



May 15th, 2018

**Notice Of Meeting**

You are invited to attend the Strategy Policy and Resources Committee Meeting to be held on **Thursday, 17th May 2018 at 5:00 pm** in **Mourne Room, Downshire.**

The Members of the Strategy Policy and Resources Committee are:-

Chair: Councillor T Hearty

Vice Chair: Councillor A McMurray

Members: Councillor P Byrne Councillor R Burgess

Councillor M Carr Councillor S Doran

Councillor C Enright Councillor D Hyland

Councillor O McMahon Councillor M Murnin

Councillor B Ó'Muirí Councillor M Ruane

Councillor M Savage Councillor G Sharvin


Councillor W Walker

# Agenda

## 1.0 Apologies & Chairperson's Remarks

## 2.0 Declarations of Interest

## 3.0 Action Sheet arising from SPR Meeting held on 15 March 2018

 [SPR-12042018.pdf](#)

*Not included*

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### *Corporate Planning and Policy*

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## 4.0 'Out of Sight, Out of Mind' Traveller Accommodation in Northern Ireland. Northern Ireland Human Rights Commission Report

 [Report on NI Human Rights Commission Investigation Report into Traveller Accommodation for SPR mtg 17-May-18.pdf](#)

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 [Out\\_of\\_Sight,\\_Out\\_of\\_Mind\\_\\_Travellers\\_Accommodation\\_in\\_Northern\\_Ireland\\_-\\_Executive\\_Summary.pdf](#)

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## 5.0 A Guide to the Rural Needs Act (NI) 2016 for Public Authorities (Revised) April 2018

 [Report on Revised Guide to Rural Needs Act for consideration at SPR mtg 17 May 2018.pdf](#)

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 [Guide to Rural Needs Act \(NI\) 2016 for Public Authorities \(revised\).pdf](#)

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 [Revised Rural Needs Act Impact Assessment Template April 2018.pdf](#)


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### *Corporate Services*

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## 6.0 NAC 2018 Payment

 [NAC 2018 payment.pdf](#)

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## 7.0 Lease of Office Accommodation in Downshire Civic Centre to Probation Board for Northern Ireland (PBNi)

 [SP&RCommitteeMay2018.pdf](#)

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*Items Restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (NI) 2014*

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## 8.0 Deed of Charge - Teconnaught GAC

This item is deemed to be restricted by virtue of para.3 of part 1 of schedule 6 of the Local Government Act (NI) 2014 – information relating to the financial or business affairs of any particular person. The public may, by resolution, be excluded during this item of business

 *SPR - Deed of Charge - Teconnaught GAC - May 2018.pdf*

*Not included*

## 9.0 Deed of Charge - Loughinisland GAC

This item is deemed to be restricted by virtue of para.3 of part 1 of schedule 6 of the Local Government Act (NI) 2014 – information relating to the financial or business affairs of any particular person. The public may, by resolution, be excluded during this item of business

 *SPR - Deed of Charge - Loughinisland GAC - May 2018.pdf*

*Not included*

## 10.0 Deed of Charge - St Patrick's GAC, Saul

This item is deemed to be restricted by virtue of para.3 of part 1 of schedule 6 of the Local Government Act (NI) 2014 – information relating to the financial or business affairs of any particular person. The public may, by resolution, be excluded during this item of business

 *SPR - Deed of Charge - St Patrick's GAC - May 2018.pdf*

*Not included*

## 11.0 Grant of Lease to NIE for Substation - Down Leisure Centre

This item is deemed to be restricted by virtue of para.3 of part 1 of schedule 6 of the Local Government Act (NI) 2014 – information relating to the financial or business affairs of any particular person. The public may, by resolution, be excluded during this item of business

 *SPR - Down Leisure Centre Substation - May 2018.pdf*

*Not included*

## 12.0 Regional Review of Council Chief Executives' Pay and Conditions

This item is deemed to be restricted by virtue of para.3 of part 1 of schedule 6 of the Local Government Act (NI) 2014 – information relating to the financial or business affairs of any particular person. The public may, by resolution, be excluded during this item of business

 *Memo - Chief Executive.pdf*

*Not included*

 *Memo - Chairperson (Newry, Mourne & Down).pdf*

*Not included*

## 13.0 Newry DEA Assets

This item is deemed to be restricted by virtue of para.3 of part 1 of schedule 6 of the Local Government Act (NI) 2014 – information relating to the financial or business affairs of any particular person. The public may, by resolution, be excluded during this item of business

## **14.0 Action Sheet arising from SPWG Meeting - 14th May 2018**

 *14.5.18 Action Sheet from SPWG.pdf*

*Not included*

## **15.0 Action Sheet arising from EWG Meeting held on 8th May 2018**

 *8.5.18 Action Sheet from EWG.pdf*

*Not included*



# Invitees

Cllr Terry Andrews	<a href="mailto:terry.andrews@nmandd.org">terry.andrews@nmandd.org</a>
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<b>Report to:</b>	Strategy, Policy and Resources Committee
<b>Date of Meeting:</b>	17 May 2018
<b>Subject:</b>	'Out of Sight, Out of Mind' Traveller Accommodation in Northern Ireland. Northern Ireland Human Rights Commission Report
<b>Reporting Officer (Including Job Title):</b>	Regina Mackin, Assistant Director, Corporate Planning and Policy
<b>Contact Officer (Including Job Title):</b>	Colin Moffett, Head of Corporate Policy Suzanne Rice, Corporate Policy and Equality Officer

<b>Decisions required:</b>	
The Strategy, Policy and Resources Committee is asked to consider and approve the following report which outlines Traveller accommodation needs recommended by the Northern Ireland Human Rights Commission in their 'Out of Sight, Out of Mind' Traveller Accommodation in Northern Ireland Report. The Report also details Newry, Mourne and Down District Council's approach to addressing the identified recommendations.	
<b>1.0</b>	<b>Purpose and Background:</b>
1.1	<p>In March 2018, The Northern Ireland Human Rights Commission launched its Traveller Accommodation in Northern Ireland report entitled 'Out of Sight, Out of Mind'. The NI Human Rights Commission began its research on this issue in June 2016. Extensive research was undertaken with the Traveller Community, local Councils, Statutory agencies and key stakeholders on the housing needs of the Traveller Community. The report outlines key recommendations for Public Authorities and has specifically made recommendations for The Executive Office, Department for Communities, Department for Infrastructure, NI Housing Executive, Housing Associations, The Equality Commission NI and Local Councils.</p> <p>Recommendations identified in the 'Out of Sight, out of Mind' report for local Councils are as follows:</p> <ol style="list-style-type: none"> <li>1) The NI Housing Executive in conjunction with all relevant providers, should take reasonable steps to ensure that all required services are adequately available in practice within all Travellers accommodation and that the provision of these services are sufficiently regulated. In particular, the NI Housing Executive should work with local councils to ensure Travellers have regular refuse collections, with the electricity supplier to ensure that Travellers have prompt and consistent access to electricity; and Royal Mail to ensure Travellers have adequate access to adequate postal services.</li> <li>2) Local Councils should take reasonable steps to prevent undue delays in the planning application process relating to Travellers' accommodation. They should also ensure that all planning decision- making process are fair, impartial and transparent.</li> <li>3) Local Councils should take proactive reasonable steps to ensure Traveller sites are licensed when required. Local Councils should regularly monitor the licensing of Travellers sites and be aware when sites require a licence, whether they require a licence and when the licence expires. Local Councils should ensure all licences meet the minimum standard of provision and safety as required by the model licence, developed by the Department of Infrastructure.</li> </ol>

	4) All local Councils should be active members of the NI Local Government Partnership on Traveller issues and should give consideration to developing or strengthening Traveller forums to consider issues relating to Travellers, including accommodation.
<b>2.0</b>	<b>Key issues:</b>
2.1	The four key recommendations identified for local councils and how to progress the recommendations to ensure that they are being addressed by Council.
<b>3.0</b>	<b>Recommendation:</b>
3.1	The Strategy, Policy and Resources Committee is asked to consider and approve the NIHRC Traveller accommodation report and recommendations and that Newry, Mourne and Down Traveller Forum hold a meeting with officers from Planning, Licensing Neighbourhood Services and Corporate Policy to agree Council's approach to addressing the recommendations identified by the Northern Ireland Human Rights Commission.
<b>4.0</b>	<b>Resource implications</b>
4.1	No direct resource implications identified.
<b>5.0</b>	<b>Equality and good relations implications:</b>
5.1	Newry, Mourne and Down District Council is committed to championing the rights and addressing the needs of the local Traveller Community through the development of the Councils dedicated Traveller Forum. Newry, Mourne and Down District Council's commitment and support of the Northern Ireland Human Rights Commissions Report has positive Good Relations implications for Council.
<b>6.0</b>	<b>Appendices</b>
	Northern Ireland Human Rights Commission Traveller Accommodation in Northern Ireland executive summary document.

# Out of Sight, Out of Mind:

## Travellers' Accommodation in Northern Ireland

### EXECUTIVE SUMMARY

March 2018



NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION



# Foreword

“Out of sight, out of mind”, the comment of a Councillor in Derry City and Strabane District Council neatly encapsulates the inertia and decline in developing Travellers’ accommodation and services. Our human rights investigation is the first major examination of the issue for almost a decade and the findings remain depressingly familiar. As a representative of South Tyrone Empowerment Programme noted “we have read reports from 1999 that are as relevant today, as they were in 1999. It has not moved on”. This Groundhog Day does not have to continue.

First, there are a number of important quick wins – the ‘Design Guide for Traveller Sites in Northern Ireland’ is now over 20 years old and needs updated and modernised, site licencing arrangements need to be put into effect and groundwork needs to be undertaken to ensure that the ‘Traveller Accommodation Needs Assessment’ due next year effectively involves Travellers and becomes part of a comprehensive gathering of data towards an evidence based policy approach to meeting Travellers’ accommodation needs.

In the longer term, there needs to be sufficient emergency halting, transit and serviced sites, properly supported, to meet Travellers’ needs and a pro-active and participative approach to making this happen. In line with the approach taken in the Northern Ireland Executive’s ‘Programme for Government’, this investigation charts the impact of the actions taken and omissions made by government departments and public authorities.

The inexorable impact of public policy has been to leave many Travellers with an unpalatable choice of retaining their culture while living in poor housing conditions or move into social housing. While for some Travellers, social housing is their choice of accommodation, for others it is not. Traveller culture is rich and vibrant and should be nurtured, rather than eroded through housing and other policies.

The aim of the investigation has been to use a human rights based lens to view the current circumstances applying to Travellers’ accommodation.

The investigation seeks practical immediate and longer-term answers to meet the needs for sufficient Travellers’ accommodation. The Commission will engage with all the key public bodies with a role to play and encourage effective communication with Travellers and Traveller support organisations to ensure an effective, participative and joined up approach to resolving the problems identified in the report. We will monitor the progress of our recommendations in the first instance over the next 12 months – and for those of greatest urgency over six months. We have provided an Appendix setting out the list of recommendations that apply to each public authority, so that the way forward and where responsibility lies is clear and unequivocal.

Finally, I would like to thank my colleagues Dr Hannah Russell and Fiona O’Connell who undertook the investigation and to all the public authorities, civil society organisations, Travellers and others who willingly provided their experience and knowledge. I trust their insights will bear fruit as a result of this investigation.



Les Allamby,  
Chief Commissioner





# Overview

## Investigation Powers of the Northern Ireland Human Rights Commission

The Northern Ireland Human Rights Commission (NIHRC) was established following the Belfast (Good Friday) Agreement under the Northern Ireland Act 1998. Section 69 of the Act empowers the NIHRC to conduct investigations and to compel evidence.<sup>1</sup>

The findings and recommendations in this report are presented in line with the NIHRC's statutory duty to review the adequacy and effectiveness of law and practice relating to the protection of human rights in Northern Ireland (NI).<sup>2</sup>

## The Case for an Investigation

The NIHRC initiated the investigation following a scoping exercise in June 2016 that identified issues, which required further examination. These included:

- a shortage of adequate stopping sites for Roma/Gypsies and Irish Travellers;<sup>3</sup>
- a lack of social housing forcing households to move into the private rental sector;<sup>4</sup>
- a requirement for the NI Housing Executive to obtain site licences from local Councils for Travellers' sites;<sup>5</sup>
- a disparity between official figures on the Traveller population in NI;
- the existence of the Unauthorised Encampments (NI) Order 2005;<sup>6</sup>
- the general inadequacy of Travellers' accommodation;<sup>7</sup> and
- the lack of authoritative human rights analysis of Travellers' accommodation in NI.<sup>8</sup>

## Who are Travellers?

For the purposes of this investigation, 'Traveller' is used as an umbrella term for any member of a traditional Gypsy or Traveller community living in or travelling through NI with a long-shared history, culture and traditions that includes identifying with or continuing to practice a nomadic way of life.

<sup>1</sup> Sections 69(8) and 69A NI Act 1998, as amended by the Justice and Security (NI) Act 2007. During this investigation, the NIHRC did not however use its formal investigatory powers due to the high levels of cooperation from the public authorities involved.

<sup>2</sup> Sections 69(1) and 69(8A), NI Act 1998.

<sup>3</sup> E/C.12/GBR/CO/5, 'ICESCR Committee Concluding Observations on the Fifth Periodic Report of the UK of Great Britain and NI', 22 May 2009, at para 30.

<sup>4</sup> Ibid; E/C.12/GBR/CO/6, 'ICESCR Committee Concluding Observations on the Sixth Periodic Report of the UK of Great Britain and NI', 14 July 2016, at para 49.

<sup>5</sup> NIHRC, 'Written Evidence to the Committee for Social Development, NI Assembly on the Caravans Bill' (NIHRC, June 2010), at paras 21; NIHRC, 'NIHRC Submission to the UN Committee on Economic, Social and Cultural Rights 58<sup>th</sup> Session on the Sixth Periodic Report of the UK's Compliance with ICESCR' (NIHRC, April 2016), at 59.

<sup>6</sup> E/C.12/GBR/CO/5, 'ICESCR Committee Concluding Observations on the Fifth Periodic Report of the UK of Great Britain and NI', 22 May 2009, at para 30; E/C.12/GBR/CO/6, 'ICESCR Committee Concluding Observations on the Sixth Periodic Report of the UK of Great Britain and NI', 14 July 2016, at para 49.

<sup>7</sup> Equality Commission NI, 'Outlining Minimum Standards for Traveller Accommodation' (ECNI, 2009), at 9-10; Safa Abdella *et al*, 'Our Geels: All Ireland Traveller Health Study' (UCD, 2010), at 46; NICEM, 'The Annual Human Rights and Racial Equality Benchmarking Report 2013/14' (OFMDFM, 2014), at 96; E/C.12/GBR/CO/5, 'ICESCR Committee Concluding Observations on the Fifth Periodic Report of the UK of Great Britain and NI', 22 May 2009, at para 30; E/C.12/GBR/CO/6, 'ICESCR Committee Concluding Observations on the Sixth Periodic Report of the UK of Great Britain and NI', 14 July 2016, at para 49.

<sup>8</sup> OFMDFM, 'A Shared Future – Policy and Strategic Framework for Good Relations in NI' (OFMDFM, 2005); OFMDFM, 'A Racial Equality Strategy for NI 2005-2010' (OFMDFM, 2005); ECNI, 'Statement on Key Inequalities in NI' (ECNI, 2007); Chris Johnson and Marc Willers (eds), *Gypsy and Traveller Law* (Legal Action Group, 2007); ECNI, 'Outlining Minimum Standards in Traveller Accommodation' (ECNI, 2009); Safa Abdella *et al*, 'Our Geels: All Ireland Traveller Health Study' (UCD, 2010); Department of the Environment, 'Planning Policy Statement 12: Housing in Settlements' (DoE, 2013); Geraldine Scullion and Sheila Rodgers, 'Traveller Voices for Change: Mapping the view of Irish Travellers on Integration and their Sense of Belonging in NI' (2014); NI Housing Executive, 'Traveller Accommodation Needs Assessment' (NIHE, 2014); NICEM, 'The Annual Human Rights and Racial Equality Benchmarking Report 2013/14' (OFMDFM, 2014); Alison Wallace, 'Housing and Communities' Inequalities in NI' (ECNI, 2015); ECNI, 'Key Inequalities in Housing and Communities' (ECNI, 2016).

## What is Travellers' Accommodation?

For the purposes of this investigation, 'Travellers' accommodation' is any form of housing inhabited by members of the Traveller communities. This working definition includes grouped housing;<sup>9</sup> Travellers' sites (serviced,<sup>10</sup> serviced/transit,<sup>11</sup> transit,<sup>12</sup> emergency halting,<sup>13</sup> co-operated<sup>14</sup> and unauthorised<sup>15</sup>); standard social housing;<sup>16</sup> and private rented properties.<sup>17</sup>

## Human Rights Laws and Standards

The main sources of human rights laws and standards are international and regional human rights treaties. The provision and regulation of social housing and the regulation of private housing is a devolved matter in NI. Implementing human rights laws and standards relevant to Travellers' accommodation is a responsibility of public authorities.

### United Nations

The main UN human rights treaty that relates to Travellers' accommodation is the International Covenant on Economic, Social and Cultural Rights (ICESCR), particularly Article 11, the right to an adequate standard of living.<sup>18</sup> A number of other treaties are relevant to the right to adequate housing including the International Covenant on Civil and Political Rights (ICCPR);<sup>19</sup> Convention on the Elimination of All Forms of Racial Discrimination (CERD)<sup>20</sup>; the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW);<sup>21</sup> the Convention on the Rights of the Child (CRC);<sup>22</sup> and the Convention on the Rights of Persons with Disabilities (CRPD).<sup>23</sup>

Broadly defined, the right to adequate housing is "the right to live somewhere in security, peace and dignity".<sup>24</sup> It is more than supplying and making housing available, the housing itself must be adequate. The ICESCR Committee has established that the right to adequate housing requires adequate:

- legal security of tenure;
- availability of services, materials, facilities and infrastructure;
- affordability;
- habitability;
- accessibility;

<sup>9</sup> Grouped housing schemes are residential housing developments with additional facilities and amenities specifically designed to accommodate extended Traveller families on a permanent basis.

<sup>10</sup> Serviced sites facilitate the permanent location of chalets, trailers or caravans.

<sup>11</sup> Serviced/transit sites are split into two with a section of permanent pitches and a section of temporary pitches.

<sup>12</sup> Transit sites facilitate a temporary or short-term location of caravans. They are for a maximum stay of three months.

<sup>13</sup> Emergency halting sites are for the temporary or short-term location of caravans. They are for a maximum stay of 28 days.

<sup>14</sup> Co-operated sites enable Travellers to camp on public land on a temporary basis, subject to a number of health and safety requirements. It is not a substitute for permanent or transit sites, but is a way of dealing with a humane requirement.

<sup>15</sup> Sites that have not been authorised by the NI Housing Executive or relevant local Council.

<sup>16</sup> Bricks and mortar social housing.

<sup>17</sup> Bricks and mortar private rented housing and private rented caravans, trailers or chalets.

<sup>18</sup> Ratified by the UK on 20 May 1976.

<sup>19</sup> Articles 2, 17 and 26, International Covenant on Civil and Political Rights 1966.

<sup>20</sup> Article 5(e)(iii), Convention on the Elimination of Racial Discrimination 1965.

<sup>21</sup> Article 14(2)(h), Convention on the Elimination of Discrimination against Women 1979.

<sup>22</sup> Article 27(3), Convention on the Rights of the Child 1989.

<sup>23</sup> Articles 9, 28(1) and 28(2)(d), Convention on the Rights of Persons with Disabilities 2006.

<sup>24</sup> E/1992/23, 'ICESCR Committee General Comment No 4: The Right to Adequate Housing', 13 December 1991, at para 8.



- location;
- cultural adequacy; and
- freedom from forced eviction.<sup>25</sup>

## Council of Europe

The main human rights treaty of the Council of Europe (CoE) is the European Convention of Human Rights (ECHR). There are a number of other treaties relevant to the subject of Travellers' accommodation, including the Framework Convention on the Protection of National Minorities (FCNM), the European Social Charter 1961 and the European Social Charter (Revised) 1996.

## European Union

The Charter of Fundamental Rights of the European Union (CFREU) is relevant regarding Travellers' accommodation.

## The Methodology

The NIHRC launched this year-long investigation in NI on September 2016. The investigation considered Travellers' accommodation across NI and also adopted a case study approach in four local Council areas:

- Belfast (Belfast City Council);
- Craigavon and Armagh (Armagh City, Banbridge and Craigavon District Council);
- Derry/Londonderry and Strabane (Derry City and Strabane District Council); and
- Dungannon and Coalisland (Mid Ulster District Council).

The investigation involved gathering written and oral evidence from the 12 relevant public authorities,<sup>26</sup> eight civil society organisations<sup>27</sup> and 38 members of the Traveller communities in NI.<sup>28</sup>

The NIHRC conducted observational visits to all of the Traveller-specific accommodation locations (serviced sites, transit sites, emergency halting site, cooperated site and grouped housing) within the four Council areas adopted as case studies.<sup>29</sup> It also conducted an observational visit in April 2017 to two Traveller sites' in Dublin, for the purposes of exploring good practice.

## The Report

The 14 substantive chapters of the investigation's full report are structured around the key human rights laws and standards identified as crucial in fulfilling, respecting and protecting the right to adequate housing, in the context of Travellers' accommodation. The full report is available at [www.nihrc.org](http://www.nihrc.org).

<sup>25</sup> Ibid; E/1998/22, 'ICESCR Committee General Comment No 7: Forced Evictions', 20 May 1997.

<sup>26</sup> These were Department for Communities; Department for Infrastructure; NI Housing Executive; Apex Housing Association; Clanmil Housing Association; Radius Housing Association (formerly Fold Housing Association); Belfast City Council; Armagh City, Banbridge and Craigavon Borough Council; Derry City and Strabane District Council; Mid Ulster District Council; Equality Commission NI; and Police Service NI. The NIHRC also liaised with the NI Local Government Partnership on Travellers Issues and the NI Public Service Ombudsman. Housing associations are included as public authorities in accordance with *Weaver v London and Quadrant Housing Trust* [2009] EWCA Civ 587.

<sup>27</sup> These were An Munia Tober; Craigavon Travellers Support Committee; Housing Rights; Pavée Point; Participation and Practice of Rights; South Tyrone Empowerment Programme; Armagh Travellers Support Group; and Toybox.

<sup>28</sup> The interviewees resided in a range of accommodational types (Travellers' sites, grouped housing, standard social housing) or were experiencing homelessness from across NI.

<sup>29</sup> A breakdown by Council area of Traveller-specific accommodation in NI is provided in Appendix II. Available at: [www.nihrc.org](http://www.nihrc.org).

## 8

Each substantive chapter considers the relevant human rights laws and standards engaged, followed by an examination of the existing domestic laws and policies considered to be most relevant. Each chapter then examines the practices of the relevant public authorities and the experiences of the Traveller communities and civil society organisations, drawing on the evidence gathered. To conclude, a summation of key findings is provided.

Five recommendations are identified as requiring immediate action, these are highlighted in red. The Commission will review progress within six months (September 2018) to see whether these recommendations have been implemented. The Commission will review the implementation of the remaining recommendations, highlighted in purple, within 12 months (March 2019).

