

October 18th, 2016

Notice Of Meeting

You are requested to attend the meeting to be held on **Thursday, 20th October 2016** at **6:00 pm** in **Mourne Room, Downshire.**

Agenda

- 1 **Apologies and Chairperson's Remarks**
- 2 **Declarations of Interest**
- 3 **Equality Commission for N Ireland (ECNI) representatives to outline the Equality Commission's role, consideration and decision-making processes in relation to rescinding their original decision of March 2015, regarding Newry and Mourne District Council's review of the decision to name Raymond McCreesh Park.**
- 4 **Report on consideration of correspondence from Equality Commission for Northern Ireland dated 30 June 2016 re. Review of decision to name Raymond McCreesh Park.**

Invitees

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Report to:	Special Council Meeting
Date of Meeting:	20 October 2016
Subject:	Consideration of correspondence from Dr Evelyn Collins CBE, Chief Executive, ECNI dated 30 June 2016 re: Review of decision to name Raymond McCreesh Park
Reporting Officer:	Liam Hannaway, Chief Executive
Contact Officers:	Liam Hannaway, Chief Executive Eddy Curtis, Director of Strategic Planning & Performance Colin Moffett, Equality Officer

Decisions required:

Members are asked to note the contents of the correspondence from Dr Evelyn Collins CBE, Chief Executive, Equality Commission for Northern Ireland and to discuss and give consideration to next steps in relation to this matter.

1.0	Purpose and Background:
1.1	<p>On 11 February 2015 a Special Staff and Policy / Equality Committee meeting of Newry and Mourne District Council, with full plenary powers, considered an Updated Report on Review of Consultation on naming of Raymond McCreesh Park. The item was considered "In Committee".</p> <p>When the meeting was "Out of Committee" it was reported that following a recorded vote a Motion had been passed by 15 votes to 4 with 1 abstention that Newry and Mourne District Council retain the name of the park in Patrick Street, Newry known as Raymond McCreesh Park.</p>
1.2	<p>On 13 March 2015, Newry and Mourne District Council forwarded a Finalised Report on progress re: Equality Commission for Northern Ireland Investigation Report and recommendations into the naming of the play park in Patrick Street to the Equality Commission for Northern Ireland.</p>
1.3	<p>On 18 May 2015, Newry, Mourne and Down District Council received letter from Equality Commission for Northern Ireland advising the outcome of the ECNI consideration of Newry and Mourne District Council's Finalised Report on Progress re: the Review of the decision to name Raymond McCreesh Park.</p> <p>The correspondence from the Equality Commission accepted the report in completion of the Commission's recommendation to review the decision, noting the work undertaken in this regard and outlined in the report.</p> <p>In accepting the report, the Commission expressed disappointment that the opportunity was not taken to find a name for the play park that would have positive resonances with all those in the Council area and that would be more conducive to promoting good relations between communities.</p>
1.4	<p>On 25 June 2016, Council received correspondence from McAtamney Solicitors Limited re:</p>

	Pre-Action Protocol for Judicial Review.
1.5	<p>On 8 April 2016, the Applicant's Application for Leave to bring a Judicial Review against the Council and the Equality Commission for Northern Ireland (ECNI) was heard at the High Court, and Mr Justice Maguire held:-</p> <ol style="list-style-type: none"> 1. That it was arguable that the ECNI had acted unlawfully in its decision to effectively end its involvement with the Raymond McCreesh Park issue and for it to accept implicitly that what had been done by the Council was sufficient to comply with the Council's Section 75 equality obligations. The Judge extended time for the bringing of the Application and therefore leave was granted to the Applicant to bring its Judicial Review proceedings against the ECNI. 2. The Judge also held that leave would not be granted against the Council for alleged breach of Section 75 Equality Duties. He decided that (on the authority of the Neill Case) that primary responsibility for policing of Section 75 Equality Duties lay with the ECNI, as opposed to the Courts. However the Judge also went on to hold that it was arguable that the decision of the Council (on its review of the naming process for the Park) was arguably "Wednesbury unreasonable" (i.e. irrational) and furthermore that it was also arguable there was predetermination and/or bias in that decision making process. The Judge also extended time to the Applicant to allow her to bring Judicial Review Proceedings against the Council.
1.6	<p>Correspondence from the Equality Commission dated 30 June 2016, advised the Commission at its meeting on 29 June 2016 has rescinded the decision it took in March 2015, specifically around transparency, by which it accepted that the review undertaken by Newry and Mourne District Council had complied with the recommendation made by the Commission.</p> <p>The Commission's letter recommended that to ensure transparency, the Council debate and vote on this issue is conducted in public and properly recorded and Councillors are provided with a qualitative analysis of the consultation responses prior to that debate and vote.</p>
1.7	<p>At the Strategy, Policy and Resources Committee on 11 August 2016, adopted at Council on 5 September 2016, it was agreed:</p> <ul style="list-style-type: none"> • Correspondence dated 30 June 2016 from ECNI be referred to the Councillors' Equality and Good Relations Reference Group for discussion and consideration on next steps in relation to this matter. • An application be made to the High Court seeking an adjournment of the Judicial Review in relation to the decision to name Raymond McCreesh Park.
1.8	<p>The Councillors' Equality & Good Relations Reference Group met on 15 September 2016 to discuss and consider the Equality Commission correspondence and next steps. Also in attendance were Evelyn Collins, Chief Executive, ECNI, Michael Wardlow, Chief Commissioner and Eileen Lavery, Head of Legal and Advice & Compliance.</p> <p>After discussion it was agreed to convene a further Special Council Meeting regarding McCreesh Park at 6.00pm on Thursday 20 October 2016 in the Council Offices, Downpatrick to which representatives of the Equality Commission for Northern Ireland would be invited.</p> <p>This meeting would be to enable all Councillors to engage with the Equality Commission representatives on their decisions and actions regarding Raymond McCreesh Park, and capture a fully minuted record of all comments by way of the audio recording facility used</p>

