



## **Policy on Celebration Floral Displays for Significant Events**

### **1.0 Background**

- 1.1 Recently, requests have been received from charitable organisations and community representatives for the planting of floral displays for centenary and other significant celebration displays within Mid and East Antrim Borough Council facilities.
- 1.2 To date there has been no guidance available to ensure a fair and consistent approach is taken to dealing with requests of this nature.
- 1.3 Currently, the Council has many flowerbeds at locations throughout the Borough which are visible to passing pedestrians and traffic and which could be used as celebration flower bed displays.
- 1.4 The council has numerous sponsored floral displays and roundabouts at locations throughout the Borough. This usually includes signage which complies with DoE carriageway safety regulations i.e. the size must be no more than 400mm in height and 750mm in length.

### **2.0 Purpose of the Policy**

- 2.1 This policy has been developed to set out the Council's position with regard to requests for planting displays within Council facilities and to clearly identify the responsibilities of the Council and those making a request (the applicant). The policy provides an overview of the Council's principles and conditions with regard to displays, and a framework and criteria applicable to requests made for displays.

### **3.0 Policy Objectives**

- 3.1 The main objectives of this policy are to provide criteria around the types and locations of display that will be permitted within Council facilities and to provide guidance on the process through which requests for displays will be dealt with and approved or rejected.

### **4.0 Definitions**

#### 4.1 For the purposes of this policy:

- A *centenary or other time-bound* celebration observes the passage of a significant number of years or accepted by the council to be significant - i.e. of interest to the local or wider community.
- *Other significant celebrations*, whilst non-centenary, nevertheless recognise significant events, persons or places, and are accepted by the Council to be significant (as defined above).
- A *floral display* is any temporary feature which makes use of planting in flowerbeds (along with any associated materials), in a layout designed to represent a centenary or other significant celebration, as described above. This does not refer to trees or moveable features such as wreaths, bouquets or pot plants.
- *Council facilities* should be interpreted as any of the Council's parks and other open spaces that are owned or managed by the Council.

#### 5.0 Principles and Conditions

The following general principles and conditions will apply to any requests for displays.

- 5.1 Requests will only be considered from constituted charitable, community and/or voluntary organisations based or operating within the Mid and East Antrim Borough.
- 5.2 All requests must be made by the end of October in the year previous to that proposed for installation using a standard application form (Appendix 1), to be submitted to a nominated panel of officers within the Parks and Open Spaces Section. A decision will be made by the Operations Committee each February on the year of the proposed installation.
- 5.3 All requests will be considered on merit - the following will be considered:
  - 5.4 Time since previous display provided for organisation
  - 5.5 impact on equality of opportunity and good relations, and
  - 5.6 level of Community Support
- 5.7 Where requests are received for a display at the same location at the same time Council will consider the added value the organisation offers, e.g. contributing to delivery of Local Biodiversity Action Plan, In Bloom objectives etc.
- 5.8 No request will be considered for any display to be installed within five years of a previous display provided for any organisation.
- 5.9 Requests for floral displays to mark a commemoration or memorial will be considered in line with the Council's Commemoration and Memorial Framework, Appendix 2.
- 5.10 To ensure quality of plants, materials and the way these are used, installation and maintenance of all displays will be undertaken by the Council.
- 5.11 Proposed displays requiring no resources additional to those employed in the Council's normal programme of work will not be charged for. However, charges may be made for displays or elements of displays requiring additional resources. Costs will be agreed in advance and borne by the

applicant under a contract made between the council and applicant. These costs may include installation, maintenance, repair (including to damage by vandalism) and, where appropriate, reinstatement of altered ground. .

- 5.12 Proposed displays should be aesthetically appropriate, in scale and design, to the proposed location within the council facility.
- 5.13 Proposed displays should be practicable - i.e. may readily be undertaken within given constraints of cost, season, and technical requirements.
- 5.14 Displays will generally only be possible during the period beginning May to end August. To this end, requests must be received by end October in the previous year.
- 5.15 Proposed displays must not pose any risk to the health and safety of Council staff and the wider public.
- 5.16 As far as possible, the requirements of approved requests will be met, however the final decisions regarding design, types of plant, materials used and location will rest with the council in all cases.
- 5.17 Approval of a request will not give an applicant the right to determine or influence the means of installation and ongoing management of the display in any way. However, it will place an obligation on the council to ensure proper installation and maintenance during the life of the display.
- 5.18 Any public communication regarding a display must be agreed with the council.
- 5.19 The council may refuse to approve any request it reasonably considers to be not in keeping with this policy.

