

# Official Report (Hansard)

Wednesday 19 March 2014  
Volume 93, No 4



# Contents

## Executive Committee Business

Local Government Bill: Consideration Stage..... 1

## Written Ministerial Statement

Local Government Reform: Councillors' Remuneration and Final Scheme of Allowances ..... 111

Suggested amendments or corrections will be considered by the Editor.

They should be sent to:  
The Editor of Debates, Room 248, Parliament Buildings, Belfast BT4 3XX.  
Tel: 028 9052 1135 · e-mail: [simon.burrowes@niassembly.gov.uk](mailto:simon.burrowes@niassembly.gov.uk)

to arrive not later than two weeks after publication of this report.

# Assembly Members

Agnew, Steven (North Down)  
Allister, Jim (North Antrim)  
Anderson, Sydney (Upper Bann)  
Attwood, Alex (West Belfast)  
Beggs, Roy (East Antrim)  
Bell, Jonathan (Strangford)  
Boylan, Cathal (Newry and Armagh)  
Boyle, Ms Michaela (West Tyrone)  
Bradley, Dominic (Newry and Armagh)  
Bradley, Ms Paula (North Belfast)  
Brady, Mickey (Newry and Armagh)  
Buchanan, Thomas (West Tyrone)  
Byrne, Joe (West Tyrone)  
Cameron, Mrs Pam (South Antrim)  
Campbell, Gregory (East Londonderry)  
Clarke, Trevor (South Antrim)  
Cochrane, Mrs Judith (East Belfast)  
Copeland, Michael (East Belfast)  
Craig, Jonathan (Lagan Valley)  
Cree, Leslie (North Down)  
Dallat, John (East Londonderry)  
Dickson, Stewart (East Antrim)  
Dobson, Mrs Jo-Anne (Upper Bann)  
Douglas, Sammy (East Belfast)  
Dunne, Gordon (North Down)  
Durkan, Mark (Foyle)  
Easton, Alex (North Down)  
Eastwood, Colum (Foyle)  
Elliott, Tom (Fermanagh and South Tyrone)  
Farry, Stephen (North Down)  
Fearon, Ms Megan (Newry and Armagh)  
Flanagan, Phil (Fermanagh and South Tyrone)  
Ford, David (South Antrim)  
Foster, Mrs Arlene (Fermanagh and South Tyrone)  
Frew, Paul (North Antrim)  
Gardiner, Samuel (Upper Bann)  
Girvan, Paul (South Antrim)  
Givan, Paul (Lagan Valley)  
Hale, Mrs Brenda (Lagan Valley)  
Hamilton, Simon (Strangford)  
Hay, William (Speaker)  
Hazzard, Chris (South Down)  
Hilditch, David (East Antrim)  
Humphrey, William (North Belfast)  
Hussey, Ross (West Tyrone)  
Irwin, William (Newry and Armagh)  
Kelly, Mrs Dolores (Upper Bann)  
Kelly, Gerry (North Belfast)  
Kennedy, Danny (Newry and Armagh)  
Kinahan, Danny (South Antrim)  
Lo, Ms Anna (South Belfast)  
Lunn, Trevor (Lagan Valley)  
Lynch, Seán (Fermanagh and South Tyrone)  
Lyttle, Chris (East Belfast)  
McAleer, Declan (West Tyrone)  
McCallister, John (South Down)  
McCann, Fra (West Belfast)  
McCann, Ms Jennifer (West Belfast)  
McCarthy, Kieran (Strangford)  
McCartney, Raymond (Foyle)  
McCausland, Nelson (North Belfast)  
McClarty, David (East Londonderry)  
McCorley, Ms Rosaleen (West Belfast)  
McCrea, Basil (Lagan Valley)  
McCrea, Ian (Mid Ulster)  
McDonnell, Alasdair (South Belfast)  
McElduff, Barry (West Tyrone)  
McGahan, Ms Bronwyn (Fermanagh and South Tyrone)  
McGimpsey, Michael (South Belfast)  
McGlone, Patsy (Mid Ulster)  
McGuinness, Martin (Mid Ulster)  
McIlveen, David (North Antrim)  
McIlveen, Miss Michelle (Strangford)  
McKay, Daithí (North Antrim)  
McKevitt, Mrs Karen (South Down)  
McKinney, Fearghal (South Belfast)  
McLaughlin, Ms Maeve (Foyle)  
McLaughlin, Mitchel (South Antrim)  
McMullan, Oliver (East Antrim)  
McNarry, David (Strangford)  
McQuillan, Adrian (East Londonderry)  
Maginness, Alban (North Belfast)  
Maskey, Alex (South Belfast)  
Milne, Ian (Mid Ulster)  
Morrow, The Lord (Fermanagh and South Tyrone)  
Moutray, Stephen (Upper Bann)  
Nesbitt, Mike (Strangford)  
Newton, Robin (East Belfast)  
Ní Chuilín, Ms Carál (North Belfast)  
Ó hOisín, Cathal (East Londonderry)  
O'Dowd, John (Upper Bann)  
O'Neill, Mrs Michelle (Mid Ulster)  
Overend, Mrs Sandra (Mid Ulster)  
Poots, Edwin (Lagan Valley)  
Ramsey, Pat (Foyle)  
Ramsey, Ms Sue (West Belfast)  
Robinson, George (East Londonderry)  
Robinson, Peter (East Belfast)  
Rogers, Seán (South Down)  
Ross, Alastair (East Antrim)  
Ruane, Ms Caitriona (South Down)  
Sheehan, Pat (West Belfast)  
Spratt, Jimmy (South Belfast)  
Storey, Mervyn (North Antrim)  
Swann, Robin (North Antrim)  
Weir, Peter (North Down)  
Wells, Jim (South Down)  
Wilson, Sammy (East Antrim)

# Northern Ireland Assembly

Wednesday 19 March 2014

*The Assembly met at 10.30 am (Mr Speaker in the Chair).*

*Members observed two minutes' silence.*

*The sitting begun and suspended on 18 March 2014 was resumed at 10.30 am (Mr Speaker in the Chair).*

## Executive Committee Business

### Local Government Bill: Consideration Stage

#### **Clause 11 (Arrangements for discharge of functions of council)**

*Amendment No 8 agreed to.*

*Clause 11, as amended, ordered to stand part of the Bill.*

*Clauses 12 to 22 ordered to stand part of the Bill.*

#### **Clause 23 (Permitted forms of governance)**

*Amendment No 9 proposed:*

*In page 10, line 11, leave out lines 11 to 13 and insert*

*"a committee system unless the council decides to operate executive arrangements or prescribed arrangements".— [Ms Lo.]*

*Question put, That amendment No 9 be made.*

*The Assembly divided:*

*Ayes 47; Noes 46.*

### AYES

*Mr Agnew, Mr Allister, Mr Boylan, Ms Boyle, Mr Brady, Mrs Cochrane, Mr Cree, Mr Dickson, Mrs Dobson, Mr Elliott, Dr Farry, Mr Flanagan, Mr Ford, Mr Gardiner, Mr Hazzard, Mr Hussey, Mr G Kelly, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lunn, Mr Lynch, Mr Lyttle, Mr McAleer, Mr*

*McCallister, Mr F McCann, Ms J McCann, Mr McCarthy, Mr McCartney, Ms McCorley, Mr B McCrea, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr McKay, Ms Maeve McLaughlin, Mr Maskey, Mr Milne, Mr Nesbitt, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Ms Ruane, Mr Sheehan, Mr Swann.*

*Tellers for the Ayes: Mr Dickson and Ms Lo*

### NOES

*Mr Anderson, Mr Attwood, Mr Bell, Mr D Bradley, Ms P Bradley, Mr Buchanan, Mr Byrne, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr McCausland, Mr I McCrea, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKevitt, Mr McKinney, Mr McNarry, Mr A Maginness, Lord Morrow, Mr Moutray, Mr Newton, Mr Poots, Mr P Ramsey, Mr P Robinson, Mr Rogers, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells.*

*Tellers for the Noes: Mr Eastwood and Mr Wells*

*Question accordingly agreed to.*

*Clause 23, as amended, ordered to stand part of the Bill.*

*Clause 24 ordered to stand part of the Bill.*

#### **Clause 25 (Council executives)**

*Amendment No 10 made: In page 11, line 29, leave out subsection (3) and insert—*

*"(3) The chair and deputy chair of the council shall be non-voting members of the executive and shall be disregarded for the purpose of subsections (4) and (5)."— [Ms Lo (The Chairperson of the Committee for the Environment).]*

**10.45 am**

**Mr Speaker:** I will not call amendment No 11 as it is mutually exclusive with amendment No 10, which has been made. Order, Members.  
*Amendment No 12 made:* In page 11, line 31, leave out "four" and insert "six".— [Ms Lo (The Chairperson of the Committee for the Environment).]

*Amendment No 13 made:* In page 11, line 34, leave out "four" and insert "six".— [Ms Lo (The Chairperson of the Committee for the Environment).]

*Clause 25, as amended, ordered to stand part of the Bill.*

*Clauses 26 to 33 ordered to stand part of the Bill.*

**Clause 34 (Reference of matters to overview and scrutiny committee etc.)**

*Amendment No 14 made:* In page 18, line 9, leave out "an excluded" and insert "a prescribed".— [Mr Durkan (The Minister of the Environment).]

*Amendment No 15 made:* In page 18, line 17, leave out subsection (4).— [Mr Durkan (The Minister of the Environment).]

*Clause 34, as amended, ordered to stand part of the Bill.*

*Clauses 35 to 43 ordered to stand part of the Bill.*

**Clause 44 (Qualified majority)**

*Amendment No 16 proposed:* In page 23, line 40, leave out "Standing orders must" and insert "The Department must by order".— [Mr Elliott.]

*Question put.*

**Mr Speaker:** Order, Members. I have been advised by party Whips that, in accordance with Standing Order 27(1A)(b), there is agreement among the Whips to suspend the three minutes and move straight to the vote.

*The Assembly divided:*

*Ayes 20; Noes 77.*

**AYES**

*Mr Allister, Mrs Cochrane, Mr Copeland, Mr Cree, Mr Dickson, Mrs Dobson, Mr Elliott, Dr*

*Farry, Mr Ford, Mr Gardiner, Mr Hussey, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCarthy, Mr Nesbitt, Mrs Overend, Mr Swann.*

*Tellers for the Ayes: Mr Elliott and Mr Kinahan*

**NOES**

*Mr Agnew, Mr Anderson, Mr Attwood, Mr Bell, Mr Boylan, Ms Boyle, Mr D Bradley, Ms P Bradley, Mr Brady, Mr Buchanan, Mr Byrne, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Ms Fearon, Mr Flanagan, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr B McCrea, Mr I McCrea, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr D McIlveen, Miss M McIlveen, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr McNarry, Mr A Maginness, Mr Maskey, Mr Milne, Lord Morrow, Mr Moutray, Mr Newton, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr Poots, Mr P Ramsey, Mr G Robinson, Mr P Robinson, Mr Rogers, Mr Ross, Ms Ruane, Mr Sheehan, Mr Spratt, Mr Storey, Mr Weir, Mr Wells.*

*Tellers for the Noes: Mr G Robinson and Mr Rogers*

*Question accordingly negatived.*

*Clause 44 ordered to stand part of the Bill.*

**Clause 45 (Power to require decisions to be reconsidered)**

*Amendment No 17 proposed:*

*In page 24, line 16, at end insert*

*"(1A) The Department must appoint a panel of solicitors for the purposes of providing an opinion if requested under subsection (2).".— [Mr Elliott.]*

*Question put.*

*The Assembly divided:*

*Ayes 46; Noes 50.*

**AYES**

Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Copeland, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McNarry, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Elliott and Mr Kinahan

## NOES

Mr Agnew, Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mrs Cochrane, Mr Dickson, Mr Durkan, Mr Eastwood, Dr Farry, Ms Fearon, Mr Flanagan, Mr Ford, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Ms Lo, Mr Lunn, Mr Lynch, Mr Lyttle, Mr McAleer, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCarthy, Mr McCartney, Ms McCorley, Mr B McCrea, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr P Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Noes: Mr Boylan and Mr Milne

Question accordingly negatived.

**Mr Speaker:** I will not call amendment No 18 as it is consequential to amendment No 17, which has not been made. *Amendment No 19 made:*

In clause 45, page 24, line 20, at end insert -

*"and the process by which a legal opinion is obtained in subsection (2)".— [Mr Weir.]*

*Clause 45, as amended, ordered to stand part of the Bill.*

## **Clause 46 (Admissions to meetings of councils)**

*Question, That amendment No 20 be made, put and negatived.*

*Clause 46 ordered to stand part of the Bill.*

*Clause 47 ordered to stand part of the Bill.*

## **Clause 48 (Inspection of minutes and other documents after meetings)**

*Amendment No 21 made:*

In clause 48, page 27, line 28, after "must", insert -

*"as soon as is reasonably practicable".— [Ms Lo.]*

*Clause 48, as amended, ordered to stand part of the Bill.*

## **New Clause**

*Amendment No 22 proposed:*

After clause 48, insert -

### **"Audio recording of meetings**

**48A.**—(1) *So far as is reasonably practicable, a council must make an audio recording of so much of any meeting of the council as is open to the public and the recording must be available to the public at the offices of the council until the expiration of the period of six years from the date of the meeting and published on the council website until the expiration of the period of two years from the date of the meeting.*

*(2) This section does not apply in relation to meetings of any committee or sub-committee of the council."— [Ms Lo.]*

*Question put, That amendment No 22 be made.*

*The Assembly divided:*

*Ayes 62; Noes 34.*

## **AYES**

Mr Agnew, Mr Allister, Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mrs Cochrane, Mr Copeland, Mr Cree, Mr Dickson, Mrs Dobson, Mr Durkan, Mr Eastwood, Mr Elliott, Dr Farry, Ms Fearon, Mr Flanagan, Mr Ford, Mr Gardiner, Mr Hazzard, Mr Hussey, Mrs D Kelly, Mr G Kelly, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lunn, Mr Lynch, Mr Lyttle, Mr McAleer, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCarthy, Mr McCartney, Ms McCorley, Mr B McCrea, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr

Milne, Mr Nesbitt, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr P Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan, Mr Swann.

Tellers for the Ayes: Mr Dickson and Ms Lo

## **NOES**

Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Lord Morrow, Mr Moutray, Mr Newton, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Noes: Mr Anderson and Mr G Robinson

Question accordingly agreed to.

New clause ordered to stand part of the Bill.

### **Clause 49 (Inspection of background papers)**

Amendment No 23 made: In clause 49, page 28, line 18, at end insert -

"(6) A council must put on its website any document which is open to inspection under subsection (1)."— [Ms Lo.]

Clause 49, as amended, ordered to stand part of the Bill.

Clauses 50 to 57 ordered to stand part of the Bill.

### **Clause 58 (Investigations)**

Amendment No 24 made:

In clause 58, page 33, line 17, at end insert -

"(1A) Instead of, or in addition to, conducting an investigation under this section, the Commissioner may take such action as appears to the Commissioner to be desirable to deal with any particular case falling within subsection (1)."— [Mr Durkan (The Minister of the Environment).]

Clause 58, as amended, ordered to stand part of the Bill.

Clauses 59 to 61 ordered to stand part of the Bill.