	<p>for Council meetings.</p> <p>The meeting is to be conducted in two parts with the first providing an opportunity for all Councillors to engage with the Equality Commission representatives, after which Councillors present will then discuss, consider and decide on the next steps.</p> <p>The Special Council Meeting with the Equality Commission representatives on 20 October 2016 will provide an opportunity for Councillors to seek clarification and information on the Equality Commission's role, consideration and decision-making processes in relation to rescinding their original decision regarding Newry and Mourne District Council's review of the decision to name Raymond McCreesh Park. At this meeting Councillors must be mindful of the judicial review legal proceedings still in place, and remain objective at all times.</p>
1.9	<p>At the meeting of the Councillors' Equality and Good Relations reference Group on 15 September 2016, Councillors requested copies of minutes of Equality Commission meetings which discussed and considered Raymond McCreesh Park.</p> <p>In advance of the Special Council meeting on 20 October 2016 it was also agreed that all Councillors be provided with a briefing paper on the background to the naming of Raymond McCreesh Park.</p>
1.10	<p>In relation to the Council's application to the High Court seeking an adjournment of the Judicial Review in relation to the decision to name Raymond McCreesh Park, the case has been adjourned for mention on 22 November 2016.</p> <p>In addition, following the ECNI's decision to rescind their original decision, the Applicant has now dropped the case against the ECNI. In agreeing to dismiss the case against the ECNI, the judge also ordered the ECNI to pay half of the legal costs up to the point it reached its new position on the park's name.</p>
2.0	Key issues:
2.1	<p>As stated in section 1.6 the Equality Commission's correspondence advises they have rescinded their decision with regard to the review of the decision to name Raymond McCreesh Park, and recommends that to ensure transparency, the Council debate and vote on this issue is conducted in public and properly recorded and Councillors are provided with a qualitative analysis of the consultation responses prior to that debate and vote.</p> <p>Therefore, with regard to reviewing the decision to name the park after Raymond McCreesh, in a transparent manner that takes proper account of the legal obligations to have due regard to the need to promote equality of opportunity and regard to the desirability of promoting good relations, the Equality Commission has recommended Council should:</p> <ul style="list-style-type: none"> • undertake a qualitative analysis of consultation responses; and • a qualitative analysis of the consultation responses be provided to Councillors prior to a future debate and vote.
2.2	<p>Insofar as Council must engage with the Equality Commission's recommendations on this matter, sections 8.7 and 8.8 of Newry, Mourne and Down District Council's approved Equality Scheme outline Council has committed it "will co-operate fully with any investigation by the Equality Commission" and "will make all efforts to implement promptly and in full any recommendations arising out of any Equality Commission investigation."</p>

2.3 As outlined in section 1.7, one of the recommendations from the Council's Strategy, Policy and Resources Committee on 11 August 2016, adopted at Council on 5 September 2016, was that an application be made to the High Court seeking an adjournment of the Judicial Review in relation to the decision to name Raymond McCreesh Park. Section 1.10 of this report highlights that the case has been adjourned for mention on 22 November 2016.

As stated in section 1.8, Councillors must at all times be mindful of the judicial review legal proceedings still in place, and that as outlined in section 1.10, in agreeing to dismiss the case against the ECNI, the judge also ordered the ECNI to pay half of the legal costs up to the point it reached its new position on the park's name.

2.4 The following outlines proposed next steps and rationale for consideration in relation to this matter.

1. A qualitative analysis of the consultation responses should be prepared. While this could either be undertaken in-house or by an external consultant, it is recommended that for transparency and independence the latter be engaged to prepare a qualitative analysis.
2. An options paper be drafted by the external consultant for consideration by the Council. This should lay out the various decision-making options available to the Council, spelling out the pros and cons of each option and the reasons that could be relied upon for taking a decision to adopt any particular option. The options paper should be developed in conjunction with the Councillors' Equality & Good Relations Reference Group and take cognisance of legal advices and scrutiny.
3. The qualitative analysis of the consultation responses and options paper be provided to all Councillors prior to debate and vote on the issue.
4. An open debate should be held in public (appropriate Council meeting) on the naming issue. It would be envisaged the qualitative analysis and options paper be tabled for consideration at the Council's Strategy, Policy and Resources Committee, with the outcome being ratified at the next Monthly meeting of Council. At the meeting, if Councillors require legal advices these could be provided in Committee, but the debate itself will have to be in public.

It is important that Council can demonstrate knowledge, understanding and consideration of the issues being discussed and voted on. Therefore, to enhance transparency and that the debate is properly recorded, speakers for and against any proposal would be encouraged to set out the reasons for the opinions that they express, and main speakers should publicly acknowledge the arguments to the position they are adopting. Where relevant and appropriate, speakers should also demonstrate that in arriving at the position, they (or their party) are taking the Council's Section 75 obligations into account, together with an acknowledgement of the effect implementation would have upon good relations.

2.4 Indicative timetable:

Action	Date
Recommendations considered at Special Council Meeting	20 October 2016
Appointment of an independent consultant to undertake qualitative analysis of consultation responses	27 October 2016

	Qualitative analysis of consultation responses tabled with Councillors' Equality & Good Relations Reference Group and options paper developed	December 2016 / January 2017
	Qualitative analysis report and options paper considered at Special Meeting of Council	February 2017
3.0	Recommendations:	
3.1	<p>The following actions are recommended:</p> <ul style="list-style-type: none"> • That Council commission an independent consultant to undertake a qualitative analysis of the consultation responses and development of an options paper; • The qualitative analysis be tabled with the Councillors' Equality & Good Relations Reference Group for discussion and development of an options paper; and, • The qualitative analysis and options paper be provided to all Councillors and tabled for consideration at a future meeting of Council's Strategy, Policy and Resources Committee. 	
4.0	Resource implications:	
4.1	Associated financial and resource issues will include commissioning an independent consultant to undertake a qualitative analysis of the consultation responses and development of an options paper.	
5.0	Equality and good relations implications:	
5.1	<p>Section 75 of the NI Act 1998 requires the Council in carrying out its functions to have due regard to the need to promote equality of opportunity and regard to the desirability of promoting good relations.</p> <p>As the Equality Commission has now rescinded its decision, Council would now be designated as being in breach of its Equality Scheme in relation to the naming of Raymond McCreesh Park. To address this matter the Equality Commission have recommended that to ensure transparency, the Council debate and vote on this issue is conducted in public and properly recorded and Councillors are provided with a qualitative analysis of the consultation responses prior to that debate and vote.</p> <p>As stated, with regard to engaging with the Equality Commission on this matter, sections 8.7 and 8.8 of Newry, Mourne and Down District Council's approved Equality Scheme outline Council has committed it "will co-operate fully with any investigation by the Equality Commission" and "will make all efforts to implement promptly and in full any recommendations arising out of any Equality Commission investigation."</p>	
6.0	Appendices:	
	<ol style="list-style-type: none"> 1. Correspondence from Dr Evelyn Collins CBE, ECNI dated 30 June 2016 2. Briefing paper for Councillors re: Raymond McCreesh Park 3. Minutes of ECNI meeting held on 25 March 2015 4. Minutes of ECNI meeting held on 29 June 2016 	

Equality Commission

FOR NORTHERN IRELAND

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Appendix 1

30 June 2016

Mr Liam Hannaway
Chief Executive
Newry, Mourne and Down District Council
O'Hagan House
Monaghan Row
Newry
BT35 8DJ

Dear Liam

I write to advise that the Commission, at its meeting of 29 June 2016, has rescinded the decision it took in March 2015 by which it accepted that the review undertaken by Newry and Mourne District Council of the naming of McCreech Park in Newry had complied with the recommendation made by the Commission following its investigation of this matter.

Following the granting of leave to apply for Judicial Review proceedings of that decision in April 2016, the Commission has given further consideration to all the relevant matters and the arguments raised in that application. Upon this further consideration, the Commission has concluded that the Council has not fully complied with the recommendation, specifically around transparency; and has rescinded the decision challenged in the judicial review application.

