



EQUALITY COMMISSION FOR NORTHERN IRELAND

Response to consultation on Belfast Local Development Plan 2020-2035: Preferred Options Paper and Equality Impact Assessment

April 2017

1 Executive Summary

1.1 The Equality Commission has set out below its comments on the Belfast Local Development Plan 2020-2035: Preferred Options Paper and Equality Impact Assessment.

Vision

1.2 We recommend the inclusion of high level commitments, underpinned by robust actions, to ensure the promotion of equality and good relations.

Shared and liveable place

1.3 We recommend measures to address the housing needs of migrants and improve management conditions for the private rented sector, particularly houses of multiple occupancy.

1.4 We recommend that relevant front-line staff (including those from the NIHE, housing associations and advice centres) are trained on the entitlements of EU migrants to housing benefit; and that information is available in an accessible format.

1.5 We recommend the inclusion of reference to the accommodation needs of Roma, asylum seekers or refugees, as well as additional reference to migrant workers who, in particular, are extremely vulnerable to exploitation and discrimination in housing.

Hate crime

1.6 We recommend the implementation of specific long term measures to eliminate racism and racial discrimination; to

tackle prejudicial attitudes; and to promote values of acceptance and respect for difference.

- 1.7 We recommend that the LDP should include a specific objective on improving community / good relations and a specific reference to reducing hate crime.

Accessible and affordable housing

- 1.8 We recommend the building of all homes to lifetime home standards as well as more easily accessible housing adaptations to enable more older people to stay in their own home longer.

Traveller accommodation

- 1.9 We continue to advocate the need for an adequate programme of accommodation to meet the needs of the Irish Traveller community and note our continuing concern due to lack of progress in securing planning permission for the areas identified as most in need in the NIHE (2015) Traveller Accommodation Needs Assessment.

Community cohesion

- 1.10 We welcome recognition in the Plan of the Council's duty to promote good relations.
- 1.11 We reiterate the importance of ensuring that housing need is met on the basis of objectively assessed need. We also recommend that steps are taken to incentivise and advance shared housing.

Smart, connected, resilient place

- 1.12 We provide additional evidence in respect of disability access and transport and recommend that explicit reference is made to addressing the accessibility needs of persons with disabilities.

Compliance with Section 75 duties

- 1.13 We welcome that the Council has conducted an EQIA at a strategic level on the Belfast Agenda (Community Plan) and

has committed to further equality screening and EQIAs as necessary.

- 1.14 We would draw Council's attention to the advice provided by the Commission in respect of the consultation on the EQIA of the Belfast Agenda. This advice applies also to the development of the Local Development Plan.

2 Introduction

2.1 The Equality Commission for Northern Ireland (‘the Commission’) is an independent public body established under the Northern Ireland Act 1998. It is responsible for implementing the equality legislation on fair employment, sex discrimination and equal pay, race relations, sexual orientation, disability and age.

2.2 We welcome the opportunity to respond to the Belfast Local Development Plan 2020-2035: Preferred Options Paper and Equality Impact Assessment. Our response includes general recommendations and specific recommendations in relation to people with a disability (accessibility and transport), black and ethnic minority communities, hate crime and housing and accommodation.

Commission PfG recommendations

2.3 We would draw the Council’s attention to the Commission’s Programme for Government recommendations¹ on which this response is based. We have set out specific recommendations that we wish to see advanced across the following areas: social attitudes; education; employment; social protection; accommodation and housing; health and social care; and public and political life.

3 General recommendations

Vision

3.1 The Commission recommends that the Local Development Plan:

- includes a high level **commitment** to address key inequalities experienced by the Section 75 equality groups, as well as to promote good relations;
- makes it clear that the promotion of equality of opportunity and good relations are **cross-cutting themes** within the Plan;

¹ ECNI (2016) [PfG and Budget Recommendations](#)

- includes a clear **commitment** to ensure compliance with the UK Government's obligations under international human rights conventions, including the UNCRPD.

3.2 Crucially, it is essential that all of these high level commitments are underpinned by the inclusion of robust outcome focused action measures and are capable of being measured through the proposed indicator framework.

UK exit from EU

3.3 We have recommended to Government, as the UK exits the EU, that there is no regression from existing protections and no negative impact on equality and good relations. We have recommended that the Government ensures, that the promotion of both equality and good relations are treated as a priority and core issues in this context.