## 6.0 Criteria

- 6.1 The following criteria will be applied when considering any request for a display.

### 6.1.1 Applicant

The applicant must:

- Be a charitable, community and/or voluntary organisation with a valid constitution, as recognised by the council;

Be Mid & East Antrim Borough-based/operate within Mid & East Antrim Borough; and if a membership organisation, be open to all sections of the community.

### 6.1.2 Design

The applicant must have at least an outline design for the proposed sign or display at the time of the request (following approval, a full design will be agreed with the council, as required). The proposed design:

- Must not be likely to cause offence or distress, or otherwise negatively affect any member of the public;

- Must not incorporate any reference to/symbol of any particular party political organisation, illegal organisation, or any person(s) likely to be viewed negatively by a significant proportion of the community;
- Does not conflict with any specific themes promoted by the council at the proposed site (for example health and wellbeing, promotion of biodiversity);
- Must not be likely to be detrimental to the aims of the Council with regard to the promotion of good relations and must not conflict with the Council's statutory obligations under Section 75 of the Northern Ireland Act 1998;
- Be practicable within the constraints of cost, season, and technical requirements; and be aesthetically appropriate, in scale and design, to the proposed location within the council facility.

### 6.1.3 Community Support

The applicant must be able to demonstrate that an appropriate level and range of local agreement to the display has been secured (or, if appropriate, that there is no significant opposition to the proposal).

### 6.1.5 Location

With regard to location:

- Requests for displays must be practicable within any local technical constraints; and
- The applicant must be able to demonstrate that the proposed site of the display is an appropriate geographic location for the commemoration subject.

### 6.1.6 Cost

Where required, the applicant must be able and willing to meet the costs of installation and maintenance agreed with the Council in advance.