# Conclusions and Recommendations

The right to adequate housing requires that Travellers' accommodation is:

- culturally adequate;
- accessible;
- habitable;
- adequate in terms of services, facilities and infrastructure;
- subject to adequate security of tenure;
- adequately safeguarded from forced eviction;
- affordable;
- adequately located;
- subject to effective participation of Travellers;
- adequately monitored;
- adequately resourced;
- not subject to discrimination;
- promotes tolerance and mutual understanding; and
- subject to an effective remedy.

In the course of this investigation, the Commission identified some existing mechanisms that, if implemented in practice, assist with fulfilling a number of these requirements. For example, the NI Housing Executive and housing associations have mechanisms in place for reporting and tracking maintenance requirements to assist with ensuring Travellers' accommodation is habitable and adequately serviced. The Police Service NI introduced a number of initiatives that promote non-discrimination, tolerance and mutual understanding. All Police Service NI officers receive early career cultural awareness training, which includes Travellers' culture. In some areas, the Police Service NI has also set up temporary Traveller-specific community projects. Furthermore, all public authorities have complaint mechanisms in place and the Equality Commission for NI offers assistance to Travellers' wishing to exercise their right to an effective remedy.

In addition, some pending positive developments may, if implemented, further assist in fulfilling some of these requirements. In November 2017, the NI Housing Executive was:

- reviewing its housing application form to include a full range of options, including Traveller-specific accommodation;
- rolling out a new Housing Options Solution model;
- introducing a live system that records prospective tenants preferences to run in parallel with its five-yearly 'Traveller Accommodation Needs Assessment'; and
- reviewing its Travellers' policy.

This should help to address accessibility issues that Travellers are facing concerning their accommodation. Regarding the promotion of habitable and adequately serviced Travellers' sites, the Department for Communities, in November 2017, was reviewing the 'Design Guide for Traveller Sites in NI'.

Nevertheless, the Commission found there were inadequacies in some laws, public authorities' policies and public authorities' practices, in the context of Travellers' accommodation in NI. It confirmed that such inadequacies can dissuade and suppress a Traveller's culture, including the ability to exercise a nomadic lifestyle. Thus, the Commission concludes that public authorities must take reasonable and prompt steps



(in addition to the existing mechanisms and positive developments highlighted), to ensure Travellers' accommodation in NI is in line with the relevant human rights standards.

As per the ICESCR, Article 11, and the European Social Charter (Revised), Article 31, public authorities should take steps to the maximum available resources to ensure that Travellers' right to adequate housing is respected, protected and fulfilled. The core obligations contained within the right to adequate housing should have immediate effect and non-core obligations should be progressively realised. In human rights terms, retrogression of the right to adequate housing is prohibited, subject to exceptional justified circumstances.

The ECHR may also be relevant, in particular Articles 2 (right to life), 3 (prohibition of torture, inhuman and degrading treatment), 8 (right to respect for private and family life) and 14 (right to non-discrimination, when exercising other ECHR rights).

Based on the Commission's findings, this executive summary identifies the inadequacies that require addressing to ensure any actual or potential violation of human rights standards in the context of Travellers' accommodation in NI are effectively remedied and their causes are addressed to prevent reoccurrence.

The first section sets out thirteen systemic issues identified by the Commission. The second section sets out the key conclusions and corresponding recommendations.<sup>30</sup>

## Systemic Issues

### 1 Domestic Legal Framework

Domestic laws and policies regarding Travellers' accommodation in NI largely satisfy human rights requirements. However, the existence of the Unauthorised Encampments (NI) Order 2005 has a disproportionate impact on the Traveller communities and threatens their nomadic culture. There are particular issues identified with respect to clarifying the legislative requirements regarding the licencing of Travellers' sites and the provision of portable accommodation (such as caravans, trailers and chalets). Additionally, public authorities are relying on a 1997 version of the 'Design Guide for Travellers' Sites in NI', as the subsequent reviews have not been published. The 1997 version lacks sufficient detail and is not sufficiently prescriptive.

### 2 Domestic Practice

There are persistent issues with implementing the legal framework in practice. How policy and legislation is implemented determines the outcomes for those people the policies and practice are aimed at. Across the board for all Travellers' accommodation types, the domestic laws and policies are not necessarily translating into practice, which impacts adversely on the ability of Travellers to enjoy the rights set out therein.

<sup>30</sup> A breakdown of these recommendations by the relevant public authority is provided in Appendix I of the Full Report.

### 3 Racial Discrimination

In the context of Travellers' accommodation, there is evidence that Travellers have been subject to discriminatory behaviours and attitudes from public authorities and the settled community. This emerges through actions, but also through inaction and general inertia regarding Travellers' issues. Negative public opinions and bias towards Travellers also impacts negatively on Travellers, in particular concerning planning applications.

### 4 Race Legislation

The Race Relations (NI) Order 1997 places a duty on local Councils to have due regard to the need to promote good relations. Although this broadly corresponds to human rights standards, the duty is not extended to all public authorities. Furthermore, the lack of structured race relations programmes to improve relations between the settled and Traveller communities contributes to discrimination against Travellers that has persisted for decades. This will continue to do so without proactive and systemic changes in attitude at all levels – grass roots, civil society and public authorities.

### 5 Resource Availability

While the NI Housing Executive maintains it is satisfied with the resources available to it for developing and maintaining Traveller-specific accommodation, the existing accommodation is insufficient to the need. In addition, spend per pitch has been reducing on an annual basis.

### 6 Resource and Policy Accountability

The Department for Communities allocates funding to the NI Housing Executive, but there is no robust mechanism in place for the Department to monitor how funding is allocated to Travellers' accommodation and what outcomes are being achieved.

### 7 Provision of Traveller-specific Accommodation

There is insufficient culturally adequate Travellers' accommodation available. In particular, the NI Housing Executive is failing to provide sufficient adequate Travellers' sites. Its actions and inaction suggest a preference for developing and maintaining bricks and mortar accommodation, over Travellers' sites. Third party objections and delays in planning often obstruct the development of required new Travellers' sites. Furthermore, the legislative framework does not enable the NI Housing Executive to provide nomadic housing structures, such as caravans, trailers or chalets. These factors are contributing to the number of Travellers moving into bricks and mortar accommodation and restricting Travellers' ability to practice their cultural traditions.

### 8 Monitoring Needs for Travellers' Accommodation

There is evidence that the monitoring process for Travellers' accommodation needs in NI is inaccurate. The NI Housing Executive's 'Traveller Accommodation Needs Assessment' surveys are criticised for insufficiently engaging with all Travellers in NI and not reflecting the views expressed by the Travellers that were surveyed.



## 9 Inadequacy of Travellers' Sites

Some Travellers' sites are inadequate in the provision of standard services and facilities (electricity, water, heating, drainage, sanitation, waste disposal). This is particularly true of Travellers' sites intended as transient in nature, but that are operating as permanent sites in practice. The lack of effective management of Travellers' sites exacerbates these problems.

## 10 Participation

Efforts to ensure the participation of Travellers in decision-making processes regarding accommodation by public authorities are ineffective and inadequate. There is a lack of emphasis on supporting Traveller advocates. There is also a heavy burden placed on Traveller support groups by public authorities, in terms of the roles they are expected to fulfil. These groups are also under-resourced for both their contracted role and remuneration for the additional uncontracted assistance sought by public authorities. Each of these factors is hindering Travellers' ability to represent their own views. Travellers feel ignored and feel they are not offered sufficient opportunities to raise concerns about their accommodation.

## 11 Information on Travellers' Accommodation

There is a general lack of information on Travellers' accommodation, such as how to access such accommodation or how to make a complaint, for instance regarding maintenance. Such information is required to enable Travellers' effective participation. Public authorities do attempt to adapt such information to Travellers' needs; however, such adaptations are largely ineffective.

## 12 Data Collection

There is a general lack of data and disaggregation of data regarding the Traveller population in NI, their current tenure and desired accommodation. This makes it impossible to assess whether Travellers' accommodation is sufficient and to strategically plan for the future.

## 13 Complaints Mechanisms

Travellers are not engaging with or availing of the formal mechanisms available to them. The relevant public authorities are not taking steps to investigate and address why this is. This means Travellers are not receiving effective redress, when required. The resulting lack of investigation into concerning acts and omissions of public authorities is also hindering the feedback processes for improving services.

## Recommendations

The findings of this investigation are set out in the substantive chapters of the full report. Drawing from these findings the Commission has a number of recommendations. These highlight areas where domestic laws and policies require amendments or clarifications. They also propose practical steps that public authorities should take to ensure the vindication of the accommodation rights of Travellers in NI. These recommendations are set out below.

Five recommendations are identified as requiring immediate action, these are highlighted in red. The Commission will review progress within six months (September 2018) to see whether these recommendations have been implemented. The Commission will review the implementation of the remaining recommendations, highlighted in purple, within 12 months (March 2019).



## Cultural Adequacy

### Type of Travellers' Accommodation

The domestic definition of housing generally meets the ICESCR Committee's recommendation that housing is diverse and reflects cultural adequacy.<sup>31</sup> The statutory duty to provide Travellers' sites and the existing policy regarding grouped housing reflects the requirement that policies appropriately enable the expression of cultural identity and diversity of housing, as required by the ICESCR, Article 11.<sup>32</sup> However, in practice there is inadequate provision of Travellers' site and grouped housing, as required by the ICESCR, Article 11, and the European Social Charter, Article 16.<sup>33</sup>

The criticisms of the NI Housing Executive's 'Traveller Accommodation Needs Assessments' raise a concern that there is a lack of accurate data available on existing tenure and accommodation preferences of Travellers in NI. Such data would assist with establishing need and satisfying the ICESCR, Article 11, and the European Social Charter, Article 16.

The NI Housing Executive does not provide caravans, trailers or chalets, therefore, restricting its ability to provide culturally adequate accommodation.

The NIHRC recommends:

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|---|---|
| i | The NI Housing Executive should ensure it offers the opportunity for Travellers to present their views on the cultural adequacy of their accommodation when conducting its Travellers' accommodation needs assessments. |
|---|---|

### Homelessness

The NI Housing Executive meets its obligation with respect to homelessness under the ICESCR, Article 11. Yet, no legislation or policy specifically deals with homelessness within the Traveller communities in NI. The negative affect on health that the lack of culturally adequate options for homeless Travellers and the prolonged period of homelessness Travellers can experience engages the ECHR, Article 8 and, in extreme cases, may engage Article 3. A violation can occur if the circumstances surrounding homelessness affecting a Traveller is severe, degrading and causes those affected to feel humiliated and debased.<sup>34</sup> Alternatively, a violation can occur if the circumstances surrounding the homelessness affects the Traveller's physical and psychological integrity, as a direct consequence of the public authorities' unjustified action or inaction. This is particularly concerning if the family unit, including children, is affected.<sup>35</sup>

The NIHRC recommends:

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|---|---|
| i | The NI Housing Executive should ensure the successor strategy to the 'Homelessness Strategy for NI: 2012-2017' makes specific provision for the cultural needs of Travellers. |
|---|---|

<sup>31</sup> E/1992/23, 'ICESCR Committee General Comment No 4: The Right to Adequate Housing', 13 December 1991, at para 8(g).

<sup>32</sup> Article 11, International Covenant on Economic, Social and Cultural Rights 1966; E/1992/23, 'ICESCR Committee General Comment No 4: The Right to Adequate Housing', 13 December 1991, at para 8(g).

<sup>33</sup> E/1992/23, 'ICESCR Committee General Comment No 4: The Right to Adequate Housing', 13 December 1991, at para 8(g); *European Roma Rights Centre v Greece*, Complaint No 15/2003, 8 December 2004, at paras 46 and 47.

<sup>34</sup> *Moldovan v Romania (No 2)* (2007) 44 EHRR 16, at para 101.

<sup>35</sup> *Storck v Germany* (2006) 43 EHRR 6, at para 149; *Connors v UK* (2004) ECHR 223, at para 82; *Botta v Italy* (1998) 26 EHRR 241, at para 34; *R (Bernard) v Enfield London Borough* [2002] EWHC 2282, at paras 33-34; *Anufrijeva v Southwark* [2003] EWCA Civ 1406, at para 43; Article 8(2), European Convention on Human Rights 1950.

Cultural Adequacy of Travellers' Accommodation

The legislative framework on the control of unauthorised encampments has a detrimental effect on nomadism. This reflects the findings of the ICESCR Committee<sup>36</sup> and was raised as a concern by the Commission during the enactment of the legislation.<sup>37</sup>

Where Travellers are living in social housing, measures are taken to allow for cultural sensitivity. However, standard social housing and hostel accommodation are not culturally appropriate, as required by the ICESCR, Article 11. The lack of culturally appropriate accommodation restricts individual's free choice and interferes with their right to preserve and develop their specific cultural identities, as recommended by the CoE Committee of Ministers.<sup>38</sup> Inadequate consideration of cultural adequacy within the application and allocation process for social housing further undermines individual choice.

The NIHRC recommends:

i	The NI Housing Executive and relevant housing associations should urgently review their existing practices and policies to ensure there is sufficient practical support for Travellers transitioning from Travellers' sites to bricks and mortar accommodation. For example, ensuring that Travellers transitioning know and understand the process for accessing electricity and heating, and the process for paying household bills.
ii	The NI Housing Executive should ensure that the application and allocation process for social housing requires sufficient consideration of the cultural adequacy of accommodation offered to Travellers, in particular its location, space, family groupings and available services.

Accessibility

Scope of Statutory Duty

The Housing (NI) Order 1981 helps to promote accessible housing for all who were entitled to it, as per the ICESCR, Article 11.<sup>39</sup> However, there are concerns that some public authorities are unaware of the relevant legislation and are confused as to their obligations.

The NIHRC recommends:

i	All public authorities should consider their obligations towards Travellers in the context of the Race Relations (NI) Order 1997 and the NI Act 1998, Section 75. All public authorities should ensure that all relevant staff members are educated on the existence, relevance and effective implementation of the Race Relations (NI) Order 1997 and the NI Act 1998, Section 75, as the legislation relate to Travellers and their accommodation.
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36 E/C.12/GBR/CO/5, 'ICESCR Committee Concluding Observations on the Fifth Periodic Report of the UK of Great Britain and NI', 22 May 2009, at para 30; E/C.12/GBR/CO/6, 'ICESCR Committee Concluding Observations on the Sixth Periodic Report of the UK of Great Britain and NI', 14 July 2016, at para 50.  
37 NIHRC, 'Response of the NIHRC to the Draft Unauthorised Encampments (NI) Order 2004' (NIHRC, 2004).  
38 CoE, 'Recommendation Rec(2004)14 of the Committee of Ministers to Member States on the Movement and Encampment of Travellers in Europe', 1 December 2004, at Preamble.  
39 E/1992/23, 'ICESCR Committee General Comment No 4: The Right to Adequate Housing', 13 December 1991, at para 8(e).



Provision of Travellers' Accommodation

There are a variety of strategies and policies in place promoting housing, including Travellers' accommodation. This reflects the ICESCR, Article 11 requirement.<sup>40</sup> Some high-level strategy documents however, do not take fully into account the special needs of Travellers. This is contrary to the ICESCR Committee's recommendation.<sup>41</sup>

The NIHRC recommends:

i	The NI Housing Executive, following a robust assessment of need, should critically assess if there are sufficient serviced, transit and emergency halting Travellers' sites in NI. The NI Housing Executive and relevant housing associations should ensure there are sufficient grouped housing schemes in NI.
ii	The NI Housing Executive should ensure the Travellers' accommodation needs assessments are sufficiently robust to provide a reliable assessment of the housing needs of Traveller communities. This includes providing all Travellers in NI with adequate and accessible opportunities to participate in the assessment. The questions posed should be thorough and impartial. The NI Housing Executive should ensure that the assessment is accurate.
iii	The NI Housing Executive should review its commitments to provide Travellers' site provision in NI (for example, any relevant development plans), to ensure that need is sufficiently met.

Assessment and Allocation Process

The assessment and allocation process for Travellers' accommodation is regulated for social housing, reflecting the ICESCR, Article 11.<sup>42</sup> There is evidence that Travellers continue to experience difficulties in accessing social housing, due to an inadequate allocation of housing points under the Common Selection Scheme.

There are concerns that some Travellers are unable to access private rented accommodation, due to reported racism by some landlords. This can hinder Travellers' ability to access housing to which they are entitled, as recommended by the ICESCR Committee and the ECRI.<sup>43</sup> It also suggests that public authorities are not promptly addressing the problems faced by Travellers in accessing accommodation, as recommended by the CoE Committee of Ministers.<sup>44</sup>

40

Ibid.

41

Ibid.

42

Ibid.

43

CRI(96)43 rev, 'ECRI General Policy Recommendation No 1: Combating Racism, Xenophobia, Antisemitism and Intolerance', 4 October 1996.

44

CoE, 'Recommendation Rec(2005)4 of the Committee of Ministers on Improving the Housing Conditions of Roma and Travellers in Europe', 25 February 2005, at para 2.

The NIHRC recommends:

i	The NI Housing Executive should introduce a social housing application form that clearly sets out all accommodation options and offers applicants the express opportunity to specify their desire for Traveller-specific accommodation.
ii	The NI Housing Executive should introduce a waiting list for serviced Travellers' sites in NI. This waiting list should be used, in partnership with the Common Selection Scheme, to allocate pitches on serviced Travellers' sites in NI.
iii	The relevant housing associations should assess how accommodation in grouped housing schemes are allocated, to ensure they maximise the available resources. They should also review the utility of grouped housing schemes as an approach to addressing housing need within Traveller communities.
iv	The Department for Communities should ensure landlords in the private rented sector are aware of their legal obligations to ensure that accommodation is accessible to Travellers without discrimination.

## Habitability

### Standard of Fitness

A minimum standard of fitness is set out in legislation for public and private bricks and mortar Travellers' accommodation, in line with the ICESCR, Article 11, the European Social Charter, Article 16,<sup>45</sup> the European Social Charter (Revised), Article 31, and the recommendations of the former CoE Commissioner for Human Rights, Thomas Hammarberg.<sup>46</sup> The ICESCR Committee and the European Committee of Social Rights also recommended corrective measures to address poor housing or sub-standard housing conditions and inhabitability in general.<sup>47</sup> There are concerns that the minimum standards set out in legislation are inadequate and are not implemented in practice.<sup>48</sup> There are also concerns that the standard of fitness of private rented caravans, trailers or chalets is insufficiently regulated.

<sup>45</sup> *European Roma Rights Centre v Greece*, Complaint No 15/2003, 8 December 2004, at paras 46 and 47.

<sup>46</sup> CommDH(2009)5, 'Recommendation of the CoE Commissioner for Human Rights on the Implementation of the Right to Housing', 30 June 2009, at 3.2.1.

<sup>47</sup> E/C.12/GBR/CQ/6, 'ICESCR Committee Concluding Observations on the Sixth Periodic Report of the UK of Great Britain and NI', 14 July 2016, at para 50(c); *European Roma Rights Centre v Ireland*, Complaint No 100/2013, 1 December 2015, at paras 89-92.

<sup>48</sup> CommDH(2009)5, 'Recommendation of the CoE Commissioner for Human Rights on the Implementation of the Right to Housing', 30 June 2009, at 3.2.1; *European Roma Rights Centre v Ireland*, Complaint No 100/2013, 1 December 2015, at paras 54-80.

The NIHRC recommends:

i	The Department for Communities should promptly publish the findings of its review on the 'Housing Health and Safety Rating System' and set out a reasonable timeframe for implementing its recommendations.
ii	The Department for Communities should carry out a prompt and thorough review of the 'Design Guide for Travellers' Sites in NI' and ensure the minimum standards are sufficiently prescriptive and reflective of human rights. It should ensure the updated guide includes the requirements that accommodation is accessible to persons with disabilities; children's play areas are provided; facilities necessary for a nomadic way of life are available; and traffic safety measures are in place. The updated guide should be published and be subject to a commitment to further periodic reviews within a reasonable timescale.

### Maintenance

Measures are in place across Travellers' accommodation to ensure that a minimum standard of living conditions are maintained. This is in line with the ICESCR, Article 11, the European Social Charter, Article 16, and the European Social Charter (Revised), Article 31. However, there is evidence of some delays in maintenance across all types of Travellers' accommodation; this undermines the public authorities' adherence to these provisions.

The NIHRC recommends:

i	The NI Housing Executive and relevant housing associations should ensure all required maintenance is carried out effectively within a reasonable timeframe.
ii	The NI Housing Executive should monitor the use of Housing Benefit and take steps to ensure that the accommodation it pays for in the private sector (including caravan, chalets and trailers) are fit for human habitation, adequate and maintained to a suitable standard. This includes supporting the tenant to find suitable alternative accommodation that is safe, affordable and satisfies their cultural needs.

### Adaptations

The legislative and policy framework relating to accessibility is in line with the ICESCR, Article 11, the CRPD, Article 28(1), and the European Social Charter (Revised), Article 31. However, there are concerns regarding the lack of guidance for such adaptations on Travellers' sites and whether these provisions are implemented for all Travellers' accommodation.



The NIHRC recommends:

i	The NI Housing Executive and relevant housing associations should ensure that the accommodation needs of Travellers with disabilities are addressed in line with all legislative requirements, and that moving homes is a last resort. Travellers with disabilities should be made aware of their rights regarding accommodation adaptations. This information should be disseminated in an accessible and understandable format.
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### Health and Safety: Hazards

A legislative and policy framework regulates health and safety standards for Travellers' accommodation. This is in line with the ICESCR, Article 11. There are concerns regarding Travellers' sites that these protections are insufficient and are not implemented in practice.<sup>49</sup> This is contrary to the ICESCR, Article 11 and the CRC, Articles 3, 6(1) and 19.

Hazards on Travellers' sites can also engage the ECHR, Articles 2, 3 and 8. A violation of Article 2 can occur if the hazard poses a real and imminent threat to the life of a Traveller that the public authorities were aware of, but failed to take reasonable steps to address.<sup>50</sup> Article 3 may be engaged if the hazardous effect on a Traveller was severe, degrading or caused those affected to feel humiliated and debased.<sup>51</sup> Article 8 applies if the hazard affected the Traveller's physical and psychological integrity, as a direct consequence of the public authorities' unjustified action or inaction. This is particularly the case if the family unit, including children, is affected.<sup>52</sup> There is evidence of hazards, such as overcrowding and inadequate washhouses, on some Travellers' sites in NI that potentially engage ECHR, Articles 2, 3 and 8.

The NIHRC recommends:

i	The NI Housing Executive should immediately carry out health and safety assessments of all Travellers' sites and address the hazards identified. In addressing these hazards, the NI Housing Executive should ensure that washhouses on Travellers' sites are safe, fit for purpose and appropriate for NI's climate. The NI Housing Executive should conduct regular health and safety assessments of all Travellers' sites and ensure any identified hazards are adequately and promptly addressed in the future.
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### Health and Safety: Fire

The legislative and policy framework broadly reflects the ICESCR, Article 11. There are concerns that, regarding Travellers' sites, these protections are insufficient and are not implemented in practice. For example, concerns were raised over the accessibility of some Travellers' sites for emergency vehicles. A number of Travellers were also not aware if there were fire safety measures for their accommodation and what they were, particularly on Travellers' sites. This is contrary to the ICESCR, Article 11 and the CRC, Articles 3, 6(1) and 19. A violation of the ECHR can occur if the fire hazard poses a real and imminent threat to the life of a Traveller that the public authorities were aware of, but failed to take reasonable steps to address.<sup>53</sup> Fire hazards on Travellers' sites engage the ECHR, Articles 2, 3 and 8.

