

**Strabane District Council**  
**Section 75 and Schedule 9**

Northern Ireland Act 1998

**THE COUNCIL'S DISPOSAL  
AND LEASING OF  
RECREATIONAL LAND,  
INCLUDING VAUGHAN'S HOLM**

Equality Impact Assessment

**FINAL DECISION REPORT**

September 2011



**Strabane District Council**  
**The Council's Disposal and Leasing of Recreational Land,**  
**Including Vaughan's Holm**

**An Equality Impact Assessment**

**FINAL DECISION REPORT**

**1: INTRODUCTION**

In its approved Equality Scheme, Strabane District Council gave an undertaking to carry out an Equality Impact Assessment (EQIA) on each policy or group of co-joined policies where screening had indicated that there may be significant implications in relation to one or more of the nine Section 75 grounds. This draft report was made available as part of the formal consultation stage of the EQIA relating to the Council policy regarding the disposal and leasing of recreational land in general but with specific reference to the circumstances surrounding the disposal/lease of Council lands in Newtown Stewart, known locally as Vaughan's Holm.

In keeping with guidance on best practice as issued by the Equality Commission for Northern Ireland, between May 9<sup>th</sup> 2011 and August 5<sup>th</sup> 2011, the Council consulted widely on its draft EQIA report and preliminary recommendations. This period of twelve week formal consultation followed from earlier pre-consultation that helped inform the development of the EQIA, and including a series of face-to-face meetings with interested parties on Monday March 7<sup>th</sup> 2011, at various venues across the District.

During the period of formal consultation, the draft EQIA report was made available on the Council website, and those with a particular interest in the policy area were written to directly and asked to respond to the draft recommendations as contained in the EQIA.

The Draft Consultation report, along with a summary of the responses obtained during the consultation period, was presented for approval by Council at its meeting on Monday August 22<sup>nd</sup>. The report was approved, and hence the Council has now moved to a final decision on the EQIA, as contained in this report.

**2: THE POLICY**

In 2009, the Council had commissioned external consultants to carry out an independent audit of playing pitches in the District, and to use this research to inform the Council's emerging Playing Pitch Strategy. The Strategy has continued to be informed by the findings of the audit. In summary, the policy aspires to meet the following aim:

**To provide the Council with a framework for making informed planning decisions in relation to the management and disposal of the Council's recreational lands, decisions:**

- a) that are fair, reasonable and proportionate; b) that target financial support and investment appropriately; and c) that act in the best interests of all citizens of the District including the betterment of sport, physical health and community relations.**

The consultants found provision for Gaelic sports, soccer and cricket was at, or close to, capacity. They also found evidence of demand for access to pitches being stifled by a shortage of pitches and recommended that a significant amount of additional provision would be needed to meet estimated future demand.

The report recommended the adoption of a policy of protection on all playing pitch sites, except, 'where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space. Community benefits will therefore comprise of improvements to the quality and accessibility of existing provision where there is a demonstrable benefit to quantity – i.e. the improvements to quality will improve the carrying capacity of existing provision and increase accessibility.'

Set against this policy, exceptionally the Council has seen fit to dispose of land and property to enhance the Council's legacy but only where, in the opinion of the Council, the retention of that land or property was not in the best interests of all the citizens of Strabane District.

In February 1979 Strabane DC purchased Vaughan's Holm in Newtownstewart and subsequently managed the site for a variety of recreational purposes. In 1998 the Council agreed to sell part of this land to St Eugene's GAA and subsequently sold a further parcel of land to Ardstraw FC. More recent requests to sell or lease further land at Vaughan's Holm have been deferred pending the outcome of this EQIA and further to an investigation carried out by the Equality Commission.

### **3: CONSIDERATION OF AVAILABLE DATA AND RESEARCH**

In carrying out the EQIA, a wide range of data was considered and reported in the Draft Consultation Report under the following broad themes:

- Demographic Profile of Strabane District
- Health Status of the District
- Demographic Profile of Newtownstewart
- Sports Participation in Strabane District
- Sports facilities and pitches in Strabane District
- Other Relevant Council Strategies/Policies
- Other Relevant Strategies/Policies

A pre-consultation day was also arranged for Monday 7<sup>th</sup> March 2011, where local representatives were invited to attend meetings in order to give their views.