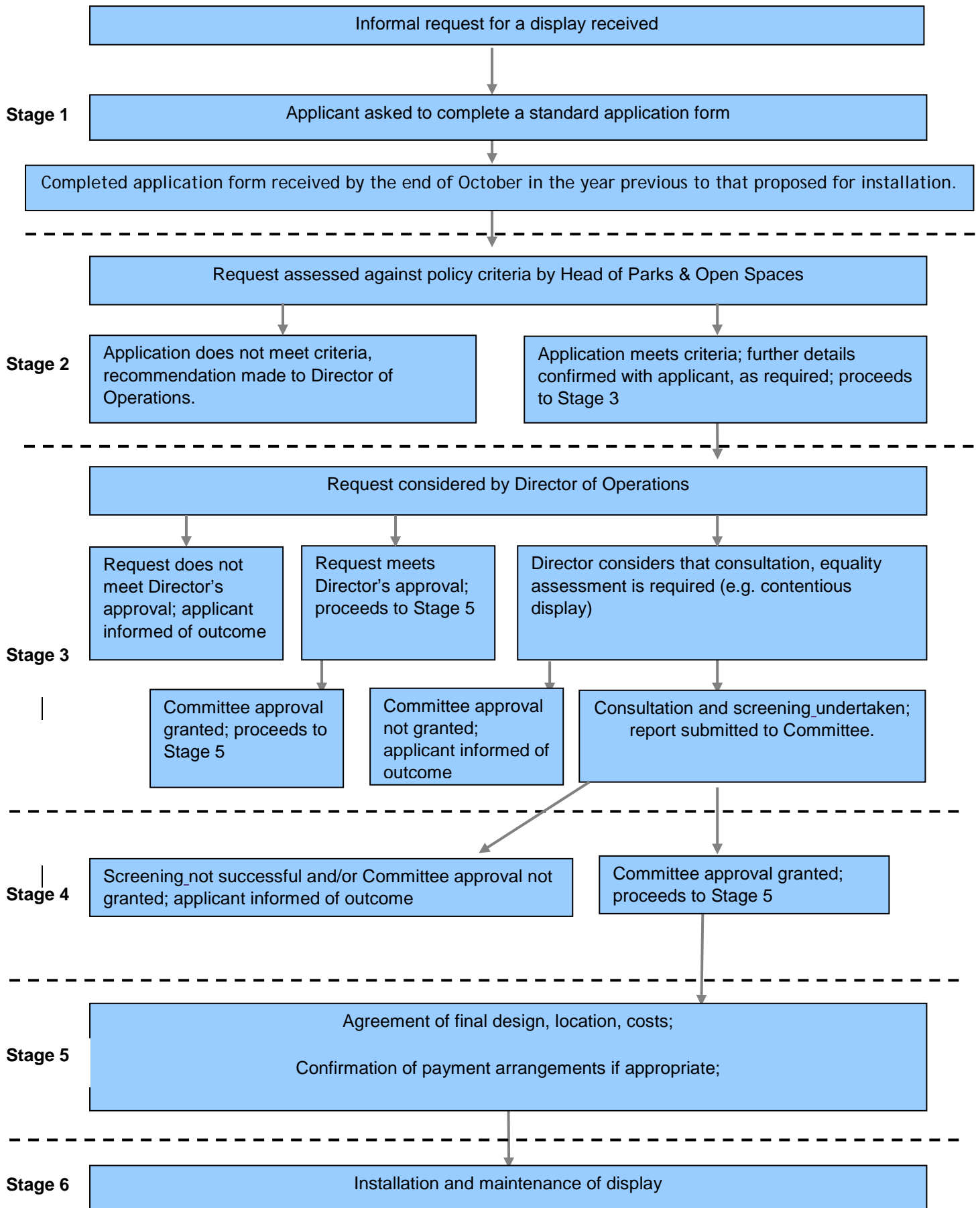
### 6.1.7 Timing

The request for a display must be made, at the latest, by the end of October in the year previous to that proposed for installation. A decision will be made by the panel at the end of January on the year of the proposed installation.

The proposed timing of the display:

- Must not conflict with any other display which may be planned; and
- Must be appropriate to the seasonal requirements of any plants to be used.

## 7. Framework for Dealing with Requests for Floral Displays



Standard Application Form for Requesting Floral Displays

Name of applicant organisation:

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Address:

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Telephone:

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Email:

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Purpose of the organisation:

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Please explain the status of the organisation attach a copy of its constitution:

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Is membership of the organisation open to all sections of the community?:  
*Yes/No/Not applicable (delete as appropriate)*

Subject of the proposed display:

Dates between which the display will be in place:

From: \_\_\_\_\_

To: \_\_\_\_\_

Proposed location of the display (*enclose map*):

Please explain why this location is appropriate to the subject of the display:

Please explain what steps you have taken to establish that there is an appropriate level and range of community support for the proposed display:



Please explain what added value your organisation will bring to the proposed display:

Name (printed) \_\_\_\_\_

Organisation Name \_\_\_\_\_

Position in organisation \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

#### Data Protection

Mid and East Antrim Borough Council values your right to personal privacy. We at all times try to be open about the reasons why we collect, hold and use your personal information. We collect information about you in order to fulfil our statutory obligations and provide you and other people with services. Some of the information we gather may be used to help us provide you with improved services. We at all times aim to comply with the Data Protection Principles, ensuring that information is collected fairly and lawfully, is accurate, adequate, up to date and not held any longer than necessary. If your personal data needs to be used for purposes other than those mentioned, we will contact you to seek your consent. You have a right to see information held about you (with a few exceptions allowed for in the Data Protection Act 1998). If you wish to see any personal information held on you please put your request in writing, stating clearly who you are and what information you would like to see to the address below. A fee is chargeable up to £10.00 which covers the cost of gathering, copying and redacting the data.

## Memorials and Commemorations: A Policy Framework

### Introduction

Mid and East Antrim Borough Council recognises the need to have in place robust decision-making procedures for dealing with contentious issues that can arise locally and can disrupt good relations within and across local communities.

Any decision on memorials and commemorations must accommodate all relevant statutes and guidance, including the following:

- Local Government (Miscellaneous Provisions) (NI) Order 1995
- Disability Discrimination Act 1995
- Race Relations (NI) Order 1997
- Sex Discrimination (NI) Order 1976
- Equality Act (Sexual Orientation) Regulations (NI) 2006
- Employment Equality (Age) Regulations (NI) 2006
- Fair Employment and Treatment (NI) Order 1998
- Section 75 & Schedule 9 NI Act 1998
- Belfast / Good Friday Agreement 1998
- Human Rights Act 1998
- NI (St Andrews Agreement) Act 2006
- ECNI Guidance on Promoting a Good and Harmonious Working Environment 2009
- OFMDFM 'Together: Building a United Community' 2013

More specifically, the Fair Employment and Treatment (NI) Order 1998 places a specific obligation on the Council, not only as an employer but also a provider of goods, facilities and services, to take all reasonable steps to prevent harassment. i.e. 'unwanted conduct which has the purpose or effect of violating dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment'.

Further to this legislation, in October 2009 the Equality Commission for Northern Ireland published its guide for employers and employees, *Promoting a Good and Harmonious Working Environment*.