The Commission recommends that to ensure transparency, the Council debate and vote on this issue is conducted in public and properly recorded and Councillors are provided with a qualitative analysis of the consultation responses prior to that debate and vote.

When we communicated our previous decision, the Commission expressed its disappointment that the opportunity had not been taken to find a name for the play park that would have more positive resonances with all those in the Council area and that would be more conducive to good relations between the communities, and that remains the Commission's view.

I am happy to discuss this matter with you if this would be helpful.

Yours sincerely



Dr Evelyn Collins CBE
Chief Executive

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Chief Commissioner: Dr. Michael Wardlow

Chief Executive: Dr. Evelyn Collins CBE

APPENDIX 2

Briefing paper for Councillors re: Raymond McCreesh Park**1. Background**

- Patrick Street Play Area was renamed Raymond McCreesh Park by Newry and Mourne District Council on 30 April 2001.
- Raymond McCreesh Park is a Council play park located within the Newry City, and comprises a children's play area and five-a-side soccer / basketball area.
- Raymond McCreesh, from the County Armagh village of Camlough, was an Irish Republican hunger striker who died on 21 May 1981 during the H-Block hunger strike.

2. Chronology of key events re: Raymond McCreesh Park

Early 2001	Sign entitled "Raymond McCreesh Park" erected at Patrick Street Play park without Council approval.
1 February 2001	Newry and Mourne District Council received a letter from Newry 1981 Hunger Strike Commemoration Committee re: permission to name the Patrick Street Play Park.
14 February 2001	Council's Technical Services Sub-Committee considered correspondence received from the Newry 1981 Hunger Strike Commemoration Committee and agreed that residents within the Ballybot area be surveyed and details referred back to full Council before a final decision be made.
14 March 2001	Council's Technical Services Sub-Committee agreed that as the Ballybot area does not lie with the immediate vicinity of Patrick Street Play area, but lay within the Daisy Hill area, that the survey be circulated to residents within the Daisy Hill Ward. Completed survey sheets were to be returned by Monday, 2 April 2001.
11 April 2001	<p>Council's Technical Services Sub-Committee considered the result of the postal survey which was as follows:</p> <ul style="list-style-type: none"> ▪ 199 survey forms to householders ▪ 73 returned (37% response rate) ▪ 61 (84%) agreeing with the request and 12 (16%) disagreeing <p>The survey result was referred to Technical/Environmental Services Committee meeting on 30 April 2001 for consideration.</p>
30 April 2001	Council's Technical/Environmental Services Committee agreed to approve the renaming of the Patrick Street Play Area, "Raymond McCreesh Park".

	<p>Following this decision Council proceeded to erect signage renaming Patrick Street Play Area as Raymond McCreesh Park.</p>
13 February 2007	<p>Council's Group Leader and Management Team Meeting considered a new draft policy – "Application to name a Council Building, Facility or Room after an individual person."</p> <p>It was agreed that no buildings, facilities or rooms would be named after any individual person except in exceptional circumstances i.e. if someone is to be recognised Nationally or Internationally. This was to be tabled at a future Staff and Policy Committee meeting.</p>
27 March 2007	<p>Council's Staff and Policy Meeting considered the draft policy – "Application to name a Council building, facility or room after an individual person."</p> <p>In relation to the above it was agreed that no buildings, facilities or rooms would be named after any individual person except in exceptional circumstances i.e. if someone is to be recognised Nationally or Internationally.</p>
7 February 2008	<p>Newry and Mourne District Council received a letter from the Equality Commission for Northern Ireland re: Promoting Equality and Good relations in Newry and Mourne Council area</p> <p>The correspondence from the Equality Commission for Northern Ireland stated it is the responsibility of the Council to ensure compliance with both the letter and spirit of its statutory duties to promote equality of opportunity and good relations.</p> <p>The Equality Commission's letter referred the Council to the Equality Commission's Guidance "Promoting Good Relations a Guide for Local Authorities under Section 75 of the NI Act". This guidance document was published in 2007 and provides public authorities with information and advice on implementing their good relations duty under Section 75 (2) of the Northern Ireland Act 1998.</p> <p>The Equality Commission quoted from the guidance as follows, <i>'Section 75 means creating an ethos, a culture, of good relations and recognising the need to promote good relations both within and between communities. Promoting good relations can also involve tackling difficult issues such as the display of aggressive and intimidating flags and emblems, and taking steps to create safe and shared public spaces in towns and cities, that can be accessed and used by all sections of all communities.'</i></p> <p>This correspondence also sought clarification as to whether Newry and Mourne District Council had undertaken a review of its policy relating to the naming of public spaces and/or policy relating to</p>

	<p>good relations and if so, the extent to which equality and good relations implications were considered.</p>
24 April 2008	<p>Newry and Mourne District Council received a letter from Newry District LOL No 9 lodging a formal complaint that Newry and Mourne District Council had breached Section 75 of the Northern Ireland Act 1998 in relation to the name of the park (Raymond McCreesh Park).</p>
13 January 2009	<p>Newry and Mourne District Council's Staff and Policy Committee meeting considered Legal Counsel opinion on this matter.</p> <p>The recommendation of the Staff and Policy meeting, ratified at the Council's Monthly Meeting on 2 February 2009, was that Council,</p> <p><i>'proceed to carry out and equality impact assessment as specified under the Council's Equality Scheme.'</i></p>
7 January 2011	<p>Twelve-week equality impact assessment public consultation period ends.</p> <p>In addition to seeking written responses the Council also held a public meeting which was attended by 26 people.</p> <p>The Council received 29 written responses as follows:</p> <ul style="list-style-type: none"> • 20 from individuals • 6 from Elected Representatives • 1 from a District Council • 1 from an organization • 1 from the Equality Commission for Northern Ireland <p>Of the 29 written responses twenty-five objected to the renaming, three supported the renaming and the response from the Equality Commission for Northern Ireland provided guidance to the matter.</p> <p>At the public meeting the majority of attendees (25 people) were in favour of the Council's decision to rename the park.</p>
11 December 2011	<p>To assist Council in its decision-making process, Council commissioned an independent Consultation Analysis Report on the Equality Impact Assessment on the Naming of Raymond McCreesh Park to identify the key issues, implications and potential mitigating actions.</p> <p>The independent consultation analysis acknowledged the difficulty of assessing actions undertaken in 2001 by current standards and recommended that, in an attempt to promote shared and welcoming space in all areas of the district the scope of any similar consultations should not be limited to the immediate area. Decisions should not be solely based upon obtaining a</p>

