

RE: BELFAST CITY COUNCIL

In the Matter of a call-In brought on the grounds of section 41(1)(b) of the Local Government Act (NI) 2014

OPINION

INTRODUCTION AND SUMMARY

1. We are instructed by the Belfast City Council ("**Council**") to provide an opinion with respect to the call in of a decision to approve an Irish language policy ("**Policy**"), received on 3 October 2025.
2. The call in requisition form ("**requisition**") requests call in of the decision on the grounds that the decision would disproportionately affect adversely any section of the district, pursuant to Section 41(1)(b) of the Local Government Act (Northern Ireland) 2014 ("**2014 Act**").
3. Accordingly, this opinion addresses whether the decision would disproportionately affect adversely the section of inhabitants identified in the call-in, with specific reference to the reasons outlined in the requisition.
4. In brief summary, for the reasons set out below, having considered the matters outlined in the requisition, it is our opinion that the decision **would not** disproportionately affect adversely the section of inhabitants identified in the call-in.

RELEVANT FACTUAL BACKGROUND

5. In 2018, with support from all political parties, the Council adopted a Language Strategy. The objectives of the strategy are to create a place where linguistic diversity is celebrated and respected and where all those who live, work and visit Belfast can access the city using languages with which they are familiar and comfortable.
6. In May 2024, the Council approved a Language Strategy Action Plan, which sets out proposals for delivering the objectives of the Language Strategy.
7. On 22 August 2025, following public consultation and equality impact assessment, a draft Irish Language Policy was brought before the Council's Strategic Policy and Resources Committee ("**the Committee**"). The Committee considered the draft policy and the consultation responses on 19 September 2025 and again on 26 September 2025 when the Committee voted to approve a final version of the Irish Language Policy.
8. On 1 October 2025, the minutes of the Committee (and therefore the Policy as appended to the minutes) came before the full Council. The minutes of the Council

meeting disclose that the minutes of the Committee were ultimately approved by majority vote (42 in favour, 17 against), after a proposal that the minutes be amended to provide that this Council excludes staff uniforms from the Policy in terms of branding and corporate logo was rejected by members (again by majority vote, 17 in favour, 42 against):

*“Minutes of Strategic Policy and Resources Committee
Moved by Councillor Brennan,
Seconded by Councillor Murphy,*

“That the minutes of the proceedings of the Strategic Policy and Resources Committee of 19th and 26th September 2025, omitting matters in respect of which the Council has delegated its powers to the Committee, be approved and adopted.”

*Amendment Draft Irish Language Policy
Moved by Councillor R. Brooks,
Seconded by Alderman McCullough,*

“That the decision of the Strategic Policy and Committee of 26th September under the heading ‘Draft Irish Language Policy’ be amended to provide that this Council excludes staff uniforms from the Policy in terms of branding and corporate logo.”

On a vote, seventeen Members voted in favour of the amendment and forty-two against and it was declared lost.¹

Adoption of Minutes

The Lord Mayor put the minutes of the Strategic Policy and Committee of the 19th and 26th September to the Council for adoption. As there was no consensus, the adoption of the minutes became subject to a vote.

On that vote, seventeen Members voted against the adoption of the minutes and forty-two for and, accordingly, the minutes of the Strategic Policy and Committee of the 19th and 26th September were adopted.”

9. On 3 October 2025 (within the 5-day working period in which a decision can be called in), a call-in requisition was presented to the Clerk signed by 12 members of the Council. It was brought on the grounds that it was contended that the decision would disproportionately affect adversely any section of the district, pursuant to Section 41(1)(b).

THE CALL IN REQUISITION FORM

10. The requisition requires the decision of the Committee dated 1 October 2025 to be called in for reconsideration. It is grounded on section 41(1)(b) only i.e. that the decision would disproportionately affect adversely any section of the inhabitants of the district.

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

11. The section of the inhabitants of the district identified as being disproportionately adversely affected is *“The Protestant, Unionist, Loyalist; Ulster British community”*.
12. The nature and extent of the disproportionate adverse impact is described within the requisition as follows:

*“The imposition of Irish language signage is significant and controversial, generating community division and opposition. On 24 May 2025, polling was published by the Belfast Telegraph, commissioned by establishing polling agency LucidTalk. This was focused on Irish language at Grand Central station; the results demonstrated that 91% of DUP votes, 97% of TUV votes and 71% of UUP voters opposed the imposition of Irish language signage. In LucidTalk polling published on 19 March 2025 showed 88% of **people who identify as unionist would feel uncomfortable to have Irish language signage imposed in their street**. It is further an objective fact that local Government in Northern Ireland collapsed for three years over the issue of Irish language, with complete unionist opposition. That Irish language is seen as political, controversial and divisive is beyond any objective dispute. The **impact on community relations will be significant, with the unionist community- and those members of staff who identify as unionist/British-will under this strategy be forced to display Irish language, despite fundamental disagreement with such displays.**”²*

LEGAL FRAMEWORK

13. Section 41 of the 2014 Act is entitled *“Power to require decisions to be reconsidered”*, and provides:

41 – (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;

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

(2) Standing orders must require the clerk of the council to obtain an opinion from a practising barrister or solicitor before reconsideration of a decision on a requisition made wholly or partly on the ground mentioned in subsection (1)(b).

(3) Regulations may amend the percentage mentioned in subsection (1) and the process by which a legal opinion is obtained in subsection (2).

² The requisition also sets out a legal argument about the approach that should be adopted by the Council in respect of its interpretation of its standing orders and to a call-in brought under section 41(1)(b) of the 2014 Act. As set out above, this opinion is limited to counsel’s opinion on whether the decision would, as a matter of law, disproportionately affect adversely any section of the district, pursuant to Section 41(1)(b).