### **4: ASSESSMENT OF IMPACT**

The existing policy was examined in the light of information obtained to assess whether or not there was an adverse impact on any of the nine Section 75 grounds and to ascertain if action could be taken to better promote good relations. The Draft EQIA Consultation Report considered that any changes to the existing policy (to retain recreational land unless exceptional circumstances prevail) would impact primarily on the Section 75 categories representing:

- Political Opinion
- Religious Belief

The retention of recreational land by the Council, and its management to meet community needs, was not seen as likely to impact significantly on the Section 75 grounds representing

age, race/ethnic origin, marital status, sexual orientation, gender, persons with and without a disability or persons with and without dependents. Instead, through ongoing engagement with local communities it was argued that it may be possible to maximise the benefits accruing to a diverse range of potential users through the retention of the land by the Council.

## **5: CONSIDERATION OF MEASURES TO MITIGATE ANY ADVERSE IMPACT**

The Draft EQIA Consultation Report proposed that a deviation from the existing policy, i.e. only to sell or lease recreational land under exceptional circumstances, would have the potential to have an adverse impact on grounds of religious belief and political opinion. That is, the sale or lease of land for the exclusive use of one club or sport would not further the aim of the policy and would not enhance the quality or accessibility of the land.

## **6: PRELIMINARY RECOMMENDATIONS**

The Draft EQIA Consultation Report initially recommended that the Council should continue to operate its existing policy on the disposal of recreational land as laid out in the Playing Pitch Strategy 2009. Further, should the Council decide that any of its land had become surplus to requirements, and that land could be used for recreational purposes, then in future a clear rationale must be provided that the disposal will not hinder the stated aim of the Playing Pitch Strategy.

It was also suggested that the Council should strive to work in partnership with all users and potential users of the Vaughan's Holm site in order to ensure that the facility could be made available for the benefit of all members of the local community.

The Council should also continue to engage with the local community to find ways of developing the area for use by a variety of sports and leisure activities, and enhancing the accessibility to and within the site for all potential users.

To further these goals, the Council should liaise directly with representatives of St Eugene's GAA club and other interested parties in order to enhance the available space as a training area. These discussions should explore possibilities for training lights and other facilities, and a configuration of the available space to maximise its potential for a variety of users.

The potential for a range of pitch sports to share the use of the Council-owned training area should also be explored, and future plans for the area should accommodate community events and especially those with a cross-community dimension.

These recommendations were presented for comment during a twelve week period of public consultation ending on August 5<sup>th</sup> 2011.

## **7: SUMMARY OF CONSULTATION RESPONSES**

By the end of the consultation period, one written response had been received, from the Equality Commission for Northern Ireland (see p.8). This response was generally very positive, for example commending the Council for, 'The comprehensive analysis and consideration of the preliminary recommendations to mitigate adverse impacts that suggests that the Council is genuinely committed to the promotion of equality of opportunity and good relations.' (p.3).

Following the end of the consultation period, on August 25<sup>th</sup> 2011 the Council received a further written response from Disability Action. This response did not raise any concerns with the EQIA, stating, 'Disability Action has no particular views on the above policy however, we would like to take this opportunity to advise you of our policy regarding the accessibility of the consultation documents. Disability Action recognises the time and effort that have gone into producing this document for consultation and thanks Strabane District Council for the opportunity to respond and looks forward to continued dialogue. '

At a meeting of Elected Members of Council on June 27<sup>th</sup> 2011, the draft EQIA was presented for comment. It was suggested that the report should include mention of the fact that the original Council decision to consider an application for leasing recreational land by a sports' club went against the advice of Council officers. This amendment to the original consultation report has been duly noted but does not impact significantly on the final decision of the EQIA.

In addition to a request for written submissions, two public consultation meetings were held on Tuesday May 24<sup>th</sup> 2011 in the Board Room, Strabane District Council Offices and on Tuesday August 9<sup>th</sup> 2011 in the Newtownstewart Centre 2000.

In total, 10 people attended the Strabane meeting and six attended the meeting in Newtownstewart, representing a broad cross-section of the sporting community across the District. Association football, Gaelic sports, angling and rugby were represented at the Strabane meeting, while gaelic sports and association football were represented at the Newtownstewart meeting.