	<p>proportionate majority, but consideration should also be given to reasons behind any objections and the potential impact upon territorialisation and cross-community mobility. In addition, it was clear the current Council policy adopted in 2007 was open to interpretation.</p> <p>While the report presented options for consideration, which included changing or retaining the name of the park, the Council needed to formally acknowledge the decision to rename the park had potential to adversely impact upon good relations between people of different religions and political opinions.</p>
25 June 2012	Independent Consultation Analysis Report considered at Management Team and Party Representatives Meeting.
11 September 2012	<p>Independent Consultation Analysis Report discussed at Council's Elected Members Forum.</p> <p>The Elected Members Forum was not a decision-making space, but was a private space for Elected Members to engage in discussion on good relations issues. Following discussion, the consensus from those present at the Elected Members Forum was that the option to retain the name of Raymond McCreesh Park be tabled with Council for consideration.</p>
21 November 2012	Council's Special Staff and Policy / Equality Committee meeting considered a report with recommendations regarding the Equality Impact Assessment of the naming of Raymond McCreesh Park.
3 December 2012	<p>Newry and Mourne District Council's Monthly meeting adopted the recommendations of the Staff and Policy / Equality Committee meeting held on Wednesday 21 November 2012.</p> <p>In relation to the Equality Impact Assessment of the naming of Raymond McCreesh Park the Council agreed:</p> <ol style="list-style-type: none"> 1. The Council agree to uphold the decision to grant the application for renaming Patrick Street Play area as Raymond McCreesh Park and that in so doing Council formally acknowledge that the decision to rename the play park had potential to adversely impact upon good relations between people of different religious belief and political opinion. 2. The Council remove existing park signage, non-Council and Official sign, and erect a new sign in keeping with Council policy. 3. The current Council policy regarding Applications to name a Council building, facility or room after an individual person be equality screened.

	<p>4. All Council policies, adopted or proposed to be adopted, be screened to ensure compliance with Council's Equality Scheme.</p> <p>5. The Council review all current approaches to consultation and decision-making arrangements</p>
1 March 2013	Newry and Mourne District Council received a letter from the Equality Commission for Northern Ireland (ECNI) advising it was initiating an investigation in relation to the potential failure to comply with an approved Equality Scheme under Section 75, Schedule 9, Paragraph 11 of the Northern Ireland Act 1998.
8 April 2014	<p>Newry and Mourne District Council received correspondence from the Equality Commission for Northern Ireland enclosing the Final Investigation Report.</p> <p>The Equality Commission for Northern Ireland's Investigation Report concluded there has been a breach of the Council's Equality Scheme commitment to fulfil its Section 75 responsibilities to have due regard to the need to promote equality of opportunity and regard to the desirability of promoting good relations.</p> <p>The report made three recommendations:</p> <ol style="list-style-type: none"> 1. Newry and Mourne District Council review the decision to name the park after Raymond McCreesh, in a transparent manner that takes proper account of the legal obligations to have due regard to the need to promote equality of opportunity and regard to the desirability of promoting good relations. 2. Newry and Mourne District Council review the policy on naming Council facilities, in a transparent manner that takes proper account of the legal obligations to have due regard to the need to promote equality of opportunity and regard to the desirability of promoting good relations. 3. The reviews should be completed and reported to the Commission within 12 months of receipt of the Final investigation Report. A report on progress should be submitted to the Commission within 6 months.
15 April 2014	<p>Final Investigation Report tabled for information at Council's Staff & Policy and Equality Committee.</p> <p>Recommendation: An urgent Special Staff & Policy/Equality Committee Meeting be convened with the Council's Legal Representative to discuss this Report in full detail and this Meeting be a one item Agenda Meeting only.</p>
28 April 2014	Final Investigation Report tabled at a Special Staff & Policy and Equality Committee.

	<p>Recommendation: Senior Council Officials engage with the ECNI to reach an area of common ground and understanding with regards to the processes and transparency referred to in the recommendations made by the Equality Commission as per legal advice given to the Council before any further decision was made on the issue.</p>
17 June 2014	<p>Council Officials met with representatives from the Equality Commission for Northern Ireland.</p> <p>Those present were:</p> <ul style="list-style-type: none"> • Eddy Curtis, Director of Administration • Colin Moffett, Equality Officer • Paul O’Kane, McShane and Company Solicitors • Eileen Lavery, Head of Advice and Compliance, ECNI • Anne McKernan, Director Legal Services, ECNI <p>It was agreed the Equality Commission for Northern Ireland would confirm the expectations discussed in writing to Council.</p>
7 July 2014	<p>Correspondence dated 4 July 2014 was received from the ECNI outlining expectations from Council in relation to the Investigation Report’s recommendations and review process.</p> <p>A synopsis of the ECNI correspondence is as follows:</p> <p>In relation to the first recommendation, that Council review its decision to name the park after Raymond McCreesh in a transparent manner, any review process should:</p> <ul style="list-style-type: none"> • expressly consider and document the impact of the naming decision in terms of promoting equality of opportunity and good relations; • expressly consider the strong views from the Unionist and Nationalist communities and the impact of the decision; • consider the potential value of facilitated discussions within Elected Members. <p>Councillors must exhibit that they have given due regard to the need to promote equality of opportunity and regard to the desirability of good relations. There must be evidence that the duties are taken into account; and adequately recording that the Council exercised its responsibilities in substance, with rigour and an open mind will be important.</p> <p>With regard to the second recommendation, that the Council review its policy on naming facilities, the ECNI recognise there is work ongoing with regard to collating all policies of both NMDC and Down DC in preparation for new policy decisions. They state that it is important the review of the current policy on naming facilities is commenced as soon as possible. However, if the Council wishes to</p>

	<p>request a revised timetable for the review of the policy on naming facilities, then a written request should be made to the ECNI as soon as possible.</p> <p>With regard to the third recommendation the ECNI will expect a report on progress in October 2014 setting out the practical steps which will have been taken to fulfil the recommendation to review the decision to name the park, and that the review should be completed and forwarded to the ECNI before transition to the new Council (April 2015).</p>
7 August 2014	<p>Correspondence from ECNI dated 4 July 2014 (date stamped 7 July 2014) was considered at Council's Party Representatives and Management Team Meeting.</p> <p>Agreed: An options paper be prepared and presented to a Special Staff and Policy and Equality Committee Meeting.</p>
19 August 2014	<p>Correspondence from ECNI dated 4 July 2014 (date stamped 7 July 2014) re Investigation report into the naming of the play park in Patrick Street, Newry was considered at Council's Staff & Policy/Equality Committee meeting.</p> <p>Agreed: On the proposal of Councillor McAteer seconded by Councillor Donnelly, Council Officials to prepare an options review report to be tabled at the next appropriate Staff & Policy/Equality Committee meeting.</p>
1 September 2014	<p>Monthly Meeting of Council adopts the report and recommendations of Council's Staff & Policy/Equality Committee Meeting held on 19 August 2014.</p>
2 October 2014	<p>Council's Staff & Policy/Equality Committee considered the Draft Options Review Report re ECNI Investigation Report Recommendations.</p> <p>Agreed: On the proposal of Councillor Ruane seconded by Councillor Carr:</p> <ol style="list-style-type: none"> 1. Council to opt for option 2.3 of the Options Review Report ie Review the decision by way of a new public call for written submissions in relation to the impact of the decision. 2. An external facilitator to be used, as required, to assist with the review process. 3. Council to write to the Equality Commission requesting a revised timetable for the review of the policy on naming facilities, ie, requesting that the policy review be deferred to the new Council.
22 October 2014 to 19 December	<p>Newry and Mourne District Council commenced a public call for written submissions which closed on 19 December 2014.</p>