<sup>49</sup> E/1992/23, 'ICESCR Committee General Comment No 4: The Right to Adequate Housing', 13 December 1991, at para 8(d); *European Roma Rights Centre v Ireland*, Complaint No 100/2013, 1 December 2015, at para 81.

<sup>50</sup> *Öneryildiz v Turkey* (2004) ECHR 657; *LCB v UK* (1999) 27 EHRR 212, at para 36; *Burke v UK*, Application No 19807/06, 11 July 2006, at para 1.

<sup>51</sup> *Moldovan v Romania (No 2)* (2007) 44 EHRR 16, at para 101.

<sup>52</sup> *Storck v Germany* (2006) 43 EHRR 6, at para 149; *Connors v UK* (2004) ECHR 223, at para 82; *Botta v Italy* (1998) 26 EHRR 241, at para 34; *R (Bernard) v Enfield London Borough* [2002] EWHC 2282, at paras 33-34; *Anufrijeva v Southwark* [2003] EWCA Civ 1406, at para 43; Article 8(2), European Convention on Human Rights 1950.

<sup>53</sup> *Öneryildiz v Turkey* (2004) ECHR 657; *LCB v UK* (1999) 27 EHRR 212, at para 36; *Burke v UK*, Application No 19807/06, 11 July 2006, at para 1.

The NIHRC recommends:

i	The NI Housing Executive and relevant housing associations should ensure that adequate fire safety measures are in place and are adhered to within all Travellers' accommodation. This includes ensuring that all fire safety measures are functional, regularly checked and reviewed. In addition, they should ensure that all tenants within Travellers' accommodation are sufficiently aware of the fire safety measures in place and of actions to be taken in the event of a fire.
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## Availability of Services, Facilities and Infrastructure

### Availability of Services

There is a legislative and policy framework governing Travellers' accommodation in NI, as required by the ICESCR, Article 11, and the European Social Charter (Revised), Article 31(1).<sup>54</sup> The regulated provision of most services regarding Travellers' accommodation is in line with the former CoE Commissioner for Human Rights, Thomas Hammarberg's recommendation.<sup>55</sup> However, there are some omissions in relation to electrical and postal services. Also, the guidance for Travellers' sites is not sufficiently prescriptive. The recommendation, supported by the European Committee of Social Rights, states that these standards should be applied in practice.<sup>56</sup> This is generally honoured regarding bricks and mortar Travellers' accommodation. Concerns arose in relation to Travellers' sites in NI. This includes unavailability of services, or significant delays in providing and adequately maintaining services. This is a particular issue on Travellers' sites, where some Travellers' experienced unsanitary conditions and rodent infestations due to irregular refuse collections. This raises issues around health and safety, contrary to the ICESCR, Article 11, and the CRC, Articles 3, 6(1) and 19. In extreme cases, this engages the ECHR, Article 2, 3 and 8.<sup>57</sup> Some Travellers also experienced delays or lack of access to adequate electricity and issues with accessing their post, which is contrary to the ICESCR, Article 11.

The NIHRC recommends:

i	The NI Housing Executive, in conjunction with all relevant providers, should take steps to ensure that all required services are adequately available in practice within all Travellers' accommodation and that the provision of these services is sufficiently regulated. In particular, the NI Housing Executive should work with: the local Councils to ensure Travellers have regular refuse collections; with the electricity supplier to ensure Travellers have prompt and consistent access to electricity; and with Royal Mail to ensure Travellers have adequate access to adequate postal services.
ii	The NI Housing Executive should ensure that provision of services provided to Traveller's sites reflects the actual use of the site. The public authorities should re-categorise sites when there is a change of usage to ensure that all parties are aware of the provision that is required.

<sup>54</sup> *European Roma Rights Centre v Italy*, Complaint No 27/2004, 7 December 2005, at para 35.

<sup>55</sup> CommDH(2009)5, 'Recommendation of the CoE Commissioner for Human Rights on the Implementation of the Right to Housing', 30 June 2009, at 3.2.1.

<sup>56</sup> *Ibid*; *European Roma Rights Centre v Ireland*, Complaint No 100/2013, 1 December 2015, at paras 54-80.

<sup>57</sup> E/1992/23, 'ICESCR Committee General Comment No 4: The Right to Adequate Housing', 13 December 1991, at para 14.



Availability of Facilities

There is a policy framework governing the availability of facilities for Travellers' accommodation in NI, as required by the ICESCR, Article 11, and the European Social Charter (Revised), Article 31(1). The regulated provision of most facilities regarding Travellers' accommodation is in line with the former CoE Commissioner for Human Rights, Thomas Hammarberg's recommendation.<sup>58</sup> However, there are some omissions. The guidance for Travellers' sites is insufficiently prescriptive. The recommendation, supported by the European Committee of Social Rights, makes clear that these standards should be applied in practice.<sup>59</sup> This is lacking regarding non-domestic animal facilities in standard social housing, the availability of grazing land for all Travellers' accommodation, and the provision of children's play areas in all Travellers' accommodation. This raises issues around personal safety, contrary to the ICESCR, Article 11, and the CRC, Articles 3, 6(1) and 19.

The NIHRC recommends:

- i
- The NI Housing Executive and relevant housing associations should make reasonable provision for children's play areas within Travellers' accommodation. They should also reasonably accommodate Travellers' non-domestic animals and equipment necessary for traditional trades, including through the provision of grazing land, within Travellers' accommodation.

Security of Tenure

Legal Security of Tenure

The domestic legal framework governing security of tenure broadly corresponds with the ICESCR, Article 11, in conferring legal security of tenure. However, there are concerns that some Travellers, particularly on transit sites, are not provided with agreements. The ICESCR, Article 11, requires public authorities to take "immediate measures aimed at conferring legal security of tenure".<sup>60</sup> In the Commission's view, a failure to provide tenancy agreements may constitute a violation of ICESCR, Article 11.

A number of practical barriers can negatively affect a Traveller's security of tenure and result in them fleeing their homes. This includes intimidation of Travellers by members of the settled community, or an individual Traveller's perceived incompatibility with other Travellers. There is evidence that public authorities are hesitant to assist in some such cases. This potentially engages the ECHR, Articles 2, 3, 8 and 14. These provisions require public authorities to take reasonable steps to prevent or address an actual or threatened violation by their agents or third parties, if they had known or ought to have known of such a threat.<sup>61</sup>

58 CommDH(2009)5, 'Recommendation of the CoE Commissioner for Human Rights on the Implementation of the Right to Housing', 30 June 2009, at 3.2.1.

59 Ibid; *European Roma Rights Centre v Ireland*, Complaint No 100/2013, 1 December 2015, at paras 54-80.

60 E/1992/23, 'ICESCR Committee General Comment No 4: The Right to Adequate Housing', 13 December 1991, at 8(a).

61 *Moldovan v Romania (No 2)* (2007) 44 EHRR 16, at para 101; *PF and EF v UK* (2010) ECHR 2015 at paras 37 and 50.



The NIHRC recommends:

i	The NI Housing Executive and relevant housing associations should take immediate steps to ensure that Travellers on all types of Travellers' sites are provided with and sign an agreement attached to their pitch, clearly setting out their rights and responsibilities in an understandable language and format.
ii	The NI Housing Executive and relevant housing associations should take reasonable steps to ensure Travellers in standard social housing understand the tenancy agreement they are signing. This includes understanding their responsibilities as tenants and the landlord's responsibilities.
iii	The Department for Communities should promptly update, publish and adequately disseminate guidance on the security of tenure protections for Travellers living in caravans, as contained within the Caravans Act (NI) 2011.
iv	The NI Housing Executive and relevant housing associations should robustly implement processes that enable Travellers to live safely and securely in their homes without fear of intimidation. This includes conducting effective mediation and effectively implementing procedures set out in antisocial behaviour policies.
v	The Department for Communities should liaise with the Executive Office to propose an amendment of the Housing (NI) Order 2003, Article 125(6), to enable the NI Housing Executive to provide nomadic housing structures (such as caravans, trailers and chalets), if there is a need. The rents for these structures should be set at an appropriate and affordable level.

## Forced Eviction

### Eviction

The legislative framework provides procedural safeguards to be followed in eviction proceedings, as required by ICESCR, Article 11. The ICESCR Committee highlighted that the qualification of progressive achievement based on the availability of resources would "rarely" be relevant to forced evictions.<sup>62</sup> There is evidence that procedural safeguards are not followed in practice, for example in the provision of eviction notices; the weather conditions in which evictions take place; consultation with affected groups; and provision of alternative accommodation. In the Commission's view, not following procedural safeguards may constitute a violation of ICESCR, Article 11, and the European Social Charter, Article 16. The ECHR, Article 8, is also engaged, particularly if procedural safeguards are not in place to prevent unjustified evictions;<sup>63</sup> if public authorities do not take into account the disadvantaged position of a social group (ie Travellers);<sup>64</sup> or if public authorities do not conduct a genuine consultation with the persons affected by an eviction on their rehousing options.<sup>65</sup> The Commission identified concerns relating to the robustness of procedural safeguards and the sufficiency of consultation regarding forced evictions.

<sup>62</sup> E/1998/22, 'ICESCR Committee General Comment No 7: Forced Evictions', 20 May 1997, at para 8.

<sup>63</sup> *Connors v UK* (2004) ECHR 223, at para 95.

<sup>64</sup> *Yordanova and Others v Bulgaria* (2012) ECHR 758, at para 127.

<sup>65</sup> *Bagdonavicius and Others v Russia* (2016) ECHR 871, at para 107.

Some Travellers had difficulty retrieving their property, including caravans, where evictions had taken place. This was a particular issue where certain documents were not accepted as proof of ownership. This engages the ECHR, Article 1, Protocol 1. Interference with the right to property is justified if it serves a legitimate objective in the public interest<sup>66</sup> and is proportionate in striking a fair balance between the protection of the person's right to property and the general interest of the public.<sup>67</sup>

The NIHRC recommends:

i	The NI Housing Executive should take reasonable steps to ensure that adequate alternative accommodation is offered close to the original place of residence, when evictions occur or Travellers' sites are lawfully closed. Particular consideration should be given to distance from schools, doctors, family members and source of livelihood for those affected.
ii	The NI Housing Executive should ensure that reasonable steps are taken to return property promptly, when evictions take place or Travellers' sites are lawfully closed. The NI Housing Executive should ensure that onerous conditions to prove ownership (for example, a requirement to provide original receipts) are not applied, particularly if there is other suitable proof of ownership.

### Unauthorised Encampments

The former CoE Commissioner for Human Rights Thomas Hammarberg and the former UN Special Rapporteur on the Right to Adequate Housing Miloon Kothari recommended that criminal measures that thwart nomadism should be abolished.<sup>68</sup> The CoE Committee of Ministers also emphasised the importance of the use of proportionate responses to illegal encampments, including negotiations or the use of legal action.<sup>69</sup> Evictions for unauthorised encampments should be kept under review.<sup>70</sup> The ICESCR Committee recommended that the Unauthorised Encampments (NI) Order 2005 be repealed in 2016.<sup>71</sup> The retention of the Order is contrary to the Committee's recommendation.

The Unauthorised Encampments (NI) Order 2005 specifically provides for eviction and seizure of property that have a particular impact on Travellers. The evidence suggests that the powers under the 2005 Order are used sparingly. A number of police officers reported exercising caution when relying on the powers under the 2005 Order. One of the main challenges when using the 2005 Order is a lack of alternative culturally appropriate accommodation. The evidence also suggests that the threat or actual use of the powers under the 2005 Order, in particular seizure of caravans, negatively affects the nomadic lifestyle of Travellers.

The Department for Communities accepts that the powers under the 2005 Order has a particular impact on Travellers in NI, but has no plans to repeal it. This position does not comply with the ICESCR Committee's recommendation in 2016.

<sup>66</sup> *James v UK* (1986) ECHR 2, at para 45.

<sup>67</sup> *Sporrong and Lönnroth v Sweden* (1982) ECHR 5, at para 69.

<sup>68</sup> CommDH/Speech(2007)16, 'Joint Statement by CoE Commissioner for Human Rights Thomas Hammarberg and UN Special Rapporteur on the Right to Adequate Housing Miloon Kothari: Governments Should Take Positive Steps to Protect the Housing Rights of Roma in Europe', 24 October 2007.

<sup>69</sup> CRI(2011)37, 'ECRI General Policy Recommendation No 13: Combating Anti-Gypsyism and Discrimination against Roma', 24 June 2011, at para 6 (d) and (e).

<sup>70</sup> CommDH(2006)1, 'Final Report by Mr Alvaro Gil-Robles, CoE Commissioner for Human Rights, on the Human Rights Situation of the Roma, Sinti and Travellers in Europe', 15 February 2006, at 40.

<sup>71</sup> E/C.12/GBR/CO/6, 'ICESCR Committee Concluding Observations on the Sixth Periodic Report of the UK of Great Britain and NI', 14 July 2016, at para 50(d).



The NIHRC recommends:

i	The Department for Communities should repeal the Unauthorised Encampments (NI) Order 2005.
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Location

Planning

There is a legal and policy framework regulating the planning process, which makes specific provision for applications for Traveller-specific accommodation, this reflects the ECRI’s recommendation.<sup>72</sup> However, there are concerns in terms of the implementation of the planning policies. There is evidence that public perceptions and discriminatory views within local Councils are unduly influencing planning decisions. The process for applying for the approval of Traveller-specific accommodation is subject to significant delays. These delays are inhibiting the development of Travellers’ accommodation, particularly Travellers’ sites. This is contrary to the CoE Committee of Ministers’ recommendation.<sup>73</sup>

Additionally, there are concerns regarding the accessibility of the planning process. These concerns are contrary to the CoE Committee of Ministers’ recommendation to enable Travellers to pursue their lifestyles.<sup>74</sup>

The NIHRC recommends:

i	Local Councils should take reasonable steps to prevent undue delays in the planning application process relating to Travellers’ accommodation. They should also ensure that all planning decision-making processes are fair, impartial and transparent.
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Site Licences

Reflecting the ICESCR, Article 11, and the CRC, Articles 3, 6 and 19, site licencing is a crucial safeguard for ensuring Travellers’ sites in NI are adequately habitable and serviced. Yet, there is little evidence of good practice regarding licencing of Travellers’ sites in NI. The regulation of this requirement is outdated and lacks clarity in terms of its applicability and scope. There is also inconsistency in terms of language and definitions between the legislation and its corresponding guidance. The statutory requirements that existed are not implemented in practice for Travellers’ sites in NI. There appears to be a reluctance from the relevant public authorities to address the issue of site licences.

The NIHRC recommends:

i	The NI Housing Executive should ensure that it submits a completed application for a site licence for all Travellers’ sites currently operating unlicensed within six months of the publication of this report. The NI Housing Executive should continue to be required to obtain a site licence for Travellers’ sites in NI.
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72 CRI(2011)37, ‘ECRI General Policy Recommendation No 13: Combating Anti-Gypsyism and Discrimination against Roma’, 24 June 2011, at para 6(j).  
73 CoE, ‘Recommendation Rec(2004)14 of the Committee of Ministers to Member States on the Movement and Encampment of Travellers in Europe’, 1 December 2004, at para 23(ii).  
74 CoE, ‘Recommendation Rec(2005)4 of the Committee of Minister to Member States on Improving the Housing Conditions of Roma and Travellers in Europe’, 23 February 2005, at II(3); CoE, ‘Recommendation Rec(2004)14 of the Committee of Ministers to Member States on the Movement and Encampment of Travellers in Europe’, 1 December 2004, at Preamble.

ii	The Department for Infrastructure should review the legal and policy framework concerning site licences. This should include the development of a model site licence setting out the minimum standard of provision and safety requirements for each type of Travellers site in NI, along with enforcement powers for any breach.
iii	Local Councils should take proactive reasonable steps to ensure Travellers' sites are licenced when required. Local Councils should regularly monitor the licencing of Travellers' sites and be aware when sites require a licence, whether they are licenced and when the licence will expire. Local Councils should ensure all licences meet the minimum standard of provision and safety as required by the model licence, developed by the Department for Infrastructure.

## Participation

The local Council's 'Local Development Plans' and the Department for Communities' 'Design Guide for Travellers' Sites' in NI' reflect the Advisory Committee on the FCNM and CERD Committee's recommendations.<sup>75</sup> The pending creation by the Executive Office of a thematic group on Roma, Gypsies and Travellers, when implemented, will adhere to the Advisory Committee on the FCNM's recommendation.<sup>76</sup> However, the legislative provision and policies of effective participation of Travellers is limited, at times outdated, and does not sufficiently require direct consultation.

Reflecting the Advisory Committee on FCNM's recommendation, public authorities have measures in place to ensure consultations and information on Travellers' accommodation are adapted to reflect Travellers' needs.<sup>77</sup> Yet, the information available can be inadequate and the measures taken are not always effectively implemented. This indicates public authorities are not adequately trained on effective engagement, as recommended by the CERD Committee.<sup>78</sup> Additionally, public authorities are not ensuring that the effective participation of Travellers is adequately resourced, as recommended by the CoE Committee of Ministers and Advisory Committee on FCNM.<sup>79</sup>

There are concerns that public authorities' consultations are ineffective. This is contrary to the recommendations from the UN and CoE that consultation with Travellers should be full and meaningful,<sup>80</sup> with effective channels for communication aimed at providing continuing and substantive dialogue,<sup>81</sup> and that Travellers have a substantial influence on decisions.<sup>82</sup>

The NIHRC recommends:

<sup>75</sup> ACFC/31DOC(2008)001, 'CoE Advisory Committee on the FCNM: Commentary on the Effective Participation of Persons Belonging to National Minorities in Cultural, Social and Economic Life and in Public Affairs', 27 February 2008, at paras 32-36; CERD Committee, 'General Recommendation XXVII: Discrimination against Roma', 16 August 2000, at para 43.

<sup>76</sup> ACFC/31DOC(2008)001, 'CoE Advisory Committee on the FCNM: Commentary on the Effective Participation of Persons Belonging to National Minorities in Cultural, Social and Economic Life and in Public Affairs', 27 February 2008, at paras 73 and 74.

<sup>77</sup> ACFC/31DOC(2008)001, 'CoE Advisory Committee on the FCNM: Commentary on the Effective Participation of Persons Belonging to National Minorities in Cultural, Social and Economic Life and in Public Affairs', 27 February 2008, at paras 9, 21 and 72; P6\_TA(2005)0151, 'European Parliament Resolution on the Situation of the Roma in the European Union', 28 April 2005, at paras 24 and 26.

<sup>78</sup> CERD Committee, 'General Recommendation XXVII: Discrimination against Roma', 16 August 2000, at para 45.

<sup>79</sup> CoE, 'Recommendation CM/Rec(2008)5 of the Committee of Ministers to Members States on Policies for Roma and/or Travellers in Europe', 20 February 2008, at Appendix, section II, para 6; ACFC/31DOC(2008)001, 'CoE Advisory Committee on the FCNM: Commentary on the Effective Participation of Persons Belonging to National Minorities in Cultural, Social and Economic Life and in Public Affairs', 27 February 2008, at para 21.

<sup>80</sup> CommDH/Speech(2007)16, 'Joint Statement by CoE Commissioner for Human Rights Thomas Hammarberg and UN Special Rapporteur on the Right to Adequate Housing Miloon Kothari: Governments Should Take Positive Steps to Protect the Housing Rights of Roma in Europe', 24 October 2007.

<sup>81</sup> ACFC/31DOC(2008)001, 'CoE Advisory Committee on the FCNM: Commentary on the Effective Participation of Persons Belonging to National Minorities in Cultural, Social and Economic Life and in Public Affairs', 27 February 2008, at para 11.

<sup>82</sup> Ibid, at para 19.



i	The NI Housing Executive should ensure Travellers are represented on its consultation forum and the Housing Community Network. It should also ensure consultations with Travellers are meaningful and effective when consulting on planning provision for new and when developing existing Travellers' accommodation.
ii	All local Councils should be active members of the NI Local Government Partnership on Travellers Issues and should give consideration to developing or strengthening Traveller Forums to consider issues relating to Travellers, including accommodation.
iii	The Department for Communities should liaise with the Executive Office on establishing the proposed thematic working group on Roma and Travellers. The work of this group should have sufficient focus on Travellers' accommodation.
iv	The Executive Office and all relevant public authorities should ensure Traveller support groups are adequately resourced for the work they carry out.

## Monitoring

### Management of Travellers' Accommodation

Legislation and guidance is in place to govern the management of Travellers' accommodation. Yet, there are concerns that these are not implemented in practice, particularly for Travellers' sites. This is contrary to the CERD Committee's recommendation that there is effective oversight of Travellers' accommodation and the ICESCR, Article 11, requirements that effective monitoring have immediate effect.<sup>83</sup>

The NIHRC recommends:

i	The NI Housing Executive should take reasonable steps to ensure its staff are accessible on a daily basis to Travellers, particularly regarding transit and emergency halting Travellers' sites.
ii	The NI Housing Executive should effectively manage Travellers' sites. Travellers should be required to sign a tenancy agreement before moving into Travellers' accommodation. This includes transit and emergency halting Travellers' sites. The NI Housing Executive should have mechanisms in place to ensure this is a speedy and efficient process. It should not subject Travellers to delays in accessing culturally adequate accommodation with adequate services and facilities.

## Resources

There is no evidence that public authorities explicitly consider human rights standards when allocating financial resources to housing. The evidence does not clearly demonstrate compliance with ICESCR, Articles 2 and 11. The general depletion of social housing stock and increasing levels of need suggests retrogression.

<sup>83</sup> CERD/C/GBR/CO/21-23, 'CERD Committee Concluding Observations on the Twenty-first to Twenty-Third Periodic Reports of UK of Great Britain and NI', 26 August 2016, at para 25(a); E/1992/23, 'ICESCR Committee General Comment No 4: The Right to Adequate Housing', 13 December 1991, at para 13.

Figures show an increase in the number of pitches on Travellers' sites, but these are not all available in practice. This suggests a failure to progressively realise the right to adequate housing. A risk of retrogression is indicated by the decrease in spend per unit on Travellers' accommodation, particularly where mitigation measures are not in place.

A comparison with Scotland and Wales indicates lower spending on Travellers' sites in NI. In Scotland's case, this presumes spending on grouped housing in NI is excluded from the figures. This suggests that it is possible to give a greater priority to Travellers' sites and implies a failure to use maximum available resources. The principle of progressive realisation requires that provision is extended. For example, an extension of the Supporting People Programme would be an indicator of progressive realisation. In contrast, the denial of funding to Traveller support groups may indicate retrogression, unless mitigating measures are in place.