At both meetings, a short presentation on the EQIA, and including its preliminary recommendations, was followed by a lively but extremely positive exchange of views on the EQIA process, the role played by the Council, and the practicalities of managing the recreational lands at Vaughan's Holm in particular.

While there was a difference of opinion as to how the Council should best manage its recreational lands in the future, and concerns were raised about the investment that the Council would be willing to make in the Vaughan's Holm site, there was a broad consensus at the Strabane meeting that the Council should continue to operate its existing playing pitch strategy and therefore retain all its existing lands and including Vaughan's Holm. Concern was voiced that the Council may not have always followed due process in its decision-making in the past, and those present sought an assurance that any future decisions would be fair, open and transparent.

At the Newtownstewart meeting there was less strong agreement that the Council should continue to adopt its playing pitch strategy and hence retain existing recreational land, with a belief among some of those present that the Council may have reneged on an earlier agreement to lease land.

Those differences aside, the discussions highlighted the hurt which all those who had been associated with the ongoing public debates had experienced, and the potential damage that the issue may have inflicted on good community relations in the town of Newtownstewart. It was argued strongly that the issue had polarised opinion and may have helped foster stereotypes of all those involved that were inappropriate and false.

There was a strong feeling among all those present that if the Council should decide to adopt the preliminary recommendations as contained in the draft EQIA report then it was vital that the Council should be required to make a commitment to continue to invest in and manage

the site for the benefit of all members of the community, and that opportunities for developing local management arrangements should be actively explored, and that these should include both Vaughan's Holm and the new multi-use pitch at the Model Primary School. John Kremer made a verbal commitment to volunteer *pro bono* to help establish these management structures beyond the timescale of the EQIA project.

## **7: FINAL DECISION**

In reaching its final decision on the EQIA the Council duly acknowledges the valuable contributions made by all those who took part in the consultation process. While there was broad agreement among the majority of consultees with the preliminary recommendations, assurances were also sought as to how the Council would continue to operate its playing pitch strategy for the good of all sections of the community. With these considerations in mind, the Council has decided that:

- 1. The Council will continue to operate its existing policy on the disposal or leasing of recreational land as laid out in the Playing Pitch Strategy 2009. Further, should the Council decide that any of its land has become surplus to requirements, and that land could be used for recreational purposes, then any future decision on disposal or leasing must be supported by a clear rationale in line with the stated aim of the Playing Pitch Strategy.**
- 2. The Council will work in partnership with all users and potential users of the Vaughan's Holm site in order to ensure that the facility is made available for the benefit of all members of the local community.**
- 3. The Council will engage with the local community to find ways of developing the area known as Vaughan's Holm for use by a variety of sports and leisure activities, and for enhancing the accessibility to and within the site for all potential users. This will include liaising directly with members of local clubs.**
- 4. Further to this engagement, the Council will commit to establishing local structures to ensure the long term well-being of Vaughan's Holm, and to coordinate its use with other Council-owned recreational facilities in the area including the Multi-Use Pitch at the Model Primary School.**
- 5. The Council will commit within available resources to support the maintenance and development of the Vaughan's Holm site. This may extend to training lights and other facilities, and an appropriate configuration of the available space through line marking to maximise its potential for a variety of users.**
- 6. Any development of the Vaughan's Holm site should aspire to accommodate community events as appropriate, and especially those with a cross-community dimension.**

## **8: PUBLICATION OF DECISION**

Following formal ratification by Council, the EQIA decision will be published in the press and will also be posted on the Council's website.

If you have any queries about this document, and its availability in alternative formats (including Braille, disk and audio cassette, and in minority languages to meet the needs of those who are not fluent in English) then please contact:

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# Equality Commission

FOR NORTHERN IRELAND

29 July 2011

The Chief Executive  
Strabane District Council  
47 Derry Road  
Strabane  
County Tyrone  
BT82 2DY

Dear Mr. Faithfull,

**Re: Draft EQIA of the Council's disposal and leasing of recreational land, including Vaughan's Holm**

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

The Commission's remit also includes overseeing the statutory duties on public authorities to promote equality of opportunity and good relations under Section 75 of the Northern Ireland Act 1998 and the positive disability duties.