### **Clause 62 (Decision following report)**

Amendment No 25 made:

In clause 62, page 36, line 36, at end insert—

"(13) A person who is censured, suspended or disqualified by the Commissioner as mentioned in subsection (3) may appeal to the High Court if the High Court gives the person leave to do so."— [Ms Lo (The Chairperson of the Committee for the Environment).]

Amendment No 26 made:

In clause 62, page 36, line 36, at end insert—

"(14) An appeal under subsection (13) may be made on one or more of the following grounds—

(a) that the Commissioner's decision was based on an error of law;

(b) that there has been procedural impropriety in the conduct of the investigation under section 58;

(c) that the Commissioner has acted unreasonably in the exercise of the Commissioner's discretion;

(d) that the Commissioner's decision was not supported by the facts found to be proved by the Commissioner;

(e) that the sanction imposed was excessive."— [Ms Lo (The Chairperson of the Committee for the Environment).]

Clause 62, as amended, ordered to stand part of the Bill.

### **Clause 63 (Decisions on interim reports)**

Amendment No 27 made:

In clause 63, page 37, line 29, at end insert—

"(9) A person who is suspended (or partially suspended) by the Commissioner by notice as mentioned in subsection (1) may appeal to the High Court if the High Court gives the person leave to do so."— [Ms Lo (The Chairperson of the Committee for the Environment).]

Clause 63, as amended, ordered to stand part of the Bill.

**Clause 64 (Recommendations)**

Amendment No 28 made:

In clause 64, page 37, line 37, leave out from "and" to the end of line 38.— [Mr Durkan (The Minister of the Environment).]

Amendment No 29 made:

In clause 64, page 38, line 5, leave out from "and" to the end of line 8.— [Mr Durkan (The Minister of the Environment).]

Amendment No 30 made:

In clause 64, page 38, leave out subsection (6).— [Mr Durkan (The Minister of the Environment).]

Clause 64, as amended, ordered to stand part of the Bill.

Clauses 65 and 66 ordered to stand part of the Bill.

**Clause 67 (Expenditure of Commissioner under this Act)**

Amendment No 31 made:

In clause 67, page 39, line 23, leave out subsection (2).— [Mr Durkan (The Minister of the Environment).]

Amendment No 32 made:

In clause 67, page 39, line 28, leave out "Commissioner" and insert "Department".— [Mr Durkan (The Minister of the Environment).]

Amendment No 33 made:

In clause 67, page 39, line 28, leave out

", with the approval of the Department of Finance and Personnel,".— [Mr Durkan (The Minister of the Environment).]

Amendment No 34 made:

In clause 67, page 39, line 30, leave out from "may be prescribed" to the end of line 35 and insert

"the Department, after consultation in accordance with subsection (3A), considers appropriate.

(3A) The Department must consult—

(a) councils; and

(b) such associations or bodies representative of councils as appear to the Department to be appropriate,

about the manner in which the amount mentioned in subsection (3) is to be apportioned.

(3B) The Department may deduct from any grant payable under section 27A of the Local Government Finance Act (Northern Ireland) 2011 to a council for a financial year the amount apportioned to it under subsection (3).— [Mr Durkan (The Minister of the Environment).]

Clause 67, as amended, ordered to stand part of the Bill.

**Clause 68 (Interpretation)**

Amendment No 35 made:

In clause 68, page 40, line 11, at end insert -

"(5) Where a councillor who is suspended otherwise than partially or is disqualified under this Part is also a member of any other public body (whether as an external representative of the council or otherwise), the councillor is also suspended or disqualified from being a member of that body and any committee or sub-committee of that body.

(6) Any reference in this Part to a councillor being partially suspended from being a councillor includes a reference to the councillor being partially suspended from being a member of any other public body of which the councillor is a member (whether as an external representative of the council or otherwise) and the reference in subsection (2) to particular functions or particular responsibilities as a councillor includes particular functions or particular responsibilities as a member of that body.".— [Mr Durkan (The Minister of the Environment).]

Clause 68, as amended, ordered to stand part of the Bill.

**Mr Speaker:** We now come to the fourth group of amendments for debate. With amendment No 36, it will be convenient to debate amendment Nos 37, 47, 50, 51, 56 and 62, which deal with general powers and duties, community planning, general power of competence and performance improvement. Members should note that amendment No 42 is mutually exclusive with amendment No 43 and that amendment Nos 51 and 56 are consequential to amendment No 50.

### **New Clause**

**Ms Lo (The Chairperson of the Committee for the Environment):** I beg to move amendment No 36: After clause 68 insert

"PART 9A

### **GENERAL DUTY TO PROMOTE SHARED USE OF THE PUBLIC REALM**

#### **General duty to promote shared use of the public realm**

68A. *A council must in exercising its functions promote shared use of the public realm between persons of different religious belief, political opinion or racial group so far as is consistent with the proper exercise of those functions.*"

*The following amendments stood on the Marshalled List:*

No 37: In clause 69, page 40, line 25, at end insert

*"(iv) equality and good relations between the categories of persons listed in section 75 of the Northern Ireland Act 1998."*— [Ms Lo.]

No 38: In clause 69, page 40, line 29, after "partners" insert

*"(including actions and functions related to the planning, provision and improvement of public services)"*— [Ms Lo.]

No 39: In clause 69, page 40, line 30, at end insert

*"(2A) In subsection (2)(a)—*

*(a) the reference to improving the social well-being of the district includes promoting equality of opportunity in accordance with section 75 of the Northern Ireland Act 1998; and*

*(b) the reference to improving the economic well-being of the district includes tackling poverty, social exclusion and patterns of deprivation;*

*and expressions used in this subsection and in section 28E of that Act (Executive Committee's strategy relating to poverty, social exclusion etc.) have the same meaning as in that section."*— [Mr Durkan (The Minister of the Environment).]

No 40: In clause 70, page 41, line 3, at end insert

*"(1A) The bodies or persons specified under subsection (1) must include representation from the community and voluntary sector and businesses."*— [Ms Lo.]

No 41: In clause 74, page 43, line 22, leave out "towards" and insert "and outcomes achieved in".— [Ms Lo.]

No 42: In clause 76, page 44, line 3, leave out from "ensure" to "taken" and insert

*"(a) seek the participation of and encourage the persons mentioned in subsection (2) to express their views and (b) take those views"*— [Ms Lo.]

No 43: In clause 76, page 44, line 3, at end insert "reasonable".— [Mr Durkan (The Minister of the Environment).]

No 44: In clause 78, page 45, line 7, leave out "aim to".— [Mr Durkan (The Minister of the Environment).]

No 45: In clause 85, page 48, line 33, leave out from "then" to "overlap," and insert

*"it shall seek to remove or reduce that overlap, taking into account the views of the bodies exercising the overlapping powers.*

*(2A) For the purposes of subsection (2)"*— [Mr Elliott.]

No 46: In clause 85, page 48, line 41, at end insert

*"(5) Before the Department makes an order under this section it must consult—*

*(a) such associations or bodies representative of councils;*

(b) such associations or bodies representative of officers of councils; and

(c) such other persons or bodies,

as appear to the Department to be appropriate.

(6) If, following consultation under subsection (5), the Department proposes to make an order under this section it must lay before the Assembly a document explaining the proposals and, in particular—

(a) setting them out in the form of a draft order; and

(b) giving details of consultation under subsection (5).

(7) Where a document relating to proposals is laid before the Assembly under subsection (6), no draft of an order under this section to give effect to the proposals (with or without modification) is to be laid before the Assembly until after the expiry of the statutory period beginning with the day on which the document was laid.

(8) In preparing a draft order under this section the Department must consider any representations made during the period mentioned in subsection (7).

(9) A draft order laid before the Assembly in accordance with section 125(3) must be accompanied by a statement of the Department giving details of—

(a) any representations considered in accordance with subsection (8); and

(b) any changes made to the proposals contained in the document laid before the Assembly under subsection (6).— [Mr Durkan (The Minister of the Environment).]

No 47: In clause 95, page 53, line 34, leave out "31st October" and insert "30th September".— [Mr Durkan (The Minister of the Environment).]

No 50: In clause 98, page 54, line 25, after "Each financial year, the" insert

"Department, after consultation with the local government auditor, must determine which councils are to be councils in respect of which subsection (1A) applies in that financial year.

(1A) Each financial year, the".— [Mr Durkan (The Minister of the Environment).]

No 51: In clause 98, page 54, line 26, after "each council" insert

"to which this subsection applies in that financial year".— [Mr Durkan (The Minister of the Environment).]

No 56: In clause 100, page 56, line 4, at end insert

", unless no such reports have been issued in respect of that council during that financial year".— [Mr Durkan (The Minister of the Environment).]

No 62: After clause 109 insert

### **"International obligations**

**109A.**—(1) If any Northern Ireland department considers that any action proposed to be taken by a council would be incompatible with any international obligations, that department may direct that the proposed action must not be taken.

(2) If any Northern Ireland department considers that any action capable of being taken by a council is required for the purpose of giving effect to any international obligations, that department may direct that the action shall be taken.

(3) A direction under this section must give the reasons for making the direction and may make provision having retrospective effect.

(4) In this section "international obligations" has the same meaning as in the Northern Ireland Act 1998.— [Mr Durkan (The Minister of the Environment).]

**Ms Lo:** Many stakeholders greatly welcome the inclusion of community planning in the Bill. However, there are concerns that, unless the wording of the Bill is strengthened, this will be a missed opportunity. It is important that the community is involved in shaping health and well-being provisions. The Alliance Party has therefore tabled several amendments in this group on community planning and how to ensure that it is best utilised.

As part of local government reform, we are not simply amalgamating councils but are conferring on them a range of new powers. Those include specific new powers that will give

councils a huge opportunity to promote shared space. Chief amongst those include powers over regeneration and neighbourhood renewal, as well as planning decisions. Those powers will give councils control over a series of mechanisms to promote shared public space. The maintenance and protection of shared space is a cross-cutting responsibility for the entire Northern Ireland Executive, other public bodies and civic society.

Amendment No 36 provides for a general duty to promote the shared use of the public realm. Councils would therefore be duty-bound to promote shared use of public space between people of all religious beliefs, political persuasion or racial group. That obviously applies only so far as it is consistent with the proper exercise of those functions. It recognises not just the need to promote shared space but that it is a responsibility of all public bodies. Therefore, it is imperative that we reflect that cross-cutting responsibility in the legal framework for new councils. All public space in Northern Ireland should be open and shared. However, evidence shows that fear affects our basic choices, such as where people live, what they wear and where they access public services. Amendment No 36 would create a new duty that would ensure against that.

Alliance's amendment No 37 to clause 69 seeks to add equality and good relations to the long-term objectives of community planning. We are rather shocked that the two nationalist parties have tabled a petition of concern against that. At this time, when building a shared future is so important, they need to explain to people why they are opposed to embedding good relations into community planning and are prepared to support only an inferior amendment that references only equality. We believe that —

**Mr Dickson:** Will the Member give way?

**Ms Lo:** Yes.

**Mr Dickson:** Does the Member agree that, in essence, you cannot have good relations without equality and, likewise, cannot have equality without good relations? They go together. They go hand in glove. It is therefore a nonsensical argument to describe us in Northern Ireland, or anyone else, as having a hierarchy of equality issues. Good relations and equality are one and the same thing; they go together. It is vital that, in these matters, we take forward our whole responsibility to ensure that, working hand in hand, we have equality

and good relations in our shared spaces, our shared society and our shared community.

**Ms Lo:** Absolutely. I thank the Member for his contribution.

We believe that equality and good relations should be central to community planning. We recognise that, although they are different concepts, they are mutually supportive. Too much time and energy has been wasted on arguments about whether equality is more important than good relations. We reject that distinction. Commitments and policies on equality and good relations must be applied to reinforce each other, rather than setting them in opposition. There is a clear relationship between the two.

Any society that intimidates or generates fear among some of its citizens or systematically excludes or discriminates against them cannot be equal. In turn, a shared society cannot be delivered without equality. Therefore, to achieve equality, we must insist on inclusion, and to achieve inclusion, we must insist on equality. Equality arguments must not be used to undermine good relations, and good-relations arguments must not be made to undermine equality.

Good relations must not be an excuse to ignore or deny significant issues of injustice or exclusion. Rather than having a hierarchal relationship between the two, they are interdependent. A hierarchy between equality and good relations must be avoided as it too often masks the maintenance of a de facto, hostile and parallel reality in which there is a shared-out future rather than the shared future that we all want.

I draw Members' attention to our other amendments — Nos 38, 40, 41 and 42. Amendment No 38 builds on clause 69 on actions, as our amendment specifies:

*"including actions and functions related to the planning, provision and improvement of public services"*

in community planning. After all, that is what community planning is about: it is about delivering better and more coordinated services.

Amendment No 40 requires:

*"the community and voluntary sector and businesses"*

to be included as community planning planners. Communities know what local needs are. Voluntary organisations and businesses often provide services on behalf of councils; therefore, their involvement as partners is crucial. Businesses are very important in economic development.

Amendment No 41 inserts "outcomes achieved in" into clause 74 alongside "progress made", which focuses on monitoring not only the progress but the effectiveness of community planning. We cannot just talk about output; we need to talk about outcomes as well.

**Mr Attwood:** I thank the Member for giving way. I have been listening very intently to her argument. Can she explain the silence that she has introduced in her amendment? That silence in no way, shape or form defines what good relations is, and in no way, shape or form defines good relations in the context of international obligations. How can you make an argument, which you do with some eloquence, about the requirement to have a balance between good relations and equality and then have complete and utter silence when it comes to what good relations should mean in law?

I suggest to the Member that, in the circumstances in which there is a vacuum in the middle of her amendment, the right course of action today should be to withdraw it or not move it and, over the next short period, work up an amendment with the Minister that is not silent about what good relations should mean in law in Northern Ireland.

**Ms Lo:** I thank the Member for his contribution. I am aware that there is perhaps a very definite definition of "good relations" in all our legislation. However, we have been using the term for a long time. We have been using it in community and race relations. Councils need to do their best in order to have good relations in whatever way they define them.

**Mr Weir:** Will the Member give way?

**Ms Lo:** Yes.

**Mr Weir:** I take on board what has been said, particularly by Mr Attwood. He urges the Member not to move the amendment. I am content with what is in the amendment. If there were an issue that needed further definition of "good relations", one possible route would be to move the amendment, have it passed, and then seek to attach additional explanation or qualification to it at Further Consideration Stage. That might be another way around it.

**Ms Lo:** Mr Weir, you are always so helpful. *[Laughter.]* I would certainly be very pleased to do that. I urge you to support the amendment, after which we can table a further amendment.

**Mr Attwood:** Will the Member give way?

**Ms Lo:** Yes, of course.

**Mr Attwood:** If that is the Member's thinking, does it not suggest that the Alliance Party now accepts that there is gap in the amendment? We could legislate today on good relations, which is a very important principle that we should all live up to, but not legislate by defining it today. That is bad law, Mr Speaker. That is a bad way to legislate, even if there are good intentions behind so doing.

In any case, there is a way through this. Only a matter of weeks ago, my colleague in the House of Commons tried to introduce an amendment to the then Northern Ireland (Miscellaneous Provisions) Bill that did what the Member's amendment fails to do, which is to define "good relations" with regard to tackling prejudice and promoting understanding — words that are borrowed from British legislation. Is it not the wiser course of action today, given that we could legislate without certainty about what will happen at Further Consideration Stage, not to move the amendment and for the Alliance Party to work with Mr Weir, the SDLP and the Minister to ensure that the Bill is as tight as it possibly can be at Further Consideration Stage?

