



Subject:	Revised Dual Language Street Signs Policy
Date:	23rd April, 2021
Reporting Officer:	John Walsh, City Solicitor / Director of Legal & Civic Services
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Restricted Reports	
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"/>

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

1.0	Purpose of Report/Summary of Main Issues
1.1	The purpose of this report is to seek Committee approval for the revised Dual Language Street Signs Policy to reflect the approach agreed by Members which was ratified by the Council in January 2021 for the purposes of issuing for public consultation.
2.0	Recommendation
2.1	The Committee is asked to approve the draft policy, as attached in Appendix 1.
3.0	Main Report
3.1	Background Legislative basis Article 11 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995, provides for street naming, street numbering and the provision of street signs. It also

	<p>gives Councils the discretionary power to erect dual language street signs or secondary nameplates in a language other than English. Article 11(4) requires the Council in deciding whether to exercise its discretion in relation to the erection of a second nameplate, to have regard to any views on the matter expressed by the occupiers of premises in a street.</p>
3.2	<p>Background to the Dual Language Street Signs Policy</p> <p>The Council first agreed a Dual Language Street Sign Policy in 1995 but deferred implementation of it to enable resource implications to be agreed. In 1998, the Council agreed to implement the policy which provides that only applications supported by a petition of one third of residents of the street will trigger a formal consultation of residents on the street. If two-thirds of the residents of the street respond positively to the consultation, the threshold is deemed to be met for the erection of a second language street sign.</p>
3.3	<p>In 2007, the Council agreed a one-year pilot whereby any application submitted through local Elected Representatives be progressed directly to survey stage. In 2008 Council agreed to revert to the original policy.</p>
3.4	<p>The policy was incorporated into a new wider Policy on Naming of Streets and Numbering of Buildings which had been drafted to provide clear guidance on the naming of street and numbering of buildings in 2009. In 2012, the Council reaffirmed the existing policy after considering a number of proposed amendments.</p>
3.5	<p>The policy was subject to a judicial review in 2014 which was successfully defended by the Council (the results of which were reported to committee in 2015). In summary, Mr Justice Horner found that the Council's decision making process was lawful; as a general proposition, international treaties or agreements which have not been incorporated into national laws are not enforceable; and that the Council had a residual discretion within the policy to allow due consideration being given to the particular circumstances of each application.</p>
3.6	<p>Key Issues</p> <p>New agreed approach</p> <p>On 7th January 2021, the Council ratified a decision taken by the Strategic Policy and Resources Committee on 23rd October to adopt a new policy position, following a Notice of Motion which was raised in February 2020. Different approaches were proposed. Legal advice was given setting out the need to include certain parameters otherwise some of the proposed approaches would be vulnerable to judicial review such as the need for setting a</p>

	<p>minimum response threshold and the need to have regard to the consultation response in full, including non-responses even if they are no longer deemed as not being in favour of an application.. The decision made in October was called in and counsel opinion was sought which found that the decision did not satisfy the following grounds for call-in:</p> <ul style="list-style-type: none"> • the procedural grounds on the basis that there was no failure to take into account relevant considerations including resources; • the disproportionate adverse impact grounds on the basis that the policy when drafted will be subject to equality screening and consultation; and that the operation of residual discretion will allow for appropriate consideration of any potentially sensitive decisions.
3.7	<p>Language Strategy Context</p> <p>This policy applies to all languages although the majority of applications to date have been for signs in Irish. The revised policy aims to reflect historical international frameworks aimed at protecting and promoting regional and minority languages¹ which, while not legally binding until enshrined into domestic law, the UK is a signatory state. These recognise the value of bilingual or trilingual signage as affirmation that the presence of linguistic diversity is appreciated² and as a demonstration of the diverse character of the region³.</p>
3.8	<p>The proposed lower thresholds proposed in the policy is based on the level of population thresholds recommended by the guidebook of the United Nations Special Rapporteur on minority issues⁴ (emphasis added):</p> <p>“Street and locality names and topographical indicators intended for the public are important as markers of social identity, culture and history. A good, practical approach adopted in most countries is for the authorities to provide transparent legislation or procedures to allow bilingual or even trilingual signs, usually following the proportionality principle where there is a sufficient concentration or demand for such signs in minority languages. While national legislation varies, the low threshold where it is considered practicable and reasonable to provide such signs tends to vary between 5 per cent and 20 per cent of the local population, with the lowest threshold usually associated with the use of a minority language that also has some kind of official status or for traditional, historical reasons. The criteria for the display of signs in minority languages must be given a clear and unambiguous legislative basis for it to be effectively implemented. Bilingual or multilingual signs used by public authorities demonstrate inclusiveness, and that various population groups share a locality in harmony and mutual respect.”</p>