The guide aims to provide employers and employees with practical advice to assist in promoting and sustaining a good and harmonious working environment. While

the primary focus of the guide is on religious belief and political opinion in the workplace, there can be read-across to other contexts and other protected aspects of identity including race, gender, disability, sexual orientation and age. 2

Separately and in combination, this legislation and guidance has the potential to raise significant legal challenges in relation to decisions on memorials or commemorations. For example, if a request to erect a memorial or hold a commemorative event is refused, will that refusal constitute unlawful discrimination? Alternatively, if the memorial is put in place or the commemoration event goes ahead, could members of the public or Council employees reasonably claim to be harassed?

### **Decision-Making: Procedures**

To ensure that decisions on memorials and commemorations are reached in good faith and are based on a transparent consideration of all relevant issues, the Council has established a set of questions that will be used to inform its decision-making (see below).

While applications for memorials or commemorations can be made by any Elected Member, individual or bona fide group attached to the Borough, initially the decision will be considered by the Equality Working Group. The Equality Working Group is a representative body made up of Elected Members drawn from each of the political parties in the Council Chamber, with Council Officers also in attendance. Applicants will be required to complete documentation which will provide all relevant information required for consideration by the Equality Working Group.

The Equality Working Group can be convened as and when required by full Council or officers to address issues that may have the potential to disrupt good and harmonious relations across the Borough. In turn, the Equality Working Group will report its deliberations and conclusions to Policy and resource Committee prior to final decision-making.

In this way, any decisions reached by the Council on memorials and commemorations will be open and transparent. Without this strong and decisive lead then decisions could serve not to bring communities closer together but may actually drive them further apart should they remind and reinforce differences rather than reflect in a positive manner on a shared past.

### **Decision-Making: Considerations**

In reaching any decision, in line with its Corporate Purpose and Priorities and Good Relations Strategy, the Council has an obligation not only to promote good relations and increase mutual understanding but also to ensure that memorials and commemorations are marked without unlawful discrimination and harassment.

To meet both demands, the overarching principle that will inform decision-making around memorials and commemorative events will be based on respect and

tolerance for different identities and histories. As a consequence, unlawful acts of  
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discrimination, triumphalism or other displays of intolerance will be regarded as inappropriate and unacceptable.

When handled appropriately, memorials and commemorations have the potential to help further our understanding of common pasts and futures. At the same time it would be naive to ignore the possibility that unless decisions are made with care and sensitivity, they also have the potential to highlight and reinforce divisions. However, this outcome is not inevitable. In the words of the guidance notes provided by the Community Relations Council and Heritage Lottery Fund for funding bodies, *Remembering the Future* (November 2011), '... anniversaries need not be mutually exclusive; indeed, if commemorations are handled sensitively, they will provide an opportunity to underline how much of our history is shared.'

Section 75 of the Northern Ireland Act places two important obligations on public authorities. The first obligation under Section 75(1) requires public authorities to have due regard to the need to promote equality of opportunity on grounds of nine protected categories<sup>1</sup>. The second obligation under Section 75(2) requires a public authority 'in carrying out its functions relating to Northern Ireland have regard to the desirability of promoting good relations between persons of different religious beliefs, political opinion or racial group'.

1 Religious belief, political opinion, racial group, age, marital status, sexual orientation, sex, with or without disability and with or without having dependants

Within the field of good relations, there remains some ambiguity as to whether the term 'good relations' should be applied only to community background, as defined under the Fair Employment and Treatment Order (i.e. religious belief and/or political opinion), or religious belief, political opinion and/or race/ethnic origin (as defined under the second or good relations duty within Section 75), or all nine grounds as included under the first or equality of opportunity Section 75 duty.

In the Equality Commission's guidance on *Promoting a Good and Harmonious Working Environment* it is recognised that while the focus of the Guide falls principally on only two grounds of difference (i.e. religious belief and political opinion), it goes on to state that, 'it is hoped that the overarching principles for helping to promote and sustain a good and harmonious working environment may also be considered in terms of all aspects of identity where similar duties apply'.

The present policy framework on decision-making also subscribes to this principle. That is, while community background based on religious belief and/or political opinion may often be the primary consideration when addressing contentious issues, other aspects of identity should not be ignored.

In reaching decisions, the Council also recognises that terms such as 'neutral' will not be helpful in establishing a test as to what may be regarded as good and harmonious. Instead, the Council will assume that a good and harmonious 4

environment is one where all those affected are treated with respect and tolerance, and where no-one is subjected to harassment or discrimination.