**Ms Lo:** No. I know that Mr Attwood has a legal background —

**Mr Speaker:** We should clarify the position of the House. I understand that the Member has already moved the amendment. I just want to clarify that for the House, because I certainly did not pick up that she had not moved it. To bring clarity to the debate, I ask the Member whether she has already moved the amendment?

**Ms Lo:** Yes, I have. I have already proposed the amendment. It is important. Surely you cannot put everything in primary legislation. You cannot include every definition. The amendment establishes the principle that we want good relations.

I applaud Dr Alasdair McDonnell's attempts at Westminster. I have been following the debate. His is a very good way of defining it. Perhaps when he has it redefined in Westminster, we can follow the definition. However, it is

important now that we have the amendment in our primary legislation. If we need further amendments to put in the definition, I will be very happy to work with all parties. Let us have a meeting to look at how we define "good relations" in the Northern Ireland way.

Mr Speaker, may I continue, please?

**Lord Morrow:** Will the Member give way?

**Ms Lo:** Yes, of course.

**Lord Morrow:** I am interested to hear what the Member is saying. Quite frankly, she is to some degree just talking around this. She is not actually naming or doing anything. When the Member is addressing the House today, will she, for the sake of those of us on this side of the House, give one or two examples of where she has seen bad practice? Is she thinking, for instance, of the naming of a play park after a convicted terrorist, which was pushed through by SDLP and Sinn Féin councillors? Is that the type of thing that you have in mind when you talk here today? Will you be a wee bit more specific instead of talking in generalities?

**11.45 am**

**Ms Lo:** Sure. Lord Morrow, I am surprised that you even asked me that question; I really am. Surely we in Northern Ireland have seen the divisions, the bad feeling between communities and the deep political divide. I love this country, but many things are wrong here in Northern Ireland. Good relations is one of them. The lack of respect for each other and the hostility between neighbouring districts is another. Ninety per cent of our public housing is for one side or the other. We have bus stops on street after street, because people are too frightened to get public transport or to stand at a bus stop that is not in their area. We have so many leisure centres that only one side or the other will go to. In Belfast, we have 40-odd leisure centres. That number may be wrong, but there is a large number of them. There is one for you and one for them. The people in one neighbourhood will not go to the leisure centre down the road, so we have to build another one for that community. There are far too many examples for me to say.

**Mr Elliott:** I thank the Member for giving way. I take the basis for some of her argument, but does she accept that there are some really good practices and examples of people working together in Northern Ireland? Even during the really dark times of the Troubles when I was growing up, you played football every Saturday

and during the week, and you mixed with every community. I am not just talking about two communities but a wide range of communities. I have to say that work practices in some areas are, yes, still very much divided, as is housing. However, there are some good practices. I would not like the Member to put out a message that everywhere in Northern Ireland is totally divided.

**Ms Lo:** I very much agree with you, Mr Elliott. I have been involved in community work for 20 years, so I know about the good work in many communities and about the leadership from community groups, women's groups and youth groups. The cross-community work of those youth groups and community organisations has been wonderful, and they are doing their best. However, we, as legislators, need to put a marker down to say that we support good relations and equality. Let us all work together to bring Northern Ireland to a better place where we will have a shared future.

Our amendment simply makes the outcomes achieved part of the two-yearly report.

Amendment No 42 to clause 76, which deals with community involvement, ensures that councils actively seek the engagement of consultees and take their views into account. Community planning is a new concept that, if done right, could bring about a more holistic approach to coordinating resources from councils and statutory bodies in order to deliver effective services for local people. However, given the examples that we have seen elsewhere in the UK — Scotland and Wales — and here in our own neighbourhood renewal schemes, there needs to be buy-in from statutory agencies to make this work, rather than their paying lip service to it. More grass-roots level involvement will also create that bottom-up approach and strengthen the structure.

The Alliance Party is minded to support all the other amendments but for amendment No 43, which is tabled by the Minister, with good intentions, I have to say. However, to add the word "reasonable" makes it more restrictive in how the council makes arrangements to involve communities. I urge the House to oppose the amendment that adds the word "reasonable". I think that it would be counterproductive to trying to involve communities in participating. It is so important that communities feel that they are part of the community planning process and that what they say will be taken into account.

Taken together, these amendments will widen the process of consultation and engage more

people in the planning of their local communities, which can only be good for the development of effective community plans. I welcome the Minister's efforts to strengthen community planning and to encourage meaningful engagement with communities or other interests. Those are vital elements to the Bill. I urge the House to support these amendments because they will greatly improve the process of community planning. A community plan is a long-term and evolving process. Service delivery will continue to improve over time. Therefore, it is important that we start with the best and most robust mechanism that we can.

**Mrs Cameron (The Deputy Chairperson of the Committee for the Environment):**

Speaking on behalf of the Committee, I cannot comment on amendment Nos 36 to 38, as they were not considered at Committee Stage.

During its scrutiny of clause 69 on community planning, the Committee asked the Minister to consider introducing provisions relating to equality and good relations, as well as a duty on councils to address poverty, deprivation and social exclusion. Although the Minister did not provide the wording of the amendment until 13 March, which was after the completion of the Committee Stage, members indicated that they were broadly content with amendment No 39.

I cannot comment on behalf of the Committee on amendment Nos 40 to 42, as they were not considered at Committee Stage, and there was no Committee agreement on these issues.

Moving to amendment No 43, Committee members agreed that clause 76 needed to be strengthened to ensure that councils are encouraged to actively seek the views of stakeholders and to take those views into account in community planning. The amendment proposed by the Department is what the Committee had called for. Therefore, I am content to support this amendment.

Similarly, amendment No 44 seeks to strengthen the active participation in community planning by removing the words "aim to" from clause 78(a), thereby giving Departments the simple duty to promote and encourage community planning. The Committee welcomed the Department's proposal to bring forward the amendment, and I support amendment No 44.

I cannot comment on behalf of the Committee on amendment No 45, as it was not considered at Committee Stage.

During its scrutiny of the Bill, the Committee was advised by the Examiner of Statutory Rules, in a paper on the delegated powers memorandum, that members may wish to press the Department to consider a super-affirmative procedure for orders made by the Department under clause 85(1) and under 85(2), where combined with orders under clause 85(1). The Examiner was concerned that the proposed Assembly procedure may not be appropriate in view of the wide powers conveyed by the clause. The Department agreed to make the necessary amendment. On behalf of the Committee, I am content to support amendment No 46.

I move now to Part 12 of the Bill, which is on performance improvement. Although the Committee welcomed the enhanced role of the local government auditor, members expressed concerns regarding the timescales for reporting that are outlined in clauses 95 and 98. The Committee supports amendment No 47, which will bring forward the date by which local councils must prepare reports on performance improvement, thus allowing the auditor an additional month to complete the audit of the information.

The Committee also expressed concerns about the requirement of the local government auditor to report on each council every year, as specified at clause 98(1). Not only are there resource implications for the auditor but this requirement is not in line with the normal risk-based auditing procedures. Therefore, the Committee welcomes the Minister's decision to bring forward amendment Nos 50 and 51 to clause 98, and consequential amendment No 56 to clause 100, to allow the auditor to consult the Department to determine which councils are to be audited each financial year. I also ask the Minister to give the House his assurance that the audit process will be reviewed after two to three years, as indicated by his officials.

Amendment No 62 was brought to the Committee's attention after the Committee Stage had officially ended, but, in the course of their scrutiny of the Bill, members had requested the Minister to consider introducing a provision to require councils to comply with all international obligations. When the Committee was briefed by departmental officials on 13 March, members indicated that they were broadly content with this amendment.

**Mr McElduff:** Go raibh maith agat, a Cheann Comhairle. I am pleased to speak to the group 4 amendments, which deal with general powers and duties, community planning, general power of competence and performance improvement.

I will go first to amendment No 36. Although Sinn Féin is happy to see work going forward to promote shared spaces, which is obviously something that we all want to see, we are wary of having a clause that would put an onus on councils to prioritise the use of shared space over other objective need in an area. Perhaps repeating a point that Mr Attwood made, you do not end up with good legislation if it is poorly worded and has unintended consequences. Where added value can be achieved, it certainly should be. However, undermining existing duties of councils is an entirely different matter.

I move on to amendment No 37. Perhaps there is a noble sentiment in it, but the Alliance amendment as it stands does not reflect the safeguards in section 75 of the NI Act 1998. Bringing amendment No 37 into legislation would go against section 75, which is a key piece of equality legislation, and Sinn Féin cannot support that. If a reference to good relations was added to the legislation, Sinn Féin would also want an interpretation clause that defines what it means.

**Mr B McCrea:** Will the Member give way?

**Mr McElduff:** Yes.

**Mr B McCrea:** I actually agree with the Member on this point, but I wonder where would we find such a definition of good relations? If Sinn Féin would like to introduce it, perhaps there is an example of it.

**Mr McElduff:** Yes, no problem. I thank the Member for his intervention. An interpretation clause could add, for example, that good relations involves having regard, in particular, to tackling prejudice and promoting understanding. There is suggested wording for a clause that might fit there.

Just to further my case, good relations cannot be built on inequality. Inequality is not the foundation here at all for good relations. Equality is the bedrock of good relations. That is why section 75 is worded the way it is. No society can overcome inequality by saying that if it upsets some people, we should not do it. That only preserves inequality.

Moving on to clause 69 and amendment No 39, the Minister of the Environment's amendment: this section on community planning is an extremely important part of the Bill. Sinn Féin believes that public services should be delivered locally and as close to the citizen as possible. Community planning provides

tremendous opportunities for greater partnership working between councils, statutory agencies and the community and voluntary sectors. It brings joined-up thinking, which can bring greater expertise and local knowledge to bear in addressing the challenges that face our local communities. I am pleased that the Environment Committee is working to ensure that our local communities will be fully involved in making things better for those who live and work in their areas.

## 12.00 noon

In that regard, I welcome the Minister's recognition that improving the social and economic well-being of a district includes promoting equality and tackling poverty, social exclusion and patterns of deprivation. Community planning will allow local communities to address the needs of their areas. They will be better equipped to promote prosperity and improve business strength while also promoting equality of opportunity and addressing the needs of those vulnerable people who are at risk of being left behind. This Part of the Bill can only benefit local communities.

Work is already under way to prepare for community planning. Some community planning pilots are under way, and the statutory transition committees are beginning to work with NISRA on making the most of the emerging knowledge from the 2011 census.

Poverty, social exclusion and child poverty in particular have been the focus of much discussion recently in the Assembly and in the media. It is important that we all contribute in a joined-up way to tackling our high level of deprivation so that we do not pass it on to the next generation. The whole concept of community planning is very positive: it makes local councils bigger players in contributing, for example, to economic recovery and regeneration, with all the rights and responsibilities that go with that.

That concludes my comments.

**Mr Eastwood:** We should all be very happy that we have got to the stage at which we are talking about community planning going ahead. A good example of some of that work is being pioneered in our own city through the One Plan. We were very good at getting the plan together, but we were not quite as good at ensuring that we had Departments lined up to deliver parts of it. We always need to be mindful that, although a plan is very important, delivery is equally

important. The process around the One Plan has been a good lesson in bringing people together from all sections of society to try to work out the best way forward for an area. We can look at that, learn from it and maybe perfect it.

The Committee worked very closely with the Minister and the long-suffering departmental officials on this area of the Bill to try to ensure that we could agree to compromise. It is good to see some of the ministerial amendments on poverty and social exclusion. It is important that everything that we do on delivering public services keeps those issues in mind.

We are glad to support amendment No 36 from the Alliance Party, but we will be tabling amendments at Further Consideration Stage. It is slightly surprising — I am sure that it is just an innocent oversight — that sexual orientation is not included in the section 75 groups that are mentioned in the amendment. We are happy to work with Ms Lo and the Alliance Party to look at that.

We then come to the big one, amendment No 37, and I was delighted to hear that Mr McElduff has been reading very closely Hansard reports from Westminster and Mr Durkan's speeches over there. That was clear in his response to Mr Basil McCrea's question on how we define good relations. Mark Durkan made a pretty good stab at that in Westminster in the debate on the Northern Ireland (Miscellaneous Provisions) Bill. I am glad to hear that others have taken that on board. I will read some of the text of the amendment he tabled into the record to show that we are committed to getting this right.

I understand that the Alliance Party has come to the issue with a good heart and does not intend to get things wrong: we just want to get it right. This is an opportunity, and, as Mr Attwood said, you should not miss an opportunity to get something right. We need to work together at Further Consideration Stage to try to improve the Bill in that regard. We are happy to do that: we will come with wording for whoever wants to read it, and hopefully we can get a consensus. I am glad that Mr Weir has suggested that he would be happy to work with us on this as well. Maybe he should have a word with some of his colleagues in Westminster. They did not seem as keen as he was earlier, although he may contradict his earlier statement —

**Mr Weir:** Will the Member give way?

**Mr Eastwood:** Gladly, yes.

**Mr Weir:** So that the Member does not put words in my mouth, I will clarify that I was not necessarily indicating that I would be happy to support any particular amendment. I am not sure whether Mr Attwood was suggesting that the amendment be withdrawn, which clearly cannot be done as it has already been moved, and something tabled at Further Consideration Stage. I was simply suggesting that an alternative route that the Alliance Party could pursue would be to vote to pass this amendment and then, if there was felt to be a need for further definition, seek to refine it at Further Consideration Stage.

**Mr Speaker:** Any amendment moved can be withdrawn through the will of the House. It is important to clarify that.

**Mr Eastwood:** Thank you for that clarification, Mr Speaker, and I thank Mr Weir for his clarification, which has been very helpful throughout the whole process. In the Committee and elsewhere, he has kept all of us right on the conventions here, and we are glad to have such an adviser on the Committee. Hopefully, he will reconsider how supportive he will be on some of this later, but we will wait and see.

The amendment tabled at Westminster seemed to get quite a lot of support around the House. The feeling was, however, that it was an issue that we needed to deal with here, and maybe we can try to get it right. I will read the relevant parts of the Westminster amendment:

*"A public authority shall not interpret its obligations under subsection (2)*

*in a way that is incompatible with measures taken on the basis of*

*objective need."*

*(1B)*

*In subsection (5) of section 75 of that Act insert—*

*"good relations" shall be interpreted in line with international obligations*

*and, in particular, with regard to—*

*(a)*

*tackling prejudice, and*

(b)  
*promoting understanding.”.’.”*

The final part on prejudice and understanding goes back to Mr McElduff's point.

That is where we are coming from. We are happy to look at anybody else's wording, but I think that we can finally find a way through to ensure that one does not simply trump the other but that we can have both. The Bill is an opportunity to enshrine not only good relations but equality in local government across the North.

**Mr B McCrea:** Will the Member give way?

**Mr Eastwood:** Yes.

**Mr B McCrea:** I am not quite as optimistic as the Member that we will get agreement on the definition of good relations. I waited for a long time to hear his definition. He mentioned "tackling prejudice". Who decides what prejudice is? I think that we need a much stronger narrative. I do not think that we will get away with making a single amendment. I join others in agreeing that we need to do this, but the devil is always in the detail. Is it his party's intention to bring a firm amendment at Further Consideration Stage to define what is meant by good relations?