The former UN High Commissioner for Human Rights, Navanethem Pillay, explicitly requires that the implementation of ICESCR rights must be transparent, should establish accountability mechanisms, and should ensure access to information.<sup>84</sup> However, the evidence suggests non-compliance with these requirements. Public authorities' data collection on population figures is inconsistent and inadequate. Financial data is inconsistently recorded, making it difficult to analyse trends over time. The Department for Communities allocates funding to the NI Housing Executive, but an effective mechanism that requires the Department to proactively monitor how funding is allocated to Travellers' accommodation does not exist in practice.

The NIHRC recommends:

- |   |   |
|---|---|
| i | The Department for Communities should ensure regular, independent, effective, thorough and proactive monitoring of public spending in relation to the provision of Travellers' accommodation. Data relating to the provision of all Travellers' accommodation and financial data should be consistent, centralised, and effectively disaggregated. Data should be publicly available. |
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## Non-discrimination and Equality

### Prohibition on Racial Discrimination

Human rights law requires public authorities to protect non-discrimination and equality.<sup>85</sup> This requires public authorities to tackle discrimination by both public<sup>86</sup> and private actors.<sup>87</sup> Human rights law prohibits both direct and indirect discrimination.<sup>88</sup> Standards from UN committees and the European Court of Human Rights make clear that not every differentiation is prohibited discrimination.<sup>89</sup> If there is an objective and reasonable justification for the differentiation, then there is no breach of human rights law.<sup>90</sup>

<sup>84</sup> E/2009/90, 'Report of the High Commissioner for Human Rights on Implementation of Economic, Social and Cultural Rights', 8 June 2009, at para 33.

<sup>85</sup> Article 2(1), International Covenant on Economic, Social and Cultural Rights 1966; Article 26, International Covenant on Civil and Political Rights 1966; Article 14, European Convention on Human Rights 1950; Human Rights Committee, 'General Comment No 18: Non-discrimination', 10 November 1989, at para 1.

<sup>86</sup> E/C.12/GC/20, 'ICESCR Committee General Comment No 20: Non-discrimination in Economic, Social and Cultural Rights', 2 July 2009, at paras 8 and 9.

<sup>87</sup> Ibid, at para 11; CERD Committee, 'General Recommendation XXVII: Discrimination against Roma', 16 August 2000, at para 31.

<sup>88</sup> *Timishev v Russia* (2005) ECHR 858, at para 56; *Oršuš v Croatia* (2010) ECHR 337, at para 149.

<sup>89</sup> E/C.12/GC/20, 'ICESCR Committee General Comment No 20: Non-discrimination in Economic, Social and Cultural Rights', 2 July 2009, at para 11; CERD Committee, 'General Recommendation XXVII: Discrimination against Roma', 16 August 2000, at para 31; *Stec and Others v UK* (2006) ECHR 393, at para 5.

<sup>90</sup> *Stec and Others v UK* (2006) ECHR 393, at para 5.



The Race Relations (NI) Order 1997 addresses the prohibition on discrimination in NI. This broadly complies with human rights standards.<sup>91</sup> In particular, the clear extension to cover all public functions meets the recommendations of the ECRI.<sup>92</sup> However, the Equality Commission NI has recommendations for ensuring better compliance with such standards.

The Race Relations (NI) Order 1997 enables the Equality Commission NI to issue codes of practice for employment and housing. Although a code in respect of the elimination of racial discrimination in employment was first issued in 1999, an equivalent has not been issued in respect of housing.

Despite the existing protections, some Travellers' in NI felt that they were regularly subjected to racial discrimination, in particular in the private rented sector.

The NIHRC recommends:

- i The Equality Commission NI should issue a code of practice on the elimination of discrimination in housing. This should include the private rented sector.

## Tolerance and Mutual Understanding

### Promotion of Tolerance and Mutual Understanding

Legislation and policies are in place to combat prejudice and to promote understanding, tolerance and friendship among different ethnic groups. This is required by the CERD, Article 7, and set out in the UNESCO Declaration of Principles on Tolerance.<sup>93</sup>

The NI Act 1998, Section 75(2), places a duty on public authorities to "have regard to the desirability of promoting good relations" between persons of different racial groups, which is weaker than the requirements in the human rights standards. The Race Relations (NI) Order 1997, Article 67, places a duty on local Councils to have due regard to the need to promote good relations. This language broadly corresponds to human rights standards.

There is some evidence of dialogue with Travellers, in line with the UN Declaration on the Culture of Peace and the Durban Declaration.<sup>94</sup> There are concerns that this dialogue is not sufficiently continuing, substantive or intercultural, as recommended by the Advisory Committee for the FCNM and the CoE Committee of Ministers.<sup>95</sup>

<sup>91</sup> Article 2, International Covenant on Economic, Social and Cultural Rights 1966; Article 2(1), Convention on the Elimination of All Forms of Racial Discrimination 1969; Article 5(2), Convention on the Rights of Persons with Disabilities 2006; Article 4, Framework Convention on the Protection of National Minorities 1998; E/C.12/GC/20, 'ICESCR Committee General Comment No 20: Non-discrimination in Economic, Social and Cultural Rights', 2 July 2009, at paras 38 and 39.

<sup>92</sup> CRI(2003)8, 'ECRI General Policy Recommendation No 7: National Legislation to Combat Racism and Racial Discrimination', 13 December 2002, at para 7.

<sup>93</sup> Article 1(1), UNESCO Declaration on Principles of Tolerance, 16 November 1985.

<sup>94</sup> A/RES/53/243 A, 'UN General Assembly Resolution: Declaration on a Culture of Peace', 13 September 1999; UN Declaration on a Culture of Peace; A/CONF.189/12, 'Durban Declaration', 8 September 2001.

<sup>95</sup> ACFC/311Doc(2008)001, 'CoE Advisory Committee on the FCNM: Commentary on the Effective Participation of Persons belonging to National Minorities in Cultural, Social and Economic Life in Public Affairs', 5 May 2008, at para 11; CoE, 'Declaration on the Committee of Ministers on the Rise of Anti-Gypsyism and Roma and Racist Violence Against Roma in Europe', 1 February 2012, at para VI.2.iv.

The NIHRC recommends

i	The Department for Communities should liaise with the Executive Office to propose an amendment of the Race Relations (NI) Order 1997, Article 67, to extend the duty contained within to all public authorities. This duty requires appropriate arrangements to be made with a view to securing that the various functions of the relevant public authority are carried out with due regard to the need to eliminate unlawful racial discrimination and to promote equality of opportunity, and good relations, between persons of different racial groups.
ii	The Department for Communities and Department for Infrastructure should liaise with the Executive Office in implementing the Racial Equality Strategy. The strategy should consider how to adequately promote tolerance and understanding between Travellers and the settled community in NI. It should also require all the relevant public authorities to report on such actions.

Effective Remedy

Internal and independent effective remedies for public authorities regarding Travellers' accommodation are regulated and implemented. This reflects the ICESCR, Article 11; ICCPR, Article 14; CRPD, Article 13; and ECHR, Articles 6 and 13.<sup>96</sup> However, it appears that measures are required to ensure such remedies are accessible to Travellers in NI. For example, the Commission found that Travellers rarely utilised the Department for Communities', Department for Infrastructure's, NI Housing Executive's, the housing associations', or local Councils' internal complaints handling processes.

The NIHRC recommends:

i	All public authorities should take proactive reasonable steps to support Travellers through the complaints process. This includes ensuring Travellers are aware of the existence of such mechanisms, what their purposes are, how to make a complaint, and the different stages of the process.
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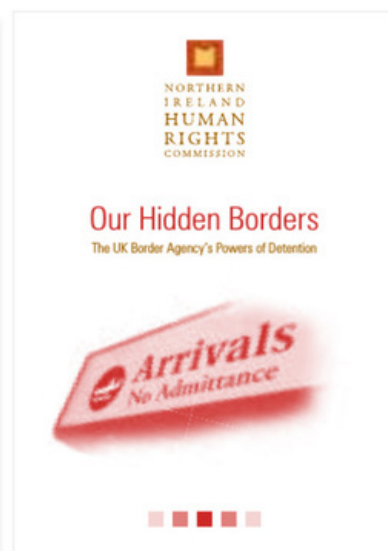
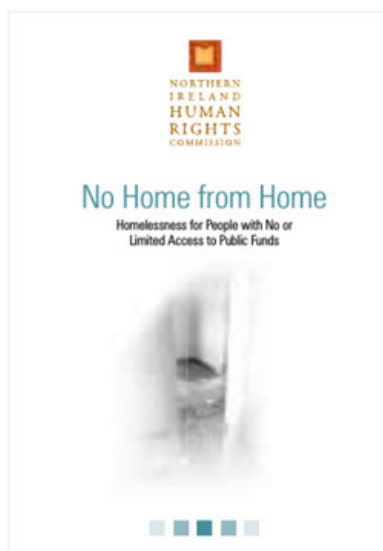
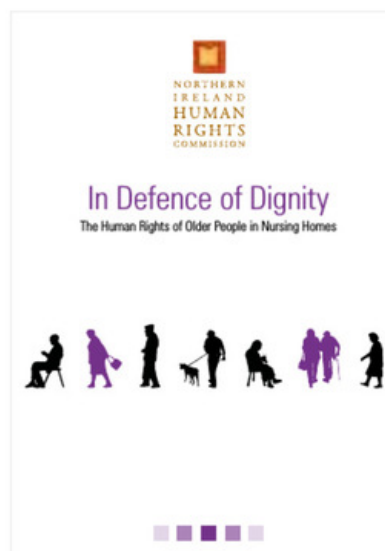
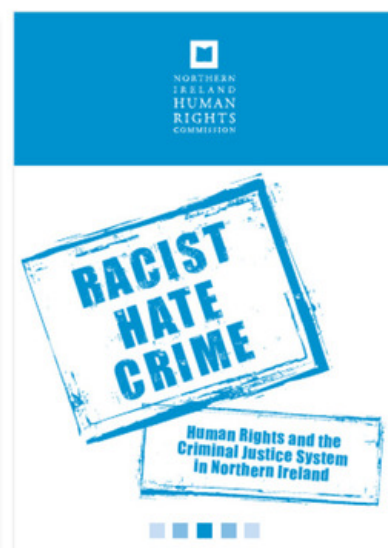
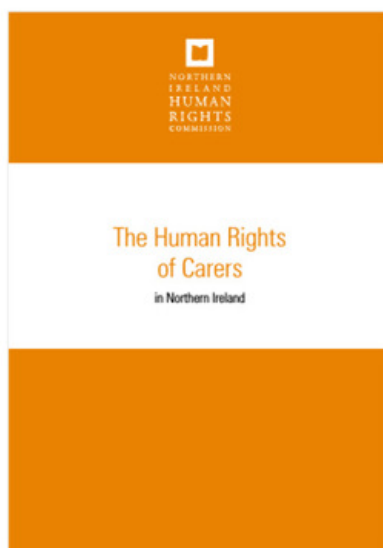
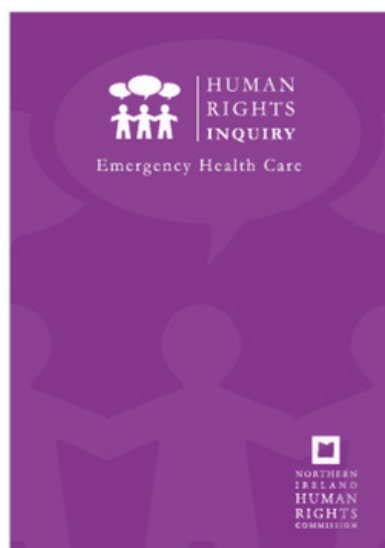
96 E/1992/23, 'ICESCR Committee General Comment No 4: The Right to Adequate Housing', 13 December 1991, at para 17.



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<b>Report to:</b>	Strategy, Policy and Resources Committee
<b>Date of Meeting:</b>	17 May 2018
<b>Subject:</b>	A guide to the Rural Needs Act (NI) 2016 for Public Authorities (Revised) April 2018
<b>Reporting Officer (Including Job Title):</b>	Regina Mackin, Assistant Director, Corporate Planning and Policy
<b>Contact Officer (Including Job Title):</b>	Colin Moffett, Head of Corporate Policy Suzanne Rice, Corporate Policy and Equality Officer

#### Decisions required:

The committee is asked to note the following report which provides information on the Department of Agriculture, Environment and Rural Affairs revised guidance document on the Rural Needs Act (Northern Ireland) 2016.

#### 1.0 Purpose and Background:

1.1 On 1 June 2017, the Rural Needs Act came into force for district councils and government departments. Newry, Mourne and Down council officials participated in Rural Needs training in September 2017 with Councillors undertaking training on the Rural Needs Act in February and March 2018.

#### What is the Rural Needs Act?

The Rural Needs Act (Northern Ireland) 2016 requires the Council to have due regard to rural needs when:

- (a) developing, adopting, implementing or revising policies, strategies and plans, and
- (b) designing and delivering public services.

The revised guidance, published in April 2018 provides the following **Default Definition of 'Rural'**:

**'The default definition of 'rural' used in Northern Ireland is that developed by the Inter- departmental Urban – Rural Definition Group. Initially proposed in 2005 and amended in the review of the statistical classification and delineation of settlements, NISRA, March 2015, this definition classifies those settlements with populations of less than 5000 together with the open countryside as rural. Settlements have been classified into a number of bands (see Table 1) with bands A-E classified as urban and bands F- H classified as rural.**

**Table 1 : Settlement Development Limit Classification**

Classification	Population
Band A - Belfast	280,211
Band B- Derry City	83,125
Band C – Large Town	18,000
Band D – Medium Town	10,000-17,999
Band E – Small Town	5,000-9,999
<b>DEFAULT URBAN- RURAL SPLIT</b>	
Band F- Intermediate Settlement	2,500-4,999
Band G- Village	1,000-2,499
Band H- open countryside	1,000 and open countryside

Chapter 3 of DAERA's revised guidance provides clarification as to the definition of rural as

	<p>follows:</p> <p><b>Alternative Definitions of Rural</b></p> <p>3.5 Whilst a default definition of rural is provided, it was also recommended that a prescriptive urban-rural definition should not be given. Rather, it was advised that users should consider defining urban and rural areas in ways which are appropriate for different projects and programmes.</p> <p>3.6 Where a public authority is considering using an alternative to the default definition in respect of a policy, strategy, plan or public service, it should seek to ensure that the elements contained within the alternative definition are restricted to those incorporated in the official settlement classification set out in the Review of the Statistical Classification and Delineation of Settlements, NISRA, March 2015</p> <p>Only alternative definitions of rural based on population bands, 20 and 30 minute drive times to service centres, and drive times to Belfast/Derry should be used. Any definition based on alternative or substitute components would not conform to the official classification.</p> <p>3.7 In instances where a public authority uses a definition of rural other than the default definition in respect of a policy, strategy, plan or public service, it should provide details of the alternative definition used, together with a clear rationale for using the alternative definition, on the Rural Needs Impact Assessment Template.</p> <p><b>20 and 30 Minute Drive-Time Limits</b></p> <p>3.8 The Review of the Statistical Classification and Delineation of Settlements, NISRA, March 2015, expanded the classification to include a service provision element by categorising rural areas based on their drive time from a town centre of a settlement with a population of 10,000 or more (a large service centre). Using this approach, areas have been classified as being either “within” or “outside” of 20-minute or 30-minute drive times of their nearest town centre. Approximately 93% of Northern Ireland’s population live within 30 minutes drive-time of the town centre of a settlement containing a population of at least 10,000. Map 2 shows a comparison of 20-minute and 30-minute drive times from those settlements containing a population of at least 10,000. In respect of the report on the revised guidance on the Rural Needs Act, Chapter 3 of DAERA’s revised guidance provides clarification as to the definition of rural as follows:</p>
1.2	<p>The revised Rural Needs Impact Assessment (RNIA) template is now divided into five key sections (see appendix)</p> <ul style="list-style-type: none"> <li>- <b>Section 1</b> – Defining the activity subject to Section 1 (1) of the Rural Needs Act (NI) 2016;</li> <li>- <b>Section 2</b> – Understanding the impact of the Policy, Strategy, Plan or Public Service;</li> <li>- <b>Section 3</b> – Identifying the Social and Economic Needs of Persons in Rural Areas;</li> <li>- <b>Section 4</b> – Considering the Social and Economic Needs of Persons in Rural Areas;</li> <li>- <b>Section 5</b> – Influencing the Policy, Strategy, Plan or Public Service.</li> </ul>
<b>2.0</b>	<b>Key issues:</b>
2.1	Consideration, communicating and embedding Rural Needs when developing, adopting, implementing or revising policies, strategies and plans, and designing and delivering public services.
<b>3.0</b>	<b>Recommendation:</b>
3.1	The committee is asked to note the following report which provides information on the

	Department of Agriculture, Environment and Rural Affairs revised guidance document on the Rural Needs Act (Northern Ireland) 2016.
<b>4.0</b>	<b>Resource implications</b>
4.1	None identified.
<b>5.0</b>	<b>Equality and good relations implications:</b>
5.1	As legislation is now in place, Council must consider the Rural Needs of the district when making decisions. This implication along with Equality and Good Relations form the core statutory functions for Council in the decision making process.
<b>6.0</b>	<b>Appendices</b>
	The revised Rural Needs Guide with the revised Rural Needs Impact Assessment (RNIA) Template are attached.



# A Guide to the Rural Needs Act (Northern Ireland) 2016 for Public Authorities (Revised)



April 2018



Department of  
**Agriculture, Environment  
and Rural Affairs**

[www.daera-ni.gov.uk](http://www.daera-ni.gov.uk)



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## Foreword

The Rural Needs Act (Northern Ireland) 2016 ('the Act') is being implemented on a phased basis with Phase 1 covering government departments and local councils commencing on 1 June 2017 and Phase 2 covering the other public authorities listed in the Schedule to the Act commencing on 1 June 2018.

DAERA has undertaken a review of the implementation of Phase 1. The review looked at how the awareness sessions and the online training had been rolled out and sought views on the Department's guidance '*A Guide to the Rural Needs Act (NI) 2016 for Public Authorities*'. The Department also took into consideration the report '*Rural proofing in Northern Ireland: An overview and recommendations on guidance, implementation and governance*'<sup>1</sup> produced by the Centre for Rural Economy, Newcastle University and the Agri-Food and Biosciences Institute (AFBI).

The review highlighted a number of issues including a perceived lack of clarity around what the due regard duty involves and the difference between the due regard duty, rural proofing and the Rural Needs Impact Assessment (RNIA). A number of stakeholders expressed the view that the RNIA template was not particularly user friendly and that the guidance focused heavily on rural proofing rather than on the due regard duty as set out in the Act. Others commented that the RNIA template was not always appropriate for documenting the wide range of policies, strategies, plans and public services being developed and implemented by public authorities.

Following the completion of the review the Department has produced this revised guidance. The revised guidance aims to provide more clarity on the statutory duties imposed on public authorities under the Act and to help public authorities ensure that they fulfil their statutory duties. It also incorporates a revised RNIA process together with a revised RNIA template and a 'Checklist' to support implementation.

It is hoped that public authorities will find this revised guidance helpful and that the new RNIA template will make it easier for public authorities to effectively document the steps taken in seeking to fulfill their duties under the Act.

The Department also wishes to acknowledge the work carried out by Professor Sally Shortall of Newcastle University and Dr Erin Sherry of AFBI which has helped inform this guidance and the support provided by the Rural Development Council in relation to the implementation of the Act.

<sup>1</sup> <https://www.afbini.gov.uk/publications/rural-proofing-northern-ireland-overview-and-recommendations>





# Chapter 1



## Chapter 1 - Introduction

### Purpose of the Guidance

- 1.1 This revised guidance is issued by the Department of Agriculture, Environment and Rural Affairs (DAERA) to assist public authorities in understanding their statutory duties under the Rural Needs Act (Northern Ireland) 2016 <sup>2</sup> ('the Act') and in fulfilling their obligations under the Act.
- 1.2 This revised guidance replaces the previous guidance that was issued in May 2017.

### Status of the Guidance

- 1.3 While there is no statutory obligation under the Act to follow this guidance, the guidance is important. In the event of any legal challenge the courts are likely to view this guidance as an authoritative document of persuasive value.
- 1.4 A 'Checklist' to help public authorities operate in accordance with this guidance is provided at Appendix 3.

### Background

- 1.5 The Act introduces a new duty on Northern Ireland departments, district councils and the other public authorities listed in the Schedule to the Act to have due regard to rural needs when developing, adopting, implementing or revising policies, strategies and plans, and when designing and delivering public services.
- 1.6 The purpose of the Act is to ensure that public authorities have due regard to the social and economic needs of people in rural areas when carrying out certain activities and to provide a mechanism for ensuring greater transparency in relation to how public authorities consider rural needs when undertaking these activities.
- 1.7 The Act came into operation for Northern Ireland departments and district councils on 1 June 2017 and is due to come into operation for the other public authorities listed in the Schedule to the Act on 1 June 2018.
- 1.8 More information on the contents of the Act is provided in Chapter 2 of this guidance while detailed information on the duties of public authorities under the Act is provided in Chapter 4 and Chapter 6. Each public authority is responsible for ensuring that it fulfils its duties under the Act.

<sup>2</sup> <http://www.legislation.gov.uk/nia/2016/19/contents>

## Relationship with Rural Proofing

- 1.9 The new due regard duty introduced under section 1(1) of the Act imposes an obligation on public authorities that is different to the commitment to rural proof which the Northern Ireland Executive signed up to in 2002. The policy on rural proofing required government departments to identify the potential impact that a policy or strategy would have on a rural area, to make a proper assessment of those impacts if they were deemed to be significant and, where appropriate, to make adjustments to the policy or strategy to take account of rural circumstances. The scope of the Act is wider than that covered by the previous policy on rural proofing in that it now includes district councils and the other public authorities listed in the Schedule to the Act in addition to government departments.
- 1.10 This guidance recommends that public authorities undertake a Rural Needs Impact Assessment when developing, adopting, implementing or revising policies, strategies and plans, and when designing and delivering public services. The principles of rural proofing are incorporated in the Rural Needs Impact Assessment process.