2014	<p>The call for written submissions was advertised and communicated as follows:</p> <ul style="list-style-type: none"> • 21 October 2014 - News release and consultation document placed on Council website for download. • 21 October 2014 - News release placed on Council facebook page. • 22 October 2014 - Consultation document and reponse template emailed and posted to consultees. • 22 October 2014 – Council Party Representatives advised of the consultation process and forwarded consultation and response template. • 24 October to 7 November 2014 - advertisement placed on Newry Times website. • W/b 27 October 2014 - Advertisement placed in 6 local newspapers (Newry Reporter, Newry Democrat, Mourne Observer, The Outlook, Armagh / Down Observer, The Examiner)
19 December 2014	<p>Closure of consultation.</p> <p>Council received the following responses to the consultation:</p> <ul style="list-style-type: none"> • 121 completed template responses <ul style="list-style-type: none"> ○ 120 disagreeing with the Council's decision to name Raymond McCreesh Park ○ 1 agreeing with the Council's decision to name Raymond McCreesh Park • 53 letters, emailed comments etc <ul style="list-style-type: none"> ○ 52 disagreeing with the Council's decision to name Raymond McCreesh Park ○ 1 agreeing with the Council's decision to name Raymond McCreesh Park • 2948 single page petitions¹ <ul style="list-style-type: none"> ○ 2942 agreeing with the Council's decision to name Raymond McCreesh Park ○ 1 stating no opinion ○ 5 unsigned • A petition with 108 signatories supporting the decision by Newry and Mourne District Council to name the play park on Patrick Street "Raymond McCreesh Park"
15-17 January 2015	<p>Over this period, all Councillors were provided with documentation relating to a Report on Consultation on review of Council's decision</p>

¹ Petitions were amended to reflect where the respondent lived and whether it was from an individual or on behalf of an organisation.

	<p>to name Raymond McCreesh Park.</p> <p>The Report included three appendices:</p> <ul style="list-style-type: none"> • Appendices 1 and 2 provided a list of the respondents who had forwarded completed templates, letters and emailed comments. • Appendix 3 provided an example of one of the single page petitions. • Councillors were also advised contents of appendices 1, 2 and 3 could be viewed by contacting the Council's Equality Officer. <p>Written comments received in relation to appendices 1 and 2 were also circulated to Councillors in advance of the meeting on 19 January 2015.</p> <p>The report's recommendation to Council was as follows:</p> <p><i>"Taking account of the written submissions to the consultation process, and exercising its responsibilities in substance, with rigour and an open mind, Council must review the decision to name Raymond McCreesh Park, giving due regard to the need to promote equality of opportunity and regard to the desirability of promoting good relations, and expressly considering the strong views from the Unionist and Nationalist communities and the impact of the decision."</i></p> <p>Councillors were also advised that, <i>'Before making a decision, Councillors must be in a position to confirm they have read and given due consideration to the comments.'</i></p>
19 January 2015	<p>The Report on consultation on review of Council's decision to name Raymond McCreesh Park was tabled for consideration at Council's Staff and Policy / Equality Committee meeting.</p> <p>Following a vote it was agreed that a Special Meeting of the Staff & Policy/Equality Committee with full plenary powers would be held within a week to 10 days to discuss the consultation on review of Council's decision to name Raymond McCreesh Park. It was agreed this meeting would be held in the evening.</p>
11 February 2015	<p>A Special Staff and Policy / Equality Committee meeting with full plenary powers considered an Updated Report on Review of Consultation on naming of Raymond McCreesh Park.</p> <p>The item was considered "In Committee".</p> <p>When the Meeting was "Out of Committee" it was reported that following a recorded vote a Motion had been passed by 15 votes to 4 with 1 abstention that Newry and Mourne District Council retain the name of the park in Patrick Street, Newry known as Raymond McCreesh Park.</p>

3 March 2015	Council forwarded a Report on Progress re: Equality Commission for Northern Ireland Investigation Report and recommendations into the naming of the play park in Patrick Street to the Equality Commission for Northern Ireland.
9 March 2015	Anne McKernan, ECNI met with Council's Equality Officer at Newry and Mourne District Council Offices to view Council's files in relation to the consultation process.
13 March 2015	Council forwarded Finalised Report on progress re: Equality Commission for Northern Ireland Investigation Report and recommendations into the naming of the play park in Patrick Street to the Equality Commission for Northern Ireland.
25 March 2015	ECNI considered Newry and Mourne District Council's Finalised Report on progress.
18 May 2015	<p>On 18 May 2015, Newry, Mourne and Down District Council received letter from Equality Commission for Northern Ireland advising the outcome of the ECNI consideration of Newry and Mourne District Council's Finalised Report on Progress re: the Review of the decision to name Raymond McCreesh Park.</p> <p>The correspondence from the Equality Commission accepted the report in completion of the Commission's recommendation to review the decision, noting the work undertaken in this regard and outlined in the report.</p> <p>In accepting the report, the Commission expressed disappointment that the opportunity was not taken to find a name for the play park that would have positive resonances with all those in the Council area and that would be more conducive to promoting good relations between communities.</p>
25 June 2015	Council receives correspondence from McAtamney Solicitors Limited re: Pre-Action Protocol for Judicial Review.
7 July 2015	McShanes Solicitors forwarded response on behalf of Newry, Mourne and Down District Council to McAtamney Solicitors Limited re Pre-Action Protocol for Judicial Review.
9 July 2015	ECNI forwarded Council copy of letter sent by ECNI to McAtamney Solicitors Limited re Pre-Action Protocol for Judicial Review.
24 July 2015	McShanes Solicitors forwarded a further response on behalf of Newry, Mourne and Down District Council to McAtamney Solicitors Limited addressing the complaint raised in their correspondence that the Council was in breach of its Equality Scheme.