**Mr Eastwood:** I thank Mr McCrea for his intervention and confirm that we intend to do so. We are happy to work with him and anybody else to see whether we can strengthen that commitment and that —

**Ms Lo:** Will the Member give way?

**Mr Eastwood:** I will, yes.

**Ms Lo:** I want to thank the Member for the collaborative approach that he offers to us. I am very supportive of and really grateful for that. I think that, sometimes, the House lacks that sort of cooperation.

The Community Relations Council has a lot of guidance on what constitutes good relations. The guidance may not be law, but the council has been around for the past 20 or 30 years, and I am sure that, if we look to it, it would give us some guidance.

**Mr Eastwood:** I am grateful for the Member's support. It is right that we try, where possible, to reach consensus on these issues. It might be pretty difficult, but we have to try, and I am happy to take advice from the Community Relations Council or anyone else.

I was saying that lots of Members around the Chamber can come up with instances when we have all fallen down on good relations.

I could come up with plenty of those and plenty of times when we have fallen down on equality, but we have to do better — that means all of us. We intend to get this right. We want to ensure that good relations is not used as a reason to trump equality issues around the Irish language, social housing and other things. We need to ensure that we do not allow good relations to be an excuse to prevent equality. It has to be based on the principle of objective need, and that is where we will be coming from in any discussions that we have or any amendments that we put forward after this. I look forward to working with any of the parties, and, hopefully, people will come to it in a positive frame of mind.

**Mr Elliott:** It appears that a lot of parties will be working together from now on. I will look forward to that in a positive manner.

I want, first, to talk about amendment No 36, which is the new clause proposed by the Alliance Party. I understand the principle of the amendment, but I suggest that the proposals contained in it are too narrow. It talks about religious belief, political opinion or racial group but misses out the other section 75 issues. There is a significant gap in the proposal; even Mr Eastwood mentioned that, maybe not specifically, but I took it that he saw a gap as well. I am bit surprised that the Alliance Party has not gone for equality for all in this process, because normally it is quite good at making the case that it wants equality for everyone. However, it has not done so in this case.

**Ms Lo:** Will the Member give way?

**Mr Elliott:** I am happy to give way, yes.

**Ms Lo:** I only really named a few; I am not saying that that is the total list. It could cover all the section 75 groups. I just do not want to name everyone in a long speech. We are saying that it covers all the section 75 equality groups.

**Mr Elliott:** I thank the Member for that, but the amendment does not specifically name them

all. It names those three, which leaves a gap. Therefore, the Ulster Unionist Party has some difficulty with that particular proposal.

Again, I support the principle of amendment No 37, but I am concerned about how it would be implemented. It may be quite difficult to implement in law and, particularly, in the Bill. I am surprised, however, that there is a petition of concern about it, because I thought that the principle of it was fine, its general process and potential was good and it had the ability, hopefully, to recognise all the section 75 issues in the legislation.

Amendment No 40, as we say in Fermanagh, puts the cart before the horse. The basis of the clause to which the amendment refers is that the Department may specify bodies or individuals by order. Instead, however, the amendment tries to put wide-ranging bodies into the Bill, especially community and voluntary groups and businesses. I would be surprised if all those would not come within an order anyway. I understand where the Alliance Party is coming from, but I would be surprised if those groups were not within an order.

I am a wee bit concerned as well about businesses. Smaller businesses are the bedrock of Northern Ireland's business community, but small businesses are not mentioned. The amendment mentions businesses in a wide-ranging fashion. Organisations such as the Federation of Small Businesses have quite a number of members who employ small numbers of people but are very important to the local economy. The amendment has merit, but it needs to be revisited. Again, I would be happy, in the spirit of today's cooperation, to discuss this with Ms Lo and her party, maybe ahead of Further Consideration Stage, to see whether we can improve the amendment.

### 12.15 pm

Amendment No 45 is the Ulster Unionist Party amendment and, again, is on councils' general power of competence. Personally, I am not a great believer in the general power of competence. It is very wide-ranging and is prone to huge difficulties in the future. However, if it is to go ahead, I am merely trying to include some safeguards so that there is not a significant overlap with other Departments. That is the reason behind the amendment. It is just to ensure that, where there is overlap, other Departments' views are considered. I will use a wide-ranging example. If a council decides to build a health centre, it must take on the Department of Health's views, or, if it is going to

build some educational institution, it must take on the Department of Education's views. That is all that amendment No 45 from the Ulster Unionist Party is attempting to do. Hopefully, people will accept and realise that.

**Mr Weir:** There is probably less meat in this group than there was in the previous group of amendments, but I will try to deal with some of the uncontroversial matters first.

I will start where the Member who spoke previously left off and say that amendment No 45 seems to be a relatively sensible amendment to provide that safeguard. So, the DUP is certainly happy to support amendment No 45.

Our position on the ministerial amendments is similar. Again, this has probably been an area where, in general, there have been good working relationships between the Department and the Committee. Some amendments have come from the Minister, and some have come, to a certain extent, at the prompting of the Committee. However, I find favour with the ministerial amendments in this group.

I will perhaps leave three of the more controversial amendments to the end. The other Alliance amendments, amendment Nos 38, 41 and 42 all seem to be relatively sensible. We had this debate about community planning, and, in truth, nobody knows precisely how community planning will work out. Many in the sector and beyond have raised widespread concerns that the legislation as it was drafted was perhaps not quite tight enough, and amendment Nos 38, 41 and 42 attempt to tighten that situation to ensure, as far as possible, that it can work well.

The one caveat is that, irrespective of whatever amendments are tabled to this section or whatever legislation is in this section, the proof of the community planning pudding will be in the eating. This is where there might be a differential quality throughout Northern Ireland. You can have all the legislation in the world and all the things that are either loose or tight by being compellable, but how community planning will work will depend largely on the attitudes of those in council and how much of an opportunity they see in this, the attitudes of the wider community and, very specifically, the attitudes of statutory bodies through their level of cooperation. The danger, as has been said, is that, on day one, the chief executive of the local area will turn up to the community planning meeting, but, six months down the line, the person who bumps the kettle on to make a cup of tea for whomever is there in the

office will be the department's representative. With the best will in the world, the one weakness is that, whatever legislation is put in place, a lot will hang on that attitude, and, at the end of the day, cooperation and attitude are very difficult to legislate for. They are difficult to compel in that way. If the community planning process is done right, there will be a great opportunity to improve things, particularly for local communities. I hope that people enter into it in that spirit of cooperation and with the right attitude. I think that amendment Nos 38, 41 and 42 will help us to take at least a step forward in ensuring that that is there.

I move to amendment Nos 36, 37 and 40, all of which are Alliance amendments. I was a little bit surprised at the extent of the opposition to amendment No 37. I did not see it as a particularly significant amendment and certainly not one that potentially warranted a petition of concern. I am certainly happy enough to go along with it. Again, there is a problem with this. I suspect that, because it is subject to a petition of concern, amendment No 37 is clearly going to fall. Whatever form it comes back in at Further Consideration Stage, the key test, as with a lot of these things, is implementation. I am not convinced. I appreciate that Mr McElduff, Mr Eastwood and others have suggested that here is a line — to be fair, it might just be one line — denoting what they believe to be a definition of good relations. I am not sure whether, if everything is simply be boiled down to a line or two to provide a definition, it will be sufficient. I am getting worried, because I see Mr McCrea nodding at what I am saying. I will immediately reverse my position at that point.

It may be a question of greater detail in the guidance. Mention has been made of the Community Relations Council. The essential problem is that there is a lot of detail to be gone into. With a lot of the issues that touch upon good relations and equality, the problem is that there is no common understanding. That was touched on by one of the Members who spoke previously. The danger is that one person's good relations may be regarded as curbing somebody else's equality. Somebody's push for equality may be regarded as creating bad relations in an area. Even within the individual categories, one person's idea of equality may be regarded as someone else's form of suppression or, indeed, one person's idea of good relations. We will probably have a debate this afternoon about where the issue of flags fits into good relations. However, that is probably a decision where one person can argue that a particular decision was intended to provide equality and good relations and another, from

the other side, will simply say that it creates the opposite effect. It is fraught with danger. Nevertheless, we appreciate the intention behind amendment No 37 and, from that point of view, are happy to support it.

We understand the thinking behind amendment No 36 and, again, there are good intentions behind it. Like other Members, I am not sure of the definition and necessary relevance. The public realm, certainly in the actions taken by DSD, for instance, largely looks to bricks and mortar. Public realm schemes, as they operate throughout Northern Ireland, are on the basis of things like the renewal of pavements, brighter lighting, better seating — a range of things targeted largely at town centres as a form of regeneration. The idea of shared space and everyone living together in harmony or at least tolerance is, generally, a good idea, but I am not sure that we can translate that into actions that a council has to take in public realm works. There is no particularly natural fit. To be honest, while the intentions in amendment No 36 are good, it is not an amendment that I find favour with.

I take on board what Mr Elliott said about the cart being before the horse with regard to amendment No 40. We looked at that amendment in Committee. There will clearly be a need for guidance. The legislation indicates that the Department will produce a fairly exhaustive list of how things should be done or, at least, some guidance. It strikes me that this is an area where there is a lot of detail to be put in place. When this issue was raised in Committee, departmental officials said that the reason why there was nothing very specific in place was that the best way of handling it was through guidance. Simply to name

*"community and voluntary sector and businesses"*

in the legislation, when it will already be covered by guidance, is relatively unnecessary. The best approach was indicated at an earlier stage by the Department. Guidance would be a much better way of dealing with the issue of deciding who the representatives from outside the public sector should be. I am not sure how far forward the amendment will take us.

**Mr Agnew:** I thank the Member for giving way. What is your view of the potential for inconsistency, if it is not clear in the legislation which groups will be included?

I am conscious that some councils are already more inclined towards community engagement

than others. Is the amendment possibly a way of ironing out inconsistencies?

**Mr Weir:** There is always a balance to be struck between consistency and a certain level of flexibility to meet local needs. I mentioned that yesterday, and I think that it is one of the complications of the Local Government Bill. For example, community planning will be very different, potentially even because of the range of groups that will be engaged. If you are dealing with an area that is largely rural with a small town, such as the new Fermanagh and Omagh District Council in Mr Elliott's area, what is done there may be different from what is done in North Down and Ards District Council, and the level of engagement and the issues that need to be tackled may differ from what is needed for Belfast City Council.

It strikes me that guidance can cover consistency. The general point in amendment No 40 that community planning

*"must include representation from the community and voluntary sector and businesses"*

is so vague that I am not altogether sure how much consistency it would give. Consequently, I am not convinced that having the amendment in the Bill will be of particular benefit. I think that the issue can largely be tackled by way of guidance and, if needs be, by regulation. I am not convinced of the merits of having amendment No 40 in primary legislation. With that, I will close.

**Mr Kinahan:** I am very happy to speak on the general powers. Before I start, I want to say that, after I had stood down from being a councillor having been co-opted to the Assembly, it became very evident to me that there was no easy way for councils to work with the Assembly and vice versa. I really hoped that there would be something in the Bill that would get the Assembly and the councils working together. There are hints of that. That is very much a general comment, but I hope that we will expand on that before we get to Final Stage.

*(Mr Principal Deputy Speaker [Mr Mitchel McLaughlin] in the Chair)*

My colleague has already spoken on amendment No 36 and the other amendments from the Alliance Party in the group. I very much agree that the amendment is the right way in which to go, but I have problems with exactly how it will be done; how it will be

defined; how we will make things happen in a way that means that we do not put too onerous a burden on councils; and how the legal side will be interpreted. I look forward to us all working together on those matters.

I am still concerned about the issue of community planning. We discussed it while debating the Planning Bill two and a half years ago. In the Antrim Borough Council area alone, I think that there were 335 community groups. Somehow we have to find a way — I do not yet see it in the Bill — of getting all the different community groups involved. At the time of the Planning Bill, I asked the Minister who is involved in the community and was told that it is the people who live there, who work there, who pass through there and who are affected by what happens there. Before we realised it, we were talking about everybody. I look forward to future amendments that will put something in place to encourage community groups' involvement. However, how do we do it so that it is not the people who scream loudest or are most aggressive who always gets their way?

I acknowledge my colleagues' concerns with the power of competence, but there is one side of it that I am particularly keen to see happening. Last year, I attended a Royal Institution of Chartered Surveyors (RICS) meeting at which lawyers from Scotland showed us how they had got over many of the difficulties of public-private finance. The power of competence will give councils the chance to get money on the back of the money that they get in from rates and other sources. We need that to be explored and expanded on in the Bill. For example, when the Education Committee went to Scotland, we saw that its schools were being built by hub companies that had been set up. They had worked their way through the regulations from Europe and the UK so that they could build schools by using more subcontractors from local areas. The power of competence offers a great chance. If you look at my patch in South Antrim and the Ballyclare West project, which has stopped at the moment, a road was meant to be built at the back of a whole group of housing developments. That is an ideal way to do things, which could work in the future, and councils could get income from the sales of houses. It is that sort of competence that I am very pleased to see coming into the Bill.

### 12.30 pm

I fully support amendment No 45, which was proposed by my colleague. It tries to get everyone with overlapping powers to work together. That fits with what I have just been

saying. We have to make sure that the Departments work with councils and that the powers are created in a friendly overlapping way so that we do not have people competing against each other.

The one amendment that no one seems to have spoken about so far is amendment No 62. I feel that it is incredibly important that Northern Ireland should fit in with all international obligations. However, I know from the all-party group that I chair on the European Union that even trying to keep an eye on what is coming from Europe is going to be extremely difficult. Whether we look at the zebra mussels problem in Strangford lough or the present problem in Lough Neagh over planning, the regulations and rules will come not just from Europe but Westminster and everywhere else.

It is absolutely right that we have the amendment, but what concerns me is that councils might need more resources to be able to carry out and follow the rules that are coming down to them. For example, to go back to Lough Neagh and planning restrictions, we need surveys of the wildlife and the ecosystem. Who is going to pay for that? We need to put something in place that ensures that there is a way of getting the resources. Part of that is how we work with the Departments and how we pull it all together. That concerns me. At the same time, we need bodies in place such as the all-party group and much larger organisations that are following all the regulations that are going to come our way. That is phenomenally important and we must not forget it.

**Mr B McCrea:** It is quite interesting that this debate seems to be the calm before the storm. Everybody has a great sense of humour and is getting on and saying, "Can I work with you?" It is quite amazing. It will be interesting to see how the day ends up.

**Lord Morrow:** It depends on whether we are still standing or sitting.

**Mr B McCrea:** Yes, exactly. I find myself in agreement with a number of people. I am sorry to confirm to Mr Weir that I was nodding vigorously for no other reason than that I agreed 100% with what he was saying. It just goes to prove that even a broken clock is right twice a day. Mr Weir raised some interesting points. The particular areas that I want to look at are amendment Nos 36, 37 and 40. I will also touch on amendment No 62, which Mr Kinahan brought up.

One of the real problems with amendment No 36 is that I am not entirely sure why we need it in the Bill because we have section 75 protection. That is already in law, and you have to take cognisance of it. In effect, section 75 is there because there are some differences in our society, compared with other societies. You might even call it abnormal. The problem is this: is this amendment trying to spread our abnormality into the public realm? If anything can be learnt from this peace process, it is that, if you try to legislate for things, sometimes you have the perverse effect of enshrining into law that which you are trying to remove. I am not sure that this amendment is the right way to go about it.