(4) In this section –

“decision” means a decision of the council or a committee of the council and includes a decision to make a recommendation;

“reconsideration” means –

(a) in the case of a decision of the council, reconsideration by the council;

(b) in any other case, consideration by the council or any specified committee of the council (whether or not the decision is a decision of that committee);

“section”, in relation to the inhabitants of a district, means a section of a specified description;

“specified” means specified in standing orders.

14. In *Re Hartlands (NI) Ltd for Judicial Review and another* [2021] NIQB 94, Mr Justice Scofield described section 41 as:

“[132] ... a facility for such elected members to require reconsideration on the basis of one or both of the statutory grounds. Section 41 does not, in my view, nor was it intended to, confer rights directly on other persons (such as members of the public, inhabitants of the council's district or, as in this case, disappointed planning applicants) to have a council reconsider decisions with which they are unhappy. It is **a mechanism by which council members themselves may ensure that decisions in their name have been taken only after proper consideration and reflection** (including, in the case of a s 41(1)(b) call-in, consideration of disproportionate adverse effect on any section of the inhabitants of the district).”

15. In *Re Bryson's Application for Leave to Apply for Judicial Review* [2024] NIKB 86, Mr Justice Humphreys opined that care should be taken when analysing the reasons contained within the requisition:

“[38] ... This is an unusual statutory procedure, by which the norms of democratic decision-making are subverted, and it is arguable that its provisions ought to be construed strictly as a result. In this context, it is arguable that the references to the “real potential” to make the district “less inclusive, welcoming and harmonious” and to the “risks having an adverse impact” do not meet the requirement in s 41(1)(b) and standing order 23.2(4) & (5). In particular, it can be argued that the reasons given do not specify “the nature and extent of the adverse impact” but **rather call for speculation as to what the impact may be in the future.**

[39] This is a far from conclusive interpretation. I am conscious that the court has not had the benefit of any sworn evidence from the proposed respondent, nor sight of the legal opinion obtained pursuant to the s 41(2) obligation.”

16. In the very recent case of *Ann McClure's application for judicial review* [2026] NIKB 16, Mr Justice McLaughlin made a number of relevant observations in respect of the legal opinion to be obtained under section 41(2):

“[142]... I also consider that the requirement for a legal opinion under section 41(2) is **sufficiently broadly defined to permit councils to use it as a form of “filter” mechanism.** Nothing in the language of section 41(2) prohibits such a procedure ... I consider that these provisions **simply create a requirement for the opinion to address the question of whether the beliefs of council members about adverse effects**

explained within the requisition are sufficiently well-founded to reach the statutory threshold for reconsideration. The use of the word “indicates” contains a recognition that it is not a requirement for the opinion to determine to a scientific standard whether or not the decision would have the feared effects. Rather, it is a requirement for an informed and reasoned assessment of whether the requisition is based upon sufficiently well founded concerns and where there can be sufficient certainty about the effects of the decision. **I consider that the purpose and effect of such a procedure, within standing orders does not conflict with any requirement of the parent statute.**

[143] In *Re Bryson* [2024] NIKB 86, the applicant challenged the validity of a call-in requisition in relation to a council decision to fly the union flag 365 days per year from war memorials in the Borough. In granting leave, Humphreys J. expressed the that in any given scenario the question of whether a decision would have a disproportionate adverse effect upon a section of the district population was “properly a matter for political judgment” (at [40]). **I agree that judgment plays an important role in any assessment of whether the statutory threshold has been reached,** since the question of disproportionate adverse effects is rarely, if ever likely to yield a scientific answer. **However, I do not consider that it is exclusively a matter of subjective belief.** In deciding whether the statutory threshold is met, BCC’s procures will ensure that the nature and extent of the apprehended effects are identified and explained. **The reasons put forward and any materials referred to in the requisition to support the belief of the council members is available to the lawyer. An assessment of the strength of the relevant reasoning is a matter which is well suited to the skills of a lawyer. The use of a qualified lawyer also adds a vital element of independence in the assessment, which is precisely what was recommended by the Policy Development Group.** In many cases, the lawyer will also have the benefit of equality screening or an assessment which has been undertaken by council officials, which also adds a further layer of objectivity to the process. As the facts of this case demonstrate, there will be some types of decisions where questions of law arise which will inform the opinion. Here, the decisions in *Re McMahon* and *Re Murphy* provided a very important objective and authoritative basis for determining whether concerns about the adverse effects of flying flags from public buildings were sufficiently well founded. **In summary, I do not consider that the process of instructing a lawyer to provide an opinion on the “merit” of a requisition on the grounds of disproportionate adverse effects is purely a question of political judgment. While judgment is inevitably involved, it is a mixed issue and it is one which I consider is sufficiently suited to the skills of a lawyer that I do not consider it to be beyond the scope of the rule making autonomy conferred upon councils by section 41.”**

[144] **...If it is sufficiently clear that the decision of the council is “likely” to affect adversely any of those groupings, the decision will (or at least should) have been preceded by equality impact screening and/or assessment in accordance with its equality scheme and the council ought to have taken account of those likely effects.** The exercise will have been conducted by council officials rather than by council members, prior to the initial decision and hence ought to have been compiled without regard to political considerations. This statutory protection had been in place for many years at the time of enactment of section 41 and must therefore have been within the contemplation of the Assembly. As explained above, **in many cases this equality analysis will also provide an objective and verifiable basis for the lawyer to assess the merit of the requestion and, if appropriate, the decision of council members, upon a reconsideration.”**

OPINION

INTRODUCTION

17. The language used within the call-in (“*significant and controversial*”) deploys the language of section 20 of the Northern Ireland Act 1998 which – briefly stated – governs the circumstances in which matters must be brought to the Northern Ireland Executive Committee. That is not the test to be applied under section 41(1)(b) of the 2014 Act.
18. There are a number of elements to the test contained within Section 41(1)(b):
 - (i) The decision must have an adverse effect;
 - (ii) The adverse effect must be on a specified section of the inhabitants of the district; and
 - (iii) The effect on them must be disproportionate.
19. There is no question that the requisition identifies a specified section of the inhabitants of the district for the purposes of Standing Order 48(b)(4). The question is whether the decision has an adverse effect on the section identified, and if so, is that effect disproportionate.
20. It is important to note at the outset that the decision which is under scrutiny is the adoption of a policy.
21. The stated purpose of the Policy is found at [7] of the Irish Language Policy. It is said to be intended:

“...to give a clear indication of the specific steps the Council will promote the Irish language within its own work and to support the growing community of Irish speakers in Belfast.”