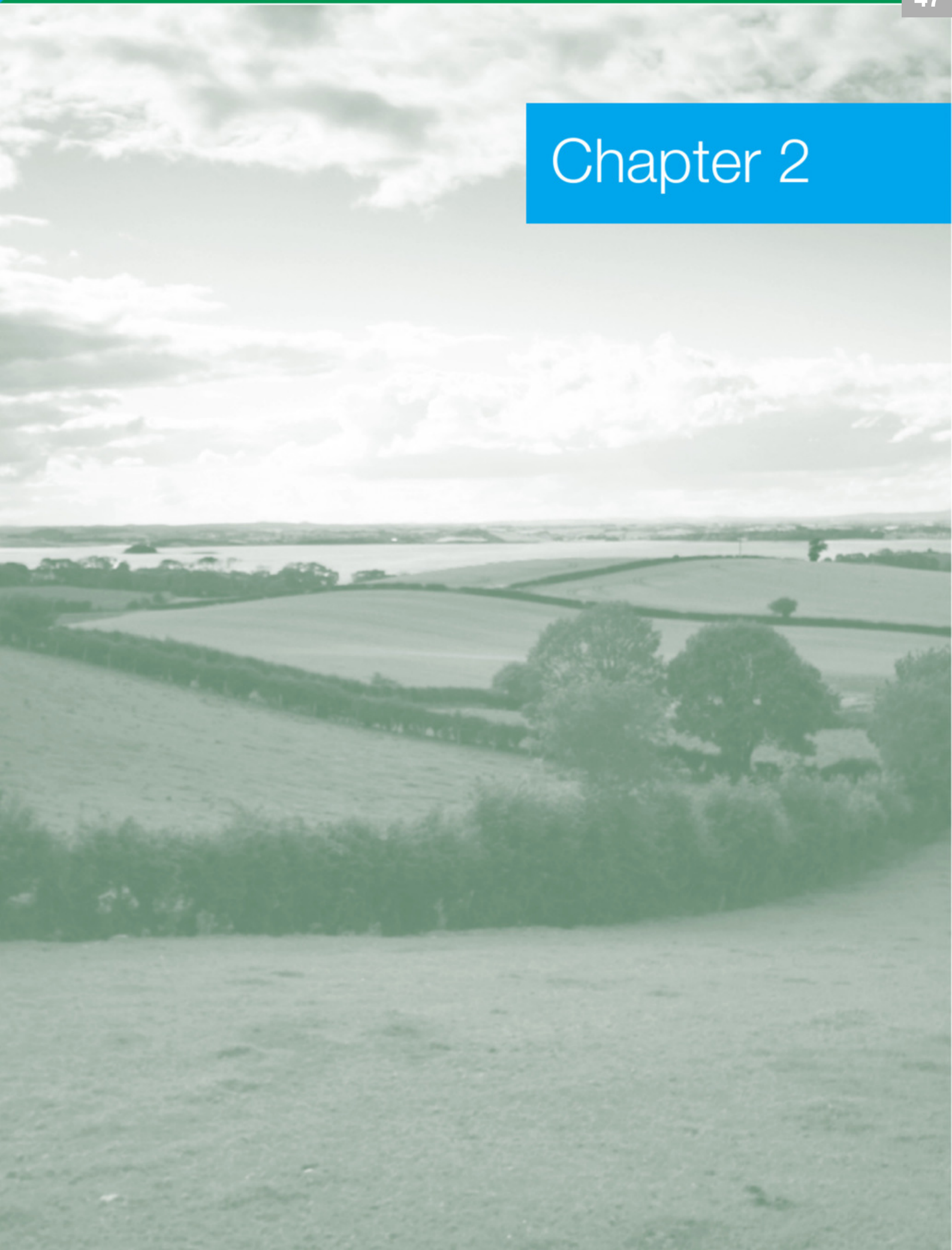
## Terms used in this Guidance

- 1.11 **‘Public authority’** means a person or body listed in the Schedule to the Act and includes Northern Ireland departments, district councils and any other person or body listed in the Schedule.
- 1.12 **‘Due regard duty’** means the duty on public authorities to have due regard to rural needs as set out in section 1(1) of the Act.
- 1.13 **‘Rural needs’** means the social and economic needs of persons in rural areas.
- 1.14 **‘Section 1 activity’** means an activity subject to the duty i.e. developing, adopting, implementing or revising a policy, strategy or plan or designing or delivering a public service.





## Chapter 2



## Chapter 2 - The Rural Needs Act (Northern Ireland) 2016

### Introduction

- 2.1 The Rural Needs Act (Northern Ireland) 2016 ('the Act') introduced a new duty on public authorities in Northern Ireland to have due regard to rural needs when developing, adopting, implementing or revising policies, strategies and plans, and when designing and delivering public services. It also requires public authorities to compile information on the exercise of the due regard duty and for this information to be published.

### Background

- 2.2 Around 670,000 people in Northern Ireland live in a rural area representing approximately 37% of the population (2011 census). Most strategies and policies developed and implemented across government have a rural dimension and it is recognised that they can have a different impact in rural areas than urban areas due to issues relating to, for example, geographical isolation and lower population densities. It is recognised that as a result of rural circumstances people in rural areas may have different needs and therefore a policy or public service that works well in urban areas may not be as effective in rural areas.
- 2.3 Prior to the introduction of the Act, the NI Executive had a commitment to a policy on rural proofing which required all government departments to assess the impact of policies and strategies on rural areas. Under this policy departments were required to identify the potential impact that a policy or strategy would have on a rural area, to make a proper assessment of those impacts if they were deemed to be significant and, where appropriate, to adjust the policy or strategy to take account of rural circumstances.
- 2.4 The policy on rural proofing was signed up to by the Executive in 2002 and the Executive subsequently reaffirmed this commitment in 2009. However there continued to be concerns that rural proofing was not being implemented as effectively as it could be while there was also a lack of information available on how rural proofing was being implemented by departments.

### Why was the Act introduced?

- 2.5 The Act was introduced to ensure that consideration of the needs of people in rural areas becomes more firmly embedded within public authorities. The Act seeks to help deliver fairer and more equitable treatment for people in rural areas by requiring public authorities to have due regard to rural needs when developing, adopting, implementing



and revising policies, strategies and plans and when designing and delivering public services. This will help to deliver better outcomes for people in rural areas and help make rural communities more sustainable. The Act also seeks to increase transparency by requiring public authorities to compile and publish information on how they comply with the due regard duty when carrying out certain activities and for this information to be published in an annual report.

### **Which public authorities does the Act apply to?**

- 2.6 The Act applies to Northern Ireland government departments, district councils and the other public authorities listed in the Schedule to the Act. If a public authority is unclear as to whether the Act applies to it, it should consider seeking its own legal advice.

### **When did the Act commence?**

- 2.7 The Act received Royal Assent on 9 May 2016 and came into operation for government departments and district councils on 1 June 2017. It is scheduled to come into operation for the other public authorities listed in the Schedule to the Act on 1 June 2018.

### **What are public authorities required to do under the Act?**

- 2.8 Public authorities have two main duties under the Act. The first is a duty to have due regard to rural needs (referred to as the 'due regard duty') and the second relates to monitoring and reporting on how the due regard duty has been exercised. More information on these duties is provided in Chapter 4 and Chapter 6 of this guidance.

### **Duty on public authorities to have due regard to rural needs**

- 2.9 Section 1(1) of the Act places a statutory duty on the public authorities listed in the Schedule to the Act to have due regard to rural needs when:
- Developing a policy, strategy or plan;
  - Adopting a policy, strategy or plan;
  - Implementing a policy, strategy or plan;
  - Revising a policy, strategy or plan;
  - Designing a public service; and
  - Delivering a public service.

2.10 'Rural needs' is defined in section 6 of the Act as the 'economic and social needs of persons in rural areas'.

2.11 For more information on the duty to have due regard to rural needs please refer to Chapter 4 of this guidance.

### **Duty on public authorities to monitor and report**

2.12 Under section 3(1) of the Act a public authority must, in such manner as may be directed by the Department of Agriculture, Environment and Rural Affairs (DAERA):

- compile information on the exercise of its functions under section 1 of the Act,
- include that information in the public authority's own annual report; and
- send a copy of that information to DAERA.

2.13 For more information on the monitoring and reporting requirements please refer to Chapter 6 of this guidance.

### **Duty on DAERA to publish an annual report**

2.14 Section 3(2) of the Act requires DAERA to publish an annual report containing (a) the information sent to it by public authorities on the exercise of their functions under section 1 of the Act and (b) information on the exercise by DAERA of its functions under the Act. It must lay a copy of the annual report before the Assembly.

### **Duty on DAERA to make arrangements for co-operation**

2.15 Section 4 of the Act requires DAERA to make arrangements with public authorities with a view to securing co-operation and the exchange of information between public authorities.

### **Duty on DAERA to review list of public authorities**

2.16 Section 1(3) of the Act requires DAERA to review the list of public authorities set out in the Schedule at least every three years and, if it thinks it appropriate, amend the Schedule to:

- add a body or person to the Schedule;
- remove a body or person from the Schedule; or
- modify any entry in the Schedule.

- 2.17 Any amendment to the Schedule must be done by means of an order. Such an order cannot be made unless a draft of the order has been laid before, and approved by resolution of, the Assembly.

### **Duty on the Minister of Agriculture, Environment and Rural Affairs to make a statement**

- 2.18 Section 3 of the Act requires the Minister of Agriculture, Environment and Rural Affairs, on or after the day on which the annual report is laid, to make a statement to the Assembly about the content of the report.

### **DAERA's powers to provide guidance, advice and information**

- 2.19 Section 2 of the Act provides DAERA with the power to take such steps as appear to it to be appropriate to -
- (a) provide any person with guidance, advice and information about issues connected with rural needs or ways of meeting those needs;
  - (b) undertake, commission or support (by financial means or otherwise) research into any matter relating to rural needs.

### **DAERA's powers to direct public authorities on the manner in which information is compiled**

- 2.20 DAERA has powers under section 3(1) of the Act to direct public authorities on the manner in which;
- information on the exercise of their functions under Section 1 (1) is compiled;
  - that information is included in a public authority's annual report;
  - that information is sent to DAERA;
- 2.21 Where DAERA issues such a direction public authorities are required to comply with the direction. Any directions issued by DAERA will be in writing.

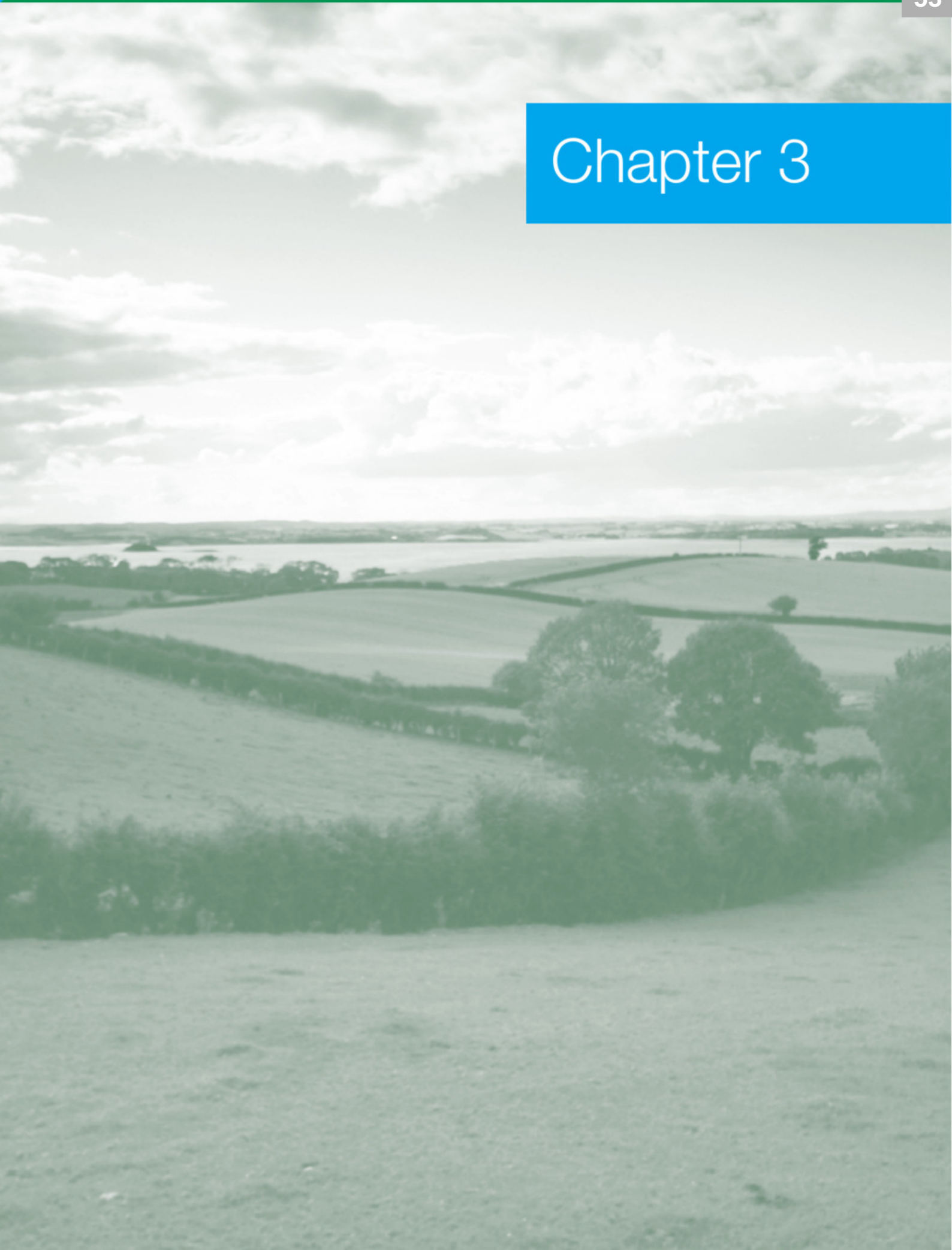
## Interpretation

### *'Rural needs'*

- 2.22 The Act defines 'rural needs' as "the social and economic needs of persons in rural areas".
- 2.23 For more information on what is meant by 'rural' please refer to Chapter 3 of this guidance.
- 2.24 For more information on what 'rural needs' means in the context of the due regard duty please refer to Chapter 4 of this guidance.



## Chapter 3



## Chapter 3 - What is meant by 'rural'?

### Introduction

- 3.1 Urban and rural issues are of some considerable importance for government. The European Union pays grants for urban and rural development. Rurality is a factor in allocation of health and social care funding; housing, roads, water and sewerage and the provision and maintenance of schools all present different issues in urban and rural areas. Employment in rural areas has its own distinctive features, and urban and rural leisure facilities are often quite dissimilar<sup>3</sup>.
- 3.2 In order to identify and consider 'rural needs', a public authority must have a clear understanding of how it classifies whether an area is urban or rural in relation to a policy, strategy or plan being developed, adopted, implemented or revised or a public service being designed or delivered.

### Default Definition of 'Rural'

- 3.3 The default definition of "rural" used in Northern Ireland is that developed by the Inter-Departmental Urban-Rural Definition Group. Initially proposed in 2005<sup>4</sup>, and amended in the Review of the Statistical Classification and Delineation of Settlements, NISRA, March 2015<sup>5</sup>, this definition classifies those settlements with populations of less than 5,000 together with the open countryside as rural. Settlements have been classified into a number of bands (see Table 1), with bands A-E classified as urban and bands F-H classified as rural.

<sup>3</sup> Report of the Inter-Departmental Urban-Rural Definition Group, Statistical Classification and Delineation of Settlements, NISRA, February 2005

<sup>4</sup> [http://www.ninis2.nisra.gov.uk/public/documents/ur\\_report.pdf](http://www.ninis2.nisra.gov.uk/public/documents/ur_report.pdf)

<sup>5</sup> <https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/review-of-the-statistical-classification-and-delineation-of-settlements-march-2015%20%281%29.pdf>

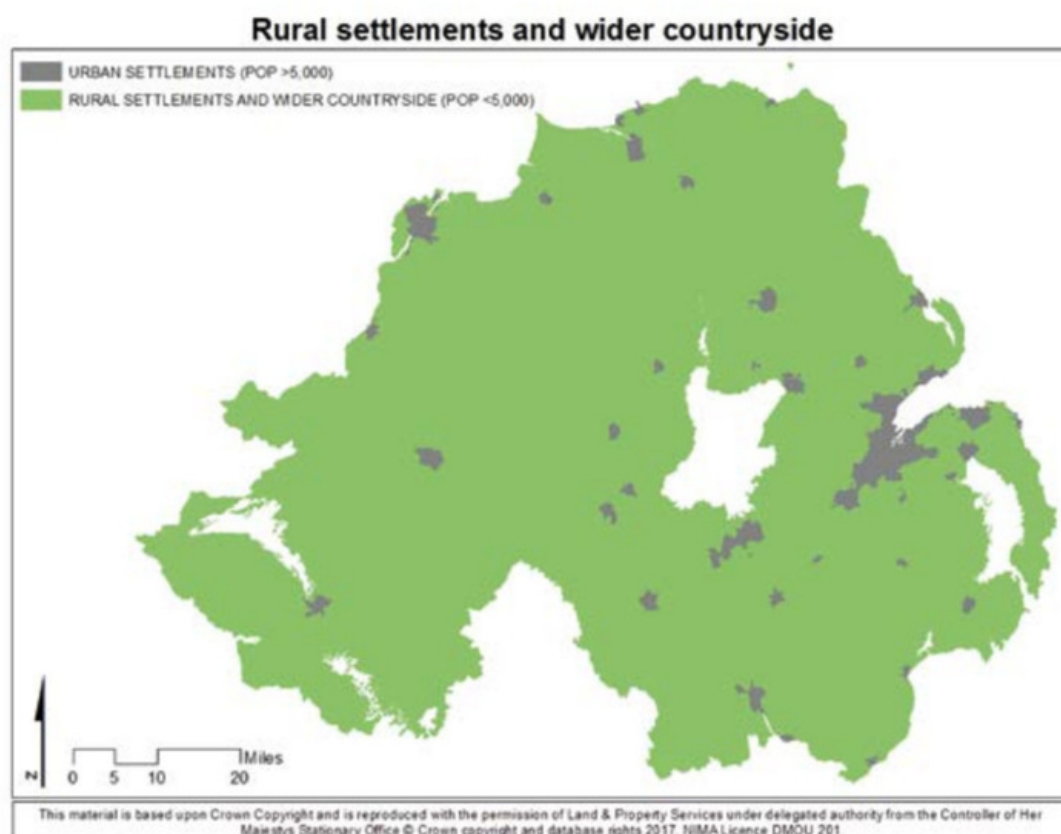
**Table 1: Settlement Development Limit Classification**

Classification	Population
Band A - Belfast	280,211 (2011 census)
Band B - Derry City	83,125 (2011 census)
Band C - Large Town	>18,000
Band D - Medium Town	10,000 - 17,999
Band E - Small Town	5,000 - 9,999
<b>DEFAULT URBAN-RURAL SPLIT</b>	
Band F - Intermediate Settlements	2,500 - 4,999
Band G - Village	1,000 - 2,499
Band H - Open Countryside	<1,000 and open countryside

Source: Adapted from Table 2 of the Review of the Statistical Classification and Delineation of Settlements.

3.4 Map 1 shows the proportion of land mass in Northern Ireland which is categorised as 'rural' under the default definition.

**Map 1: Rural settlements and wider countryside**





## Alternative Definitions of Rural

- 3.5 Whilst a default definition of rural is provided, it was also recommended that a prescriptive urban-rural definition should not be given. Rather, it was advised that users should consider defining urban and rural areas in ways which are appropriate for different projects and programmes.
- 3.6 Where a public authority is considering using an alternative to the default definition in respect of a policy, strategy, plan or public service, it should seek to ensure that the elements contained within the alternative definition are restricted to those incorporated in the official settlement classification set out in the Review of the Statistical Classification and Delineation of Settlements, NISRA, March 2015<sup>6</sup>. Only alternative definitions of rural based on population bands, 20 and 30 minute drive times to service centres, and drive times to Belfast/Derry should be used. Any definition based on alternative or substitute components would not conform to the official classification.
- 3.7 In instances where a public authority uses a definition of rural other than the default definition in respect of a policy, strategy, plan or public service, it should provide details of the alternative definition used, together with a clear rationale for using the alternative definition, on the Rural Needs Impact Assessment Template.

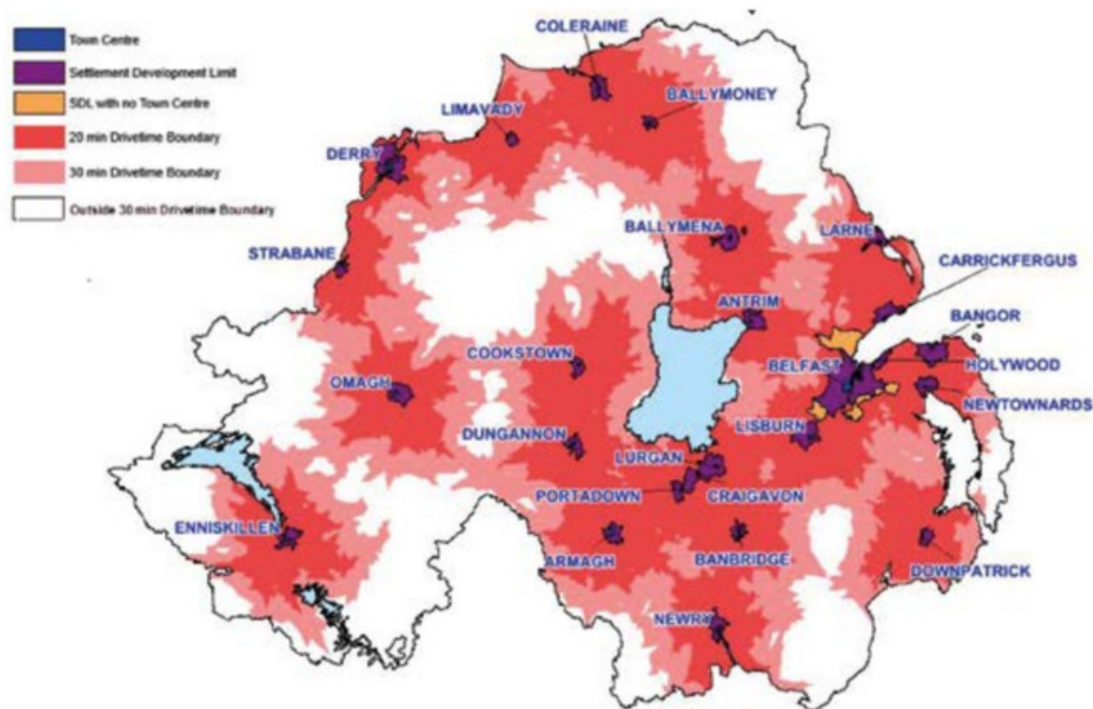
## 20 and 30 Minute Drive-Time Limits

- 3.8 The Review of the Statistical Classification and Delineation of Settlements, NISRA, March 2015, expanded the classification to include a service provision element by categorising rural areas based on their drive time from a town centre of a settlement with a population of 10,000 or more (a large service centre). Using this approach, areas have been classified as being either “within” or “outside” of 20-minute or 30-minute drive times of their nearest town centre. Approximately 93% of Northern Ireland’s population live within 30 minutes drive-time of the town centre of a settlement containing a population of at least 10,000. Map 2 shows a comparison of 20-minute and 30-minute drive times from those settlements containing a population of at least 10,000.