**Ms Lo:** Will the Member give way?

**Mr B McCrea:** I will, indeed.

**Ms Lo:** We want to put a duty on councils to look at shared spaces to make them more neutral, more welcoming and more inclusive to all sections of society. Section 75 is very much about equality scrutiny of policies, but this puts the duty on the council to look at all the functions and actions that they carry out and to bear in mind promoting the shared use of public space.

**Mr B McCrea:** I thank the Member for the intervention, but, as Mr Weir put forward, the trouble is that one person's equality, right or opinion may contradict another. What we do not want to see in our society is some form of grey or beige outlook where nobody's opinion is tolerated. In fact, one of my key worries, and I have said this repeatedly in the House, is about the use of "political opinion" and the notion that people are allowed to say that you cannot hold a certain political opinion. In any other jurisdiction, that approach would be considered to be non-liberal — illiberal — because the whole idea about a pluralist democracy is that you are allowed to hold differences of opinion. Lord Morrow and Mr Weir hold a different opinion from me on certain issues, and, in a democracy, they have absolutely got the right to do that. If you get to a situation in which you are not allowed to express that opinion for fear of offending somebody, that is a pretty bad place to be. It is not the type of place that I want to live in.

Although I understand that the amendment is well intended, I worry that, if we go down that road, we may never get our society to the point of being normal. We may never get to a situation in which we will be able to embrace diversity or take a certain amount of tolerance

with other people, or one in which people do not go round saying, "We're going to be offended by every single issue".

The point was brought up, and it is germane to what is going to happen later, that if somebody in Castlereagh council, for example, says that they want to fly the Union flag, does that offend somebody else? It is in the public realm. Can you come back and say, "No, you're not allowed to do that"? Equally, if a GAA match is taking place, is that offending somebody? You get this issue around who decides who is offended and why. So, I am concerned about amendment No 36.

The key term in amendment No 37 is "good relations". Who is going to define "good relations"? What does "good relations" mean? I do not think that you are going to get away with one line or one phrase that says that good relations are no prejudice and looking after equality, because it is a much deeper issue. It is something that we need to discuss and thrash out. To be honest, you can only start talking about good relations when you are not going to have motions brought forward that provoke a petition of concern. People know what the effect of the motion is going to be, and they know what the reaction is going to be. That is why we do not really have good relations here.

Unless you get a firm definition into which consensus is built, I feel that you could have quite a lot of interpretation going on in the courts. That is why I asked our colleague from Foyle if he was going to bring forward a definition. I agree that this is not a good way to legislate. We need to do this in a better way.

Moving on swiftly to amendment No 40. Here, again, in the spirit of goodwill, I am in agreement with Mr Elliott. There are no bounds to our generosity today; it is going to be a great —

**Mr Lyttle:** Will the Member give way?

**Mr B McCrea:** I will give way. When I say "generosity", I am not sure if it includes Mr Lyttle. It depends on what he has to say.

**Mr Lyttle:** I thank the Member for giving way, and I apologise because I have not been here for all of his speech. However, I was following it. In the interests of inserting some accuracy into the debate, I say that there are existing definitions of good relations. Neither good relations nor promoting good relations are defined in legislation, but the Equality

Commission has developed a definition. It says:

*"The growth of relationships and structures for Northern Ireland that acknowledge the religious, political and racial context of this society, and that seek to promote respect, equity and trust, and embrace diversity in all its forms."*

So, we have workable definitions available to us. I think that the purpose of today's amendment is to put a principle in place, and there are very clear workable definitions available to us in the implementation of that. I thank the Member for giving way.

**Mr B McCrea:** I thank the Member for his contribution. The worrying thing that he said in his intervention was that there are multiple definitions of good relations.

**Mr Lyttle:** There is a clear one there.

**Mr B McCrea:** There are multiple definitions. If we can get consensus for what it is, and, certainly, Members have indicated that they are going to bring forward a definition, I would be interested to see if the Assembly can get an agreed definition. If that is the case, that is all to the good. However, I do not minimise the challenge. It is not just as easy as saying, "Let's take the CRC's definition" or, "Let's take somebody else's definition". It is something that we have to argue, discuss, come to a consensus on and agree on ourselves. I am sure that the Member agrees that it would be a good thing if we were able to do such a thing.

**Mr Lyttle:** Will the Member give way?

**Mr B McCrea:** I will.

**Mr Lyttle:** I do not disagree. I do not want to overlay the multiple definitions. There are clear working definitions available. I agree with him: the Assembly should work to clarify those, implement them and lead on them. However, frankly, this long after the Good Friday Agreement, it should be very clear and second nature to Members of this Assembly. I hope that he agrees with that as well.

**Mr B McCrea:** I will take his intervention. Moving on —

**Ms Lo:** Will the Member give way?

**Mr B McCrea:** Yes.

**Ms Lo:** Thank you. We, in the past 20 or 30 years, have had a whole — I do not want to use the word "industry" — industry, for want of a better word, on promoting good relations. It seems such a nonsense to say that we have no definition, guidelines or framework about what good relations are. We have talked on and on for years about promoting good relations. How can we say that we do not know what good relations are?

**Mr B McCrea:** I do not know how you can say it, but I will be surprised if you can bring forward a definition of "good relations" that will gain the complete support of the House without a considerable amount of work. There will be work that has to be done. Maybe you have an answer, Mr Dickson. Maybe I am doing you an injustice.

**Mr Dickson:** Not at all. I just want to acknowledge the point that the Member made about the amount of work that will be required to be done. That is also a very sad reflection on the House. As Ms Lo said, we have spent some 20-plus years — indeed, many of us have spent a great deal longer than that — working clearly on the equality agenda and also defining and working in the field of good relations. It is a very sad reflection that we cannot get to a point where we can reach agreement on that or at least produce a sufficiently broad definition that will bring consensus.

At the end of the day, I just want to ask the Member this question. He said that, in the first instance, we are trying to establish a principle of bringing good relations alongside equality. This is not about undermining equality. I hope those who have put forward the petition of concern genuinely reflect on that. It is about strengthening it and underpinning it and bringing good relations alongside it.

If Members are truly genuine in the comments that have been made — I am sure that Mr McCrea was when he said that we are attempting to establish a principle and to determine then, at the next stage, whether we can bring forward those determinations — I put the challenge out today to the Members to withdraw that petition of concern and join us in accepting the principle of equality. These are parties that have spent their entire lifetimes preaching, teaching and encouraging this community and society to get on board the equality agenda. We are on that equality agenda; we are asking you to take the next step and bind that to good relations.

**Mr B McCrea:** I must admit that I am inspired by that speech, Mr Dickson. It was an intervention, but —

**Mr Eastwood:** Will the Member give way?

**Mr B McCrea:** Yes.

**Mr Eastwood:** I will be brief. Does the Member accept that there have been occasions in recent years when the issue of good relations has been used to trump equality and stop certain developments taking place? That is why it is so important that we get a proper definition of it and that we use objective need as the basis for that. I read out our proposed Westminster amendment earlier. I hope that people will understand that we are coming at this with a genuine desire to get it right. We do not want to see a situation in which one trumps the other. Our attempt is a good one, and we are prepared to listen to other people's attempts.

**12.45 pm**

**Mr B McCrea:** I thank Members for their interventions. I will deal with that and move on, as we have said our piece. It is self-evident. This debate shows that there is no unified belief in what good relations are, what the relationship with equality is, and what we are trying to do. The very fact that petitions of concern are brought in on such issues says, "Look, there is a problem here".

Nevertheless, taking it in the round, Members said that they are interested in trying to resolve the matter. It is not a simplistic process, but it has to be done. I agree wholeheartedly with people who say that it is too long since the 1998 agreement and that we should have sorted this out. However, let us sort it out now. I do not think that you will be able to do it on the basis of one simple line. I am not even sure that you will be able to do it in the Bill. However, I am willing to give it a go.

I move on to amendment No 40. I was saying that I am in agreement with Mr Elliott's point that, when you specify certain groups and things, there is a danger that you exclude others. The most organised, well-funded and biggest organisations will feel that they should come in and have a say in government, and that is fair enough. However, what about smaller businesses? What about individuals? What about everybody else who deserves to have their say and be heard?

Councils are not above the community.  
Councils are not separate from the community.

Councils should be the community. It is the job of councillors to represent as many facets of people's opinions as possible. That is their role in a democracy. It seems to me that specifying it in this way is counterproductive and not the right road to go down.

I will finish. Mr Kinahan made the point that amendment —

**Lord Morrow:** Will the Member give way?

**Mr B McCrea:** I will indeed.

**Lord Morrow:** I want to commend Basil McCrea. He has, to some degree, excelled in what he has said. I find myself generally in agreement with what he said and with the manner in which he has presented himself and his case. I am not sure whether he set out to do this or not, but he has demolished very well the SDLP's reason for bringing a petition of concern here today. I can understand Members voting against something. If you feel very strongly about it, you bring a petition of concern. My party does that from time to time and will do so in future. However, it is very difficult to understand bringing a petition of concern on an issue that they feel is not right in its detail.

There is an onus. I do not know whether this puts the Minister on the spot or not. I understand that he comes from that party, but I am leaving him out of this whole equation for the moment. He will get an opportunity a little later to say his bit and clarify his position. It is extremely difficult to understand the SDLP coming here today with a petition of concern on this issue.

I want to reinforce Basil McCrea's point. I was a member of a council for some years, and I thought that we were working at community level. This is now telling me, to some extent, "No, there is another community there that you are not working with". I do not understand or accept that. I believe that, by and large, councils are working with the community at grass-roots level. I want to reinforce Basil McCrea's point on that. Well done to him.

**Mr B McCrea:** I am grateful for Lord Morrow's intervention. We have differences of opinion on many things, but we are at one on this issue. I do not think that a petition of concern is the right way forward on the issue. It seems to me that there is a more serious problem afoot here. I am sure that the debate will come forward at Further Consideration Stage, and we will see what we can do on it.

In closing, Mr Kinahan feels that amendment No 62 is particularly important. I ask the Minister this: what does it mean when it states:

*"incompatible with any international obligations".*

What is "international"? If we have obligations under the European Union to deal with waste product by way of an incinerator or something like that, we have to meet them. We are in danger of being sanctioned if we do not deal with chicken litter and various other waste products. Does this amendment give the Department the power to say, "You will build an incinerator in x"? Is that what that means? I know that a lot of people will be quite worried. They will say that they understand the need for a dump or an incinerator but that they would prefer if it were not on their patch. So perhaps the Minister will clarify exactly what that means. I conclude my remarks.

**Mr Durkan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. It seems that cooperation has broken out. Mr Principal Deputy Speaker, before I offer my view on the Alliance Party's amendments, I will, with your permission, deal with a number of my own in this group. Some arise from recommendations made by the Environment Committee during Committee Stage. I thank Committee members for their helpful recommendations and timely scrutiny of the Bill.

Amendment No 39 adds to clause 69, which places a duty on councils to deliver community planning. The purpose of the amendment is to clarify that:

*"improving the social well-being of the district"*

will include "promoting equality of opportunity" and that "improving the economic well-being" will include:

*"tackling poverty, social exclusion and patterns of deprivation".*

Clause 76 makes provision for the involvement of the community in the development of a council's community plan. Amendment No 43, which I tabled in response to the views of the Environment Committee, will provide that councils and their community planning partners will be required to make "reasonable" arrangements to ensure that stakeholders have the opportunity to express their views and have them taken into account. The statutory guidance that my Department will issue to

support the operation of community planning will address the form that these reasonable arrangements might take.

Amendment No 44 will amend clause 78 to place a requirement on Departments to promote and encourage community planning rather than provide for them to “aim to” do so.

I tabled amendment No 46 in response to comments from the Examiner of Statutory Rules. The amended clause 85 would provide for a super-affirmative Assembly procedure to be used in cases where my Department seeks to amend, repeal, revoke or disapply legislation that would prevent or restrict a council’s use of the general power of competence. This would involve an enhanced consultation process and require the order to be laid in the Assembly twice before it could be made.

Amendment No 47 will provide for councils to publish their assessment of performance by 30 September each year rather than 31 October. This will provide a slightly longer time frame for the local government auditor to undertake her assurance responsibilities in relation to a council’s improvement plan.

Amendment 50 is linked to amendment Nos 51 and 56. With the Deputy Speaker’s permission, I will give the background to these amendments simultaneously. The new performance improvement framework makes provision for the local government auditor to issue for each council an annual report on whether the council has complied with the relevant legislation and any guidance issued by my Department. The provisions will be amended to provide for a risk-based approach to be adopted when deemed appropriate by my Department. This will mean that audits can be undertaken on specific councils in a given year, once the new performance improvement regime has been operating for a number of years.

I propose amendment No 62 to ensure that councils play their part in the delivery of international obligations, which, as defined in the Northern Ireland Act 1998, do not include EU law. This is provided for separately. I am not sure that I like the example of building an incinerator. I distance myself from that suggestion.

The amendment would make provision for any Department to direct that any proposed action that would be incompatible with an international obligation must not be taken. It would also allow any Department to direct a council to take any action required for the purposes of giving

effect to an international obligation. I urge Members to support the amendments.

**Mr B McCrea:** Will the Minister give way?

**Mr Durkan:** Certainly.

**Mr B McCrea:** I will give a different example, rather than an incinerator. The United Kingdom has international obligations under Kyoto regarding CO2 emissions and energy use, but Northern Ireland as a region does not and councils do not. Is the legislation that he is looking at suggesting that in some way we ought to reduce energy consumption? What type of international obligation are you talking about that might affect a council?

**Mr Durkan:** I thank Mr McCrea for the intervention. He might be getting closer to the mark now. I am not thinking of any — that will be for councils, obviously — but he might be getting closer if I were thinking of any.

I now move to the amendments proposed by the Alliance Party. As you heard, amendment No 36 would place an additional duty on councils to ensure promotion of the shared use of public spaces. Councils should, where possible, encourage the shared use of public space where all citizens can feel welcome. I, therefore, support the amendment, although I understand the points made by other Members.

Amendment No 37 proposes the introduction of a new requirement on councils and their community planning partners to identify long-term objectives for improving equality and good relations between section 75 categories. I believe that, as outlined today by quite a few contributors, we need an agreed definition of good relations to support the amendment. I would be glad to work with Ms Lo and all Members who have expressed a willingness to collaborate in an attempt to agree a definition of good relations. My amendment No 39, however, proposes a similar thing regarding equality of opportunity. For that reason, I urge Members not to accept the Alliance Party’s amendment.

Amendment No 38 is designed to emphasise the need for the community planning process to consider, in the context of setting community plan objectives, the planning, provision and improvement of public services. I am content to support the amendment.

Anna Lo and Stewart Dickson proposed in amendment No 40 that clause 70 should specify that representatives from the community

and voluntary sector and the business community should be required to participate in community planning. I do not believe that it is appropriate for my Department to place a statutory duty that would require non-statutory bodies to perform functions in support of a council. The role of those bodies will be set out in statutory guidance. It is vital that we encourage and facilitate the participation of those sectors and others.

I will respond to an intervention from Mr Agnew. Community planning is not a one-size-fits-all issue. Although there are statutory bodies that will have a role to play in all council areas — those bodies will be named in subordinate legislation — areas will have different requirements and will therefore require participation from different organisations.

**Mr Elliott:** I thank the Minister for giving way, and I know it is important to get things onto the record in Hansard. I appreciate what he says about amendment No 40, but does he envisage that the voluntary and community sector and, indeed, businesses will be part of community planning groups?