	<p>The response by McShanes Solicitors referenced the ECNI correspondence, dated 9 July 2015, which advised that the breach identified by the Commission in its investigation has been remedied and that the Commission is not in a position to advise the Council that it is currently in breach of its Equality Scheme.</p>
8 April 2016	<p>On 8 April 2016, the Applicant's Application for Leave to bring a Judicial Review against the Council and the Equality Commission for Northern Ireland (ECNI) was heard at the High Court, and Mr Justice Maguire held:</p> <ol style="list-style-type: none"> 1. That it was arguable that the ECNI had acted unlawfully in its decision to effectively end its involvement with the Raymond McCreesh Park issue and for it to accept implicitly that what had been done by the Council was sufficient to comply with the Council's Section 75 equality obligations. The Judge extended time for the bringing of the Application and therefore leave was granted to the Applicant to bring its Judicial Review proceedings against the ECNI. 2. The Judge also held that leave would not be granted against the Council for alleged breach of Section 75 Equality Duties. He decided that (on the authority of the Neill Case) that primary responsibility for policing of Section 75 Equality Duties lay with the ECNI, as opposed to the Courts. However the Judge also went on to hold that it was arguable that the decision of the Council (on its review of the naming process for the Park) was arguably "Wednesbury unreasonable" (i.e. irrational) and furthermore that it was also arguable there was predetermination and/or bias in that decision making process. The Judge also extended time to the Applicant to allow her to bring Judicial Review Proceedings against the Council.
29 June 2016	<p>The ECNI considered the Newry and Mourne District Council Investigation, and the minutes of their meeting state the following:</p> <p><i>"The Chief Executive presented this paper noting that it was based on legal advice. Commissioners were asked to rescind a decision taken by the Commission on 25 March 2015 to accept the review conducted by Newry and Mourne District Council as being in compliance with its recommendation to review the naming of the park after Raymond McCreesh in a transparent manner that took proper account of the legal obligation to have due regard to the need to promote equality of opportunity and regard to the desirability of promoting good relations.</i></p> <p><i>Commissioners considered this and agreed to rescind the decision taken by the Commission on 25 March 2015."</i></p>
30 June 2016	<p>Correspondence from the Equality Commission dated 30 June</p>

	<p>2016, advised the Commission at its meeting on 29 June 2016 had rescinded the decision it took in March 2015, specifically around transparency, by which it accepted that the review undertaken by Newry and Mourne District Council had complied with the recommendation made by the Commission.</p> <p>The Commission's letter recommended that to ensure transparency, the Council debate and vote on this issue is conducted in public and properly recorded and Councillors are provided with a qualitative analysis of the consultation responses prior to that debate and vote.</p>
11 August 2016	<p>At the Strategy, Policy and Resources Committee on 11 August 2016, adopted at Council on 5 September 2016, it was agreed:</p> <ul style="list-style-type: none"> • Correspondence dated 30 June 2016 from ECNI be referred to the Councillors' Equality and Good Relations Reference Group for discussion and consideration on next steps in relation to this matter. • An application be made to the High Court seeking an adjournment of the Judicial Review in relation to the decision to name Raymond McCreesh Park.
15 September 2016	<p>The Councillors' Equality & Good Relations Reference Group met on 15 September 2016 to discuss and consider the Equality Commission correspondence and next steps. Also in attendance were Evelyn Collins, Chief Executive, ECNI, Michael Wardlow, Chief Commissioner and Eileen Lavery, Head of Legal and Advice & Compliance.</p> <p>After discussion it was agreed to convene a Special Council Meeting regarding McCreesh Park at 6.00pm on Thursday 20 October 2016 in the Council Offices, Downpatrick to which representatives of the Equality Commission for Northern Ireland have been invited.</p> <p>This meeting will enable all Councillors to engage with the Equality Commission representatives on their decisions and actions regarding Raymond McCreesh Park, and capture a fully minuted record of all comments by way of the audio recording facility used for Council meetings.</p> <p>The meeting will be conducted in two parts, with the first providing an opportunity for all Councillors to engage with the Equality Commission representatives, after which the Councillors present will then discuss, consider and decide on the next steps.</p>
11 October 2016	<p>Council were advised that in relation to the Council's application to the High Court seeking an adjournment of the Judicial Review in relation to the decision to name Raymond McCreesh Park, the case has been adjourned for mention on 22 November 2016.</p>

	<p>In addition, following the ECNI's decision to rescind their original decision, the Applicant has now dropped the case against the ECNI. In agreeing to dismiss the case against the ECNI, the judge also ordered the ECNI to pay half of the legal costs up to the point it reached its new position on the park's name.</p>
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Appendix 3

EC/15/05/1

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EQUALITY COMMISSION FOR NORTHERN IRELAND**ONE HUNDRED AND TWENTY FIRST MEETING HELD
ON WEDNESDAY 25 MARCH 2015
IN EQUALITY HOUSE, BELFAST****MINUTES****Present**

Michael Wardlow	Chief Commissioner
Jane Morrice	Deputy Chief Commissioner
Fidelma Carolan	
Kit Chivers	
Patricia Feeney	
Milton Kerr	
Stephen McIveen	
Dermot Nesbitt	
Peter Sheridan	(part)
Norman Trotter	
Murray Watt	

Apologies

Stella Burnside
 Anna Carragher
 Charo Lanao-Madden
 Liam Maskey
 Lyn McBriar

In attendance

Evelyn Collins	Chief Executive
Keith Brown	Head of Corporate Services
Darren McKinstry	Director, Policy and Research
Anne McKernan	Director, Legal Services (part)
Louise Conlon	Manager, Secretariat
Roisin Mallon	Manager, Policy and Research (part)
Liz Law	Policy Officer, Policy and Research (part)
Patrice Hardy	Manager, Advice and Compliance (part)
Marie-Clare Kinney	Senior Legal Officer

1. Declarations of Interests

None declared at this stage of meeting.

2. Minutes

EC/15/02/1

The minutes of the one hundred and twentieth meeting held on 25 February 2015 were signed as a true and accurate record following minor amendment at item 8, Chief Executive's Report.

3. Matters Arising

Pg 2 **Potential discussion with NIHRC:** The potential of a joint Board meeting to discuss the intersection of freedom of religion and aspects of equality law was under discussion with NIHRC and proposed dates would follow.

Pg4 **Shared Education:** A meeting with the Minister of Education was being sought and opportunities for further engagement with the Assembly's Education Committee will be identified as appropriate.

Pg4 **Business Plan:** The final draft Business Plan 2015-16 with budget allocation was submitted to OFMDFM on 27 February. Approval was awaited.

Pg6 **Video on Racism:** Staff were in contact with Hazelwood Integrated College regarding the video on racism and opportunities were being explored to use this resource.

4. Policy Issues

- Gender Equality: Policy Priorities and Recommendations

EC/15/02/2

The Policy Officer introduced this paper which proposed a number of policy priorities and recommendations to further refine existing policy positions on gender equality. There were new policy positions in relation to transgender issues and men. The paper also outlined a number of proposed next steps in relation to these priorities.

EC/15/05/1

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Commissioners considered the proposed policy priorities in detail, noting that gender inequality was still evident in Northern Ireland society despite improvements made since the enactment of the Sex Discrimination Order in 1976. In this context, a Commissioner proposed that the tone of the document should be strengthened.

There was a discussion on engagement with the transgender community prior to establishing the positions and the language used in the paper when referring to transgender issues. Gender stereotyping was also considered and Commissioners discussed whether there was a need for legislation in that area.

The issues that women face in public life were considered, in particular whether the introduction of quotas would be a positive step forward in this area. The Commission had not taken a policy position on this issue and this is a matter that the Commission should consider in the future.

A number of additional issues were raised for consideration for inclusion prior to the policy positions being finalised. This included a greater focus on the gender pay gap and the potential adverse impact on women arising from the current reductions in funding across the voluntary sector. References were also to be included on the impact of zero hours contracts and same sex relationships should be referenced in relation to domestic violence.

