



<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>	
<b>After Committee Decision</b>	<input type="checkbox"/>
<b>After Council Decision</b>	<input type="checkbox"/>
<b>Some time in the future</b>	<input type="checkbox"/>
<b>Never</b>	<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	The Committee is asked to: <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>

<p>3.2</p>	<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>
<p>3.3</p> <p>3.4</p>	<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> <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	<p>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.</p>
3.6	<p>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.</p>
3.7	<p>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.</p>
3.8	<p>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.</p>
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>	<p><b>Appendices – Documents Attached</b></p> <p>Appendix 1 – Judgement</p> <p>Appendix 2 – Conradh na Gaeilge Briefing</p> <p>Appendix 3 - Opinion</p>

--	--