As appropriate, the Council will consult with relevant stakeholders when reaching any decision.

Given the large number of contested or politically sensitive issues in Northern Ireland, it is not felt appropriate to provide a list of potential memorials, anniversaries, commemorations, centenaries, jubilees etc. For example, local circumstances may dictate which memorials or commemorations are seen as contentious. In some communities a particular event may be uncontested while in others it may have the potential to be divisive. To address these local concerns, discretion will rest with the Council to recognise when a memorial or commemoration may be regarded as contested and thereafter to follow due process in reaching a reasonable, transparent and proportionate decision.

Further to the Council's statutory obligations under Section 75 of the Northern Ireland Act 1998, each decision will be screened to identify potential adverse impacts, and where appropriate, an EQIA will be carried out. 5

### Decision-Making: Questions

In reaching a recommendation as to whether to support an application for either a memorial or commemoration, the Council will reflect on the following questions:

#### Memorials

1. What is the display or use of the space about and what is it intended to mark?
2. Does the display or use of the space have the potential to disrupt a good and harmonious environment or is it contentious in any way? (*If Yes, please continue*).
3. Has the management of this memorial been subject to scrutiny under section 75? If so, what was the outcome of screening / EQIA?
4. What is the Council's specific role in relation to the memorial?
5. Which other organisations have a role to play?
6. Which other policies, strategies etc. (internal and external) are relevant to this memorial?
7. What corporate liability may attach to this memorial?
8. Will the memorial be temporary or permanent?

9. Will the proposed memorial be likely to cause offence?
10. Will the memorial be on space owned by the public authority?
11. What is the space? (e.g. residential area, public space, thoroughfare, private building, public building)
12. If temporary, what arrangements have been made for the removal of displays?
13. In what ways will this space or display help promote good relations?
14. Have the organisers of the memorial taken any positive steps to help promote good relations?
15. What are the views of local residents/community groups/representatives etc. with regard to the memorial?
16. Who else should we engage with and how?
17. How will these voices play a part in the decision-making process?
18. Is the potential for unlawful discrimination and/or potential civil unrest so strong that it outweighs any potential benefit associated with the memorial?
19. Are there any specific clauses which should be inserted as a condition of any relevant contract relating to the memorial?
20. Would a member of the public or council employee reasonably claim to be harassed should a memorial be allowed/not allowed?
21. In light of these considerations, should the Council support this application?

## **Commemorations**

1. What is the event and what is it intended to mark?
2. Does the event have the potential to disrupt a good and harmonious environment or is it contentious in any way? (If Yes, please continue).
3. Does the event arise for consideration under a policy which has already been subject to scrutiny under section 75? If so, what was the outcome of screening / EQIA?
4. Is the event a 'one off' or is it likely to recur on a regular basis (e.g. annually)?
5. What is the public authority's specific role in relation to the event (host, sponsor, organiser, provider of facilities etc.)?
6. What are the terms of any proposed contract in relation to this event?
7. Are there any contractual equality/good relations terms in the relevant contract?
8. Which other organisations have a role to play in the event?

9. Which other policies and strategies (internal and external) are relevant to this event?
10. What corporate liability may attach to the holding of the event?
11. Will staff of the public authority be employed/involved in the event?
12. If YES, will their involvement give rise to concerns in relation to equality of opportunity and/or good relations?
13. Where is the event to be held? (e.g. residential area, public space, thoroughfare, private building, public building)
14. Is the space/property in which the event will take place owned or managed by the public authority?
15. What temporary displays will be associated with the event?
16. Will the displays be likely to cause offence and to whom?
17. What arrangements have been made for their management?
18. What arrangements have been made for their removal?
19. Does the event have the potential to lead to a complaint of unlawful discrimination against the public authority and if so is it considered that there is a likelihood of success in any claim?
20. In what ways will the staging of this event help promote good relations?
21. Have the organisers taken any positive steps to help promote good relations?
22. What are the views of local residents/community groups/representatives etc. with regard to this event?
23. In order to promote good relations is there any group or body that the public authority should engage with and how?
24. How will the information gleaned from this engagement play a part in the decision-making process?
25. Is the potential for unlawful discrimination and/or potential civil unrest so strong that it outweighs any potential benefit associated with the event?
26. Are there any specific clauses which should be inserted as a condition of this particular contract?
27. Would a member of the public or council employee reasonably claim to be harassed should a commemoration be allowed/not allowed?
28. In light of these considerations, should the Council support this application?