The references to reproductive rights in the paper should fully reflect the agreed position as stated in the Commission's response to the Department of Justice consultation and CEDAW.

Commissioners **approved** the paper, subject to above amendments.

- **Sex Equality Law: Proposals for Reform** EC/15/04/3

The Manager, Policy and Research, presented this paper which outlined the proposals for reform of sex equality law and proposed next steps.

Commissioners considered and **approved** the updated law reform proposals and noted the proposed next steps.

- **Private Member's Bill consultation: The Naming of Public Facilities/Entities after Ineligible People** EC/15/04/4

EC/15/05/1

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The Director, Advice and Compliance, presented this paper noting that it was not the Commission's policy to respond routinely to Private Members Bills.

There was a discussion on the motivation for this Private Members Bill. It was noted that the Bill had limited scope although it was recognised that it was an area that had an impact of good relations.

There was a discussion on whether it was necessary for the Commission to engage further with the Member who was proposing the Bill.

It was agreed that this was an opportunity to make a statement on this matter rather than addressing the consultation in detail. Commissioners also agreed that further consideration should also be given to updating the Commission's guidance on this matter.

5. Business Reporting

6. Other Matters for Commission Decision

Stephen McIlveen declared an interest and left the meeting.

- Equality Schemes Approvals – Local Government EC/15/04/5

The Manager, Advice and Compliance, presented the report noting that the eight Council Schemes submitted had complied with the model scheme.

Commissioners **approved** these Schemes.

Stephen McIlveen rejoined the meeting.

- Report of the review of the Recommendation into the Naming the Play Park in Patrick Street, Newry. EC/15/04/6

The Chair of the Statutory Duties Investigation Committee presented the report of the Review of the Recommendation into Naming the Play Park in Newry and the Committee's consideration of it.

Following discussion, it was agreed to follow the recommendation of the Committee and to accept the Report in completion of first recommendation of the Investigation Report and to express disappointment that the Council had not taken the opportunity to find a name for the play park that would have positive resonances with all

EC/15/05/1

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those in the Newry and Mourne District Council area/more desirable in the interests of good relations. It was agreed to issue a statement to this effect following communications with the Council.

7. Chief Commissioner's Business

EC/15/04/7

The Chief Commissioner reported on a number of engagements he had undertaken since the last meeting including a meeting with the incoming Children's Commissioner; and a meeting with the Chair and Chief Executive of the Community Relations Council with the Chief Executive. He provided an update on media interviews he had given over recent weeks including to the Guardian newspaper.

The Chief Commissioner reported that the NIO Commissioner appointment process was nearing completion and scheduled to conclude before 30 March 2015. He also reminded members that the Head of the Civil Service would be in attendance at the next meeting.

Following a request from a Commissioner, it was agreed to consider the two mentions of equality in the NI Affairs Committee Report into the Administrative Scheme for 'On-the-Runs'.

8. Chief Executive's Report

EC/15/04/8

The Chief Executive added detail to her previously circulated report. She provided an update on a recent Tribunal Decision against the Commission; and on a complaint currently being considered by the Ombudsman in respect to a decision by the Legal Funding Committee.

9. Matters for Information

- Government Progress on the implementation of the Together: Building a United Community Strategy EC/15/04/09
- Response to Consultation on 'Shared Education Draft Policy and Legislation Consultation' EC/15/04/10
- Response to DOE Consultation on draft Statutory Guidance on Community planning EC/15/04/11
- Response to DE Consultation on Addressing Bullying in Schools EC/15/04/12

EC/15/05/1

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Commissioners **noted** the above matters for information. In relation to the response on "Shared Education", a Commissioner was of the view that the term 'shared and integrated education' should be used in the future.

10. Any Other Business

There was no other business discussed.

11. Date of next meeting

One hundred and twenty second Commission Meeting will be held on **Wednesday, 22 April 2015, at 1.30 pm** in Equality House.

The meeting closed at 4.40 pm

Signed

Date

Appendix 4

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EC/16/07/01

EQUALITY COMMISSION FOR NORTHERN IRELAND**ONE HUNDRED AND THIRTY FOURTH MEETING HELD
ON WEDNESDAY 29 JUNE 2016 AT 12.00 NOON
IN EQUALITY HOUSE****PRESENT**

Michael Wardlow	Chief Commissioner
Lesley Carroll	Deputy Chief Commissioner
Fidelma Carolan	
Deborah Donnelly	
Billy Gamble	
Judith Gillespie	
Tom Hartley	(part)
Milton Kerr	
Stephen McIlveen	
William McKee	
Joe McVey	
Robin Mullan	
David Rose	(part)

APOLOGIES

Hazel Francey
Liam Maskey
Geraldine McGahey

IN ATTENDANCE

Evelyn Collins	Chief Executive
Keith Brown	Head of Corporate Services
Eileen Lavery	Head of Advice and Compliance and Legal
Lisa King	Director, Advice and Compliance
Anne McKernan	Director, Legal Advice and Compliance
Darren McKinstry	Director, Policy and Research
Jacqui McKee	Director, Advice and Compliance
Louise Conlon	Manager, Secretariat
Terry Craig	Manager, Finance
Eoin O'Neill	Solicitor to the Equality Commission
Joseph Brennan	Placement student

EC/16/07/01

The Chief Commissioner introduced Joseph Brennan, a placement student from University College Dublin, as an observer to the meeting.

The Chief Commissioner apologised for the late distribution of a number of papers, in particular the Programme for Government Paper.

1. Declarations of Conflict of Interest

Commissioner Tom Hartley declared an interest in respect of agenda item 7 [EC/16/06/7], Newry and Mourne District Council Investigation. He would leave the meeting at this point.

Commissioner Fidelma Carolan declared an interest in respect of agenda item 7 [EC/16/06/8], Boardroom Apprentice Programme. She would leave the meeting at this point.

2. Minutes

EC/16/05/01

The meeting considered the minutes of the one hundred and thirty third meeting held on Wednesday 25 May 2016.

The minutes were **agreed** and **signed** as a true and accurate record.

3. Matters arising not already on the Agenda

Pg 3 Proposals to amend the Commission's advice to public authorities on Consultation: The Commission's decision in relation to consultation in equality scheme arrangements had been communicated to public authorities. The consultation feedback report will be available on the website shortly.

4. Business Reporting

– Draft Annual Report and Accounts 2015/16

EC/16/06/5

The Head of Corporate Services presented the draft Annual Report and Accounts which had previously been considered by the Audit and Risk Committee on 27 June 2016. There had been one amendment to the Report since it had been reviewed by the Audit and Risk Committee, this related to inclusion of wording with respect to the result of the recent EU Referendum. This amendment had been requested by the Northern Ireland Audit Office (NIAO).

The Head of Corporate Services drew the meeting's attention to a number of areas within the Annual Report and Accounts, noting that it was in the format as set down by the 2015/16 Financial Reporting Manual.