¹ UN’s International Covenant on Civil and Political Rights (ICCPR), 1966; UN’s International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966; Council of Europe’s European Charter for Regional or Minority Languages (ECRML), 1992; Council of Europe’s Framework Convention for the Protection of National Minorities (FCNM), 1994

² [Advisory Committee on the Framework Convention for the Protection of National Minorities, Third Opinion on the Netherlands](#), 2019, para 116

³ [Advisory Committee on the Framework Convention for the Protection of National Minorities, Fourth Opinion on Croatia](#), 2015, para 66

⁴ [Language Rights of Linguistic Minorities: A Practical Guide for Implementation](#), 2017

3.9	<p>In addition, the Committee of Experts who annually audit signatory states on their implementation of the European Charter for Regional or Minority Languages have made references to the need for lower thresholds in their reports:</p> <p>“The Committee of Experts urges the Czech authorities to adopt a flexible approach ensuring the implementation of the relevant provisions of the Charter to all regional or minority languages and to encourage local authorities to apply the Charter where there is a demand, irrespective of any thresholds.”⁵</p> <p>“The Committee of Experts notes that limiting the possibility for users of regional or minority languages to submit oral or written applications in these languages to municipalities where 20% of the population belong to a minority amounts to a territorial reservation which is incompatible with the Charter. Besides, the 20% threshold appears in any case too high, as the number of people justifying protection measures under the Charter is commonly well below this percentage.”⁶</p>
3.10	<p>The Key Changes</p> <p>The updated policy is set out in Appendix 1. The key changes are as follows:</p> <ul style="list-style-type: none"> • the trigger for a consultation of the occupiers of a street will be an application to the Council by a resident / residents of the street or an Elected Member representing that District Electoral Area, as opposed to an application from anyone, supported by a petition of 1/3 of occupiers. In order for further consideration as to the erection of a second language street sign to take place, the threshold for the percentage of residents responding positively is 15% instead of 2/3. • People not returning a reply are no longer deemed not to be in favour of the application • Each application will be equality, good relations and rural needs screened • Members may want to consider whether they will exercise their residual discretion at the point when an application is received and decide as to whether to progress that application to the stage of surveying the street in question or not.
3.11	<p>Checks and Balances</p> <p>In the previously agreed report, some key principles were suggested which have been incorporated into the policy:</p> <ol style="list-style-type: none"> 1. That the policy will be used for the promotion of language rights and for the benefit of linguistic communities. 2. That the principles of equality, promoting good relations and respect will underpin the application of the policy in addition to the rights promoted by the policy itself:

⁵ [Application of the Charter in Czech Republic ECRML \(2015\) 6](#)

⁶ [Application of the Charter in Poland ECRML \(2011\) 5](#)