3.4 This includes a recommendation of the need to ensure that after the UK leaves the EU, the Government considers and fully mitigates any potential negative impact on work to promote equality and good relations. This should include addressing the potential impact of the loss of EU funding on programmes aimed at supporting peace and reconciliation, equality and good relations and social inclusion, including the impact on the voluntary and community sector. We also consider that there is a need to effectively tackle prejudicial attitudes and hate crime in NI, including on the grounds of race, which may arise as a direct result of the negotiations or in the aftermath of any agreement. This includes tackling prejudicial attitudes and hate crime towards EU workers, wider migrant workers or asylum seekers, and their families.

4 Shaping a liveable place

Black and ethnic minorities communities

4.1 The Commission notes that the draft EQIA has identified that '*there are no Traveller accommodation needs for the District*' ...

4.2 The Commission further notes that the Belfast Agenda/ Preferred Options Paper (POP) does not include reference to

the accommodation needs of Roma, asylum seekers or refugees.

- 4.3 There is very little published evidence on the housing needs of refugees. However, anecdotal evidence from those working with the refugee community in Belfast² asserts that asylum seekers who are granted refugee status have 28 days to leave their accommodation, giving them very little time to find suitable alternative housing. The ability of refugees to find housing in the private rented sector is often limited by difficulties in providing deposits or a suitable guarantor.
- 4.4 The Commission acknowledges that passing reference is made to the housing needs of migrant workers (at page 33 of the Preferred Options Paper). The Commission's 'Statement on Key Inequalities in Northern Ireland'³ has highlighted that many members of the black and minority ethnic community, in particular migrant workers, were extremely vulnerable to exploitation and discrimination in housing. For some, in the private rented sector, this has resulted in overcrowding, insecurity of tenure and being forced to accept poor health and safety standards.
- 4.5 For many migrants access to safe and affordable housing can be restricted by immigration status. Non-EU/EEA nationals are not entitled to housing benefit. In its 2011 submission to the Committee for the Elimination of Racial Discrimination (CERD)⁴, the Commission highlighted that there are '*particular accommodation problems for migrant workers which can be further exacerbated by lack of access, where required, to state support*'⁵.
- 4.6 There is evidence that the problems highlighted above persist. The Northern Ireland Council for Ethnic Minorities (NICEM) has highlighted that '*EEA migrants coming to Northern Ireland to seek a job, experience unnecessary administrative delays, often due to incorrect first instance decision making...despite*

² Conversation with representative of NI Council of Refugees and Asylum Seekers, 4th February 2014.

³ ECNI (2007) [Statement of Key Inequalities in Northern Ireland](#)

⁴ ECNI (2011) [Shadow Report to the UN Committee on the Elimination of Racial Discrimination on the UK Government's 18th Periodic Report](#)

⁵ ECNI (2007): Ibid, page 2.

*the fact that they have explicit rights under EU law*⁶. Anecdotal evidence from those working closely with the Roma community have suggested that overcrowding remains an issue for the Roma community with over half living in accommodation with 10 or more people⁷.

- 4.7 The Commission recommends measures to address the housing needs of migrants and improve management conditions for the private rented sector, particularly Houses of Multiple Occupancy (HMOs).
- 4.8 We also recommend that relevant front-line staff (including those from the NIHE, housing associations and advice centres) are trained on the entitlements of EU migrants to housing benefit; and that information is available in an accessible format.
- 4.9 The Commission has recommended that the Executive Office takes the lead for '*coordinating the government's strategic policy response to the needs of all asylum seekers and refugees in Northern Ireland*'⁸ as part of a broader Refugee Integration Strategy. The Strategy should take account of the need to provide support and advice to asylum seekers who are either in emergency accommodation provided by NASS⁹ support, are otherwise pursuing an application for NASS support, are receiving NASS support, or have recently received a decision and need support to move on¹⁰.

Hate Crime

- 4.10 The Commission acknowledges that the strategic aim on shaping a 'liveable place' makes reference to improving community safety and reducing crime.

⁶ NICEM (2013) Submission to DSD consultation on 'Facing the Future' Housing Strategy for Northern Ireland 2012-2017

⁷ The same source has highlighted that if these figures are tallied with those who are working and deriving a small income, and acknowledging the absence of Housing Benefit entitlement for Roma families, it becomes clear that shared accommodation is driven by need rather than choice.

