor and/or their local councillor or other councillors.
- (v) The solicitor for the applicant was free to write in and make any submissions he wanted on the applicant’s behalf. He chose not to do so. No satisfactory explanation has been given for this omission. Councillors have the right to sit in on any committee meeting. A councillor is able to write and make representations to any officer or member of any committee. The local councillor for Ballymurphy Drive could have made submissions on behalf of the application for a dual language street sign but chose not to do so. No explanation has been given as to why the council was not asked to exercise its residual discretion and permit a second street sign in Irish to be erected.

[30] An attack was also made on such a decision being taken by Mr Martin. However, Section 47A(1) of the Local Government Act (Northern Ireland) 1972 states:

“The council may arrange for the discharge of any of its functions, except the power of making a rate, or of borrowing money or of acquiring, holding or disposing of land by an officer with the council and any transferred provision regulating the exercise of a function by a council shall also apply to regulate the exercise of that function by an officer of the council.”

In the circumstances and in the light of the evidence there is nothing objectionable in the role which was carried out by Mr Martin.

[31] The court concludes that there is no force whatsoever in the complaint that the council unlawfully fettered its discretion. The court does find that there is considerable force in the submission that the applicant and her advisors by their actions, or more properly, their inaction, precluded the council from exercising its discretion. They failed to put before it any of the grounds which might have persuaded the council to grant a second street name being erected at Ballymurphy Drive despite the failure to achieve the number required under the policy of 62 returned surveys.

## **Ground 2**

[32] The policy of a two-thirds majority of those eligible is not *Wednesbury* unreasonable for a number of different reasons.

- (i) The policy of providing an additional street name in another language can be socially and politically divisive. The level of discord can be gauged from the debates within the council. Unfortunately, in Northern Ireland’s deeply divided society many on each side of the political and cultural divide, rightly or wrongly, see the other’s language, whether it be Irish or Ulster Scots, as associating that community with a particular political view point. In those circumstances it cannot be unreasonable to require clear and convincing evidence on the part of those who occupy the street that they want an additional street name plate in another language, apart from English.
- (ii) The amount of effort required to return a stamped addressed envelope, especially against a background where there does appear to have been a campaign to obtain the necessary approvals provides a good gauge to judge the groundswell of enthusiasm in favour of a second name plate.

- (iii) The present rule allows the council to avoid a situation where the residents' preferred option could alter from time to time depending on movement of people within the street. There are obvious costs implications in providing or removing street furniture. The OFMDFM document ("A Shared Future: Policy and Strategic Framework for Good Relations in Northern Ireland" (March 2005)) emphasises a need for authorities to take positive action to ensure that shared and neutral spaces remain shared and used by all sections of the community. As the council points out this supports a policy which requires a high level of demonstrated community desire for a dual name plate which, realistically, "might well be viewed as identifying a street clearly with one community and be construed as exclusive of other communities". This is especially so given that the surveys are not confidential. Those not wanting a dual street name need not nail their colours to the mast.
- (iv) Finally, this is a view shared by two other councils who have adopted the same policy. They will have considered the issue and adopted the same policy of a two-thirds majority of those appearing on the electoral register. There is no suggestion that the councillors of Castlereagh and Strabane councils acted perversely.

In the circumstances the applicant has not begun to meet the high threshold necessary to prove "Wednesbury unreasonableness" on the part of the council.

### **Ground 3**

[33] The applicant claims that the council is required to have regard to the views "expressed by the occupiers". Those who did not return the survey did not express a view and therefore should not have been taken into account. However, this argument is fundamentally flawed. No one who received the survey could fail to misunderstand the position and the consequences of not voting. It was crystal clear to everyone that in order for there to be a dual street sign, a two-thirds majority of those written to in Ballymurphy Drive must reply in favour of the proposal. Those who did not return their surveys can have been in no doubt as to the consequences of their inaction.

[34] In any event, as the court has already made clear in its interpretation of Article 11, the council is only required to "have regard to" views expressed and it retains an overall discretion. For the reasons set out elsewhere in the judgment, such a policy is not unlawful. The council is not bound to follow the majority of the views expressed by those who returned the survey or by a majority of those to whom the survey was sent.

### **Ground 4**

[35] The applicant complains that the council has publicly committed itself to act in accordance with the European Charter for Regional or Minority Languages ("The

Charter”) and in particular Article 10 of the Charter. The central and key provision upon which it relies is Article 10(2)(g) which states:

“In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is as such to justify the measures specified below, the Parties undertake to allow and/or encourage:

- (g) the use or adoption, if necessary, in conjunction with the name in the official language(s) of traditional and correct forms of place-names in regional or minority languages.”