22. The Policy aim is stated in the Policy at [8]:

“The aim of this Policy is to set out how the Council will promote the use of Irish language internally and in the wider Council area in accordance with the commitments outlined above and the specific steps it will take to doing this. It will do so in line with the six Guiding Principles for Promoting, Protecting and Enhancing Linguistic Diversity which were agreed by the Council’s Strategic Policy & Resources Committee in June 2022. These are:

- ***Changing the perspective on languages in our city*** to increase the profile of different languages along with awareness and understanding of associated cultures, heritage and traditions.
- ***Engaging with language communities*** to increase equal opportunities and to enhance and protect good relations within the city.
- ***Improving organisational capacity*** to address staff training needs and improve our language capabilities.

- **Working in partnerships with others** to promote linguistic diversity across the city to move towards our shared vision of inclusive growth, where no-one is left behind.
- **Identifying and implementing actions** in line with agreed priorities to promote, protect and enhance linguistic diversity.
- **Establishing efficient and effective solutions which** are proportionate to need, affordable and measurable.”

23. The Policy Statement provides at [9]-13]:

- “9. A person requesting service through the medium of Irish from the Council is entitled to the same standard of service as they would receive were they to request service in English, and for the availability of Irish language services to be made known to them at the outset of their dealing with the Council through active offer.
- 10. The Council will remove barriers to the use of Irish in public life.
- 11. The Council will promote the learning of Irish as a vibrant modern language
- 12. **The Council will support the promotion of Irish language through its facilities, programmes and events.**
- 13. The Council will take resolute action to promote and protect the Irish language across the Council area across its own public facing services.”

24. At [3] of the Policy the Council states:

“In adopting the Language Strategy, it was mindful of international and domestic legal obligations and standards which are set out at Appendix 1. It was also informed by demand for the use of minority languages and feedback from wide- ranging consultation.”

25. The sources of law cited in Appendix 1 include the European Charter for Regional and Minority Languages, Framework Convention for the Protection of National Minorities, the Belfast/Good Friday Agreement and The St. Andrews Agreement 2006.

THE EFFECT OF THE POLICY

26. The effect of the decision is to adopt the Irish Language Policy in the terms contained within the draft provided to the Council. Without prejudice to the generality of the foregoing, in particular the policy provides as follows under the subheading entitled “communications”:

“14. The Council will develop a list of key strategic Council documents and publications to proactively be made available in Irish. The 10 most common front-facing forms (online and hard copy) will be identified and translated into Irish for immediate use. The Council commits to publishing information leaflets, marketing and promotional materials bilingually in printed form and online. In instances where consultations are being conducted and the subject matter has the potential to impact the use of the

Irish language or the Irish language community themselves, consultation questionnaires, engagement sessions and associated documents will be conducted proactively through the medium of Irish/bilingually as part of the active offer.

15. *Belfast City Council will adopt a new bilingual (Irish/English) corporate identity and will develop a new corporate logo to reflect this commitment.*
 16. *The Council will provide and promote interpretation and translation services across the Council.*
 17. *The Council will codify the arrangements for the use of Irish in Council meetings through the Council's Standing Orders. Members and those addressing the Council in Irish will not be placed at a disadvantage for doing so. Members of the public addressing the Council will be given the option of addressing the Council in Irish at their earliest interaction with the Council.*
 18. *The Council commits to publishing regular and often bilingual English / Irish content across all social media platforms. Information posts, marketing initiatives, community / service announcements will take place in Irish and in English. The relevant officer(s) will work in conjunction with the marketing team to develop a comprehensive strategy on how best to promote the Irish language across the Council's platforms. The Strategy will set out clear annual goals, increasing annually, around the % of social media posts produced.*
 19. *The Council will develop and maintain a functioning bilingual (Irish/English) website. A choice of languages, English/Irish, will first appear on the Council home page and users will be asked which language they wish to view the site in. The Council website will also develop, host and regularly update a specific Irish language page, with information about the Irish language services available from Council, information on classes throughout the city and on Irish medium education.*
 20. *The Council will promote Irish language events in the city and provide information in Irish about major upcoming events and the launch of any key strategic Council initiative.*
 21. *The Council will provide staff with a code of courtesy for indigenous languages and provision of cultural awareness training."*
27. Under the sub-heading "*Signage*", the policy provides:
- "22. *The Council **will adopt** a dual-language approach to signage in all its facilities. These signs will **also include pictorial and tactile (Braille) options** where possible.*
 23. *The Council will, **as part of a rolling programme, prioritise the erection of dual language signage in all of its facilities** through a categorisation approach as set out in Appendix 2. For the purposes of this policy the boundaries of the Gaeltacht Quarter will be expanded to include the Glen Road and Shaw's Road. For the purposes of this Policy the Gaeltacht Quarter is delineated in the map at Appendix.*

24. *For the purposes of this Policy, signs includes all informational and directional signage within facilities, signage and names outside of buildings and also signs at outdoor facilities such as parks and allotments. It also includes interactive displays, educational aids, information leaflets and other resources.*
25. *Translation for signage will be produced by an independent accredited Irish language translator and will be consistent across Council facilities and will have regard to the proper use of standardised forms.*
26. *The erection of street signs in Irish are dealt with separately under the Council's Dual Language Street Signs Policy which was adopted in October 2022."*