**Mr Durkan:** I envisage that they will be. I very much hope that they will be, and I hope that they hope that they will be. Community planning is an exciting new power going to councils, and it is important that we maximise participation in it in order to yield real, tangible benefits for communities. As the amendment would be likely to add an extra burden on organisations, such as those in the voluntary and community sector, as well as businesses, that should be free to choose whether they participate in community planning, I urge Members not to support it.

### 1.00 pm

In amendment No 41, Alliance Party Members propose that, when reporting on community planning objectives, councils' statements on community planning should focus not only on progress made but on outcomes achieved. A council's community plan is likely to cover short- and longer-term objectives. However, I acknowledge the significance of reporting on outcomes and encourage Members to support the amendment.

Amendment No 42 proposes a change to clause 76 that would require a council and its community planning partners to actively:

*"seek the participation of and encourage the persons mentioned in subsection (2) to express their views".*

That requirement has the potential to place an additional burden on councils and their community planning partners and does not take account of the desire of individuals or groups to be involved in the process. Following officials' engagement with the Environment Committee, I have tabled amendment No 43, which would require a council and its partners to ensure that reasonable arrangements are in place for engagement with the community. That will be supplemented by statutory guidance, which will provide further detail on arrangements for community engagement.

**Ms Lo:** Will the Minister give way?

**Mr Durkan:** Certainly.

**Ms Lo:** I certainly have spoken to the voluntary sector. They feel that putting in the word "reasonable" will restrict rather than promote the chances for engagement. I do not know what the Minister's view on that is. They said that it is well intentioned but would have the opposite effect.

**Mr Durkan:** They are right, in that it is well intentioned, and I certainly hope that they are wrong to say that it would have the opposite effect. I have met representatives of the community sector on the issue, and they do not all have the same view. However, I remain committed to working with the voluntary and community sector and all sectors, particularly on community planning as councils move forward with it. I urge Members to support my amendment instead of amendment No 42, tabled by the Alliance Party.

Finally, Mr Elliott and Mr Kinahan tabled amendment No 45, which relates to cases where my Department intends to make an order altering a statutory provision that, it thinks, overlaps the general power of competence. The amendment seeks to ensure that account is taken of the views of bodies acting in exercise of those powers prior to the making of any order. The amendment is, in my opinion, unnecessary, as clause 125 already requires orders made under clause 85 to be subject to consultation and specifies that such orders must be subject to the draft affirmative procedure. That is a sufficient level of scrutiny, and I ask Members not to accept the amendment.

**Mr Principal Deputy Speaker:** Before I call Ms Anna Lo to make a winding-up speech, Members should note that it will be convenient after the conclusion of Ms Lo's comments to take a short break for a cup of tea or whatever.

**Ms Lo:** Thank you, Mr Principal Deputy Speaker. I am sure that Members would welcome that, as they have been sitting here since 10.30 am. I will be brief, given that it is nearly lunchtime.

Mr McElduff said that the definition of good relations was not in amendment No 37. He wants that definition to include tackling prejudice and promoting understanding.

Amendment No 39 is not mine.

Mr Eastwood talked about good relations. He said that we were good at putting together plans but not so good at delivering them. He is glad to support amendment No 36 and happy to work with the Alliance Party to strengthen it to include the LGBT community, and we are happy to cooperate on that. He talked about amendment No 37 and offered to cooperate. Mr Principal Deputy Speaker, I really appreciate the atmosphere here today: it is one of the rare occasions when all parties have been cooperative. There is a harmonious atmosphere, and we should continue with that and replicate it all the time. It is such a pleasure to be working this morning with so many parties offering their support and offering to work together.

Mr Elliott thought that amendment No 36 was too narrow and did not include all section 75 groups. As I said, we are happy to extend that. He was surprised that two parties had lodged a petition of concern, and so were we. With regard to amendment No 40, he was surprised that those groups would not be included and thought that the amendment was not necessary. He asked about smaller businesses and said that he thought that they needed to have a say. He offered to work with us on that.

Mr Weir supported amendment Nos 38, 41 and 42, although he said that amendment No 38 needed to be slightly tighter. His worry was that it was difficult to legislate for cooperation, and he said that the attitudes of the wider community, councils and the cooperation of statutory bodies were needed to make the community plan work. I agree with him: that has been the sentiment expressed by many stakeholders, who said that it was good on paper but they needed to see how it would work out. He was surprised to see the extent of the opposition from the two nationalist parties to

amendment No 37 and said that he was happy to support it. He said that the intention of amendment No 40 was good but he could not support it. He said that it was a case of putting the cart before the horse and that the matter would be covered by guidance or regulation, which is a better means of moving it on.

Mr Kinahan asked how we do this, because the problem lies in trying to get everybody to work together. He also expressed concerns about how to get all the community groups together. He gave examples of many organisations wanting to take part and asked how we would include everybody. He was pleased to see the power of competence being given to councils. He said that it was important that Departments worked with councils and that they did not compete against each other. That is a good point.

Mr McCrea commented on the atmosphere and said that he was a bit worried that it might be the calm before the storm. I hope not, Mr McCrea; we have plenty more work to do this afternoon.

On amendment No 36, Mr McCrea said that we had section 75 in law and asked why we needed a new duty to promote shared space. He said that we did not want to see everything become neutral, grey and beige. He wants a pluralist society in which pluralist opinion can be expressed freely. We are not saying that our amendment is opposed to that; rather, we say that there should be shared space where everyone can express their identity, cultural preferences and traditions freely without fear. I agree with what Mr McCrea says, but our amendment would create space where everyone could express their identity and culture freely.

**Mr B McCrea:** Will the Member give way?

**Ms Lo:** Yes, of course.

**Mr B McCrea:** We generally want to go in the same direction, but I think that the Member was covered in speaking about flags and various other things that are in a public space. Some people think that those are part of their culture, and other people think that they are not. There is where we have difficulty. If it becomes a zero sum, where nobody is allowed anything, that would be a regrettable place to be in. I am not saying that the Member and I can solve that; I am just pointing out that it is an issue that we need to address.

**Ms Lo:** Sure.

On amendment No 37, Mr McCrea agreed with others that we needed to define what "good relations" means and have consensus to build on it.

Amendment No 40 is ours. Mr McCrea agreed with Mr Elliott that the best-funded organisations will get the biggest say, and he asked about others' role. He said that that was not the right road to go down.

The final contributor was Minister Durkan. He supports the shared use of public spaces under amendment No 36 and said that, in fact, it was in the strategic planning policy statement. I am grateful for that information. The Minister is from the party that submitted the petition of concern on amendment No 37, so I would not expect him to support it. He said that we needed an agreed definition.

### 1.15 pm

Again, I really want to stress that, although there may not be a definition in law, we have been working on this issue for a very long time. There is the Equality Commission's working definition of good relations, which I will read again to Members. It states:

*"The growth of relationships and structures for Northern Ireland that acknowledge the religious, political and racial context of this society, and that seek to promote respect, equity and trust, and embrace diversity in all its forms."*

That is its definition of good relations. We are not working in a vacuum, so let us put this in the Bill, and then we can work on the definition at Further Consideration Stage or adopt that definition. We will work with all parties to reach consensus in the House in order to say, once and for all, what we mean by good relations and to put that in our legislation. We need that; we definitely need it.

On amendment No 38, the Minister said that he supports us. Thank you. On amendment No 40, he said that it is not appropriate to require non-statutory bodies to participate and it has to be up to them whether or not they take part. He said that the guidance will obviously encourage participation from the community and voluntary sector.

The Minister supports amendment No 41. He said that amendment No 42 may add an additional burden to councils and voluntary organisations and he urged Members to support his amendment No 43 instead.

**Mr Principal Deputy Speaker:** Members, as I indicated, this would be an appropriate time for a short suspension. The sitting will resume at 1.50 pm. Thank you.

*The sitting was suspended at 1.17 pm and resumed at 1.51 pm.*

**Mr Principal Deputy Speaker:** Order. Having concluded the debate on the group 4 amendments, we resume consideration of the Bill with the Question on amendment No 36.

*Question put, That amendment No 36 be made.*

*The Assembly divided:*

*Ayes 21; Noes 74.*

### AYES

*Mr Agnew, Mr Attwood, Mr D Bradley, Mr Byrne, Mrs Cochrane, Mr Dickson, Mr Durkan, Mr Eastwood, Dr Farry, Mr Ford, Mrs D Kelly, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCarthy, Mr McGlone, Mrs McKeivitt, Mr McKinney, Mr A Maginness, Mr P Ramsey, Mr Rogers.*

*Tellers for the Ayes: Mr Dickson and Ms Lo*

### NOES

*Mr Allister, Mr Anderson, Mr Bell, Mr Boylan, Ms Boyle, Ms P Bradley, Mr Brady, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Copeland, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Ms Fearon, Mr Flanagan, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr G Kelly, Mr Kennedy, Mr Kinahan, Mr Lynch, Mr McAleer, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr B McCrea, Mr I McCrea, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr D McIlveen, Miss M McIlveen, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Ms Ruane, Mr Sheehan, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells.*

*Tellers for the Noes: Mr Boylan and Mr G Robinson*

*Question accordingly negatived.*

**Mr Principal Deputy Speaker:** I ask that Members take their ease for a moment while we change the top Table.

*(Mr Deputy Speaker [Mr Beggs] in the Chair)*

**Clause 69 (Community planning)**

**Mr Deputy Speaker:** As a valid petition of concern has been tabled in respect of amendment No 37, the Question will require cross-community support. *Amendment No 37 proposed:* In page 40, line 25, at end insert -

*"(iv) equality and good relations between the categories of persons listed in section 75 of the Northern Ireland Act 1998."— [Ms Lo.]*

**Mr Deputy Speaker:** I have been advised by the party Whips that, in accordance with Standing Order 27(1A)(b), there is agreement that we can dispense with the three minutes and move straight to the Division.

*Question put.*

*The Assembly divided:*

*Ayes 53; Noes 42.*

**AYES**

**UNIONIST:**

*Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Copeland, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells.*

**OTHER:**

*Mr Agnew, Mrs Cochrane, Mr Dickson, Dr Farry, Mr Ford, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCarthy.*

*Tellers for the Ayes: Mr Dickson and Ms Lo.*

**NOES**

**NATIONALIST:**

*Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr P Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.*

**UNIONIST:**

*Mr Allister, Mr McCallister, Mr B McCrea.*

*Tellers for the Noes: Mr Milne and Ms Ruane.*

<i>Total Votes</i>	<i>95</i>	<i>Total Ayes</i>	<i>53</i>	<i>[55.8%]</i>
<i>Nationalist Votes</i>	<i>39</i>	<i>Nationalist Ayes</i>	<i>0</i>	<i>[0.0%]</i>
<i>Unionist Votes</i>	<i>47</i>	<i>Unionist Ayes</i>	<i>44</i>	<i>[93.6%]</i>
<i>Other Votes</i>	<i>9</i>	<i>Other Ayes</i>	<i>9</i>	<i>[100.0%]</i>

*Question accordingly negated.*

*Amendment No 38 made:* In page 40, line 29, after "partners" insert

*"(including actions and functions related to the planning, provision and improvement of public services)".— [Ms Lo.]*

*Amendment No 39 made:* In page 40, line 30, at end insert

*"(2A) In subsection (2)(a)—*

*(a) the reference to improving the social well-being of the district includes promoting equality of opportunity in accordance with section 75 of the Northern Ireland Act 1998; and*

*(b) the reference to improving the economic well-being of the district includes tackling poverty, social exclusion and patterns of deprivation;*

*and expressions used in this subsection and in section 28E of that Act (Executive Committee's strategy relating to poverty, social exclusion etc.) have the same meaning as in that section."— [Mr Durkan (The Minister of the Environment).]*

*Clause 69, as amended, ordered to stand part of the Bill.*

**Clause 70 (Community planning partners)**

*Amendment No 40 proposed:* In page 41, line 3, at end insert

*"(1A) The bodies or persons specified under subsection (1) must include representation from the community and voluntary sector and businesses."— [Ms Lo.]*

*Question put, That amendment No 40 be made.*

**Mr Deputy Speaker:** Order, Members. Two Tellers for each side have not been nominated. The amendment falls.

*Question accordingly negated.*

*Clause 70 ordered to stand part of the Bill.*

*Clauses 71 to 73 ordered to stand part of the Bill.*

#### **Clause 74 (Monitoring)**

*Amendment No 41 made:* In page 43, line 22, leave out "towards" and insert "and outcomes achieved in".— [Ms Lo.]

*Clause 74, as amended, ordered to stand part of the Bill.*

*Clause 75 ordered to stand part of the Bill.*

#### **Clause 76 (Community involvement)**

*Amendment No 42 proposed:* In page 44, line 3, leave out from "ensure" to "taken" and insert "(a) seek the participation of and encourage the persons mentioned in subsection (2) to express their views and (b) take those views".— [Ms Lo.]

*Question put.*

*The Assembly divided:*

*Ayes 69; Noes 26.*

#### **AYES**

*Mr Agnew, Mr Anderson, Mr Bell, Mr Boylan, Ms Boyle, Ms P Bradley, Mr Brady, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Craig, Mr Dickson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Ms Fearon, Mr Flanagan, Mr Ford, Mr Frew, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr G Kelly, Ms Lo, Mr Lunn, Mr Lynch, Mr Lyttle, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCarthy, Mr*

*McCartney, Mr McCausland, Ms McCorley, Mr I McCrea, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr D McIlveen, Miss M McIlveen, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Lord Morrow, Mr Moutray, Mr Newton, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Ms Ruane, Mr Sheehan, Mr Spratt, Mr Storey, Mr Weir, Mr Wells.*

*Tellers for the Ayes: Mr Dickson and Ms Lo*

#### **NOES**

*Mr Allister, Mr Attwood, Mr D Bradley, Mr Byrne, Mr Copeland, Mr Cree, Mrs Dobson, Mr Durkan, Mr Eastwood, Mr Elliott, Mr Gardiner, Mr Hussey, Mrs D Kelly, Mr Kennedy, Mr Kinahan, Mr McCallister, Mr B McCrea, Mr McGlone, Mrs McKeivitt, Mr McKinney, Mr A Maginness, Mr Nesbitt, Mrs Overend, Mr P Ramsey, Mr Rogers, Mr Swann.*

*Tellers for the Noes: Mr Kennedy and Mr McGlone*

*Question accordingly agreed to.*

#### **2.30 pm**

**Mr Deputy Speaker:** I will not call amendment No 43, as it is mutually exclusive with amendment No 42, which has been made.

*Clause 76, as amended, ordered to stand part of the Bill.*

*Clause 77 ordered to stand part of the Bill.*

#### **Clause 78 (Duties of departments in relation to community planning)**

*Amendment No 44 made:* In page 45, line 7, leave out "aim to".— [Mr Durkan (The Minister of the Environment).]

*Clause 78, as amended, ordered to stand part of the Bill.*

*Clauses 79 to 84 ordered to stand part of the Bill.*

#### **Clause 85 (Powers to make supplemental provision)**

*Amendment No 45 made:* In page 48, line 33, leave out from "then" to "overlap," and insert

"it shall seek to remove or reduce that overlap, taking into account the views of the bodies exercising the overlapping powers.

(2A) For the purposes of subsection (2)".— [Mr Elliott.]

Amendment No 46 made: In page 48, line 41, at end insert

"(5) Before the Department makes an order under this section it must consult—

(a) such associations or bodies representative of councils;

(b) such associations or bodies representative of officers of councils; and

(c) such other persons or bodies,

as appear to the Department to be appropriate.