⁸ McVeigh R (2002) [Refugees and Asylum Seekers in Northern Ireland: A Place of Refuge?](#) Belfast, Refugee Action Group

⁹ National Asylum Seeker Support Service

¹⁰ Harvey C, Ward M (2001) [No Welcome Here - Asylum Seekers and Refugees in Ireland and Britain](#) p14, Belfast, Democratic Dialogue

- 4.11 Since 2004/05¹¹, reported racist hate incidents have increased by 67%¹² and racist hate crimes by 45%¹³. In 2014/15 there was an increase in reported racist hate crime of a third¹⁴. Levels of faith/religion motivated incidents and crimes recorded in 2014/15 were the highest seen since 2009/10¹⁵. In 2014/15, the outcome rate¹⁶ for all crimes where there was a racist motivation was 13.4 percentage points lower than the outcome rate for all crimes recorded by the police¹⁷.
- 4.12 Research has also found that “underreporting of hate crimes by victims was commonplace” and that hate crime legislation is used less often in Northern Ireland than in other parts of the UK¹⁸.
- 4.13 We recommend therefore that the LDP should include a specific objective on improving community/good relations and a specific reference to reducing hate crime.
- 4.14 The Commission has recommended the NI Executive and key Departments should, including via the Racial Equality Strategy for Northern Ireland:
- implement specific long-term measures to: eliminate racism and racial discrimination; to tackle prejudicial attitudes; and to promote values of acceptance and respect for difference;
 - use early intervention in education to combat negative attitudes, reduce racism and promote good relations¹⁹;

¹¹ Levels declined between 2009/10 and 2011/12 before increasing in each of the last three years - see Figure at PSNI (May 2015): *Incidents and Crimes with a Hate Motivation Recorded by the Police in Northern Ireland: Quarterly Update to 31 March 2015*.

¹² From 813 to 1356 - see Figure 1 at PSNI (May 2015): *Incidents and Crimes with a Hate Motivation Recorded by the Police in Northern Ireland: Quarterly Update to 31 March 2015*.

¹³ From 634 in 2004/05 to 921 in 2014/15 - see Figure 1 at PSNI (May 2015): *Incidents and Crimes with a Hate Motivation Recorded by the Police in Northern Ireland: Quarterly Update to 31 March 2015*.

¹⁴ There were 691 racist hate crimes recorded in 2013/2014 compared to 921 in 2014/2015 – see figure at PSNI March 2015

¹⁵ In Northern Ireland sectarian hate crime is recorded separately from hate crime on the basis of faith/religion. Faith/religion based hate crime would include Christians, Muslims, Hindus, Sikhs and different sects within a religion. It also includes people who hold no religious belief at all.

¹⁶ Section 2.4 of the User guide to Police Recorded Crime Statistics in Northern Ireland describes in detail what outcomes are and the recording practice in relation to outcomes

¹⁷ Police Service for Northern Ireland (2015): *Trends in police recorded crime for Northern Ireland*, page 8

¹⁸ Jarman, N. (2012): *Criminal Justice Responses to Hate Crime in Northern Ireland*, (Belfast: Institute for Conflict Research). Available at: <http://conflictresearch.org.uk/wp-content/uploads/NIACRO-Report-01-Complete-Low-Res.pdf>

¹⁹ Equality Commission for Northern Ireland (2014): *Racial Equality Policy – Priorities and recommendations* (Para 3.12) (Belfast: ECNI).

- prioritise the reduction and elimination of racial violence through a range of actions including; addressing issues of under reporting; early intervention; improved operational response to hate crime and support for victims of racist hate crime;
- ensure that the criminal justice agencies improve the accessibility of reporting for victims and take appropriate steps to increase ethnic minority representation among police and criminal justice staff;
- takes appropriate action to support integration, foster community cohesion and promote participation in public life through both the revised RES and United Community strategies;
- consider the findings of the Leveson report with regards to ‘*discriminatory, sensational or unbalanced reporting in relation to ethnic minorities, immigrants and/or asylum seekers*’ and takes relevant action to ensure appropriate media reporting in Northern Ireland²⁰;
- co-ordinate departmental action aimed at identifying and addressing any institutional racism²¹.

Affordable housing

4.15 We welcome at 6.1.2 that affordable housing could be required to be a percentage of all new homes in larger developments.

Housing mix

4.16 We welcome recognition of the need for smaller properties, to take account of smaller household size and in response to welfare reform. We also welcome recognition of the need for more supported housing in light of the ageing population.

4.17 Changes to Housing Benefit in the Local Housing Allowance²² resulted in single people aged 35 years old and under only entitled to a shared accommodation rate. Research to date has been of small scale but found that since the changes came into

²⁰ Equality Commission for Northern Ireland (May 2014): *Racial Equality Policy Priorities and Recommendations* (3.16) (Belfast: ECNI).

²¹ Equality Commission for Northern Ireland (May 2014): *Racial Equality Policy – Priorities and Recommendations*, pages 11-12. Available at: <http://www.equalityni.org/Delivering-Equality/Equality-Themes/Racial-equality.aspx>

²² Northern Ireland Housing Executive’s website: [Benefits and Grants/Local Housing Allowance](#)

force around one in ten landlords no longer rent to under 35 year old single people²³. Furthermore, over one third of landlords in that research stated that they might cease letting to Local Housing Allowance single tenants under the age of 35.