AVAILABLE EVIDENCE OF THE NATURE AND EXTENT OF THE IMPACT ON THE SECTION OF THE COMMUNITY IDENTIFIED

i. The requisition

28. As set out above, the requisition describes the alleged disproportionate adverse impact as follows:

"The imposition of Irish language signage is significant and controversial, generating community division and opposition. On 24 May 2025, polling was published by the Belfast Telegraph, commissioned by establishing polling agency LucidTalk. This was focused on Irish language at Grand Central station; the results demonstrated that 91% of DUP votes, 97% of TUV votes and 71% of UUP voters opposed the imposition of Irish language signage. In LucidTalk polling published on 19 March 2025 showed 88% of people who identify as unionist would feel uncomfortable to have Irish language signage imposed in their street. It is further an objective fact that local Government in Northern Ireland collapsed for three years over the issue of Irish language, with complete unionist opposition. That Irish language is seen as political, controversial and divisive is beyond any objective dispute. The impact on community relations will be significant, with the unionist community- and those members of staff who identify as unionist/British-will under this strategy be forced to display Irish language, despite fundamental disagreement with such displays."

29. Insofar as it is disclosed from the foregoing, the alleged adverse impact to this identified section of the community appears to be asserted to be:
 - (i) That this section of the community opposes and/or is uncomfortable with Irish Language Signage (as evidenced by opposition to Irish language at Grand Central Station and/or signage on residential streets);
 - (ii) That Irish language is seen as political, controversial and divisive; and
 - (iii) That those members of (Council) staff who identify as unionist/British will be forced to display Irish language, despite fundamental disagreement with such displays.

30. More broadly it appears to be contended that as a result of the foregoing there will be an adverse impact on community relations in the future.

ii. Public consultation³/EQIA report

31. It is important context that the Council conducted a public consultation process prior to this decision being taken, which ran for a period of 14 weeks.

32. The Council further conducted a full Equality Impact Assessment (“EQIA”), despite the fact there had been no initial screening (a course that the Council has been criticised for by Irish Language Groups⁴).

33. The EQIA report prepared is presently restricted in nature and not available to the public at large but has been provided to counsel for the purposes of this opinion. It was also provided to the members of the Committee which approved the policy before the decision was taken.

34. Given the relevance of this report to the issues under consideration, it is important to set out the key findings in some detail.

35. Under the sub-heading “*Assessment of Impacts*”, the report set out the background to the EQIA:

“5. Assessment of impacts

5.1 In accordance with the EQIA process, having gathered information on the draft policy and those that are likely to be affected by it, the Council must then assess whether there is likely to be a differential impact on groups within one or more of the Section 75 categories should the policy be adopted, before determining the extent of that differential impact and whether it is likely to be adverse.

5.2 Based on previous engagements, the Draft EQIA Consultation Report suggested that Irish speakers and members of Irish representative groups and communities would be likely to maintain that the draft policy should be regarded primarily as a positive action measure, while downplaying any potential adverse impact attaching to those with a different perception or of a different identity.

5.3 The EQIA has confirmed this perspective but alongside a counter opinion that does not regard the promotion of the language as apolitical and is a view that highlights the polarity of opinion across the city.

5.4 Previous consultations around language issues in the city have consistently provoked considerable interest along with a binary division of opinion between those for and those against, and the present consultation has confirmed both.

³ We understand that the version of the Policy which was subject to consultation contained commitment for an English-only version of the Council logo to be available on request, a bilingual logo to be used across all corporate branding, and the availability of an Irish language logo to be promoted for use in correspondence, documentation and literature.

⁴ EQIA report, pg. 45

5.5 *At the same time the EQIA has afforded a contemporary opportunity to gauge opinion and thereby help the Council reach an informed decision at this particular moment in time and mindful of ever-changing political circumstances both regionally and locally.*

5.6 *Before proceeding further, it is important to reiterate that the draft policy must be seen in context and as representing the progressive realisation of the Council's longstanding Language Strategy, a strategy which has already been subject to close and regular scrutiny over many years.*

5.7 *Hence it is not the principles underpinning the strategy that are under scrutiny here, including the promotion and celebration of linguistic diversity, but its outworkings in the form of the first of six individual language policies, Irish (to be followed by Ulster-Scots; Minority Ethnic Communities; Sign Languages (British Sign Language and Irish Sign Language; and Disability Communications).*

5.8 *As the previous sections have made abundantly clear, the draft policy sits very comfortably within the framework of local, national and international minority language obligations, charters and guidance, with all the proposed actions being endorsed within these various statutes and documents.*

5.9 *Indeed, it could be argued that the Council should already have moved further and faster in order to meet these national and international standards and especially with the imminent appointment of an Irish Language Commissioner within the Executive's new Office of Identity and Cultural Expression .*

5.10 *These are positive impacts of the draft policy that will be enthusiastically embraced by one section of the community. However, in light of findings from this and earlier rounds of engagement, the potential for concerns to be raised, or perceived, with regard to the promotion of good relations across the city cannot be ignored.*

5.11 *In other words, while many who embrace the Irish language with enthusiasm are of the view that its use and promotion is non-contentious and apolitical, there are those (predominantly from Protestant, Unionist and Loyalist communities) who would argue that the Irish language has been overtly politicised within the context of Northern Ireland and hence is perceived to be a threat to their sense of identity.*

5.12 *In light of these perceptions, it is suggested that the draft policy may have the potential to adversely impact people with regard to their religious belief, political opinion and/or race/ethnic origin (i.e. national identity) but the precise extent of this impact could not be determined prior to the current round of consultation.*

5.13 *In this way, the EQIA process, and in particular the public consultation and stakeholder engagement, has helped consider further the tangible and contemporary impacts of the draft policy in terms of encouraging or discouraging engagement with the Council and its various facilities and services, the promotion of a good and harmonious environment across the city and the promotion of equality of opportunity and good relations among Council employees, residents and visitors.*

