

RE: BELFAST CITY COUNCIL

In the Matter of a Call-in Wholly or Partly Under Section 41(1)(b) of the Local Government (NI) 2014

ADDENDUM OPINION

INTRODUCTION

1. This opinion is provided by way of addendum to the opinion dated 17 October 2024. It is provided in relation to the merits of the grounds for call-in under Section 41(1)(a).

DECISION

2. On 20 September 2024 the Strategic Policy and Resources Committee considered a proposal for dual language signage at Olympia Leisure Centre.
3. The minutes record that the Committee considered the Report on the proposal and, noted the contents of the report, noted the contents of the Consultation Report at Appendix 1, and noted and approved the contents and findings of the Equality Impact Assessment Draft Final Decision Report at Appendix 2.
4. The minutes of the meeting record that, after discussion, and on a vote, the proposal was declared carried.

THE CALL-IN UNDER SECTION 41(1)(A)

5. On 1 October a call-in was submitted pursuant to section 41. The opinion of 17 October 2024 addresses the merits of the grounds for call-in under s.41(1)(b). This opinion addresses the merits of the grounds for call-in under s.41(1)(a).
6. Section 41(1)(a) provides:

- (1) *Standing orders must make provision requiring reconsideration of a decision if 15 per cent of the members of the council (rounded up to the next highest whole number if necessary) present to the clerk of the council a requisition on either or both of the following grounds –*
 - a. *That the decision was not arrived at after a proper consideration of the relevant facts and issues; ...*¹

¹ All emphasis is added, save where it appears to the contrary

7. The grounds cited under s.41(1)(a) are as follows:

- a. Failed (adequately or at all) to consider the cost implications of replacing the signage at Olympia before making this decision.
- b. Failed (adequately or at all) to show the Section 75 screening outcome before making this decision.
- c. The decision is inconsistent with, or contrary to, the Council's Language Strategy.
- d. Failed (adequately or at all) to consider the fact that there is a community space within Olympia.
- e. In the premises, the decision was Wednesbury unreasonable.

8. This opinion takes each of those grounds in turn.

a. FAILED (ADEQUATELY OR AT ALL) TO CONSIDER THE COST IMPLICATIONS OF REPLACING THE SIGNAGE AT OLYMPIA BEFORE MAKING THIS DECISION

9. The Report to the Strategic Policy and Resources Committee dated 20 September 2024 addresses Financial and Resource Implications. It states:

Financial & Resource Implications

3.9 *None. The cost of the signage will be met out of existing budgets.*

10. The minutes of the meeting record that the Committee noted the contents of the report. Some Council members also raised issues regarding cost during the discussion prior to the vote on 20 September 2024.

11. In the circumstances, the position with respect to cost was dealt with in the Report, which noted that cost would be met out of existing budgets, and cost was raised as part of the discussion prior to the vote.

12. It is therefore our opinion that this ground does not identify any failure in the proper consideration of the relevant facts and issues. Whether there are some members who disagreed with the decision is a wholly separate question. The issue is one of how the decision was arrived at. What is required is for the decision to be arrived at after a proper consideration of the relevant facts and issues. In our view the minutes indicate that this was done.

b. FAILED (ADEQUATELY OR AT ALL) TO SHOW THE SECTION 75 SCREENING OUTCOME BEFORE MAKING THIS DECISION

13. This ground relies on a failure to show the Section 75 screening outcome. It is important to recognise that a Section 75 screening process is conducted in order to assess whether to have a full Equality Impact Assessment.

14. In this case, the Council did carry out a full Equality Impact Assessment in relation to the decision.
15. In the circumstances, given a full EQIA was carried out, it is our opinion that this ground does not identify any failure in the proper consideration of the relevant facts and issues.

c. THE DECISION IS INCONSISTENT WITH, OR CONTRARY TO, THE COUNCIL'S LANGUAGE STRATEGY

16. This ground contends that the decision is inconsistent with or contrary to the Council's Language Strategy. It cites an extract from Appendix 3 to the Independent Report of 2021 when the Council was considering this issue previously. The Addendum at Appendix 3 to the 2021 report states:

"The Council's Language Strategy makes explicit a commitment to adopt the use of Irish and Ulster-Scots in signs, and in particular where, 'it will be seen primarily by users of Irish/Ulster Scots.' While this commitment is not specific on this point, it could be inferred that the imposition of bilingual signage, contrary to significant, expressed views of local residents, does not fall within the current scope of the strategy."

17. However, that extract on signage referenced in the Addendum at Appendix 3 to the Independent Report of 2021 is not contained in the Language Strategy itself. Rather it appears in Appendix 2 to the Language Strategy, which contains extracts from a previous draft policy.
18. The Language Strategy expressly states in relation to Appendix 2 that, following public consultation, the areas identified in Appendix 2 were redefined into specific community needs.
19. In the circumstances, the Addendum at Appendix 3 to the Independent Report of 2021 is not accurate when it describes the quoted extract as an explicit commitment made in the Language Strategy.
20. In relation to signage, the Language Strategy states: *"Each work stream will include consideration of the council's approach to key council services, including...signage and branding."* The Strategy then identifies the needs of each language community.
21. The Council's Language Strategy was referenced in the Report to the Committee for 20 September 2024, in Appendix 1 to the report and in Appendix 2 to the report.
22. In the circumstances, given that the Strategy does not in fact contain the quote relied upon, given that the Strategy was dealt with in the Report, and given that the Committee *"noted the contents of the Report"*, it is our opinion that this ground does not identify any failure in the proper consideration of the relevant facts and issues.

d. FAILED (ADEQUATELY OR AT ALL) TO CONSIDER THE FACT THAT THERE IS A COMMUNITY SPACE WITHIN OLYMPIA

23. This matter was raised in the Appendices to the Report to the Strategic Policy and Resources Committee dated 20 September 2024. For example, Appendix 3 to the Consultation Report dated October 2023 specifically raises this issue.

24. In the circumstances, given that this matter was included within the Report to the Committee, and given that the Committee "*noted the contents of the Report*", it is our opinion that this ground does not identify any failure in the proper consideration of the relevant facts and issues.

e. IN THE PREMISES, THE DECISION WAS WEDNESBURY UNREASONABLE

25. This ground relies on the four grounds identified above as a., b., c., and d. already set out above.

26. In the circumstances, and given our opinion on each of those grounds as addressed above, it is our opinion that this ground does not identify any failure in the proper consideration of the relevant facts and issues.

CONCLUSION

27. For the reasons given, it is our opinion that the grounds cited in the Call-in do not identify any failure in the proper consideration of the relevant facts and issues.

Monye Anyadike-Danes KC
Aidan McGowan BL
Bar Library
25 October 2024