Specialist accommodation for older people

- 4.18 We note that provision of homes for older people will be addressed through specific policies to address needs. While welcoming this, if homes were built to lifetime home standards, and if housing adaptations were easily accessible and affordable, more older people are likely to be in a position to live in their own home for longer.

Lifetime homes

- 4.19 We note the requirement for a proportion of new homes on strategic sites to be built to Lifetime Homes standard, but this falls short of our recommendation that all new homes across tenures should be built to lifetime home standards. The proportion of homes to be built to this standard is not provided within the plan.
- 4.20 We consider that more needs to be done to ensure that all new builds in private tenures comply with accessible standards, so as to better facilitate individuals to secure a home and remain in it. We note recognition within draft PfG delivery plans of the need to increase the provision of accessible homes.²⁴ Over time, the universal application of accessible standards would significantly reduce the need for formal care services and costly home adaptations in the future.
- 4.21 A person with disabilities or older person may require adaptations to their existing or prospective home. We note recognition within the draft PfG delivery plans of the need to streamline the adaptations and disabled grants process to reduce waiting times.²⁵ We consider that ensuring the availability of housing adaptations is essential, not least given the emphasis within government policy - particularly

²³ Centre for Regional Economic and Social Research, Sheffield Hallam University funded by the Department for Social Development (Mar 2014) [Monitoring the impact of recent measures affecting Housing Benefit and Local Housing Allowances in the private rented sector in Northern Ireland: Final Report](#)

²⁴ NI Executive (2017) [PfG Delivery Plan indicators 8 and 48](#)

²⁵ NI Executive (2017) [PfG Delivery Plan indicators 8 and 48](#)

Transforming Your Care - on the delivery of social care within the home.

- 4.22 At the end of March 2014, the age group that experienced the longest social housing waiting times to be re-housed was the 60 – 64 years age group²⁶. The demographic trend of an ageing population is contributing to an increase in demand for support services and specialised housing in old age²⁷. However, it has been suggested that sheltered housing has become less attractive to fit, active older people²⁸.

Traveller accommodation

- 4.23 While some progress has been made, access to appropriate accommodation to meet the needs of Irish Travellers remains limited. The Commission continues to advocate the need for an adequate programme of accommodation to meet the needs of the Irish Traveller community and remains concerned by the lack of progress in securing planning permission for sites in the areas identified as most need in the NIHE (2015) Traveller Accommodation Needs Assessment.

Community Cohesion

- 4.24 We welcome recognition at page 40 of the Council's duty to promote good relations.
- 4.25 We reiterate the importance of ensuring that housing need is met on the basis of objectively assessed need. We also recommend that steps are taken to incentivise and advance shared housing. Immediate and longer-term solutions are likely to be found in taking a range of steps to address both supply and demand factors. On the supply-side, to consider for example, how appropriate stock can be made available to ensure that objectively assessed housing need is met in areas of high demand. On the demand-side, to consider for example, any steps which might both widen areas of preference for those in housing need and sharing more generally – thereby expanding housing markets and increasing the opportunities to

²⁶ Wallace, A (2015) [Housing and Communities' Inequalities in Northern Ireland](#)

²⁷ Northern Ireland Housing Executive (Aug 2008) [Older People Housing Policy Review Action Plan 2008 – 2010](#)

²⁸ Professor Paris, C, Emeritus Professor of Housing, Ulster University (Mar 2013) [Future need and demand for appropriate models of accommodation and associated services for older people](#)

meet objectively assessed housing need and advance increased sharing.

- 4.26 Access to adequate and sustainable housing will be maximised where families and individuals from across the Section 75 grounds are able to feel safe in their homes and communities. We recommend²⁹ that the programme of work for government includes priority actions to challenge prejudicial attitudes, behaviour and hate crime, to ensure that workplaces, services, public spaces and communities are free from harassment and or discrimination across the equality grounds.