Equality of opportunity

5.14 *An EQIA is primarily a device for systematically determining whether or not a policy is likely to have an adverse impact on one or more Section 75 groups. Furthermore, if a policy does show a potential 'adverse impact' then the public authority must consider how this may be reduced. This would include how an alternative policy may lessen this effect and thereby serve to better promote equality of opportunity and good relations.*

5.15 *The EQIA process itself is intended to anticipate barriers to participation or engagement (for example by staff), or failings in service provision (i.e. the promotion of equality of opportunity), and to assist public authorities in mitigating these adverse impacts as well as complying with the law. **One of the key indicators of adverse impact, as identified by the Equality Commission, can be lower participation rates or uptake by one or more group, but in the current example, until the policy is actually in place then this must remain a matter for conjecture.***

5.16 *It has been suggested by a number of consultees that the proposals contained within the draft policy may give rise to a potential adverse impact for users and potential users of Council facilities and services, along with staff, and in particular those from a Protestant, Unionist, or Loyalist background.*

5.17 *It could be argued that there may be the potential for outworkings of the draft policy, including bilingual signage, to introduce a 'chill factor' for those from particular communities which may in turn discourage engagement with access to, or use of, Council facilities and services. This could also extend to Council staff.*

5.18 *The consultation process was able to explore this possibility further and did reveal concern among members of certain communities that this remained a real possibility. **However, the extent to which this voiced attitude or opinion would be manifest in actual behaviour has yet to be tested.***

5.19 *A further concern was raised in relation to young people who have been raised and educated through the medium of Irish, and who may be disadvantaged if the draft policy is not put in place within a reasonable timeframe.*

...

5.24 *The present EQIA acknowledges the primacy afforded to the equality of opportunity duty in Section 75 (1) and recognises that there is no statutory obligation to proceed with an EQIA mindful of Section 75 (2) considerations. However, in line with ECNI guidance, where a policy has the potential to harm good relations then it is maintained that the potential for adverse impact should not be disregarded.*

5.25 *This may be especially true if there is a likelihood that the promotion of equality of opportunity may also be affected directly or indirectly, for example where members of one community are then less likely to access a facility or service, or where community relations deteriorate to a point where the use and/or availability of facilities or services is affected.*

5.26 *The evidence that is available to date, and including the present consultation, indicates that the draft policy **may have the potential to be perceived as having an***

adverse impact on good relations on grounds of religious belief, political opinion, and also perhaps race/ethnic origin (i.e. national identity), with residents, visitors and employees from a Protestant, Unionist or Loyalist (PUL) community background more likely to perceive this possibility.

5.27 Previous consultations on related matters and including those relating to street signs and leisure centre signage, have suggested that there may be the potential for those who do not support the use of languages other than English to regard elements of the draft policy as potentially challenging to their sense of identity.

5.28 Despite these concerns and perceptions, the Council is content that there are sufficient safeguards in place within the draft policy to ensure that, through a sensitively managed process of categorisation, a staged implementation programme can be scheduled so as to be fair, reasonable and proportionate and that can accommodate local circumstances across the city.

5.29 It is envisaged that this phased approach, taking into account local demographic trends, should allow for a period of adjustment for communities that may have concerns at this time.

5.30 The consultation also revealed serious criticisms by a number of groups representing sections of the Irish language community. In brief, these centred around perceived deficiencies in both the scope of the draft policy itself and the conduct of the EQIA. While noting these concerns, the Council remains committed to the aims and principles of the draft policy and has confidence in the way in which the EQIA process has been undertaken to date.

5.31 Unfortunately, the precise extent of support for and against the policy is difficult to gauge given difficulties associated with the anonymised survey process. These difficulties aside, the accumulated data indicates both considerable support for, and opposition to, the policy. To reiterate, this division of opinion was stark in both the public and staff surveys and was also noticeable during engagement events across the city which each tended to be characterised by only one perspective.

5.32 It was noteworthy that engagement with staff during the current round of consultation tended to mirror these wider community concerns or arguments but there tended to be a broader spectrum of opinions voiced at these events.

5.33 Engagement with council staff revealed little evidence of opposition to the promotion of the Irish language per se but instead a concern as to how good relations between staff could be maintained throughout the implementation of the policy.

5.34 In particular, the potential for branding on personal uniforms to become a contentious and divisive issue was raised repeatedly, along with anxiety as to how staff training would be put in place in a way that would not disadvantage those who chose not to engage with the language.

6. Consideration of measures to mitigate

...

6.7 *The consultation has tended to confirm the possibility of using various measures to mitigate potential adverse impacts. For example, the categorisation process has been broadly welcomed as a way to ensure that the implementation of the policy can proceed at a pace which accommodates local concerns.*

...

6.9 *While staff were generally positive about the aims of the policy there were misgivings about how it would be rolled out. This included expectations regarding staff training, and the potential for those who did not engage with Irish thereby to be disadvantaged.*

6.10 *While there was little resistance to the requirement for general awareness and courtesy training, there was a concern regarding the career prospects of those who chose not to become proficient in Irish.*

6.11 *One final emotive issue that was raised repeatedly by both staff and trade union representatives related to Council branding on personal uniforms. There was a widespread concern that unless this matter was handled with sensitivity then the potential for division and conflict was considerable.*

6.12 Overall, the Council would maintain that the draft policy represents a positive and natural outworking of its original Language Strategy, and a measure that will help to further the aims of the Language Strategy.

6.13 *The schedule of categorisation of council facilities (see Appendix 1) affords the opportunity to mitigate a number of identified concerns while continuing to progress towards full implementation of the policy.*

6.14 *The roll-out of the policy should proceed mindful of staff concerns in particular regarding uniforms and training requirements.*

6.15 During this period of implementation the Council will continue to take on board feedback from the consultation period and beyond and will reflect on this information before reaching any final decision."