(6) If, following consultation under subsection (5), the Department proposes to make an order under this section it must lay before the Assembly a document explaining the proposals and, in particular—

(a) setting them out in the form of a draft order; and

(b) giving details of consultation under subsection (5).

(7) Where a document relating to proposals is laid before the Assembly under subsection (6), no draft of an order under this section to give effect to the proposals (with or without modification) is to be laid before the Assembly until after the expiry of the statutory period beginning with the day on which the document was laid.

(8) In preparing a draft order under this section the Department must consider any representations made during the period mentioned in subsection (7).

(9) A draft order laid before the Assembly in accordance with section 125(3) must be accompanied by a statement of the Department giving details of—

(a) any representations considered in accordance with subsection (8); and

(b) any changes made to the proposals contained in the document laid before the

Assembly under subsection (6)."— [Mr Durkan (The Minister of the Environment).]

Clause 85, as amended, ordered to stand part of the Bill.

Clauses 86 to 94 ordered to stand part of the Bill.

#### **Clause 95 (Improvement planning and publication of improvement information)**

Amendment No 47 made: In page 53, line 34, leave out "31st October" and insert "30th September".— [Mr Durkan (The Minister of the Environment).]

Clause 95, as amended, ordered to stand part of the Bill.

#### **Clause 96 (Improvement information and planning)**

**Mr Deputy Speaker:** We now come to the fifth group of amendments for debate. With amendment No 48, it will be convenient to debate the amendments listed, which deal with technical and consequential changes to the Bill.

**Mr Durkan (The Minister of the Environment):** I beg to move amendment No 48: In page 54, line 13, leave out "(1) to (5)".

The following amendments stood on the Marshalled List:

No 49: In page 54, line 15, leave out "under section 95(6)" and insert

"by the Department about the council's duties under that section".— [Mr Durkan (The Minister of the Environment).]

No 52: In clause 98, page 54, line 31, leave out "(1) to (5)".— [Mr Durkan (The Minister of the Environment).]

No 53: In clause 98, page 54, line 33, leave out "under section 95(6)" and insert

"by the Department about the council's duties under that section".— [Mr Durkan (The Minister of the Environment).]

No 54: In clause 98, page 55, line 1, leave out "under section 95(6)" and insert

"by the Department about the council's duties under section 95".— [Mr Durkan (The Minister of the Environment).]

No 55: In clause 98, page 55, line 20, at end insert -

"(5) In subsection (4) "specified" means specified in a direction under that subsection.".— [Mr Durkan (The Minister of the Environment).]

No 67: In clause 111, page 62, line 25, leave out "Article" and insert "Articles 18(1) and".— [Mr Durkan (The Minister of the Environment).]

No 70: After clause 117 insert

"Payments for special purposes etc.

**Payments for special purposes and public appeals**

**117A.**In the Local Government Finance Act (Northern Ireland) 2011 the following provisions cease to have effect—

(a) section 37 (payments for special purposes);

(b) section 38 (restrictions on power to make payments under section 37); and

(c) section 40 (limit on expenditure on payments under section 37 and on public appeals)."— [Mr Durkan (The Minister of the Environment).]

No 72: In clause 121, page 66, line 14, leave out subsections (1) to (3) and insert -

"121.—(1) The power conferred by subsection (4) is exercisable where it appears to any Northern Ireland department necessary or expedient as mentioned in section 123(1) or (2)."— [Mr Durkan (The Minister of the Environment).]

No 73: In clause 121, page 66, line 27, leave out "paragraph (c) of section 123(1)" and insert "section 123(2)".— [Mr Durkan (The Minister of the Environment).]

No 74: In clause 121, page 66, line 30, at end insert

"(6A) The Department of Culture, Arts and Leisure may make one or more schemes for the transfer of designated assets or liabilities of the Board of Trustees of the National Museums and

Galleries of Northern Ireland relating to Armagh County Museum to the council for the district of Armagh, Banbridge and Craigavon.".— [Mr Durkan (The Minister of the Environment).]

No 75: In clause 121, page 66, line 40, leave out from "means" to "that" in line 42.— [Mr Durkan (The Minister of the Environment).]

No 76: In clause 121, page 67, line 1, leave out "it".— [Mr Durkan (The Minister of the Environment).]

No 77: In clause 121, page 67, line 3, leave out "it".— [Mr Durkan (The Minister of the Environment).]

No 78: In clause 122, page 67, line 11, leave out from "means" to "includes" in line 15 and insert

"includes the Local Government Staff Commission and".— [Mr Durkan (The Minister of the Environment).]

No 79: In clause 122, page 67, line 18, leave out from "Act" to the end of line 22 and insert -

"or any other Act mentioned in subsection (1) of section 123;

(b) any transfer of functions or any statutory provision falling within paragraph (a) or (b) of subsection (2) of that section.".— [Mr Durkan (The Minister of the Environment).]

No 81: In clause 123, page 68, line 12, leave out from "order" to "order" in line 38 and insert

"regulations make such incidental, consequential, transitional or supplemental provision as appears to the Department to be necessary or expedient for the purposes of, or otherwise in connection with—

(a) this Act;

(b) the Local Government (Boundaries) Act (Northern Ireland) 2008; or

(c) the Planning Act (Northern Ireland) 2011.

(2) Any Northern Ireland department may by regulations make such incidental, consequential, transitional or supplemental provision as appears to that department to be necessary or expedient for the purposes of, or otherwise in connection with—

(a) any transfer of functions to a local government body, whether they are functions of that department or not, coming into operation on or before 1st April 2015; or

(b) any statutory provision coming into operation on or before 1st April 2015 which confers functions on a local government body, whether this is expressed as transfer of functions or not.

(3) In this section "local government body" includes the Northern Ireland Housing Executive.

(4) Nothing in this section is to be taken as limiting the generality of any other statutory provision (including a provision of this Act) and nothing in any other statutory provision (including a provision of this Act) is to be taken as limiting the generality of this section.

(5) Regulations under this section which amend any statutory provision must not be made unless a draft of the regulations.— [Mr Durkan (The Minister of the Environment).]

No 84: In clause 124, page 69, line 12, at end insert

"'external representative', in relation to a council, has the meaning given by section 10(4)."— [Mr Durkan (The Minister of the Environment).]

No 85: In clause 124, page 69, line 17, at end insert

"'local government body' means a local government body within the meaning of Part 2 of the Local Government (Northern Ireland) Order 2005;".— [Mr Durkan (The Minister of the Environment).]

No 86: In clause 124, page 69, line 27, leave out "section 103" and insert "sections 103 and 123".— [Mr Durkan (The Minister of the Environment).]

No 87: In clause 125, page 70, line 5, leave out "making" and insert "a Northern Ireland department makes".— [Mr Durkan (The Minister of the Environment).]

No 88: In clause 125, page 70, line 6, leave out "the Department" and insert "it".— [Mr Durkan (The Minister of the Environment).]

No 89: In clause 125, page 70, line 10, leave out "the Department" and insert "it".— [Mr Durkan (The Minister of the Environment).]

No 90: In clause 125, page 70, line 12, leave out "made by the Department" and insert "under this Act".— [Mr Durkan (The Minister of the Environment).]

No 94: In clause 125, page 70, line 40, leave out "Department" and insert "Northern Ireland department making them".— [Mr Durkan (The Minister of the Environment).]

No 102: In schedule 9, page 89, leave out line 20.— [Mr Durkan (The Minister of the Environment).]

No 103: In schedule 10, page 91, line 19, leave out "Northern Ireland department concerned" and insert "transferee".— [Mr Durkan (The Minister of the Environment).]

No 106: In schedule 11, page 93, line 8, at end insert

"Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010 (c.7)

3A. In section 17 (power to modify legislation), in subsection (2) in the definition of 'local government legislation', after paragraph (cc) insert

'(cd) the Local Government Act (Northern Ireland) 2014;'.— [Mr Durkan (The Minister of the Environment).]

No 109: In schedule 12, page 93, line 19, in the second column at end insert

"In section 104(1), the words 'any other council or', and in both places where they occur the words 'the other council or, as the case may be,.'.— [Mr Durkan (The Minister of the Environment).]

No 112: In schedule 12, page 93, line 33, at end insert -

"The Local Government (Best Value) The whole Act."

Act (Northern Ireland) 2002 (c.4)— [Mr Durkan (The Minister of the Environment).]

No 113: In schedule 12, page 93, line 33, at end insert

*"The Local Government (Northern Ireland) Order 2005 (N.I. 18)*

*In Article 5(1), (2), (4), (5), (6) and (8), the word 'chief',*

*In Article 25(1), the word 'chief'.*

*In Article 26, in paragraph (2) the words 'Department or the chief' in the second place where they occur and in paragraph (3) the word 'concerned'.*

*Article 28(2) and (3)."*— [Mr Durkan (*The Minister of the Environment*).]

No 114: In schedule 12, page 94, line 9, at end insert *"In section 13(3), the words 'of a statutory transition committee'."*— [Mr Durkan (*The Minister of the Environment*).]

No 115: In schedule 12, page 94, line 13, in the second column at the beginning insert

*"Sections 37 and 38.*

*In section 39, the words 'Subject to section 40,'.*

*Section 40."*— [Mr Durkan (*The Minister of the Environment*).]

**Mr Durkan:** The amendments in this group are technical. They include textual amendments to ensure a consistent approach throughout the Bill, typographical corrections and updating amendments. The amendments do not involve any change in policy and have been supported by the Committee. I therefore do not wish to prolong the debate by commenting on each amendment individually, but I will highlight key amendments.

Clause 113 provides a power for my Department to issue statutory guidance on any aspect on which provision is made in the Bill. Amendment Nos 48, 49, 52, 53 and 54 provide clarity that the local government auditor, in carrying out her functions in relation to performance improvement, will only consider a council's compliance with guidance issues in relation to the performance improvement framework.

Amendment No 70, which introduces a provision to repeal provisions in the Local Government Finance Act (Northern Ireland) 2011, is a direct consequence of the introduction of a general power of competence for councils. The 2011 Act provides that a council may make payments for special

purposes, subject to a specified upper financial limit. The introduction of the general power for councils will, however, enable a council to take any action that it considers appropriate, provided there is no other legislation in place to prevent it. There are no financial restrictions placed on a council's use of the general power. As a consequence, the provisions in the 2011 Act would conflict with that new power. Therefore, it is necessary to make provision for sections 37, 38 and 40 of the 2011 Act to cease to have effect.

A number of the technical amendments relate to clauses 121 to 123. They are designed to ensure that relevant Departments have the necessary powers to make transfer schemes in relation to the transfer of functions and the conferring of powers to local government and to provide the statutory authority for the relevant Department to make schemes for the transfer of assets, liabilities and staff to the new councils. Amendment No 74 makes specific provision for the transfer of the assets and liabilities of Armagh County Museum to the council for the district of Armagh, Banbridge and Craigavon. That amendment has been tabled at the request of the Minister of Culture, Arts and Leisure. The amendments to clause 123 will provide Departments with the necessary enabling power to make regulations for transitional and consequential issues to ensure the smooth transfer to the new councils.

**Mr Deputy Speaker:** I call the Chairperson of the Committee for the Environment. [Laughter.] We will have a brief interlude. I now call the Chairperson of the Committee for the Environment, Ms Anna Lo.

**Ms Lo:** I am very sorry, Mr Deputy Speaker.

The Department was able to bring many of the technical amendments to the Committee during Committee Stage. The Committee agreed that it was content with amendment Nos 67, 72, 74 to 102 in this group, 109 and 112. The Committee also agreed amendment No 70 in principle, although the Department was unable to provide the precise wording of the amendment before the end of Committee Stage. I support the amendments on behalf of the Committee.

**Mr Weir:** I will be brief. I thank the Department for the level of consultation with the Committee. This is a range of technical amendments, and I am happy to support all the amendments in the group.

**Mr Boylan:** Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom

labhairt i bhfabhar na leasuithe. I also speak in favour of the amendments.

I have just a couple of comments to make. The technical amendments provide clarification and make some corrections. I put on record my support for two of the amendments. One is on the general power to afford councils the opportunity to deliver. Obviously, the Minister has clarified that point. The other one concerns the opportunity for DCAL to transfer the Armagh County Museum to the new Armagh, Banbridge and Craigavon council.

I do not propose to speak to the next group of amendments, so I put on record my thanks to all the people involved in the Bill up to this point. I also put on record the good work that has been done through the Minister's office and his Department and by all associated with the Bill. I hope that the good work done by the Assembly on the Bill up until now is not undermined or overshadowed by anything else that will come forward. It is a good piece of work. Further debates will happen. We welcome those debates, but I put on record the good work done by the Committee.

**Mr Durkan:** I thank Members for their consideration of and support for the amendments. I thank Mr Boylan for his contribution in the Committee and in the debate over the past couple of days. I echo his gratitude to the officials, who have worked extremely hard on the legislation to date.

*Amendment No 48 agreed to.*

*Amendment No 49 made:* In page 54, line 15, leave out "under section 95(6)" and insert

*"by the Department about the council's duties under that section".— [Mr Durkan (The Minister of the Environment).]*

*Clause 96, as amended, ordered to stand part of the Bill.*

*Clause 97 ordered to stand part of the Bill.*

#### **Clause 98 (Audit and assessment reports)**

*Amendment No 50 made:* In page 54, line 25, after "Each financial year, the" insert

*"Department, after consultation with the local government auditor, must determine which councils are to be councils in respect of which subsection (1A) applies in that financial year.*

*(1A) Each financial year, the".— [Mr Durkan (The Minister of the Environment).]*

#### **2.45 pm**

*Amendment No 51 made:* In page 54, line 26, after "each council" insert

*"to which this subsection applies in that financial year".— [Mr Durkan (The Minister of the Environment).]*

*Amendment No 52 made:* In page 54, line 31, leave out "(1) to (5)".— *[Mr Durkan (The Minister of the Environment).]*

*Amendment No 53 made:* In page 54, line 33, leave out "under section 95(6)" and insert

*"by the Department about the council's duties under that section".— [Mr Durkan (The Minister of the Environment).]*

*Amendment No 54 made:* In page 55, line 1, leave out "under section 95(6)" and insert

*"by the Department about the council's duties under section 95".— [Mr Durkan (The Minister of the Environment).]*

*Amendment No 55 made:* In page 55, line 20, at end insert

*"(5) In subsection (4) 'specified' means specified in a direction under that subsection.".— [Mr Durkan (The Minister of the Environment).]*

*Clause 98, as amended, ordered to stand part of the Bill.*

*Clause 99 ordered to stand part of the Bill.*

#### **Clause 100 (Annual improvement reports)**

*Amendment No 56 made:* In page 56, line 4, at end insert

*", unless no such reports have been issued in respect of that council during that financial year".— [Mr Durkan (The Minister of the Environment).]*

*Clause 100, as amended, ordered to stand part of the Bill.*

*Clauses 101 to 105 ordered to stand part of the Bill.*

### **Clause 106 (Partnership Panel)**

*Amendment No 57 made:* In page 60, line 6, leave out "appointed by the Department".— [Mr Durkan (The Minister of the Environment).]

*Amendment No 58 made:* In page 60, line 7, at end insert

"(c) a maximum of 5 representatives of such representative body or association of the district councils as appear to the Department to be appropriate,".— [Mr Weir.]