	<ul style="list-style-type: none"> • Based on legal advice, each application will be subject to an equality, good relations and rural needs screening. • The Council retains an overriding residual discretion to take the particular circumstances of each application into account in deciding whether or not a second language street name plate should be erected. In summary, there may be circumstances when notwithstanding the consultation response it may be appropriate to depart from the policy when there are clear reasons for doing so. Guidance will be provided to Members on the factors which should be considered when using this discretion. • And, as is the case at present, the Council will consider the best approach for any applications relating to long streets. <p>3. That, as with any statutory consultation which the council is required to undertake, the City Solicitor may intervene if any complaint is made and a basis for that complaint established.</p> <p>4. That any decision relating to the erection of a second nameplate in the city centre (business core) will, in addition to the current policy considerations, be subject to a wider public consultation to reflect the community of users.</p> <p>5. That the policy will cover the corporately designated Gaeltacht Quarter until such time as a policy which may contain specific proposals in respect of a bilingual strategy have been adopted.</p>
3.12	<p>Equality, good relations and rural needs screening of each application</p> <p>The Council is bound by its duties under Section 75 of the Northern Ireland Act 1998 and under its own Equality Scheme to have due regard to the need to the promote equality of opportunity and to have regard to promoting good relations.</p> <p>The Council’s Good Relations Strategy, adopted in 2019, is committed to creating shared spaces. It states (p. 17): “This Strategy aims to promote sharing over separation and the economic, social and environmental benefits of such. We need to continue to create spaces for communities to interact and make connections with each other, moving from parallel living to meaningful relationships and casual interactions”. Based on legal advice, each application will be subject to an equality, good relations and rural needs screening.</p>

	<p>Information gathered during the screening process will be considered by the Committee as part of its residual discretion. The exercise of the Committee's residual discretion will ensure that second language street signs will not be erected in a manner which could undermine Good Relations at a neighbourhood level.</p>
3.13	<p>Public Consultation</p> <p>A public consultation document is being prepared and will be published on the Engagement HQ platform. The consultation will run for a period of [12/14] weeks and will include a variety of quantitative and qualitative methods of assessing public opinion in order to ensure widespread and meaningful engagement including two remote public meetings. Informal pre-consultation engagement has taken place with the indigenous language community groups namely Foras na Gaeilge, Conradh na Gaeilge and the Ulster Scots Agency. This consultation document will be sent to the other relevant language community groups in Belfast for their feedback. Advice will be sought from Marketing & Communications for communications support due to the high level of interest when this decision was made at Committee.</p>
3.14	<p>Next Steps</p> <p>The following timetable is proposed:</p> <ul style="list-style-type: none"> • April: commission EQIA • May – Sept: carry out 12/14 week public consultation • Sept/Oct: update documents based on consideration of consultation responses and prepare consultation report • Oct: submit final policy to the Strategic Policy and Resources Committee.
3.15	<p><u>Financial and Resource Implications</u></p> <ul style="list-style-type: none"> • As agreed previously, given the potential for increased numbers of applications the council will deal with no more than 5 in any given month. If numbers are excessive they will be held in a queue and dealt with in the order in which they have been received. This will also be managed in the context of the existing staffing resource and the established annual budget for street signage. A report will be submitted to a future meeting outlining the potential for increasing the number of applications which could be processed on a monthly basis, taking into account the new procedure emanating from the revised policy.

	<ul style="list-style-type: none"> • Screening each application will have resource implications for Building Control, the Place & Economy Policy team, the Good Relations Unit and also the Equality & Diversity Unit. • The budget for commissioning an EQIA will be covered within existing budgets in Place & Economy. The proposed budget for an EQIA is £6,000 - £8,000. This takes into account a number of supporting workshops and engagement events and the option of including additional equality expertise in the EQIA contract.
3.16	<p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>It is anticipated that the updated policy will be screened in for an EQIA which will be commissioned externally and issued for feedback as part of the public consultation. It is also anticipated that each application for a dual language street name will be screened for equality / good relations / rural needs implications.</p>
4.0	<p>Documents Attached</p>
	<p>Appendix 1: Draft updated Dual Language Street Sign Policy</p> <p>Appendix 2: Process diagram showing current process</p> <p>Appendix 3: Process diagram showing draft new process</p>