36. The report concluded:

"7.3 In brief summary, as anticipated the draft policy has provoked considerable interest and has stimulated a range of opinions across the consultation period.

7.4 To try to strike a balance between often diametrically polarised viewpoints is not straightforward and in particular where the room for compromise or accommodation appears to be narrow

7.5 On the one hand there are those who enthusiastically endorse the use of Irish and can see no downside to its promotion. On the other hand, there are those who feel that the language is being used a political device to further challenge their sense of identity and thereby harm good relations across the city.

7.6 In reflecting on the feedback obtained during the consultation period, it is important to keep in mind the advice of the Equality Commission. The Commission makes clear that the outcome of a consultation should not be regarded as a referendum, poll or plebiscite. Instead, all available information, both quantitative and qualitative, should be used to help inform the decision-making process. In other words, it is not to be regarded as a numbers game.

7.7 In the present case this advice is especially pertinent as the survey attached to the public consultation has yielded equivocal results that are not easy to interpret with any degree of accuracy.

...

7.12 These matters aside, in combination the consultation has revealed significant levels of support for the broad principles underpinning the draft policy and including its policy statement which is, 'to ensure that a person requesting service through the medium of Irish from the Council will receive the same standard of service as they would receive were they to request service in English, and for the availability of Irish language services to be made known to them at the outset of their dealing with the Council through active offer.'

7.13 While there was little evidence of opposition to, and considerable support for, the promotion of the Irish language in itself, there were concerns raised by both the general public and Council staff (including trade union representatives) as to how the roll-out of the draft policy may impact adversely on certain sections of the community, and harm good relations more generally. This was often alongside a concern with the costs associated with the roll-out of the policy in its entirety.

7.14 With this in mind the process of categorisation (otherwise known as progressive realisation) was welcomed by those from different communities as a way of ensuring that good relations could be maintained over an extended period of implementation, and that accompanying costs could then be borne over a relatively lengthy timeframe.

7.15 This medium to long term approach is in line with the guiding principles attached to the Council's Language Strategy, including the need to establish: 'Efficient and effective solutions which are proportionate to need, affordable and measurable.'

7.16 The expansion of the Gaeltacht Quarter was also generally welcomed and was seen as a natural and integral part of the categorisation process.

7.17 This sentiment appeared related to a further trend that was discernible among those members of the public who were generally less enthusiastic about the draft policy, perhaps best characterised by the acronym 'NIMBY' (i.e. 'Not in my backyard'). In other words, there was little opposition to the broad thrust of the policy but primarily when it was implemented in areas where the Irish language was welcomed - but not necessarily in their own locality.

7.18 Hence, while the underlying principles may not have been challenged, successive engagements with both the wider public and council staff served to highlight the array of practical issues and questions that remain to be answered during the roll-out of the policy

so as to ensure that the commitments contained within the policy statement are met but within a realistic and affordable budget and timeframe.

7.19 Without question one of the most commonly occurring themes resonating through the consultation was the resource implications and costs associated with implementation of all the proposals contained within the draft policy.

7.20 The consultation also revealed very different expectations as to what could or should be realistically delivered - and over what timescale. While some felt that the policy had not gone far enough in promoting the Irish language, others raised concerns that full implementation over a short period of time could place an excessive financial burden on the Council, and a burden which may have the potential to adversely impact on the delivery of other council services.

7.21 At the time of consultation, the draft policy was presented as a 'blue skies' proposal, with no costings attached to the various actions included therein. However, subsequent indicative auditing has begun to reveal the extent of the budget that may be required to fully translate these principles and proposals into sustainable practice, and the sums involved are likely to be considerable.

7.22 In delivering these actions, even through a staged process of realisation, the annual scale of expenditure is likely to be significant, and competition for available resources is likely to become a significant factor.

7.23 During these deliberations, any potential knock-on effects on Section 75 groups should not be ignored, for example where other projects or programmes may need to be revised or curtailed.

7.24 With all these concerns in mind it is imperative that an ongoing review of the implementation plan remains as a standing item on the Language Strategy Working Group.

7.25 The role that the group plays at each stage of implementation will be critical in ensuring the success of a realistic delivery programme that continues to reflect ongoing needs and priorities.

7.26 While Council staff tended to be divided in their support for the draft policy in general, across the board one issue in particular provoked a considerable and often emotive response, personal uniforms.

7.27 The concern was voiced that if mono and bilingual alternative uniforms are made available then these may have the potential to be dangerous and divisive, by overtly highlighting the difference between 'us and them' and thereby undoing decades of progress regarding good relations promotion within the Council. The Trade Union Group were especially concerned about this possibility.

7.28 The introduction of uniform options (e.g. bilingual or monolingual) was seen by many consultees as potentially problematic and divisive, while others had reservations or anxieties about wearing a uniform which carried a bilingual logo.

7.29 To avoid damage to good relations among staff it is imperative that when addressing the issue of personal staff uniforms that the Council should proceed with caution and with great sensitivity. By way of example, it may be useful to consider imaginative ways of designing Council logos for uniforms that are able to avoid the need for language or acronyms but instead look towards icons or images.

7.30 This approach to an especially thorny issue would not necessarily detract from the Council's firm commitment to developing a bilingual corporate identity through a variety of other means and may indeed strengthen staff support towards this objective in the process.

7.31 A similar approach to personal uniforms has been successfully adopted elsewhere and could perhaps form part of a wider review of council branding."

37. A detailed report on the findings from the consultation and engagement process was brought to the Strategic Policy and Resources Committee on 22 August 2025 which included a Report on the Public Consultation, a Report on the Staff Consultation, a Trade Union Joint response to the Consultation, and an EQIA Final Decision Report. Notably, it appears from the reports available that the Committee resolved not to proceed with its initial proposal of including an "opt-out" provision in relation to uniforms following the concerns raised by the Trade Union Group about the potential for division amongst staff.⁵

IS THERE AN ADVERSE IMPACT ON THE SECTION OF THE COMMUNITY IDENTIFIED?

38. The details outlined in the requisition presented arguably fail to demonstrate the existence of an adverse effect on the section of the community identified for the purposes of section 41(1)(b), much less a disproportionate effect.
39. Even if the policy was to be deemed - as is alleged - divisive, political, significant or controversial, that ***in itself*** does not establish an adverse effect on the section of the community identified, without more. Equally, the fact that a section of the community opposes a policy does not necessarily mean it has an adverse effect on that section of the community.
40. The height of the contended adversity is therefore a level of discomfort in respect of signage generally (rather than in respect of the outworkings of this policy), and that those members of staff who disagree with displays of Irish Language, will nevertheless have to display it. It is questionable whether either of these contentions amount to an adverse effect on the section of the community identified.
41. However, it is nevertheless plain from the EQIA report that concerns have been raised about the potential adverse impact on the section of the community identified, and in particular the EQIA report recognises (5.17):

⁵ The Council's Trade Union Group's January 2025 response to the consultation process was cited within the EQIA report as follows (pg. 46-47 EQIA report).

*“...it could be argued that there **may be the potential for outworkings** of the draft policy, including bilingual signage, **to introduce a ‘chill factor’** for those from particular communities which may in turn discourage engagement with access to, or use of, Council facilities and services. This could also extend to Council staff.”*

42. The fears expressed about a chill factor relate not to the policy itself however, but to the outworking of the policy. It is important therefore to restate that the decision which is under consideration is to approve the Irish language policy. Decisions about, for example, the specific nature of Irish language signage and uniform logos remain to be made by the Council.
43. The EQIA concluded that there is an absence of objective evidence to test whether the vocalised concerns or fears of the outworking of the policy are likely to come to fruition in practice (5.16):

“It has been suggested by a number of consultees that the proposals contained within the draft policy may give rise to a potential adverse impact for users and potential users of Council facilities and services, along with staff, and in particular those from a Protestant, Unionist, or Loyalist background.

It could be argued that there may be the potential for outworkings of the draft policy, including bilingual signage, to introduce a ‘chill factor’ for those from particular communities which may in turn discourage engagement with access to, or use of, Council facilities and services. This could also extend to Council staff.

*The consultation process was able to explore this possibility further and did reveal concern among members of certain communities that this remained a real possibility. **However, the extent to which this voiced attitude or opinion would be manifest in actual behaviour has yet to be tested.**”*

44. We refer to the observations made by McLaughlin J that:

*“...it is not a requirement for the opinion to determine to a scientific standard whether or not the decision would have the feared effects. **Rather, it is a requirement for an informed and reasoned assessment of whether the requisition is based upon sufficiently well founded concerns and where there can be sufficient certainty about the effects of the decision.**”*

45. Based on the available evidence, it cannot be said that the requisition is based upon sufficiently well-founded concerns that the policy will have an adverse effect on the section of the community: there is not sufficient certainty about the effects of the decision to make such a conclusion.
46. For completeness, we have considered whether, if we are wrong in our conclusion that the requisition is not well-founded in that it cannot be reasonably concluded that

it will have an adverse effect on the section of the community identified, if that effect can be said to be **disproportionately** adverse.⁶

47. This is a difficult exercise to undertake, in light of the absence of clear evidence about the impact, as outlined above. However, if one accepts that the concerns expressed amount to an adverse impact, then those concerns must be weighed in the balance against the nature, purpose and effect of the decision (which have already been outlined above).
48. Insofar as the concerns are raised in the requisition about staff members who disagree with Irish Language being required to display signage, it is important to recall that an “opt-out” provision in relation to Irish language on uniforms was initially proposed, but not included following concerns raised by consultees, including the Trade Union Group, an issue summarised in the EQIA report as follows:

“7.27 The concern was voiced that if mono and bilingual alternative uniforms are made available then these may have the potential to be dangerous and divisive, by overtly highlighting the difference between ‘us and them’ and thereby undoing decades of progress regarding good relations promotion within the Council. The Trade Union Group were especially concerned about this possibility.

7.28 The introduction of uniform options (e.g. bilingual or monolingual) was seen by many consultees as potentially problematic and divisive.”

49. More generally, in our view, to conclude that the adoption of the policy itself would have a disproportionately adverse effect (bearing in mind the nature, purpose and effect of the decision) would effectively amount to concluding that the adoption of the Irish language *per se* is something other than a neutral act by the Council, and/or to elevate the views of one section of the community who are said to disagree with Irish language signage to a right to be offended. The adoption of the Irish Language policy by the Council does not involve a diminution of the rights of those who identify as part of the section of the community identified.
50. We are bolstered in this conclusion by the published views of the Equality Commission and Northern Ireland Human Rights Commission in this sphere:

- (i) The Equality Commission has stated (in the context of the Education Authority’s draft ‘Interim Language Policies for the Irish and Ulster-Scots Languages’):

“1.2 The Commission’s remit is not directly or primarily concerned with the promotion of languages. Our response is provided within the context of our remit on Section 75 of the Northern Ireland Act 1998 and the provisions of the anti-

⁶ The concept of proportionality is one that has been developed in both European and domestic law. It revolves around confining the exercise of power to means which are proportionate to the ends pursued (*Pham v Secretary of State for the Home Department* [2015] UKSC 19 at [113]).

discrimination legislation, specifically the Race Relations (NI) Order 1997 and the Fair Employment and Treatment (NI) Order 1998.

...

3.5 The Commission considers that the use of minority languages, particularly Irish or Ulster Scots languages in Northern Ireland, for common or official purposes would normally and objectively be considered to be a neutral act that would not be discriminatory.

3.6 The speaking or use of any language in Northern Ireland should be a neutral act and should not be perceived as a threat to any individual or group, nor should it be intended in such a manner.

3.7 The Commission considers that the speaking or use of the Irish language in the community does not diminish the entitlements of those whose right to their British identity is guaranteed in the Good Friday Agreement. Similarly, the Commission considers that the wider use of Ulster Scots does not diminish the entitlements of those whose right to their Irish identity is guaranteed.

...

5.3 The use of languages other than English, for example in corporate logos and communications, will not, in general, constitute an infringement of a good and harmonious working environment.

5.4 Decisions must rest with the employer/service provider and should be based on relevant policies and procedures that are proportionate, reasonable and appropriate to the context in which the organisation operates. Each employer should work to ensure that their premises are a welcoming and harmonious space for their workers and customers alike”⁷

(ii) The Northern Ireland Human Rights Commission has expressed the following views on the issue of minority language use by public bodies :⁸

“... there is no “right to be offended” by another party exercising a right.

*38 This is a general principle of freedom of expression (ECHR Article 10, which must be read in conjunction with ECHR Article 14 on non-discrimination on grounds that include language). **The Commission is aware of arguments that there are ‘sensitivities’ regarding the Irish language.** Indeed, the UK government within the Belfast (Good Friday) Agreement encourages the Assembly to sustain commitments to the Irish language in a manner that ‘takes account of the desires and sensitivities of the community’ (albeit it is not clear if this refers to the Irish-speaking or English-speaking community.)*

⁷ Response by the Equality Commission for Northern Ireland to the Consultation by the Education Authority, on the draft ‘Interim Language Policies for the Irish and Ulster-Scots Languages’ January 2023

⁸ The Irish language and Ulster Scots Briefing paper on the implications of the European Charter for Regional or Minority Languages, European Convention on Human Rights and other instruments from [4.1].

In general, restricting use or promotion of Irish to accommodate the 'sensitivities' of others would be incompatible with freedom of expression. However, both ECtHR jurisprudence and the Charter provide a clear indication of how the sensitivities of non-speakers can be accommodated, namely through the prevention of monolingualism in the minority language. The promotion of linguistic pluralism implicit in ECtHR jurisprudence is reflected in and explicitly codified into the Charter. For example, the UK's commitment to allow Irish to be used in debates in the Assembly and Council chambers stands alongside an explicit provision that this has to be done without excluding the use of English. The same principle indicates that the sensitivities of non- Irish speakers could be met by ensuring that English is not excluded from appearing alongside Irish in corporate identities.

*As stressed throughout this paper, under the Human Rights Act 1998 the interpretation of legislation and actions of public authorities must be in a manner compatible with ECHR rights. These include the framework around linguistic diversity, respect for minority language rights and the principle that **the duty of public authorities is "not to remove the cause of tension by eliminating pluralism, but to ensure the competing groups tolerate each other"**. This is important when considering alternative policies or mitigating measures further to an impact assessment of equality of opportunity.*

Approaches that seek to restrict any expression deemed 'divisive' may be particularly problematic if applied to minority languages, as they would only effectively permit monolingualism in English. In addition to addressing the matter that no recognised 'right' appears to be being violated by promoting Irish, there have also been assertions that taking special measures for Irish speakers constitutes indirect discrimination against others (but not by contrast an assessment that not taking such measures would constitute discrimination against Irish speakers on the same indirect grounds).

It is also therefore worth re-emphasising that actions to promote Irish which either take account of its circumstances or merely provide a level of equality with English speakers are not to be considered discriminatory under the Charter. This is an issue that has also been dealt with directly by the Council of Europe: The Committee of Experts has been informed about several instances, especially within local councils, where it was decided not to promote or use the Irish language as it may contravene section 75 of the Northern Ireland Act... The Committee of Experts emphasises that the adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not to be considered an act of discrimination against the users of more widely used languages.

Should objections to the use of Irish or other minority languages be based on intolerance or prejudice against the language, there is a positive duty on the state party to take measures to address this. This should be undertaken through measures that tackle intolerance, rather than

penalising the minority language, for example, through linguistic diversity training. This is in keeping with the commitments to promote respect, understanding and tolerance of Irish contained in Article 7(3) of the Charter and the Belfast (Good Friday) Agreement. The legal basis for complaints has been grounded in attempting to equate the promotion of a language with a symbol or an emblem. Symbols such as Union flags or Irish tricolours, portraits of the Queen or of the Irish President, which identify community allegiance have been subject to lawful restriction in Northern Ireland. It is difficult to see how a language could be seen in this category, not just because of the human rights obligations attaching to language, but also given that a language has to be used in the workplace for communication, and any language could be objected to. The section of the Belfast (Good Friday) Agreement that outlines positive commitments to the Irish language deals separately with the issue of the sensitivity of symbols and emblems for public purposes, establishing that symbols and emblems are to be treated distinctly from languages."

51. In due course specific decisions will require to be made about the implementation of the policy. In that context it is important to note that the Council has indicated that the feedback it has received has been reflected on, and will continue to be used to inform the implementation of the policy.⁹ Moreover, a recording system will be established to monitor the impact of the Council's decision on the draft policy (thereby establishing its effect on relevant groups within the Section 75 categories). The results of ongoing monitoring will be reviewed on an annual basis and included in the annual review on progress to the Equality Commission, and where monitoring indicates the likelihood of an adverse effect on one or more groups over a period of time then appropriate action will be taken to mitigate this effect.¹⁰

CONCLUSION

50. In light of the foregoing, it is our opinion that the requisition is not well-founded: we do not consider that the impact of the decision can properly be said to affect adversely the section of the community identified, having regard to the nature, purpose and effect of the decision. Moreover, if we are wrong about that, we do not consider that any such impact would be disproportionate.

Monye Anyadike-Danes KC
Lara Smyth

Bar Library, 15 May 2026

⁹ EQIA report, [6.6]

¹⁰ EQIA report, [8.1]-[8.6]