

13 February 2004

Philip Lucas,  
Head of Recreation and Community Development,  
Belfast City Council,  
Cecil Ward Building,  
4 -10 Linenhall Street,  
Belfast, BT2 8BP

Dear Mr Lucas,

Please find enclosed UNISON comments on the Strategic Review of Belfast City Council owned Indoor Leisure Facilities.

Yours sincerely

Thomas Mahaffy  
Policy Officer

**Submission from**



**Northern Ireland**

**on**

**Strategic Review of Belfast City Council  
owned Indoor Leisure Facilities.**

**February 2004**

## **Introduction**

UNISON is the leading trade union in Northern Ireland and the largest public sector trade union in Europe with over 1.3 million members.

UNISON does not see how the closure of Maysfield could possibly proceed at this stage given:

- gaps in basic data,
- the failure of the Council to seriously engage in a full EQIA across the section 75 categories,
- the failure of the Council to offer any mitigating or alternative options, and
- the continued failure of the Council to develop a comprehensive leisure services strategy.

### **The development of a comprehensive leisure services strategy.**

Before any decision is taken it is essential that a comprehensive leisure services strategy is finalised and a full EQIA undertaken to identify impact on section 75 constituencies as well as alternative or mitigating options.

Without such measures Belfast City Council will be clearly in breach of its duties under Section 75 of the Northern Ireland Act.

## **Failure to give due regard to promoting equality of opportunity**

The decision to close Maysfield Leisure Centre, pending the outcome of the final EQIA disregards the statutory duty on the Council to give due regard to the need to promote equality of opportunity.

The EQIA acknowledges that Maysfield is a neutral venue used by all members of the community. The Council has also stated that the closure of Maysfield would have an adverse impact on both communities. However, the EQIA misrepresents the legislation by concluding that its closure would *“have a negative impact on all sections of the community (in terms of religion and political opinion) and therefore would not constitute an adverse differential impact”*. (Para. 3.3.10).

The goal of the legislation is to promote equality not to treat everyone equally badly. Fair Employment Case Law has established that ‘treating everyone equally badly’ is no defence to claims of discrimination (see *Smyth v Croft Inns*, 1994, FET).

## **Failure to give regard to good community relations**

This policy has an impact on both equality and good community relations given that Maysfield is a neutral venue. The Council must therefore reconsider its options as a matter of urgency.

## **Failure to comply with Equality Commission guidelines on the implementation of section 75**

The EQIA fails to comply with the statutory guidelines issued by the Equality Commission in a number of ways. For example the EQIA fails to present the information that led the Council to decide to close Maysfield in the first place. Details of the 'in-depth review of leisure provision' (Page 3) that was apparently conducted must be open to scrutiny.

## **Failure to examine mitigating and alternative measures**

The EQIA has failed to fulfil its duty to examine mitigating and alternative measures as required under the Section 75 Guidelines. The commitment to provide *'another facility with a wider range of services in the South/East area of Belfast over the longer term'* (Para. 3.3.10) is vague and is insufficient.

End

**For further information contact:**

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