<sup>6</sup> <https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/review-of-the-statistical-classification-and-delineation-of-settlements-march-2015%20%281%29.pdf>



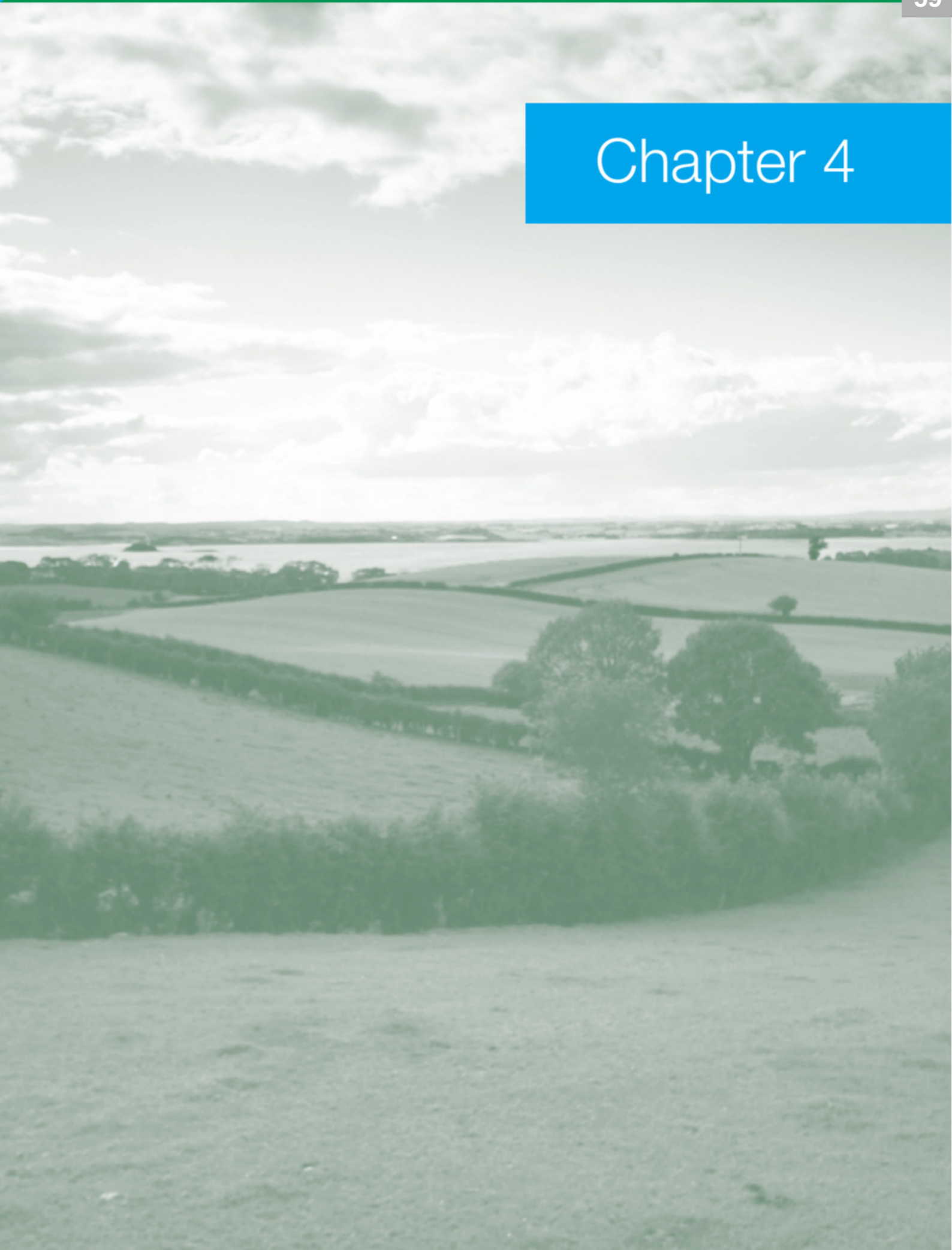
## Map 2: Comparison of 20-minute and 30-minute drive-time boundaries



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## Chapter 4





## Chapter 4 - Duty of Public Authorities to have Due Regard to Rural Needs

### Introduction

- 4.1 This chapter provides information on the due regard duty imposed on public authorities under section 1(1) of the Rural Needs Act (Northern Ireland) 2016 ('the Act').

### What is the due regard duty?

- 4.2 The due regard duty requires public authorities to have due regard to rural needs when developing, adopting, implementing or revising policies, strategies and plans, and when designing and delivering public services.

### What does 'rural needs' mean in the context of the due regard duty?

- 4.3 The Act defines rural needs as 'the social and economic needs of persons in rural areas'.
- 4.4 It is important to be clear what this means and to be able to distinguish between a 'need' and something that is desirable. In general terms, a 'need' can be considered to be something that is essential to achieve a standard of living comparable with that of the population in general. For example, it can relate to the ability to access key public services such as health and education, the ability to access suitable employment opportunities, and the ability to enjoy a healthy lifestyle.

### Which public authorities are required to comply with the due regard duty?

- 4.5 The due regard duty applies to Northern Ireland departments and district councils from 1 June 2017 and to those other public authorities listed in the Schedule to the Act from 1 June 2018.

## Which activities does the due regard duty apply to?

- 4.6 The due regard duty applies when a public authority is engaging in the following activities ('section 1 activities');
- Developing a policy, strategy or plan;
  - Adopting a policy, strategy or plan;
  - Implementing a policy, strategy or plan;
  - Revising a policy, strategy or plan;
  - Designing a public service;
  - Delivering a public service.
- 4.7 It is the responsibility of public authorities to ensure that they meet their due regard duty when carrying out section 1 activities. If a public authority is unclear as to whether an activity it is engaged in falls within the scope of the due regard duty, it should consider seeking its own legal advice on the matter.

## What does 'due regard' mean in the context of the Act?

- 4.8 It means that when carrying out section 1 activities public authorities must consciously consider the social and economic needs of persons in rural areas and ensure that such consideration is exercised in such a way that it appropriately influences the section 1 activity which is subject to the due regard duty.

## What must a public authority do to have due regard?

- 4.9 What a public authority is required to do in order to fulfil its due regard duty will depend on the particular circumstances and will be determined on a case by case basis.
- 4.10 The question as to whether a public authority has fulfilled its due regard duty in relation to a relevant activity will ultimately be a matter for the Courts to determine in the event that a public authority is challenged. Each case will turn on its own merits and will be open to the Court's interpretation.

## *The 'Brown Principles'*<sup>7</sup>

- 4.11 There are many cases in which the Courts have considered whether a body has complied with a "due regard" duty in relation, for example, to equality duties on race,

<sup>7</sup> Equality Act 2010, Technical Guidance on the Public Sector Equality Duty; England, EHRC.

disability and gender. In *R (Brown) -v- Secretary of State for Working Pensions*, the Court considered what a relevant body has to do to fulfil an obligation to have due regard to the needs set out in a general equality duty. The 6 “Brown principles”<sup>8</sup> established by this case have been accepted by the Courts in later cases<sup>9</sup>.

4.12 While these are principles that have been established by the Courts in the different context of determining whether public bodies have fulfilled their ‘due regard’ obligations in respect of equality issues, they are principles that public authorities might find helpful to follow when attempting to fulfil their due regard duty in the context of section 1(1) of the Act.

4.13 Those principles include that:

- *in order to have due regard, those in a body subject to the duty who have to take decisions that do or might affect people with different protected characteristics must be made aware of their duty and have “due regard” to the aims of the duty;*
- *due regard is fulfilled before and at the time a particular policy that will or might affect people with protected characteristics is under consideration as well as the time a decision is taken. Due regard involves a conscious approach and state of mind.*
- *A body subject to the duty cannot satisfy the duty by justifying a decision after it has been taken. Attempts to justify a decision cannot be consistent with the exercise of the duty when it was not, in fact, considered before the decision are not enough to discharge the duty.*
- *The duty must be exercised in substance, with rigor and with an open mind in such a way that it influences the final decision. The duty has to be integrated within the discharge of the public functions of the body subject to the duty. It is not a question of “ticking boxes”. However, the fact that a body subject to the duty has not specifically mentioned [the duty]<sup>10</sup>, in carrying out the particular function where it is to have “due regard” is not determinative of whether the duty has been performed. But it is good practice for the policy or decision maker to make reference to [the duty]<sup>11</sup> and any code or*

<sup>8</sup> *R. (Brown) v Secretary of State for Work and Pensions* [2008] EWHC 3158 at paras 90-96.

<sup>9</sup> Including cases about the duty in s.149 of the Equality Act 2010. See, for example, *R (on the application of Greenwich Community Law Centre) v Greenwich London Borough Council* [2012] EWCA Civ 496.

<sup>10</sup> The Equality duty in *Brown* was the Disability Equality Duty in s.49A of the Disability Discrimination Act 1995. Later cases have confirmed that the principles in *Brown* also apply to the duty in s.149 of the Equality Act 2010.

<sup>11</sup> Section 149 of the Equality Act 2010.



*non-statutory guidance in all cases where [the duty]<sup>12</sup> is in play. In that way the decision maker is more likely to ensure that the relevant factors are taken into account and the scope for argument as to whether the duty has been performed will be reduced.*

- *The duty in a non-delegable one. The duty will always remain the responsibility of the body subject to the duty. In practice, another body may actually carry out the practical steps to fulfil a policy stated by a body subject to the duty. In those circumstances, the duty to have “due regard” to the needs identified will only be fulfilled by the body subject to the duty if -*
  - a. It appoints a third party that is capable of fulfilling the “due regard” duty and is willing to do so;*
  - b. The body subject to the duty maintains a proper supervision over the third party to ensure it carries out its ‘due regard’ duty.*
- *The duty is a continuing one.*
- *It is good practice for those exercising public functions to keep an accurate record showing that they had actually considered the duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant functions to undertake the duty conscientiously. If records are not kept, it may make it more difficult, evidentially, for a public body to persuade a Court that it has fulfilled the duty imposed by [the legislation]<sup>13</sup>.*

## Complying with the due regard duty in practice

4.14 A Rural Needs Impact Assessment is the process recommended by this guidance to assist public authorities in fulfilling their due regard duty. While there is no statutory duty to undertake a Rural Needs Impact Assessment, nor does undertaking a Rural Needs Impact Assessment equate to having due regard to rural needs, going through the step by step process outlined in the Rural Needs Impact Assessment will help public authorities to ensure that the duty due regard is fulfilled.

4.15 Guidance on undertaking a Rural Needs Impact Assessment is provided in Chapter 5.

<sup>12</sup> Section 149 of the Equality Act 2010.

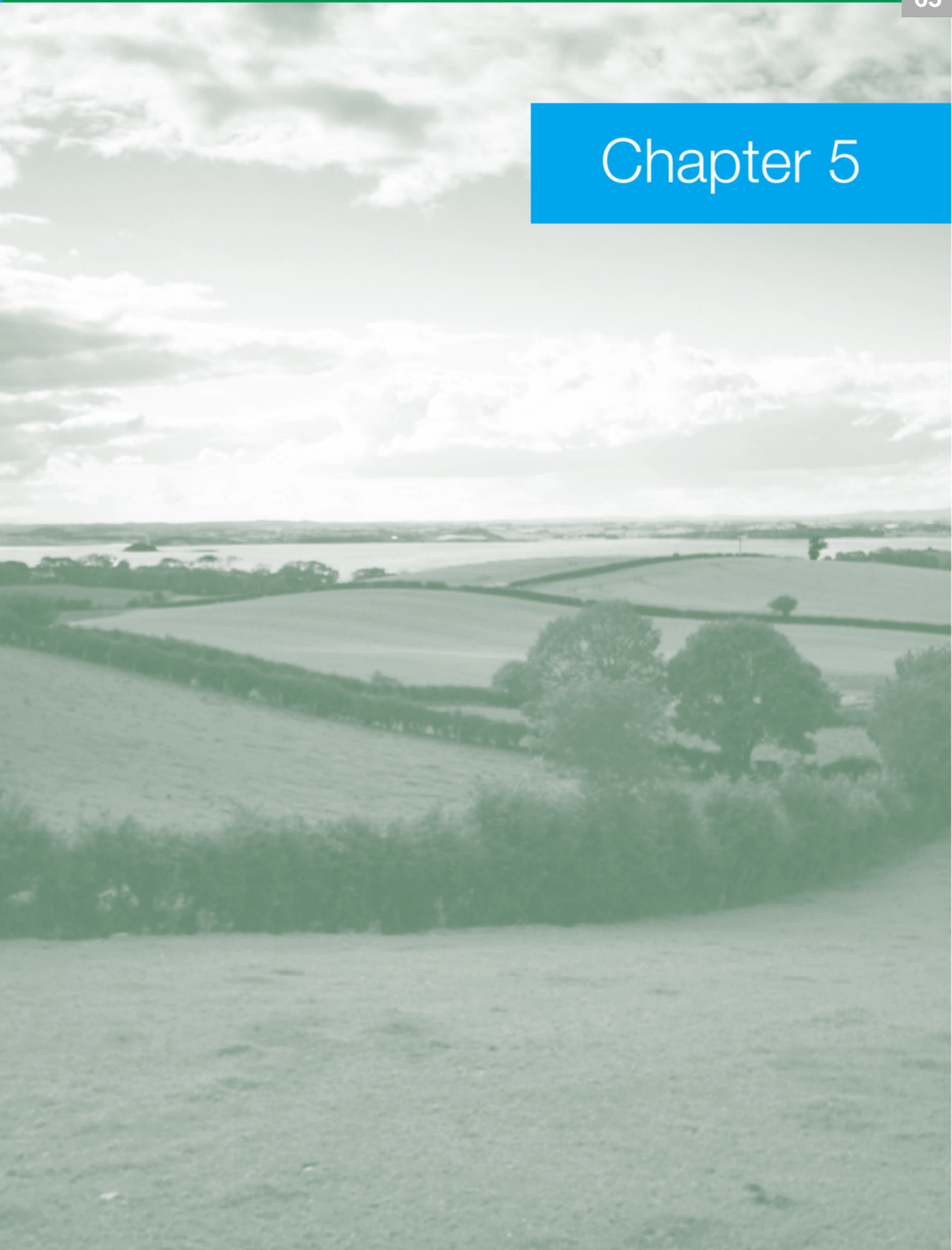
<sup>13</sup> Section 149 of the Equality Act 2010.

- 4.16 Where a public authority chooses not to undertake a Rural Needs Impact Assessment it should have a sound rationale for departing from the guidance and ensure that when adopting the alternative approach it fulfils the due regard duty.
- 4.17 It is the responsibility of public authorities to ensure they comply with the due regard duty under section 1(1) of the Act. Officials within public authorities responsible for ensuring that the public authority fulfils the due regard duty should therefore be familiar with this guidance. In the event of any legal challenge the Courts are likely to view this guidance as an authoritative document of persuasive value.

### **Failure to comply with the due regard duty**

- 4.18 The Act does not provide for any sanctions in relation to a failure by a public authority to have due regard to rural needs in respect of a relevant activity.
- 4.19 If a public authority undertakes a section 1 activity without complying with the due regard duty then, in principle, Judicial Review is available to challenge the decision.

## Chapter 5





## Chapter 5 - Undertaking a Rural Needs Impact Assessment

### Introduction

- 5.1 This guidance recommends that public authorities undertake a Rural Needs Impact Assessment when developing, adopting, implementing or revising policies, strategies and plans and when designing and delivering public services. A Rural Needs Impact Assessment is a step by step process aimed at helping public authorities to ensure that the due regard duty imposed under section 1(1) of the Rural Needs Act (Northern Ireland) 2016 ('the Act') duty is fulfilled.
- 5.2 Public authorities should be aware that the completion of a Rural Needs Impact Assessment does not in itself equate to fulfilling the due regard duty however it is a tool which can be used to help ensure that the due regard duty is fulfilled. Officials undertaking a Rural Needs Impact Assessment should therefore be aware of their obligation to comply with the due regard duty and consequently should consider the guidance on the due regard duty set out in Chapter 4 of this guidance.
- 5.3 A public authority may choose not to undertake a Rural Needs Impact Assessment and instead adopt an alternative approach. Where a public authority chooses to adopt an alternative approach it should have good reasons for departing from the guidance and ensure that it documents the reasons. It should also ensure that when adopting the alternative approach it fulfils the due regard duty.
- 5.4 There are six steps involved in completing a Rural Needs Impact Assessment. The level of analysis undertaken in a Rural Needs Impact Assessment should be proportionate to both the scale of the potential impact of the policy, strategy, plan or public service and its relevance to people in rural areas.
- 5.5 A Rural Needs Impact Assessment Template (RNIA Template) is the document which should be completed when a Rural Needs Impact Assessment is carried out. A copy of the RNIA Template is attached at Appendix 1. The amount of detail included in an RNIA Template should be proportionate to both the scale of the potential impact of the policy, strategy, plan or public service and its relevance to people in rural areas.

## Step 1: Defining the Activity

- 5.6 The first step in completing a Rural Needs Impact Assessment is to define the activity being undertaken.
- 5.7 Public authorities should be clear on the nature of the activity which they are undertaking and ensure that it is one which falls within the scope of the Act. The Act only applies to the development, adoption, implementation and revising of policies, strategies and plans and to the design and delivery of public services. If the activity that a public authority is engaged in does not fall within the scope of section 1(1) of the Act, then no Rural Needs Impact Assessment is required to be carried out. If necessary public authorities should seek their own legal advice on whether a particular activity is subject to the duty imposed under section 1(1) of the Act.
- 5.8 Public authorities should also have a clear understanding of the aims and/or objectives of the proposed policy, strategy, plan or public service.
- 5.9 Public authorities should also be clear on what definition of rural they are using in relation to the policy, strategy, plan or public service. Details of the default definition of rural proposed in the Report of the Inter-Departmental Urban-Rural Definition Group<sup>14</sup> is provided in Chapter 3 of this guidance.
- 5.10 If a definition other than the default definition is chosen to be used then the public authority should detail clearly the alternative definition of rural being used and provide a clear rationale for using the alternative. Guidance on the use of alternative definitions of rural is also provided in Chapter 3 of this guidance.

<sup>14</sup> <https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/review-of-the-statistical-classification-and-delineation-of-settlements-march-2015%20%281%29.pdf>



## Step 2: Understanding the Impact

- 5.11 The second step of a Rural Needs Impact Assessment is understanding the impact that the policy, strategy, plan or public service is likely to have on people in rural areas. In considering the impact a public authority should consider both the direct and indirect impacts and both the positive and negative impacts.
- 5.12 If a public authority intends a particular policy, strategy, plan or public service to deliver similar outcomes for people in rural areas as in urban areas, then it should be aware of how rural areas differ from urban areas and that a policy, strategy, plan or public service may have a different impact on people in rural areas, or be experienced differently by people in rural areas, due to rural circumstances.
- 5.13 If a proposed policy, strategy, plan or public service is intended to have a different impact on people in urban areas than in rural areas then a public authority should have a clear rationale as to how it is intended to have a different impact.
- 5.14 It may be that the proposed policy, strategy, plan or public service is intended to be entirely urban focussed and is not intended to impact on people in rural areas. If so, public authorities should be clear as to why no equivalent is being introduced in rural areas. In general all public authorities' functions cover both urban and rural areas and if a policy, strategy, plan or public service is intended to only relate to people in urban areas, public authorities should seek to identify whether people in rural areas have a corresponding need.
- 5.15 For policies, strategies, plans and public services which are wholly or mainly aimed at rural communities, consideration should be given to whether there are variations across rural communities. It should be borne in mind that rural areas are not homogeneous and that there can be a large degree of variation which will be affected by rural circumstances such as proximity to services, transport links and infrastructure.
- 5.16 Where a policy, strategy, plan or public service is an area-based one and is intended to have the same impact across a region, consideration should be given to whether there are potential local circumstances which will result in a different outcome.
- 5.17 Where a public authority is unclear as to the potential impact on people in rural areas it should seek to determine the impact by utilising the evidence and information available to it. Where a public authority does not have access to the necessary evidence and information then it should seek to gather it. Details of potential sources of evidence and information is provided in Chapter 7 of this guidance.



## Step 3 Identifying Rural Needs

- 5.18 The third step of a Rural Needs Impact Assessment is to identify the social and economic needs of people in rural areas that are relevant to the policy, strategy, plan or public service.
- 5.19 It is important to be clear what a 'need' is and to distinguish between a need and something that is desirable. In general terms a 'need' can be considered to be something that is essential to achieve a standard of living comparable with that of the population in general. For example it can relate to the ability to access key public services such as health and education, the ability to access suitable employment opportunities and the ability to enjoy a healthy lifestyle.
- 5.20 The social and economic needs of people in rural areas may include the needs of people living in rural areas, people working in rural areas, people operating businesses in rural areas and people visiting rural areas for the purposes of tourism or recreation.
- 5.21 In seeking to identify rural needs public authorities should consider to what extent the policy, strategy, plan or public service will meet the social and economic needs of people in rural areas and whether the outcomes delivered for people in rural areas will be similar to the outcomes delivered for people in urban areas.
- 5.22 Examples of the types of questions which should be considered in seeking to identify rural needs might include the following:
- Is appropriate infrastructure in place to enable people in rural areas to access the service?
  - Will people in more remote rural areas be able to access the service?
  - Could it cost people in rural areas disproportionately more to access the service?
  - Could there be a disproportionate effect on people in rural areas who rely on public transport services?
  - Could there be a disproportionate effect on people in rural areas who don't have access to high quality broadband?
  - Could there be a disproportionate effect on people in rural areas whose access to mobile communications is variable or limited in areas.
  - Could the policy, strategy, plan or public service have a different outcome for people in rural areas due to lower population densities?

- Could there be a disproportionate effect on people operating businesses in rural areas?
- Will the policy, strategy, plan or public service affect people travelling to rural areas for tourism or recreation purposes?
- Could there be a disproportionate effect on people in rural areas who have to travel longer distances to avail of employment opportunities?
- Could there be a disproportionate effect on people in rural areas who require access to childcare facilities?
- Will the policy, strategy, plan or public service affect certain groups of people in rural areas disproportionately e.g. seasonal workers, farmers and farm families or older people, younger people or people with disabilities who do not have access to transport?
- Are there pockets of hidden poverty or deprivation within rural areas which need to be taken account of in determining the effects of the policy, strategy, plan or public service on people in rural areas?

5.23 In seeking to identify the social and economic needs of people in rural areas public authorities will normally be required to gather evidence and information. Information on rural needs can be obtained through various sources including the following:

- Consultation with rural stakeholders;
- Consultation with public sector or other organisations;
- Published statistics or research papers;
- Surveys or questionnaires.

5.24 A public authority may have an in-house statistician or a GIS Officer who can conduct analyses and prepare comparative reports to inform the analysis. A public authority may also hold data relevant to the policy, strategy, plan or public service which can be utilised. Details of potential sources of evidence and information is provided in Chapter 7 of this guidance.

5.25 This guidance recommends that, where appropriate, public authorities should seek to engage with rural stakeholders early in, and during, the process of developing, adopting, implementing or revising policies, strategies and plans and designing and delivering public services.



## Step 4: Considering Rural Needs

- 5.26 The fourth step of the Rural Needs Impact Assessment is the consideration of the social and economic needs of people in rural areas as they relate to the policy, strategy, plan or public service.
- 5.27 In considering rural needs is important to determine any potential barriers to the delivery of a fair and equitable outcome for people in rural areas taking into account the characteristics of rural areas, and to consider how these barriers can be mitigated or overcome.
- 5.28 When considering rural needs public authorities should also seek to ensure that a policy, strategy, plan or public service does not indirectly impact on rural areas in ways that are likely to disadvantage people in rural areas compared to people in urban areas.
- 5.29 Examples of the types of questions which should be reflected upon when considering rural needs include the following:
- Could the costs of providing or accessing the service be disproportionately higher in rural areas?
  - Is there a need to implement a different delivery model in rural areas e.g. mobile services or virtual services?
  - Is there an opportunity to work in partnership with other public authorities or service providers to achieve greater efficiency or economies of scale?
  - Is there an opportunity to avail of local facilities e.g. community facilities, local libraries, rural post offices, rural schools etc.?
  - Is an exemption or reduction on levies appropriate for rural areas e.g. rates relief on ATMs?
  - Is an equitable proportion of the funding programme being allocated to rural areas?
  - Is there a need to align with public transport services or timetables?
  - Is there a need to have a rural specific dimension tailored to meet the particular circumstances pertaining to rural areas?
  - Could there be a role for the voluntary and community sector in helping to deliver more equitable outcomes for people in rural areas?
- 5.30 The level of consideration required should be proportionate to the relevance of the policy, strategy, plan or public service to people in rural areas and the impact it is likely to have on rural needs.