[36] The applicant makes the case that the levels of Irish language use and interest in the locality are high. Further, that the two-thirds issued surveys rule in favour of a dual street name in Irish is inimical to the council’s obligation under the treaty.

As a general proposition international treaties or agreements which, as here, have not been incorporated into the national laws are not enforceable: see R v Secretary of State for the Home Department ex parte Brind [1991] 1 AC 696 at 761-2.

[37] In Re MacGiolla Cathain’s Application for Judicial Review [2009] NIQB 66 Treacy J said at paragraphs [31]-[33] of his judgment:

“[31] In respect of the first ground of challenge grounded in the alleged breach of Article 7(2) of the Charter the respondent submitted that its provisions operate only on the plane of international law and create no rights or obligations in domestic law.

[32] The distinction between international law and domestic law has long been accepted by the courts in the United Kingdom. Where it is intended to give domestic legal effect to obligations arising from international treaties the method of achieving this is by incorporating the relevant treaty into domestic law as for example was done by the Human Rights Act 1998 in relation to the principal provisions of the European Convention on Human Rights. This has not however been done in relation to the Charter.

[33] This well established legal position reflects the constitutional principle that in the UK the Executive does not have law making powers unless these are conferred upon it by Parliament. The ratification of an international

treaty such as the Charter is an Executive action effected under prerogative power and involves no delegation of legislative power by the legislature. Moreover, unlike legislation, such an exercise does not require the assent of Parliament. The Crown cannot change unambiguous law by the exercise of prerogative powers. In this respect see the case of Proclamations (1611) 12 Co Rep 74 where at 75 it is stated that:

“The King by his proclamation or other ways cannot change any part of the common law, statute law, or customs of the realm.”

If the ratification of an international treaty had the effect of altering domestic law then the Executive would be able to supplant the legislature by making legislation without any form of Parliamentary consent or approval by the backdoor. This would clearly emasculate the constitutional principle that in the UK the Executive does not enjoy law making powers unless these are bestowed upon it by Parliament. See the House of Lords decisions in Rayner v DTI [1990] 2 AC 4 118 at 499-50, Brind [1991] 1 AC 696 at 747-748 and 762B-D and R v Lyons [2003] 1 AC 976 at [13] and [27].”

[38] Treacy J also rejected further arguments about the applicability of the Charter based on:

- (a) The legitimate expectation it was claimed was created by the Executive action of ratifying the Charter. He rejected this as an impermissible attempt to bypass the constitutional principle referred to above.
- (b) The Treaty should be used as an aid to statutory interpretation. However, in that case (as here) the wording was clear and unambiguous and its use was otiose.

[39] A public authority such as the respondent cannot be obliged to treat itself as bound to act in compliance with international obligation. Even where it does so it is clear from the authorities that the courts will adopt a very light touch review which will not extend to ruling on the meaning or effect of the International Treaty. This was considered by Weatherup J in McCallion’s Application (No: 4) 2009 NIQB 45 at paragraphs [20]-[21] where he said:

“[20] A domestic decision maker may purport to make his decision in accordance the terms of an unincorporated international treaty. Or he may merely take into account

the terms of the treaty in making his decision. Or he may declare that, having taken account of the terms of the treaty, the decision that he has made is in accordance with the treaty. Or he may declare that he will make his decision without regard to the terms of the treaty. In the present case the decision maker concluded that a decision adverse to the applicant would not involve a breach of the Convention. Further, in the present case, the decision maker did not purport to exercise his discretion in accordance with the Convention provision but rather, in reaching his decision, he took into account the Convention and his conclusion that a finding adverse to the applicant would not involve a breach of the Convention.

[21] The effect of Charter House Research is that in general the Court will not seek to interpret the terms of an unincorporated treaty nor will the Court adjudicate upon the correctness in law of a decision maker's conclusion on the meaning of the treaty. The Court may do so where there is no issue about the interpretation of the Convention and the Court is considering whether the interpretation is compatible with the terms of the treaty. The Court may do so where there is settled Convention jurisprudence which provides a particular interpretation. The Court will hesitate to do so where the treaty provides a forum for the resolution of a dispute as to interpretation."

In the present circumstances the court does not consider that the Charter adds anything valuable to the construction to be given to Article 11.

[40] Further, there is no evidence before the court that the number of users of Irish is such as to justify the measures sought. Of course there is evidence of interest. Certainly in the last census approximately 1 in 5 claimed to have "some knowledge of Irish". It is a fairly anodyne expression. Many people who could claim to have some knowledge of Irish could not be described as users.