5 Smart connected resilient place

- 5.1 The Commission acknowledges the reference, under the strategic aim of '*a smart connected resilient place*', that the plan will include adequate provision for parking in new developments including provision for disabled access.
- 5.2 However, there appears to be limited focus on making design of public buildings and infrastructure (as opposed to residential housing) accessible to disabled people. The POP makes reference at page 41 to the advice of the Strategic Planning Policy Statement that account should be taken of accessibility, there is no specific reference to the needs of persons with disabilities.
- 5.3 An audit of accessibility to services for disabled people³⁰, commissioned by the Equality Commission, which examined three aspects of access – Physical, Customer Service and Information – across five cities and towns (including Belfast) found that the benchmark was 2.43 on a scale of 1 to 4 (where 3 is good or satisfactory). The report noted that the data suggested that Belfast was '*not rated as having better access than elsewhere*' (the rating for physical accessibility in Belfast was 2.23)³¹.
- 5.4 Research commissioned by the Equality Commission for Northern Ireland has found that '*Disabled people experience barriers to accessing everyday services such as transport.*

²⁹ ECNI (2016) [Programme for Government](#)

³⁰ Adapt NI with BMKent Consulting (2013) [ABC - Audit Benchmark Change - State of disability access report 2013: a baseline audit of accessibility to services in Northern Ireland for people with a disability](#)

³¹ Ibid, Table 7, page 65.

These barriers are not just about physical access to buildings and vehicles. For many people poor service and the attitudes of staff providing services can be a major deterrent to using services³².

- 5.5 Reports by the Inclusive Mobility Transport Advisory Committee (IMTAC) have concluded that, in relation to transport, that whilst physical access to transport in Northern Ireland is improving, the attitudes of those providing services remains a key barrier³³. There is little publically available and/or accessible information in relation to the training service provider staff receive, or evaluations of its effectiveness³⁴.
- 5.6 Whilst the POP makes reference (at page 88) with respect to the public transport network to ‘*accessibility for all*’, the Commission recommends that explicit reference is made to addressing the accessibility needs of persons with disabilities.
- 5.7 The United Kingdom ratified the United Nations Convention on the Rights of Persons with Disabilities in 2009 and, consequently, public bodies are expected to make decisions and deliver services that take into account the rights contained in the Convention. Article 9, Accessibility, is particularly relevant in the context of the LDP and we have set out the text in Appendix A.
- 5.8 Furthermore, the Commission notes that the draft Delivery Plan for Indicator 42 of the Programme for Government, Average life satisfaction score of people with disabilities, commits, with respect to the public realm, to:

‘work with the Department for Infrastructure and local Government, in partnership with people with disabilities and

³² Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): *Disability programmes and policies: How does Northern Ireland measure up? Monitoring Implementation (public policy and programmes) of the United Nations Convention on the Rights of Persons with Disabilities in Northern Ireland* (Belfast: Equality Commission NI). Available at:

<http://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/UNCRPDmonitoringimplementationFullReport0112.pdf?ext=.pdf>

³³ Inclusive Mobility Transport Advisory Committee (2009): *Disability training – Good practice guidelines for transport providers*.

³⁴ Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): *Disability programmes and policies: How does Northern Ireland measure up? Monitoring Implementation (public policy and programmes) of the United Nations Convention on the Rights of Persons with Disabilities in Northern Ireland*, paragraph 5.5.4.4, page 106, (Belfast: Equality Commission NI). Available at:

<http://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/UNCRPDmonitoringimplementationFullReport0112.pdf?ext=.pdf>

their organisations to identify the current issues experienced by people with disabilities and the impact of these issues on their access to their local and wider community. This is to ensure that such issues are taken into account in community planning in order to ensure our streets and highways are accessible, safer and reduce the risk of unnecessary injury’.

- 5.9 The Commission recommends that the POP includes specific reference to mainstreaming access for persons with disabilities within the LDP, thereby reflecting the requirements of Article 9 of the UNCRPD.

6 Compliance with statutory duties

- 6.1 We welcome that the Council has conducted an EQIA at a strategic level on the Belfast Agenda (Community Plan) and has committed to further equality screening and EQIAs as necessary.
- 6.2 We make recommendations relating to a more robust evidence base, alternative policies and inter-relationship of policies as well as welcoming Council’s commitment to considering an equality work stream focusing on data development and Section 75 monitoring within the Belfast Agenda.
- 6.3 We would draw Council’s attention to the advice provided by the Commission in respect of the consultation on the EQIA of the Belfast Agenda. This advice applies also to the development of the Local Development Plan.

Equality Commission

April 2017

7 Appendix A

7.1 Text of Article 9, Accessibility, of the United Nations Convention on the Rights of Persons with Disabilities

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

(a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;

(b) Information, communications and other services, including electronic services and emergency services.

2. States Parties shall also take appropriate measures to:

(a) Develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;

(b) Ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;

(c) Provide training for stakeholders on accessibility issues facing persons with disabilities;

(d) Provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;

(e) Provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;

(f) Promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;

(g) Promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;

(h) Promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

Equality Commission

April 2017