## Step 5: Influencing the Outcome

- 5.31 The fifth step of the Rural Needs Impact Assessment deals with influencing the policy, strategy, plan or public service.
- 5.32 Having considered the social and economic needs of people in rural areas, public authorities should consider how the rural needs identified should be taken account of in the development, adoption, implementation or revising of the policy, strategy or plan or in the design or delivery of the public service. The ways in which rural needs can be taken account of will vary according to the nature of the policy, strategy, plan or public service and the circumstances pertaining to rural areas.
- 5.33 In determining how a policy, strategy, plan or public service should take account of rural needs, public authorities should always seek to ensure fair and equitable treatment of people in rural areas and be aware that a 'one size fits all' approach may not be appropriate.
- 5.34 Public authorities should also be open to new and innovative ideas and approaches when considering how to take account of rural needs.
- 5.35 Case Studies showing examples of how rural needs have been taken into account in the development of policy, delivery of public services etc. are available on the "Rural Needs" page of the DAERA website (see chapter 7).
- 5.36 Once the development, adoption, implementation or revision of a policy, strategy or plan has been completed, public authorities should continue to monitor the situation to ensure that the policy, strategy or plan continues to take account of rural needs. The same approach should apply in relation to the design and delivery of public services.

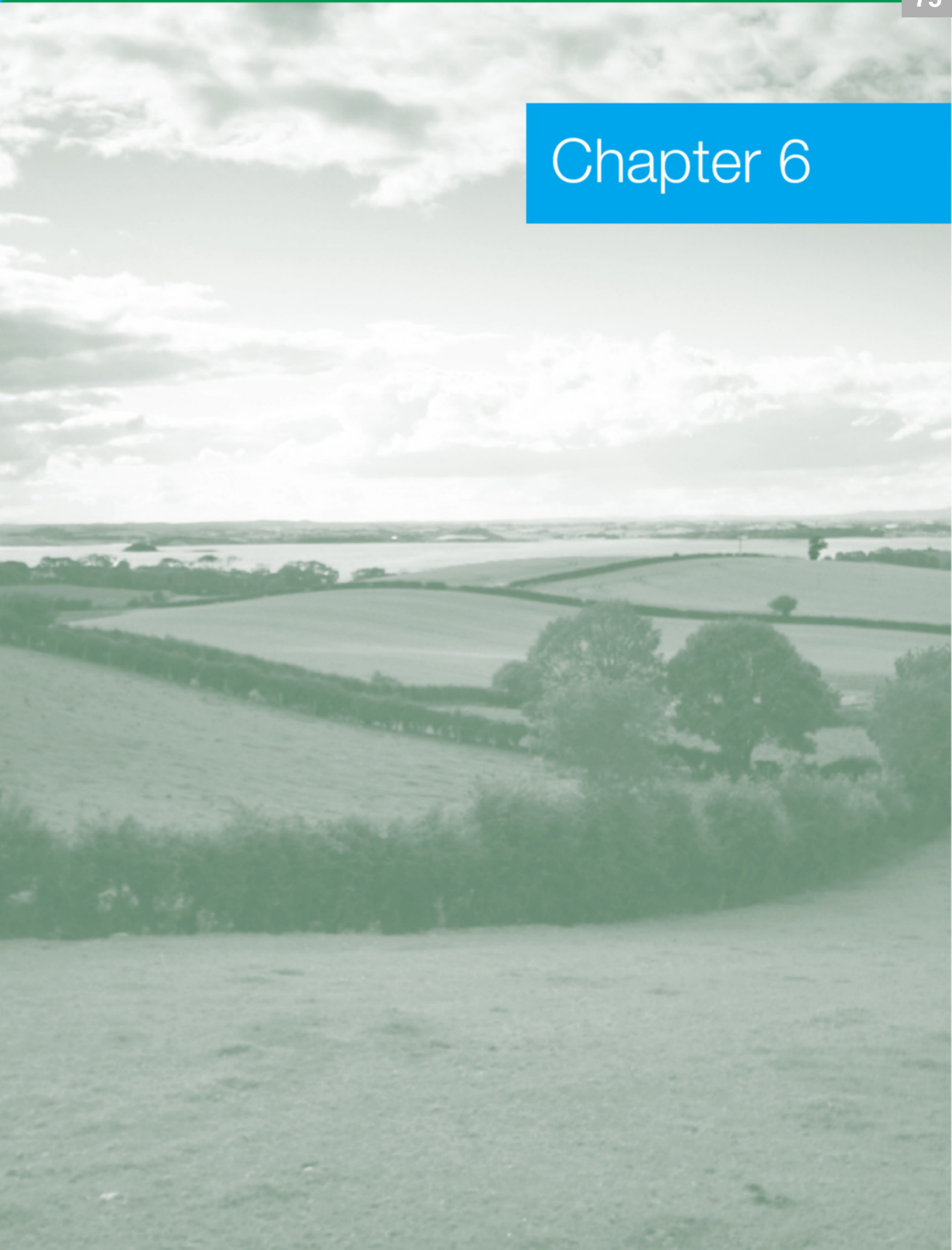
## Step 6: Documenting and Recording

- 5.37 Public authorities should ensure that all information relevant to the Rural Needs Impact Assessment is documented on the RNIA Template (Appendix 1). The amount of detail recorded should be proportionate to the potential impact and relevance of the activity being undertaken.
- 5.38 Public authorities should determine their own policy as regards what position or grade should be required to approve completed RNIA Templates.
- 5.39 Public authorities should also ensure that a copy of the RNIA Template is retained in line with the public authority's records management policy. They should also ensure that details of the Rural Needs Impact Assessment are included in the information to be compiled by the public authority under section 3(1) of the Act (see Appendix 2) and recorded on the public authority's Rural Needs Annual Monitoring Return.
- 5.40 Any other information which helps demonstrate how a public authority has fulfilled its due regard duty should also be documented and retained.
- 5.41 There is no specific requirement within the Act to consult in relation to rural needs. However, if a public consultation is being undertaken on the policy, strategy, plan or public service, it is recommended that the completed RNIA Template be included as part of the public consultation documentation.
- 5.42 If the policy, strategy, plan or public service is to be amended following the public consultation, then the RNIA Template should be reviewed and revised as necessary to ensure that any further action to take account of rural needs is properly documented and recorded.





## Chapter 6



## Chapter 6 - Monitoring and Reporting Requirements

### Introduction

- 6.1 This section provides guidance on the monitoring and reporting requirements set out in section 3 of the Rural Needs Act (Northern Ireland) 2016 ('the Act').

### Which public authorities are required to monitor and report?

- 6.2 The requirement to monitor and report applies to Northern Ireland departments and district councils from 1 June 2017 and to those other public authorities listed in the Schedule to the Act from 1 June 2018.

### What does the Act require public authorities to do in relation to monitoring and reporting?

- 6.3 Section 3(1) of the Act requires public authorities to:
- compile information on the exercise of their functions under section 1(1) of the Act;
  - include that information in their annual report; and
  - send that information to DAERA.

### What information do public authorities need to compile?

- 6.4 Public authorities are required to compile information on how they have exercised the due regard duty under section 1 (1) of the Act.
- 6.5 The information to be compiled by public authorities relates to all policies, strategies and plans which have been developed, adopted, implemented or revised and all public services which have been designed and delivered (section 1 activities).
- 6.6 DAERA has the power to issue a direction directing public authorities on the manner in which they compile this information and if a direction has been issued by DAERA, public authorities are required to comply with it.



6.7 DAERA requires all public authorities to compile the following information in respect of section 1 activities:

1.	A description of the activity undertaken by the public authority which is subject to section 1(1) of the Rural Needs Act (NI) 2016.	<i>This information should normally be contained in <b>section 1B</b> of the RNIA Template completed in respect of the activity.</i>
2.	Details of the rural policy area(s) which the section 1 activity relates to.	<i>This information should normally be contained in <b>section 2D</b> of the RNIA Template completed in respect of the activity.</i>
3.	Details of how the public authority has had due regard to rural needs when developing, adopting, implementing or revising the policy, strategy or plan or when designing or delivering the public service.	<p><i>The information contained in sections <b>3D, 4A &amp; 5B</b> of the RNIA Template completed in respect of the activity should be considered when compiling this information.</i></p> <p><i>This should provide an overview of how the public authority has had regard to rural needs and <b><u>should normally be no more than 500 words</u></b>. Only in exceptional circumstances e.g. in respect of a major policy, strategy, plan or public service, should it exceed this.</i></p>

6.8 A template for recording this information is provided at Appendix 2. The amount of detail recorded should be proportionate to the potential impact and relevance of the activity undertaken.

6.9 Public authorities should establish their own internal systems for collating the information to be compiled on an ongoing basis. This might take the form of regular returns from business areas across the organisation or collating Rural Needs Impact Assessments (RNIA) Templates as they are completed. Alternatively public authorities may wish to use their own electronic records management (ERM) system and require the necessary information to be compiled directly onto a template (as per Appendix 2) stored on the ERM system whenever an RNIA Template is completed.

### What information do public authorities need to send to DAERA?

6.10 Public authorities are required to send the information compiled under section 3(1)(a) of the Act to DAERA for inclusion in a Rural Needs Annual Monitoring Report. This will be the information set out in Appendix 2.



- 6.11 DAERA will request this information on an annual basis by issuing a Rural Needs Annual Monitoring Return. The reporting period will align with the financial year i.e. 1 April to 31 March and requests will normally be issued prior to 31 March. Public authorities should ensure they submit their Rural Needs Annual Monitoring Return to DAERA within any deadline specified.
- 6.12 Public authorities will be expected to provide a single Rural Needs Annual Monitoring Return to DAERA and therefore should consider establishing a single point of contact in relation to the monitoring and reporting requirements set out in the Act.

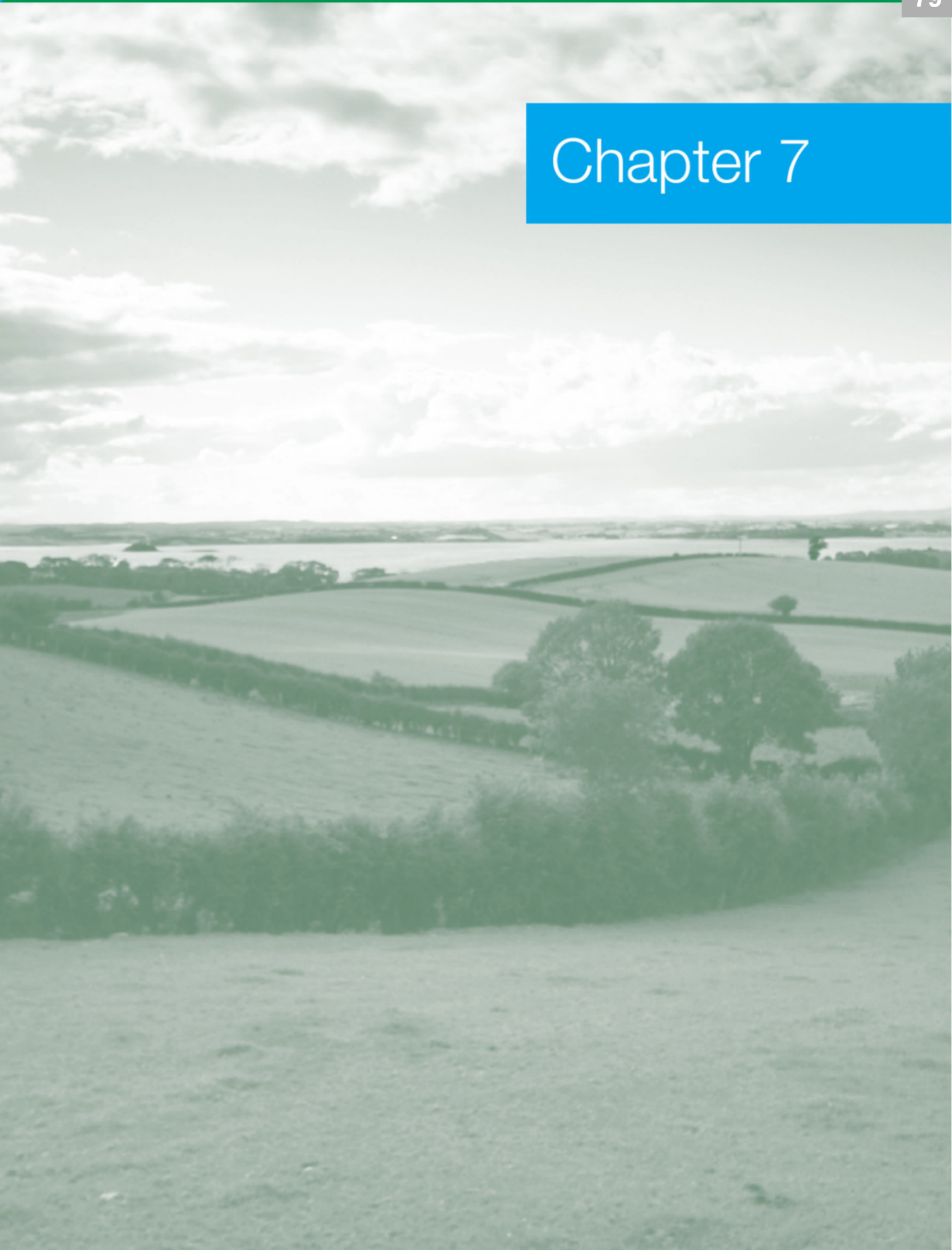
### **What information do public authorities need to include in their own annual report?**

- 6.13 Public authorities are required to include the information compiled under section 3(1)(a) of the Act in their own annual report. This will be the information set out in Appendix 2. It is the responsibility of individual public authorities to ensure that this is done.

### **What is the Rural Needs Annual Monitoring Report?**

- 6.14 The Rural Needs Annual Monitoring Report is the annual report which is required to be published by DAERA under section 3 of the Act. This report is required to contain:
- the information sent to it by public authorities (i.e. the information compiled by public authorities on how they have fulfilled their duties under section 1 of the Act);
  - information on how DAERA has fulfilled its functions under the Act.
- 6.15 The Rural Needs Annual Monitoring Report aims to provide public representatives, rural stakeholders and other interested parties with information on how public authorities have exercised their duties under the Act and will help to improve transparency in regard to how public authorities have considered rural needs.
- 6.16 DAERA will issue requests to public authorities for input to the Rural Needs Annual Monitoring Report on an annual basis and the report will be published following receipt of this information. Following publication of the Rural Needs Annual Monitoring Report a copy is required to be laid before the Assembly.
- 6.17 The Minister of Agriculture, Environment and Rural Affairs is also required to make a statement to the Assembly about the content of the report on or after the day on which the report has been laid.

# Chapter 7



## Chapter 7 - Additional Guidance, Advice and Information

### **For advice in relation to this guidance please contact:**

Sustainable Rural Communities Branch  
Department of Agriculture, Environment and Rural Affairs  
Dundonald House,  
Upper Newtownards Road  
Ballymiscaw  
Belfast  
BT4 3SB

Tel: 028 9052 4107 / 028 9076 5869

Website: [www.daera-ni.gov.uk](http://www.daera-ni.gov.uk)

Email: [rural.needs@daera-ni.gov.uk](mailto:rural.needs@daera-ni.gov.uk)

**For online versions of the guidance and templates and for other related information please go to the “Rural Needs” page of the DAERA website:**

[www.daera-ni.gov.uk/articles/rural-needs](http://www.daera-ni.gov.uk/articles/rural-needs)

### **For help on statistics please contact:**

Northern Ireland Statistics and Research Agency (NISRA)  
Colby House, Stranmillis Court  
Belfast  
BT9 5RR

Tel: 028 9038 8400

Website: [www.nisra.gov.uk](http://www.nisra.gov.uk)

Email: [info@nisra.gov.uk](mailto:info@nisra.gov.uk)

### **For access to the ‘Introduction to Rural’ e-learning package:**

Northern Ireland departments should refer to the Centre for Applied Learning’s course catalog on HR Connect. Other public authorities, including district councils, should contact:

Rural Development Council  
17 Loy Street  
Cookstown  
Co Tyrone  
BT80 8PZ

Tel: 028 8676 6980

Website: [www.rdc.org.uk](http://www.rdc.org.uk)

Email: [info@rdc.org.uk](mailto:info@rdc.org.uk)



## Rural Stakeholder Organisations

A list of rural stakeholder organisations is maintained on the “Rural Needs” page on the DAERA website <https://www.daera-ni.gov.uk/articles/rural-needs>

## Other Information Sources

### **Rural Statistics**

DAERA's Rural Statistics pages (<https://www.daera-ni.gov.uk/topics/statistics/rural-statistics>) contains rural/urban comparisons across a range of social and economic issues. These pages host information collected from the census, and from surveys and administrative databases across government with a rural/urban classification applied to the data.

### **NISRA's Neighbourhood Information Service (NINIS)**

Detailed profiles for specific geographic areas can be accessed using NISRA's Neighbourhood Information Service (NINIS) at [www.ninis2.nisra.gov.uk](http://www.ninis2.nisra.gov.uk). The website is continually updated and provides valuable information on a range of key public statistics.



# Appendices





## Appendix 1 - Rural Needs Impact Assessment (RNIA) Template

### SECTION 1 - Defining the activity subject to Section 1(1) of the Rural Needs Act (NI) 2016

#### 1A. Name of Public Authority.

#### 1B. Please provide a short title which describes the activity being undertaken by the Public Authority that is subject to Section 1(1) of the Rural Needs Act (NI) 2016.

#### 1C. Please indicate which category the activity specified in Section 1B above relates to.

Developing a	Policy <input type="checkbox"/>	Strategy <input type="checkbox"/>	Plan <input type="checkbox"/>
Adopting a	Policy <input type="checkbox"/>	Strategy <input type="checkbox"/>	Plan <input type="checkbox"/>
Implementing a	Policy <input type="checkbox"/>	Strategy <input type="checkbox"/>	Plan <input type="checkbox"/>
Revising a	Policy <input type="checkbox"/>	Strategy <input type="checkbox"/>	Plan <input type="checkbox"/>
Designing a Public Service	<input type="checkbox"/>		
Delivering a Public Service	<input type="checkbox"/>		

#### 1D. Please provide the official title (if any) of the Policy, Strategy, Plan or Public Service document or initiative relating to the category indicated in Section 1C above.

#### 1E. Please provide details of the aims and/or objectives of the Policy, Strategy, Plan or Public Service.

**1F. What definition of 'rural' is the Public Authority using in respect of the Policy, Strategy, Plan or Public Service?**

Population Settlements of less than 5,000 (Default definition).

☐

Other Definition (Provide details and the rationale below).

☐

A definition of 'rural' is not applicable.

☐

*Details of alternative definition of 'rural' used.*

*Rationale for using alternative definition of 'rural'.*

*Reasons why a definition of 'rural' is not applicable.*

## SECTION 2 - Understanding the impact of the Policy, Strategy, Plan or Public Service

**2A. Is the Policy, Strategy, Plan or Public Service likely to impact on people in rural areas?**

Yes ☐ No ☐ If the response is **NO** GO TO Section **2E**.

**2B. Please explain how the Policy, Strategy, Plan or Public Service is likely to impact on people in rural areas.**

**2C. If the Policy, Strategy, Plan or Public Service is likely to impact on people in rural areas differently from people in urban areas, please explain how it is likely to impact on people in rural areas differently.**



**2D. Please indicate which of the following rural policy areas the Policy, Strategy, Plan or Public Service is likely to primarily impact on.**

Rural Businesses	<input type="checkbox"/>
Rural Tourism	<input type="checkbox"/>
Rural Housing	<input type="checkbox"/>
Jobs or Employment in Rural Areas	<input type="checkbox"/>
Education or Training in Rural Areas	<input type="checkbox"/>
Broadband or Mobile Communications in Rural Areas	<input type="checkbox"/>
Transport Services or Infrastructure in Rural Areas	<input type="checkbox"/>
Health or Social Care Services in Rural Areas	<input type="checkbox"/>
Poverty in Rural Areas	<input type="checkbox"/>
Deprivation in Rural Areas	<input type="checkbox"/>
Rural Crime or Community Safety	<input type="checkbox"/>
Rural Development	<input type="checkbox"/>
Agri-Environment	<input type="checkbox"/>
Other (Please state)	<input type="text"/>

**If the response to Section 2A was YES GO TO Section 3A.**

**2E. Please explain why the Policy, Strategy, Plan or Public Service is NOT likely to impact on people in rural areas.**

## SECTION 3 - Identifying the Social and Economic Needs of Persons in Rural Areas

**3A. Has the Public Authority taken steps to identify the social and economic needs of people in rural areas that are relevant to the Policy, Strategy, Plan or Public Service?**

Yes ☐ No ☐ If the response is **NO** GO TO Section **3E**.

**3B. Please indicate which of the following methods or information sources were used by the Public Authority to identify the social and economic needs of people in rural areas.**

Consultation with Rural Stakeholders	<input type="checkbox"/>	Published Statistics	<input type="checkbox"/>
Consultation with Other Organisations	<input type="checkbox"/>	Research Papers	<input type="checkbox"/>
Surveys or Questionnaires	<input type="checkbox"/>	Other Publications	<input type="checkbox"/>
Other Methods or Information Sources (include details in Question 3C below).			<input type="checkbox"/>

**3C. Please provide details of the methods and information sources used to identify the social and economic needs of people in rural areas including relevant dates, names of organisations, titles of publications, website references, details of surveys or consultations undertaken etc.**

**3D. Please provide details of the social and economic needs of people in rural areas which have been identified by the Public Authority?**

**If the response to Section 3A was YES GO TO Section 4A.**

**3E. Please explain why no steps were taken by the Public Authority to identify the social and economic needs of people in rural areas?**



## **SECTION 4 - Considering the Social and Economic Needs of Persons in Rural Areas**

**4A. Please provide details of the issues considered in relation to the social and economic needs of people in rural areas.**

## SECTION 5 - Influencing the Policy, Strategy, Plan or Public Service

**5A. Has the development, adoption, implementation or revising of the Policy, Strategy or Plan, or the design or delivery of the Public Service, been influenced by the rural needs identified?**

Yes ☐ No ☐ If the response is **NO** GO TO Section **5C**.

**5B. Please explain how the development, adoption, implementation or revising of the Policy, Strategy or Plan, or the design or delivery of the Public Service, has been influenced by the rural needs identified.**

If the response to Section **5A** was **YES** GO TO Section **6A**.