[41] More importantly Baile Uí Mhurchú is the traditional name for the Ballymurphy Townland. However, Ballymurphy Drive never had an original Irish name. The street since its original creation has always been known as Ballymurphy Drive.

For all these reasons the application grounded on an alleged breach of council's obligations under the Charter, whether self-imposed or not, fails.



## Ground 5

- [42] The complaint here is that the policy for the erection of an additional street name in another language is the same as existed under Section 21 of the Public Health Amendment Act 1907 (now repealed) for the change of a street name. However, this argument carries no weight.
- (i) There is no evidence of the provision of the 1907 Act playing any part in the deliberations of the council: see the affidavit of Mr Martin, and in particular paragraph 38.
  - (ii) If it was taken into account, there is nothing unlawful about the council looking at other related legislation in making a decision in this controversial area, especially if there was evidence that the operation of such provision had worked well in the past.
  - (iii) In any event, and conclusively, once it is accepted that the council retains discretion to erect a dual name plate without the two-thirds response generally required by the policy, the grounds for such a complaint disappear.

## G. Conclusion

[43] For the reasons which are set out in this judgment, the applicant's claim for judicial review fails on all the grounds that have been advanced. I will hear the parties on the issue of costs.

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By virtue of paragraph(s) 5 of Part 1 of Schedule 6  
of the Local Government Act (Northern Ireland) 2014.

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of the Local Government Act (Northern Ireland) 2014.

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<b>Subject:</b>	Requests for use of the City Hall and the provision of Hospitality
<b>Date:</b>	21 August 2020
<b>Reporting Officer:</b>	John Walsh, City Solicitor/Director of Legal and Civic Services
<b>Contact Officer:</b>	Aisling Milliken, Functions and Exhibition Manager

<b>Restricted Reports</b>	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	This paper, together with the attached appendix, contains the recommended approach in respect of each of the requests by external organisations for access to the City Hall function rooms received up to 7 August 2020 which appear to the Function Management Unit to comply with the criteria previously established by the Committee and are recommended for approval.
<b>2.0</b>	<b>Recommendations</b>
2.1	The Committee is asked to: <ul style="list-style-type: none"> <li>• Approve the recommendations made in respect of applications received up to 7 August 2020 as set out in the attached appendix subject to measures that may need to be taken in the current circumstances.</li> </ul>
<b>3.0</b>	<b>Main report</b>

	<u>Background Information</u>
3.1	Members will be aware that the Committee, at its meeting of 6th January 2017, agreed to modify the criteria governing access to the City Hall function rooms for external organisations.
3.2	The Committee also agreed to the implementation of room-hire charges for some categories of function, and also revised the approach to the provision of civic hospitality for functions on foot of the agreed efficiency programme. Some further modifications to this approach were agreed at the Committee's meetings of 24 <sup>th</sup> March 2017, 23 <sup>rd</sup> June 2017, 23 <sup>rd</sup> June 2019 and 25 <sup>th</sup> October 2019.
	<u>Key Issues</u>
3.3	The existing revised criteria and scale of charges have been applied to the various requests received and the recommendations herein are offered to the Committee on this basis for approval.
3.4	The schedule attached at Appendix 1 covers a number of applications for functions, which are scheduled for 2021 and are included in order to permit the organisers to commence their event planning and communications activity as early as possible.
	<u>Financial &amp; Resource Implications</u>
3.5	The implementation of charging for external functions has commenced, in line with the Committee's decisions in the matter.
	<u>Equality and Good Relations / Rural Needs Implications</u>
3.6	There are no direct good relations, equality or rural needs implications arising from this report.
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	Appendix 1 - Schedule of Function requests received up to 7 August 2020.



## AUGUST 2020 CITY HALL FUNCTION APPLICATIONS

NAME OF ORGANISATION	FUNCTION DATE	FUNCTION DESCRIPTION	CRITERIA MET	ROOM CHARGE	HOSPITALITY OFFERED	CIVIC HQ RECOMMEND
<b>2021 EVENTS</b>						
Malaysia Students Society of Northern Ireland	6 March 2021	<p><b>Malaysian Night 2020 –</b> Annual cultural celebration and dinner for the Malaysian community in Belfast.</p> <p>Numbers attending – 300</p> <p><i>Numbers and room layout will be reviewed and revised in line with COVID19 social distancing guidelines at the time of this event.</i></p>	C & D	No (Community)	No Hospitality	Approve No Charge No hospitality

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