EC/16/07/01

The Head of Corporate Services advised that the Annual Accounts had received a clean audit opinion from the NI Audit Office. The draft Report to Those Charged with Governance had included a priority 1 and a priority 3 recommendation. The Head of Corporate Service provided detail on both of these issues.

Following consideration, the Annual Report and Accounts were **agreed** for submission to the Northern Ireland Audit Office.

– **Annual Report from Chair of Audit and Risk Committee EC/16/06/4**

The Chair of the Audit and Risk Committee presented his Annual Report. He noted it had been a good year's work and outlined the meetings which had taken place during the year. He indicated that all members had a good attendance record. The Committee had reviewed its Terms of Reference in February 2016 and had a Core Work Programme in place for the year. The Chair noted that six internal audit reports were undertaken and all provided substantial assurance which was a great achievement.

The Chair noted that the Commission was a very well run organisation and thanked the Chief Executive, Head of Corporate Services and other staff for the continued support they gave to the Audit and Risk Committee and its members over the past year.

5. Policy Issues

– **Key Inequalities in Education: Final Statement EC/16/06/3**

The Senior Research Officer presented the final Statement on Key Inequalities in Education. Since the launch of the research report and draft Statement in October 2015, there had been engagement with stakeholders and consideration had been given to additional information provided by the Department of Education. Details of the key changes to the draft Statement were provided in the accompanying paper. A number of next steps were also noted.

Commissioners considered the Statement. There was a query on whether there would be read across between the final Statement and the relevant Public Authority Equality Scheme action plans. It was confirmed that this Statement and the forthcoming policy positions would inform the range of the Commission's work in this area. It was expected the Public Authorities would also use the Statement to inform their equality action plans.

A Commissioner said that it was very important that every opportunity was taken to demonstrate the Commission's work is making a real difference to the lives of

EC/16/07/01

people in Northern Ireland. Important pieces of work, such as this, needed to be accompanied by an action plan.

It was agreed that an action plan providing further detail on the next steps would be on the August Commission agenda.

Commissioners **approved** the proposed final Statement on Key Inequalities in Education in Northern Ireland.

– **Programme for Government Framework: proposed recommendations**
EC/16/06/2

The Senior Policy Manager presented this paper which provided an update on the consultation on the draft Programme for Government Framework which runs until 22 July 2016. She detailed a number of recommendations for inclusion in the Commission's response and outlined a number of next steps in relation to the Programme for Government Framework.

[David Rose joined the meeting]

Commissioners agreed that an outcome based approach, with a focus on people's lives, should be firmly welcomed by the Commission as it had real potential to advance equality of opportunity and good relations. The commitment to work across government and with stakeholders was also to be welcomed.

It was agreed that it was important that the Programme for Government Framework measures must be tracked against the Section 75 categories and it was noted that the Commission's work on key inequalities was important in highlighting key areas where equality outcomes should be advanced. The response would also include references both to multiple identities and to social disadvantage.

The next stage was for the Commission to engage with key Departments to inform and shape delivery – including via associated action plans and measurement frameworks. The Commission had already provided Section 75 advice prior to the draft Programme for Government framework being agreed. It is important that the Commission remind the Department of the opportunities afforded by Section 75 and that its work, including the departmental delivery plans and the budget, must be subject to Section 75 commitments. It was also noted that Commission's advice in relation to equality based budgeting was also important.

[Tom Hartley left the meeting at 2.00 pm]

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Commissioners **approved** the proposed recommendations for the Commission's response to the consultation on the draft Programme for Government Framework and noted the next steps.

– **Corporate Risk Register**

EC/16/06/6

The Head of Corporate Services presented the Corporate Risk Register which was recently reviewed by the Audit and Risk Committee at its meeting on 18 May 2016.

There was a query on the continued need for some items to remain on the risk register when the risk had been reduced significantly and was being managed. After discussion, it was agreed that this matter would be considered further at the August meeting of the Audit and Risk Committee.

Commissioners **noted** the Risk Register.

7. Other Matters for Commission Decision

– **Newry and Mourne District Council Investigation**

EC/16/06/7

The Chief Executive presented this paper noting that it was based on legal advice. Commissioners were asked to rescind a decision taken by the Commission on 25 March 2015 to accept the review conducted by Newry and Mourne District Council as being in compliance with its recommendation to review the naming of the park after Raymond McCreesh in a transparent manner that took proper account of the legal obligation to have due regard to the need to promote equality of opportunity and regard to the desirability of promoting good relations.

Commissioners considered this and **agreed** to rescind the decision taken by the Commission on 25 March 2015.

Boardroom Apprentice Programme: Request to Participate EC/16/06/8

[Fidelma Carolan declared an interest and left the meeting]

The Chief Executive presented a request from Strictly Boardroom, Cleaver Fulton Rankin and Ulster University that the Commission participate in its Boardroom Apprentice Programme.

Commissioners raised a number of queries in relation to this request; the Chief Executive undertook to seek clarification on their proposal and to report back to the Commission when this has been done.

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8. Chief Commissioner's Business

The Chief Commissioner explained that he had been on leave prior to the Commission meeting and thus had undertaken less meetings and speaking engagements over the last period than usual.

He noted that joint meetings would be organised with both the Labour Relations Agency and the NI Human Rights Commission; proposed dates would be circulated to Commissioners over the next while.

The Chief Commissioner provided an update on the Commissioner appointment process.

9. Chief Executive's Report

EC/16/06/9

The Chief Executive provided an update on her previously circulated Report. She informed the meeting that the Commission's bid in the June monitoring round had been successful.

The Chief Executive reported also on recent discussion she had with Professor Peter Shirlow about amendment to FETO, following the publication of the Report on Disbandment of Paramilitary Groups and the decision in a Judicial Review brought by Martin Neeson. Attention to this matter had also been requested by Commissioner Tom Hartley and a paper would be on the August Commission agenda.

- Commissioner Away Day: Action points and update **EC/16/06/9i**

- Working Group on the statutory equality and good relations duties: report of first meeting **EC/16/06/9ii**

The above two papers were noted.

10. Matters for Information

- Internal Audit: Report on Board Effectiveness **EC/16/06/10**

A Commissioner noted his disappointment that the Board Effectiveness audit was carried out without input from all Commissioners.

He suggested that it was important that consideration be given to setting aside time for the Board to consider and discuss how the very good work of the Commission is best translated into practical outcomes. This was to be considered at the recent Away Day but the agenda on the day had changed. He considered it important that the Commission completes this discussion.

EC/16/07/01

It was agreed that this was an important discussion to have and it was agreed to set aside time for this to take place over the next short while.

11. Minutes of Committee Meetings

There were no minutes of Committees to note.

12. Any Other Business

There was no other business raised.

- 13. Date of next meeting:** One hundred and thirty fifth meeting of the Commission will be held on Wednesday 24 August 2016 in Equality House.

The meeting closed at 3.30 pm.

Signed:

Dated: