



Belfast City Council

Report to: Development Committee

Subject: Community Centres – Conditions of Hire

Date: 16 September 2009

Reporting Officer: Marie-Thérèse McGivern Director of Development ext 3470
Contact Officer: Catherine Taggart, Community Development Manager ext. 3525

Relevant Background Information

The current Conditions of Hire in respect of directly managed Community Centres clause 4(a) states 'that the facility will only be used for the purposes stated in the application and shall not be used for party political or religious activities'. This clause would appear to have been based on the prevailing practice in Leisure Services in the mid 1980s.

Key Issues

Following a request from a Member as to whether the above disqualification in regard to use for religious activity can be removed, Officers have taken advice from Legal Services. A copy of the response is attached for information at appendix 1. Essentially this advice indicates that there is nothing within current legislation to prevent use for religious activity as long as there is no breach of Section 76 of the Northern Ireland Act 1998.

If the disqualification is removed there may be implications for other Council assets in addition to that of Community Centres

Resource Implications

Within the terms of the current Pricing Policy usage for religious activities would result in an income to Council. This income would include staff costs if usage was approved outside of normal working hours.

Recommendations

Members are asked to make a recommendation as to whether the current disqualification on use of Centres for religious activities should be removed.

Decision Tracking

If approved the recommended action will be completed by Catherine Taggart by 30 November 2009

Time line: November 2009

Reporting Officer: Catherine Taggart

Documents Attached

Appendix 1 Memorandum from Legal Services 'Conditions of Hire – BCC Community Centres' dated 28 July 2009.

Our Ref 501-000159-0-DT

APPENDIX 1

Your Ref

28 July 2009

MEMORANDUM

To: Jenny Oliver
Community Services Co-Ordinator North
Community and Recreation Department

Re: Condition of Hire – BCC Community Centres

I refer to your email of 20th July and apologise for the delay in responding to you as I have only returned from leave on 16th July and have been catching up with all mail/emails etc received in my absence.

As I pointed out in my earlier correspondence, the Northern Ireland Constitution Act of 1973 has been entirely repealed and it was Part 3 of that Act when it was still in place which dealt with the discrimination “on the grounds of religious belief or political opinion”.

As previously advised, the closest replacements I can see for this Part 3 are Sections 75 and 76 of the Northern Ireland Act 1998 which I previously reiterated to you.

In my view, given what is stated within those Sections, there is nothing within the current legislation to prevent use of BCC community centres as long as such use promotes equality of opportunity and that the usage is open to all religious groupings as long as the use of Council premises are not used in any way to aid or incite another person to discriminate against a person or class of persons on the grounds of religious belief or political opinion (as per Section 76 of the Northern Ireland Act 1998).

I would therefore advise that if any Group seeks to hire Council facilities, that you obtain full details as to use of the facility by the Group so that the Council can be satisfied that there will be no breach of Section 76.

I trust that this assists you.

Dominica Thornton
Principal Solicitor

cc Seoirse Cardwell, Community Services Co-Ordinator West, Community and Recreation Department

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