Further, the Commission has also been designated to act as an 'independent mechanism' jointly with the Northern Ireland Human Rights Commission, to promote awareness of, and monitor the implementation of the United Nations Convention on the Rights of Persons with Disabilities with regard to Government's obligations in relation to Northern Ireland.

In responding to EQIAs a primary concern of the Commission is assessing the extent to which the impact assessment is carried out in a manner consistent with Commission's Practical Guidance on Equality Impact Assessments. Therefore our response mirrors the main points made in the current Practical Guidance.

## **Background**

In September 2009 the Commission was approached by a member of staff from Strabane District Council who sought the Commission's advice on the possible implications of disposing of recreational land. The Council received clear advice from the Commission that the proposal, departing as it did from the existing Council policy, should be screened to establish if the equality

implications of the proposal should be further assessed through equality impact assessment.

Despite this advice the initial decision to lease Council owned land at Vaughan's Holm, Newtown Stewart to a local GAA Club was ratified at a Council meeting in January 2010.

On 27 April 2010 a written complaint about this matter was lodged with the Commission. The complainant contended that the policy created by this decision should have been screened to establish if it created a differential impact on any Section 75 groups and sought a Commission investigation. As a result of the Commission's investigation, the Council agreed to conduct an equality impact assessment of the policy on disposal of recreational land.

At a subsequent meeting between the Commission and Strabane District Council it was agreed that the Council would consider the appropriate focus and level of the EQIA, taking into account the wider context of issues relating to the disposal of council land and equality of opportunity and good relations within the district. The Commission advised that the aim of an EQIA is to consider whether there are any adverse impacts for any of the S75 categories, whether there are alternative policies which may better promote equality of opportunity and good relations or whether mitigating measures can be introduced to lessen the severity of any adverse impact. We also recommended the use of an inclusive approach to consultation with respect to all the S75 groups who may have issues in respect to use of Council land.

### **Comments**

The Commission welcomes the fact that the Council, in line with paragraph 7.4 of its approved equality scheme, has conducted a screening exercise of the proposed policy.

The Commission's investigation found that a properly conducted screening exercise was likely to result in a decision that the proposed policy has sufficient implications for equality of opportunity to require an equality impact assessment. We are therefore pleased that Strabane District Council is conducting this impact assessment in line with Commission guidance.

Consultation is an integral part of any equality impact assessment as it ensures a transparent, inclusive decision-making process and democratic participation. We commend the Council for the inclusive approach it has taken to consultation, as outlined at 3.7 of the draft EQIA report. We are also pleased to note that a further consultation meeting was scheduled and that, in line with best practice, consultation lasts for a period of twelve weeks.

We also commend the Council for having taken into account the wider context within which the proposed policy sits, in particular the headline findings and recommendations from the independent audit of playing pitches in the District, demographic data and other relevant Council strategies and policies.

The Commission acknowledges that the assessment of impacts is the most challenging step in the EQIA process. But it also is one of the most important,

as the aim of any equality impact assessment is to consider whether there are any adverse impacts for any of the S75 categories.

We appreciate that other sections, in particular sections 2 and 6 of the EQIA report, contain information from which the reader can deduce potential impacts of the proposed policy. Yet, in the interest of clarity we would have liked to see a more detailed and explicit description in part 4 of the report of the actual impacts (both positive and negative) in relation to the identified Section 75 categories.

We do, however, commend the Council for the comprehensive analysis and consideration of the preliminary recommendations to mitigate adverse impacts which suggests that the Council is genuinely committed to the promoting equality of opportunity and good relations.

Finally we would like to remind the Council that, as per Schedule 9 9. (2) it will be obliged to take the results of the Equality Impact Assessment into account when it finalises its decision, bearing in mind that the EQIA should not be considered as a referendum whereby the views of consultees from a majority are counted as votes to decide the outcome.

This response is made in performance of the Commission's statutory functions to give advice on the statutory equality. It is made without prejudice to any consideration or determination which the Commission might make in performance of its statutory function to investigate individual complaints under Schedule 9 of the 1998 Act or conduct any other investigation under that Schedule.

Yours sincerely



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