**5C. Please explain why the development, adoption, implementation or revising of the Policy, Strategy or Plan, or the design or the delivery of the Public Service, has NOT been influenced by the rural needs identified.**

## SECTION 6 - Documenting and Recording

**6A. Please tick below to confirm that the RNIA Template will be retained by the Public Authority and relevant information on the Section 1 activity compiled in accordance with paragraph 6.7 of the guidance.**

I confirm that the RNIA Template will be retained and relevant information compiled. ☐

<b>Rural Needs Impact Assessment undertaken by:</b>	
<b>Position/Grade:</b>	
<b>Division/Branch</b>	
<b>Signature:</b>	
<b>Date:</b>	
<b>Rural Needs Impact Assessment approved by:</b>	
<b>Position/Grade:</b>	
<b>Division/Branch:</b>	
<b>Signature:</b>	
<b>Date:</b>	



## Appendix 2 - Template for Information to be Compiled

### Information to be compiled by Public Authorities under Section 3(1)(a) of the Rural Needs Act (NI) 2016.

(To be completed and included in public authorities' own annual reports and submitted to DAERA for inclusion in the Rural Needs Annual Monitoring Report).

Name of Public Authority:

Reporting Period:

April 20  to March 20

The following information should be compiled in respect of each policy, strategy and plan which has been developed, adopted, implemented or revised and each public service which has been designed or delivered by the public authority during the reporting period.

<i>Description of the activity undertaken by the public authority which is subject to section 1(1) of the Rural Needs Act (NI) 2016<sup>1</sup>.</i>	<i>The rural policy area(s) which the activity relates to<sup>2</sup>.</i>	<i>Describe how the public authority has had due regard to rural needs when developing, adopting, implementing or revising the policy, strategy or plan or when designing or delivering the public service<sup>3</sup>.</i>

#### NOTES

1. This information should normally be contained in section 1B of the RNIA Template completed in respect of the activity.
2. This information should normally be contained in section 2D of the RNIA Template completed in respect of the activity.
3. The information contained in sections 3D, 4A & 5B of the RNIA Template should be considered when completing this section.

## Appendix 3 - Checklist for Public Authorities

### CHECKLIST FOR PUBLIC AUTHORITIES

1. Are you aware of the duty to have regard to rural needs under section 1(1) of the Rural Needs Act (NI) 2016? ☐
2. Have you familiarised yourself with the contents of the guidance document  
- *A Guide to the Rural Needs Act (NI) 2016 for Public Authorities (Revised)*? ☐
3. Are you clear as to what definition of rural you are using in relation to the Policy, Strategy, Plan or Public Service? ☐
4. Have you undertaken a Rural Needs Impact Assessment in a manner that is proportionate to the scale of the potential impact and relevance of the activity being undertaken? ☐
5. Are you satisfied that the due regard duty has been fulfilled in respect of the activity being undertaking? ☐
6. Have you completed a Rural Needs Impact Assessment (RNIA) Template? ☐
7. Are you satisfied that the RNIA Template contains sufficient detail to help demonstrate that due regard has been given to rural needs? ☐
8. Has the RNIA Template been approved at the appropriate level? ☐
9. Has the RNIA Template been retained in line with your Public Authority's record management policy? ☐
10. Has information on the activity been compiled by your Public Authority in line with Chapter 6 of the guidance? ☐

## Appendix 4 - Frequently Asked Questions

### 1. Which activities does the due regard duty under section 1 (1) of the Rural Needs Act (NI) 2016 apply to?

Section 1(1) of the Rural Needs Act (NI) 2016 ('the Act') requires public authorities to have due regard to rural needs when developing, adopting, implementing or revising a policy, strategy or plan and when designing or delivering a public service. If a public authority is unclear as to whether the activity which it is engaged in falls within the scope of the Act then it should seek its own legal advice on the matter.

### 2. Does a Rural Needs Impact Assessment need to be carried out in respect of every policy, strategy, plan and public service?

Section 1(1) the Act requires public authorities to have due regard to rural needs when developing, adopting, implementing or revising a policy, strategy or plan and when designing or delivering a public service. If the activity which a public authority is engaged in falls within the scope of section 1(1) of the Act, then the guidance recommends that a Rural Needs Impact Assessment is carried out and an RNIA Template completed. Prudent public authorities should follow the guidance otherwise in the event of a legal challenge, they may face the prospect of having to demonstrate good reasons for not following it. The level of analysis undertaken in a Rural Needs Impact Assessment should be proportionate to both the scale of the potential impact of the policy, strategy, plan or public service and its relevance to people in rural areas. If a public authority chooses not to undertake a Rural Needs Impact Assessment, then it should have a clear rationale for not doing so and should ensure that in taking an alternative course of action, the due regard duty is fulfilled.

### 3. How detailed does a Rural Needs Impact Assessment (RNIA) Template need to be?

The RNIA Template has been designed to ensure that information relevant to each stage of the Rural Needs Impact Assessment process is captured. The documenting of this information will help to provide evidence that the due regard duty has been complied with. It should therefore contain sufficient information to demonstrate that the Rural Needs Impact Assessment process has been undertaken appropriately. Proportionality and relevance are core concepts. It follows that the more relevant the policy, strategy, plan or public service has for people in rural areas the greater the amount of detail that should be included. If a policy, strategy, plan or public service has little or no relevance for people in rural areas then less detail will be required than if a policy, strategy, plan or public service is very relevant.



**4. If a policy, strategy, plan or public service does not have an impact on people in rural areas - can it be 'screened out'?**

The process for undertaking a Rural Needs Impact Assessment does not include an option to 'screen out'. If a public authority concludes that a policy, strategy, plan or public service does not have an impact on people in rural areas, and that there are no rural needs to have due regard to, then this should be documented in the RNIA Template and retained as evidence that the impact on people in rural areas has been considered. If a particular policy, strategy, plan or public service is intended to be entirely urban focussed then public authorities should also consider whether there is an equivalent need among people in rural areas that should be addressed.

**5. At what stage should the Rural Needs Impact Assessment be carried out?**

The undertaking of a Rural Needs Impact Assessment should be an integral part of the development, adoption, implementation or revising of a policy, strategy or plan or the design or delivery of a public service. It should therefore be part of the ongoing process. It is not appropriate to wait until the activity has been completed before undertaking the Rural Needs Impact Assessment. It is therefore good practice to begin completing the RNIA Template early in the process and add additional information throughout the process.

**6. Who is responsible for approving or quality assuring Rural Needs Impact Assessment (RNIA) Templates?**

Public authorities are responsible for ensuring that Rural Needs Impact Assessments are undertaken to a satisfactory standard and that the RNIA Templates contain sufficient information to help demonstrate how the due regard duty has been fulfilled. DAERA does not have an approval or quality assurance role. However DAERA can provide advice and guidance on the process.

**7. Does undertaking a Rural Needs Impact Assessment mean that the due regard duty under section 1(1) of the Rural Needs Act (NI) 2016 has been fulfilled?**

No. The duty on public authorities under section 1(1) of the Act is to have due regard to rural needs. The guidance recommends that public authorities should undertake a Rural Needs Impact Assessment and complete a RNIA Template as a way of helping to ensure that the due regard duty has been fulfilled. However public authorities need to consider on a case by case basis what is required in order to fulfil the due regard duty and there should not be an automatic presumption that by undertaking a Rural Needs Impact Assessment (or completing an RNIA Template) the due regard duty has been fulfilled. If a public authority is unclear it should seek its own legal advice.

**8. If the delivery of a public service is outsourced or contracted out, does a public authority still have to carry out a Rural Needs Impact Assessment?**

Section 1(1) of the Act requires public authorities to have due regard to rural needs when delivering public services. The duty to have due regard cannot be devolved and therefore responsibility for ensuring that due regard is given to rural needs in relation to the delivery of the public service remains with the public authority even where it is outsourced or contracted out. The guidance recommends that a Rural Needs Impact Assessment is carried out (and an RNIA Template completed) in respect of the delivery of public services and therefore the public authority should ensure that a Rural Needs Impact Assessment is undertaken in respect of any public services outsourced or contracted out.

**9. Who is responsible for undertaking a Rural Needs Impact Assessment in respect of cross-cutting policies or strategies involving multiple public authorities?**

Each public authority listed in the Schedule to the Act has a duty to have due regard to rural needs when developing, adopting, implementing or revising policies, strategies and plans and when designing and delivering public services. This will apply to any cross-cutting policy, strategy, plan or public service which a public authority contributes to. Where a public authority is required to have due regard to rural needs in respect of its element of a cross cutting policy or strategy, then it should undertake a Rural Needs Impact Assessment (and complete a RNIA Template) in respect of that element. Where the nature of a particular cross cutting policy or strategy is such that the completion of a single RNIA Template is appropriate, then responsibility for completing this should normally lie with the lead public authority.

**10. Does the Rural Needs Act (NI) 2016 require the same level of service to be provided in rural areas as urban areas?**

No. The Act aims to help deliver fairer and more equitable treatment for people in rural areas by requiring public authorities to have due regard to rural needs when developing, adopting, implementing or revising policies, strategies and plans and when designing and delivering public services. It is important to be clear what a 'rural need' is and to be able to distinguish between a 'need' and something that is desirable. In general terms, a 'need' can be considered to be something that is essential to achieve a standard of living for people in rural areas comparable with that of the population in general. In having due regard to rural needs a public authority should consider all relevant information and ensure that the policy, strategy, plan or public service is influenced appropriately.



## **11. Can the Rural Needs Impact Assessment (RNIA) Template be amended?**

The Rural Needs Impact Assessment process has been designed to assist Public Authorities in complying with their duty under section 1(1) of the Act. The RNIA Template provided at Appendix 1 has been designed to ensure that information relevant to each stage of the Rural Needs Impact Assessment process is captured. The documenting of this information will help to provide evidence that the due regard duty has been complied with. This guidance therefore recommends that the RNIA Template provided at Appendix 1 is used. Where a Public Authority chooses to use an amended version of the RNIA Template it should ensure that it captures all relevant information.

## **12. What is the information contained in the Rural Needs Impact Assessment (RNIA) Template used for?**

The RNIA Template is used to record information relating to the Rural Needs Impact Assessment. A properly completed RNIA Template should contain sufficient information to help demonstrate that the due regard duty under section 1 (1) of the Act has been fulfilled. The information on the RNIA Template should be used to compile the information required under section 3(1)(a) of the Act. This information should be included in the Public Authority's own annual report and in the Rural Needs Annual Monitoring Return which is sent to DAERA for inclusion in its Rural Needs Annual Monitoring Report.



## Appendix 5 - Rural Needs Act (Northern Ireland) 2016



### **Rural Needs Act (Northern Ireland) 2016**

#### CHAPTER 19

#### CONTENTS

1. Duty of public authorities to have due regard to rural needs
2. Guidance, advice and information, etc.
3. Monitoring and reporting
4. Co-operation with other bodies
5. Commencement
6. Interpretation
7. Short title

Schedule      Public authorities

c. 19

ELIZABETH II



## Rural Needs Act (Northern Ireland) 2016

### 2016 CHAPTER 19

An Act to impose a duty on public authorities to have due regard to rural needs; and for connected purposes. [9th May 2016]

**B**E IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

#### **Duty of public authorities to have due regard to rural needs**

1.—(1) A public authority must have due regard to rural needs when—

- (a) developing, adopting, implementing or revising policies, strategies and plans, and
- (b) designing and delivering public services.

(2) For the purposes of this Act, “public authority” means any body or person listed in the Schedule.

(3) The Department must, at least every three years from the coming into operation of this section, review the list of bodies and persons set out in the Schedule and, if it thinks it appropriate, by order amend the Schedule to—

- (a) add a body or person to the Schedule;
- (b) remove a body or person from the Schedule; or
- (c) modify any entry in the Schedule.

(4) An order under subsection (3) may provide for a body or person to be a public authority for all or any of the purposes of this Act.

(5) The Department must not exercise the power conferred by subsection (3) so that a body or person becomes a public authority for any of the purposes of this Act unless the body or person is a body or person appearing to the Department to exercise functions of a public nature.

(6) An order under subsection (3) may contain such transitional provision as the Department thinks appropriate.

c. 19 *Rural Needs Act (Northern Ireland) 2016*

(7) An order under subsection (3) must not be made unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.

**Guidance, advice and information, etc.**

2. The Department may take such steps as appear to it to be appropriate to—
  - (a) provide any person with guidance, advice and information about issues connected with rural needs or ways of meeting those needs;
  - (b) undertake, commission or support (by financial means or otherwise) research into any matter relating to rural needs.

**Monitoring and reporting**

3.—(1) A public authority must, in such manner as may be directed by the Department—

- (a) compile information on the exercise of its functions under section 1;
- (b) include that information in its annual report; and
- (c) send that information to the Department.

(2) The Department must publish an annual report containing—

- (a) the information sent to it under subsection (1)(c); and
- (b) information on the exercise by the Department of its functions under this Act,

and lay a copy of the report before the Assembly.

(3) The Minister of Agriculture and Rural Development must, on or after the day on which the report is laid before the Assembly, make a statement to the Assembly about the content of the report.

**Co-operation with other bodies**

4. The Department must make arrangements with public authorities with a view to securing co-operation and the exchange of information between public authorities.

**Commencement**

5. Sections 1 to 4 come into operation on such day or days (not being later than 1 June 2018) as the Department may by order appoint.

**Interpretation**

6. In this Act—

“the Department” means the Department of Agriculture and Rural Development;

“rural needs” means the social and economic needs of persons in rural areas.

**Short title**

7. This Act may be cited as the Rural Needs Act (Northern Ireland) 2016.



c. 19

*Rural Needs Act (Northern Ireland) 2016*

SCHEDULE

Section 1(2).

PUBLIC AUTHORITIES

A Northern Ireland department  
A district council  
The Chief Constable of the Police Service of Northern Ireland  
The Council for Catholic Maintained Schools  
The Education Authority  
A Health and Social Care Trust  
Invest Northern Ireland  
The Northern Ireland Fire and Rescue Service Board  
The Northern Ireland Housing Executive  
The Northern Ireland Library Authority  
The Northern Ireland Tourist Board  
The Regional Agency for Public Health and Social Well-Being  
The Regional Health and Social Care Board  
The Sports Council for Northern Ireland

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## Appendix I - Rural Needs Impact Assessment (RNIA) Template

### SECTION 1 - Defining the activity subject to Section 1(1) of the Rural Needs Act (NI) 2016

#### 1A. Name of Public Authority.

#### 1B. Please provide a short title which describes the activity being undertaken by the Public Authority that is subject to Section 1(1) of the Rural Needs Act (NI) 2016.

#### 1C. Please indicate which category the activity specified in Section 1B above relates to.

Developing a	Policy <input type="checkbox"/>	Strategy <input type="checkbox"/>	Plan <input type="checkbox"/>
Adopting a	Policy <input type="checkbox"/>	Strategy <input type="checkbox"/>	Plan <input type="checkbox"/>
Implementing a	Policy <input type="checkbox"/>	Strategy <input type="checkbox"/>	Plan <input type="checkbox"/>
Revising a	Policy <input type="checkbox"/>	Strategy <input type="checkbox"/>	Plan <input type="checkbox"/>
Designing a Public Service	<input type="checkbox"/>		
Delivering a Public Service	<input type="checkbox"/>		

#### 1D. Please provide the official title (if any) of the Policy, Strategy, Plan or Public Service document or initiative relating to the category indicated in Section 1C above.

#### 1E. Please provide details of the aims and/or objectives of the Policy, Strategy, Plan or Public Service.



**1F. What definition of ‘rural’ is the Public Authority using in respect of the Policy, Strategy, Plan or Public Service?**

Population Settlements of less than 5,000 (Default definition).	<input type="checkbox"/>
Other Definition (Provide details and the rationale below).	<input type="checkbox"/>
A definition of ‘rural’ is not applicable.	<input type="checkbox"/>

*Details of alternative definition of ‘rural’ used.*

*Rationale for using alternative definition of ‘rural’.*

*Reasons why a definition of ‘rural’ is not applicable.*

## SECTION 2 - Understanding the impact of the Policy, Strategy, Plan or Public Service

**2A. Is the Policy, Strategy, Plan or Public Service likely to impact on people in rural areas?**

Yes ☐ No ☐ If the response is **NO** GO TO Section **2E**.

**2B. Please explain how the Policy, Strategy, Plan or Public Service is likely to impact on people in rural areas.**

**2C. If the Policy, Strategy, Plan or Public Service is likely to impact on people in rural areas differently from people in urban areas, please explain how it is likely to impact on people in rural areas differently.**

**2D. Please indicate which of the following rural policy areas the Policy, Strategy, Plan or Public Service is likely to primarily impact on.**

Rural Businesses	<input type="checkbox"/>
Rural Tourism	<input type="checkbox"/>
Rural Housing	<input type="checkbox"/>
Jobs or Employment in Rural Areas	<input type="checkbox"/>
Education or Training in Rural Areas	<input type="checkbox"/>
Broadband or Mobile Communications in Rural Areas	<input type="checkbox"/>
Transport Services or Infrastructure in Rural Areas	<input type="checkbox"/>
Health or Social Care Services in Rural Areas	<input type="checkbox"/>
Poverty in Rural Areas	<input type="checkbox"/>
Deprivation in Rural Areas	<input type="checkbox"/>
Rural Crime or Community Safety	<input type="checkbox"/>
Rural Development	<input type="checkbox"/>
Agri-Environment	<input type="checkbox"/>
Other (Please state)	<input type="text"/>

**If the response to Section 2A was YES GO TO Section 3A.**

**2E. Please explain why the Policy, Strategy, Plan or Public Service is NOT likely to impact on people in rural areas.**



## SECTION 3 - Identifying the Social and Economic Needs of Persons in Rural Areas

**3A. Has the Public Authority taken steps to identify the social and economic needs of people in rural areas that are relevant to the Policy, Strategy, Plan or Public Service?**

Yes ☐ No ☐ If the response is **NO** GO TO Section **3E**.

**3B. Please indicate which of the following methods or information sources were used by the Public Authority to identify the social and economic needs of people in rural areas.**

Consultation with Rural Stakeholders	<input type="checkbox"/>	Published Statistics	<input type="checkbox"/>
Consultation with Other Organisations	<input type="checkbox"/>	Research Papers	<input type="checkbox"/>
Surveys or Questionnaires	<input type="checkbox"/>	Other Publications	<input type="checkbox"/>
Other Methods or Information Sources (include details in Question 3C below).			<input type="checkbox"/>

**3C. Please provide details of the methods and information sources used to identify the social and economic needs of people in rural areas including relevant dates, names of organisations, titles of publications, website references, details of surveys or consultations undertaken etc.**

**3D. Please provide details of the social and economic needs of people in rural areas which have been identified by the Public Authority?**

**If the response to Section 3A was YES GO TO Section 4A.**

**3E. Please explain why no steps were taken by the Public Authority to identify the social and economic needs of people in rural areas?**

## SECTION 4 - Considering the Social and Economic Needs of Persons in Rural Areas

**4A. Please provide details of the issues considered in relation to the social and economic needs of people in rural areas.**



## SECTION 5 - Influencing the Policy, Strategy, Plan or Public Service

**5A. Has the development, adoption, implementation or revising of the Policy, Strategy or Plan, or the design or delivery of the Public Service, been influenced by the rural needs identified?**

Yes ☐ No ☐ If the response is **NO** GO TO Section **5C**.

**5B. Please explain how the development, adoption, implementation or revising of the Policy, Strategy or Plan, or the design or delivery of the Public Service, has been influenced by the rural needs identified.**

If the response to Section **5A** was **YES** GO TO Section **6A**.

**5C. Please explain why the development, adoption, implementation or revising of the Policy, Strategy or Plan, or the design or the delivery of the Public Service, has NOT been influenced by the rural needs identified.**

## SECTION 6 - Documenting and Recording

**6A. Please tick below to confirm that the RNIA Template will be retained by the Public Authority and relevant information on the Section 1 activity compiled in accordance with paragraph 6.7 of the guidance.**

I confirm that the RNIA Template will be retained and relevant information compiled. ☐

<b>Rural Needs Impact Assessment undertaken by:</b>	
<b>Position/Grade:</b>	
<b>Division/Branch</b>	
<b>Signature:</b>	
<b>Date:</b>	
<b>Rural Needs Impact Assessment approved by:</b>	
<b>Position/Grade:</b>	
<b>Division/Branch:</b>	
<b>Signature:</b>	
<b>Date:</b>	

<b>Report to:</b>	Strategy, Policy and Resources Committee
<b>Date of Meeting:</b>	17 May 2018
<b>Subject:</b>	National Association of Councillors – annual payment
<b>Reporting Officer (Including Job Title):</b>	Liam Hannaway Chief Executive
<b>Contact Officer (Including Job Title):</b>	Eileen McParland Democratic Services Manager

Confirm how this Report should be treated by placing an x in either:-

<b>For decision</b>	<b>For noting only</b>	<b>X</b>
---------------------	------------------------	----------

<b>1.0</b>	<b>Purpose and Background</b>
1.1	To advise Committee of payment of Council's annual subscription to the National Association of Councillors.
<b>2.0</b>	<b>Key issues</b>
2.1	Council is a Member of the National Association of Members and has eight Members appointed to the Association.
<b>3.0</b>	<b>Recommendations</b>
3.1	n/a
<b>4.0</b>	<b>Resource implications</b>
4.1	£3,280 – membership fee 2018/2019
<b>5.0</b>	<b>Equality and good relations implications</b>
5.1	none
<b>6.0</b>	<b>Rural Proofing implications</b>
6.1	none
<b>7.0</b>	<b>Appendices</b>
	none
<b>8.0</b>	<b>Background Documents</b>
	Letter dated 1 March 2018 seeking payment of fee



<b>Report To:</b>	Strategic Policy & Resources Committee
<b>Subject:</b>	Lease of Office Accommodation in Downshire Civic Centre to Probation Board for Northern Ireland ("PBNI")
<b>Date of Meeting:</b>	17 May 2018
<b>Reporting Officer:</b>	Alison Robb, Assistant Director Corporate Services (Administration)
<b>Contact Officers:</b>	Conor Mallon, Assistant Director Estates and Project Management Alison Robb, Assistant Director Corporate Services (Administration)

<b>Decision Required:</b>	As per recommendation 3.0 below.
<b>1.0</b>	<b>Purpose and Background:</b>
1.1	Council has previously agreed to lease accommodation in Downshire Civic Centre to PBNI (19.08 sq m of exclusive office accommodation with shared access to an interview room, meeting rooms, kitchen and WC facilities, reception services, waiting space and car parking provision).
1.2	Council approved a 3 year lease at a rental of £3,250 per annum as recommended by LPS.
1.3	PBNI has now advised that the Business Case which has been internally approved was for a 5 year lease and has asked that Council approve a 5 year as opposed to a 3 year term.
<b>2.0</b>	<b>Key Issues:</b>
2.1	LPS has confirmed that the rental will remain unchanged at £3,250 per annum over the 5 year term.
2.2	Council's Estates Department has no objection to the extended term.
<b>3.0</b>	<b>Recommendation:</b>
3.1	Council agree to enter into a 5 year lease for the accommodation set out at 1.0 above with PBNI at a yearly rental of £3,250.
<b>4.0</b>	<b>Resource Implications:</b>
4.1	Financial – Income - £3,250 per annum Legal/Administrative Costs – minimal Valuation – LPS to meet LPS costs.

<b>5.0</b>	<b>Equality and Good Relations Implications</b>
	None Identified.