*Amendment No 59 made:* In page 60, line 8, leave out "(4)" and insert "(3A)".— [Mr Durkan (The Minister of the Environment).]

*Amendment No 60 made:* In page 60, line 8, at end insert

"(3A) Each council may nominate a councillor to serve as a member of the Panel.".— [Mr Durkan (The Minister of the Environment).]

*Amendment No 61 made:* In page 60, line 9, leave out subsection (4).— [Mr Durkan (The Minister of the Environment).]

*Clause 106, as amended, ordered to stand part of the Bill.*

*Clauses 107 to 109 ordered to stand part of the Bill.*

### **New Clause**

*Amendment No 62 made:* After clause 109 insert

#### **"International obligations**

**109A.**—(1) *If any Northern Ireland department considers that any action proposed to be taken by a council would be incompatible with any international obligations, that department may direct that the proposed action must not be taken.*

(2) *If any Northern Ireland department considers that any action capable of being taken by a council is required for the purpose of giving effect to any international obligations, that department may direct that the action shall be taken.*

(3) *A direction under this section must give the reasons for making the direction and may make provision having retrospective effect.*

(4) *In this section 'international obligations' has the same meaning as in the Northern Ireland Act 1998.*".— [Mr Durkan (The Minister of the Environment).]

*New clause ordered to stand part of the Bill.*

*(Mr Speaker in the Chair)*

### **New Clause**

**Mr Speaker:** Order, Members. We now come to the sixth and final group of amendments for debate. With amendment No 63, it will be convenient to debate amendment Nos 64, 65 and 66, which deal with the flying of flags at council offices. Members will note that amendment Nos 63 and 64 are mutually exclusive and that a valid petition of concern has been received in relation to amendment Nos 63, 64 and 66. Therefore, they will require cross-community support. I call Anna Lo to move amendment No 63 and to address all the other amendments in the group.

**Ms Lo:** I beg to move amendment No 63: After clause 109 insert

"PART 14A

#### **FLYING OF FLAGS AT COUNCIL OFFICES**

##### **Flying of flags at council offices other than a bespoke council flag**

**109A.**—(1) *The Union flag and any other flag shall be flown at the main office of any council on the days on which and at the times at which they are required to be flown according to the UK Government department responsible for designating the days for the flying of flags on UK Government buildings in Northern Ireland.*

(2) *Except as provided in this Part, no flag shall be flown at any council offices at any time."*

*The following amendments stood on the Marshalled List:*

No 64: After clause 109 insert

"PART 14A

#### **FLYING OF FLAGS AT COUNCIL OFFICES**

### **Flying of flags at council offices**

**109A.**—(1) *The Union flag shall be flown at the offices of any council as a minimum on the days on which and at the times at which they are required to be flown at United Kingdom government buildings in Northern Ireland.*

(2) *Except as provided in this Part, no national flag of any other country shall be flown at any council offices at any time.*— [Mr Elliott.]

No 65: After clause 109 insert

#### **"The flying of bespoke flags for the district council at council offices**

**109B.**—(1) *A council may commission and adopt a flag for use which represents the council district.*

(2) *The adoption of a flag for the council district must be adopted by resolution of the council passed by qualified majority.*

(3) *This flag may be flown from the council offices on any day that the council decides.*

(4) *Nothing in this section should be taken to prevent the flying of flags as specified elsewhere in this Act.*— [Ms Lo.]

No 66: After clause 109 insert

#### **"Flying of the Union flag at Belfast City Council offices**

**109C.** *The Union flag shall be flown at Belfast City Council offices every day.*— [Mr Elliott.]

**Ms Lo:** I propose the amendments in group 6 on behalf of the Alliance Party. The Alliance Party's policy on flying the national flag on council buildings is that the flag should be flown on designated days. This has been our policy and our position for some time, long before the vote at Belfast City Council. As with the majority of councils in England, Scotland and Wales, this is the most appropriate mechanism to represent the constitutional status of Northern Ireland. I am disappointed that some parties have felt the need to yet again table a petition of concern. It is up to us as legislators to have mature and thoughtful discussions of contentious issues. It is up to us to find the solutions. Attaching petitions of concern presents us from having a full and proper debate on the issue. The amendments are already dead in the water, which is deeply regrettable.

Alliance's amendment No 63 proposes a designated days policy for flags on council offices. We are following the legal, equality and protocol advice. Flying two flags suggests joint sovereignty, which is not what people voted for in the Good Friday Agreement, and no flag at all denies the reasonable and appropriate expression of sovereignty in line with national guidance. We believe it to be a sensible and fair proposal. The amendment creates a standard policy in all councils and takes the whole flags issue off the agenda for the new councils, rather than each of them getting into a row about where, when and how to fly the flag, which would distract them from other, more important issues. We want to deal with it here in the Assembly. Amendment No 63 allows councils to adopt a bespoke local flag. Some councils already have their own flag, and for others that may help foster a sense of local identity. It is protected by qualified majority voting.

Amendment No 64, tabled by the UUP, would see a minimum of designated days for flags on council offices, and amendment No 65 would see Belfast City Council fly the Union flag every day. We will not support either of those amendments. The Good Friday Agreement agreed to parity of esteem between Great Britain and Ireland and declared that we govern with rigorous impartiality on behalf of all of the people in the diversity of their identities and traditions.

The Good Friday Agreement has implications for the question of flag flying in Northern Ireland. First, it makes it very clear that Northern Ireland is and remains part of the United Kingdom until or unless the people decide otherwise. Secondly, in matters of nationality and culture, we have divided and overlapping identities. Finally, in matters of esteem, all must be treated with dignity and in a spirit of equality.

**Mr Givan:** I appreciate the Member giving way. As the Member outlines how the Belfast Agreement gives recognition to what the people want, does she not recognise that, in Belfast, 16,000 people responded to the consultation, 95% of whom said that they wanted the flag to remain every day of the year? Given that figure, does she not believe that her party should have recognised the will of the people in that situation?

**Ms Lo:** I think that matter has already been settled. There are certainly many people who support the compromise agreement. That is the way to go. It is based on equality and legal advice. If we do not do it —

**Mr F McCann:** Will the Member give way?

**Ms Lo:** If we do not make this compromise agreement, there will be no flag in Belfast City Council; Sinn Féin and SDLP would have their way. We managed to have designated days in Belfast City Council. I give way to Mr McCann.

**Mr F McCann:** I thank the Member for giving way. The Member that she gave way to previously quoted a figure of 16,000 people. Does she not recognise that there are almost 300,000 people living in the city of Belfast?

**3.00 pm**

**Ms Lo:** Absolutely. That is only a fraction of the number of people who live in our capital city. I have forgotten where I am now.

With this in mind, the logic is that the Union flag is flown over public and civic buildings in Northern Ireland on designated days, which are defined by the UK Department for Culture, Media and Sport.

Creating a shared future requires leadership. We were elected to represent all those in our constituencies. It is regrettable that the Haass talks failed to propose a viable solution to the issue of flags. I have been hopeful for an outcome here today. Without placing designated days on a statutory footing, we risk the issue being the first agenda item for many of the new councils. I strongly believe that the issue is too divisive to be taken up by the new councils and left with them. It is up to us, as an Assembly, to show true leadership and to discuss the contentious issue of flags in a mature and thoughtful way. I do not believe that attaching a petition of concern has allowed us to do that on this occasion. We must endeavour to prove that we represent everyone and are truly committed to a shared future. We can start by having meaningful debate and listening to everyone in the Chamber.

**Mrs Cameron:** Amendment No 65 truly brings us into the land of once-upon-a-time politics. It is presumably the Alliance Party trying to wish away all the hurt and bitterness of the past few years over flags by offering a so-called solution. However, it yet again demonstrates a complete lack of acceptance of unionism and a complete disregard for anything that is unionist in origin. What I find most patronising is that the Alliance Party is not just content to tell us that the Union flag cannot be flown anywhere unless it agrees to it, but it will even design us a new flag to take its place and be flown instead.

It is clear that, until democracy decides differently, Northern Ireland is part of Great Britain. Those who choose that identity have every right to express it. That right, along with the rights of other communities and traditions, is enshrined in a series of agreements. If we are truly to move forward as a society, it can be done only by acceptance and recognition of truth, not by ignoring and airbrushing it. Of course there should be a proper discussion on flags and emblems. However, it is for the House to decide an overarching way ahead on that, and it should not be batted off to local councils to manage as a sticking-plaster solution. Furthermore — this is perhaps why there is so much opposition to the Union flag — I accept that elements of unionism have done nothing for their cause by the manner in which they have used and treated the Union flag. There is truly nothing more depressing than a flag being used to mark territory, and it says much about those who erect those flags that they cannot even be bothered to maintain them.

I do not believe that there is any room in the Bill to prescribe when a council should or should not fly a flag, be that the Union flag or a bespoke flag. Some parties in the Chamber are maybe uncomfortable with the realisation that their stance on flags may have made them unpopular in some quarters, especially with such vital elections occurring in May. However, I do not think that sneaking flag legislation in by the back door is the way forward. I feel that, by hiding the amendments in the Bill, that is what they propose. The amendment proposes to allow individual councils to design their own bespoke flag and to fly those flags on any dates that a council decides are appropriate. I feel that we have a perfectly adequate flag to fly 365 days a year outside all council offices, and there is zero need for additional flags. The flag to which I refer is, of course, the Union flag. However, I recognise that much needs to be done by way of mutual respect for identity before that option can be accepted by all sides.

It remains a truth that you cannot simply batter a whole community into submission over identity and culture, and the Alliance Party needs to wake up to that fact. Saying nice things fixes nothing. The simple truth is that identity has to be respected. That applies not only to minorities but to everyone. Sensible leadership must be shown, if we are ever to find a way out of our current mess over flags and emblems. That leadership must come from the Assembly; it is too important to bat it off to councils hidden in amendments.

All communities here were promised great things in the Belfast Agreement. Although there

is an argument to say that we have not made the most of the opportunity, there is equally an argument to suggest that it was an agreement built on sand.

The past few weeks have demonstrated that none of us really knew what we had or had not signed up for; we just knew bits of convenient truths. It is up to us all to rebuild confidence and trust and to truly move our society forward. Restoring the Union flag to its rightful place would be a start in repairing the damage. There should be an opportunity for wrongs to be righted. Equally, those who believe in the Union flag should be given a new opportunity to demonstrate that it can be a flag that unites and respects and does not threaten or hide behind street violence. To that end, I support amendment Nos 64 and 66 on the basis that they allow us to move on with respect while learning the lessons of the recent as well as the more distant past.

**Ms Boyle:** Go raibh maith agat, a Cheann Comhairle. Sinn Féin will oppose amendment Nos 63 to 66 and have signed a petition of concern in relation to them. We believe that they only fabricate difficulties that are not there. There is clearly a very powerful emotional connection between identity and symbols, and that goes for all our community. That is why compromise and dialogue on these issues are so important. As republicans, we have made many compromises in the pursuit of peace, and that is the nature of peace-building. We need joint action and joint initiatives. I am very conscious that change can be difficult and, to some, can feel like a loss. However, change based on equality, mutual respect and parity of esteem is a win for us all.

I believe that political unionism is in complete denial of the changed political realities and that the Good Friday Agreement legislates for equality. The days of imposing British flags and emblems where they are not wanted are long gone. In my constituency, for example, the Union flag is not flown from the council building in Strabane, and there is mutual respect and parity of esteem for all who work in the building and those who visit it. The council building in Strabane is neutral and free from flags. People from all cultures right across the district can register births and deaths and license their dogs in a flag-free environment. They do not feel in any way intimidated by one flag or another. In our council, I am certain that unionists and members of the unionist community would not support this action because it is divisive. Mutual respect means having proper regard for another individual. Without the proper respect for employees in a

diverse workforce, incidents of workplace conflict may increase, and that has a negative impact on productivity and overall morale. In my constituency, even thinking of flying a flag over a council building would be seen as an obstacle to community reconciliation in this part of the island of Ireland.

**Mr Lyttle:** Will the Member give way?

**Ms Boyle:** I will.

**Mr Lyttle:** Is the policy of no flags and total neutrality one that Sinn Féin believes is long-term, regardless of the constitutional status of Northern Ireland? If so, can she explain why her party thinks that it is a positive policy?

**Ms Boyle:** I thank the Member for his intervention and continue with my contribution to the debate. *[Laughter.]*

**Mr Speaker:** Order. Allow the Member to continue.

**Ms Boyle:** Thank you, a Cheann Comhairle. Recently, my office was inundated with calls and complaints when the Union flag was flown from the social security office in Strabane for the first time since 1999. Why that happened remains a mystery. The people of my town and district did not want that. The loyalist flag protest —

**Mr Allister:** Will the Member give way?

**Ms Boyle:** No, I will not.

Last year, the loyalist flag protests filtered into parts of my rural constituency such as Castlederg and Ballymagorry. On a number of occasions, we witnessed the illegal blocking of the main A5 road at New Buildings and Ballymagorry by flag protesters. We also witnessed a complete lack of leadership and consideration of the majority of the community in Castlederg, who would not class themselves as British, when the town was saturated with Union flags on the eve of the Tyrone fleadh. That was in complete contradiction to a call by unionist politicians in the area for Comhaltas to ensure that the fleadh would be totally inclusive and that no offensive flags should or would be flown; a wish that was respected by Comhaltas. Unionists are speaking out of both sides of their mouth as most of the unionist community in my area are genuinely motivated by a strong desire to make progress. They are being continually blocked from doing so by many small,

reactionary elements who want to turn the clock back.

Equality and parity of esteem need to be embraced as instruments of inclusion and integration and as a means to encourage mutual understanding. We teach our children to understand and appreciate cultural diversity and to live alongside their neighbours of different religious and cultural backgrounds. We teach them the importance of promoting and understanding tolerance, yet here we have these amendments, which lack regard for parity of esteem and mutual respect for the people of my home town and citizens throughout the North. Reconciliation is a vision that we should seek —

**Mr Lyttle:** Will the Member give way?

**Ms Boyle:** No, I am almost finished.

Affirming equality and respect for all cultural traditions and political allegiances in the North is not about one-upmanship; it should represent common ground to be built upon. Constituents of mine have asked me why politicians are creating flag-flying issues here when they had the opportunity to put those issues to bed during the Haass talks.

**Mr F McCann:** Will the Member give way?

**Ms Boyle:** Yes.

**Mr F McCann:** Do you agree that the Alliance Party Member is being fairly mischievous when the effects of an amendment that his party is putting forward would force the union flag on councils in areas where it is not wanted? *[Interruption.]*

**Mr Speaker:** Order.

**Ms Boyle:** I thank the Member for his intervention. I agree with him. *[Interruption.]*

**Mr Speaker:** Order.

**Ms Boyle:** It is time for us all to move forward together and for unionists to stop continually bowing to the lowest common denominator in their political constituency. The Haass proposals are very much compromises. The essence of any negotiations is that, in order to be successful, all participants must be prepared to compromise in the interests of the greater good. There can be no renegotiation of what has been painstakingly negotiated. It is time for unionists to stop looking over their shoulder at

the likes of Jamie Bryson and Jim Allister and to move to implement the Haass proposals instead of wasting any more time debating the subject here in the Assembly.

**Mr Eastwood:** It has been a fairly lengthy debate on the Bill. A lot of people, particularly in the media, were looking forward to this particular section. I had the opportunity yesterday to speak at the beginning of the debate. You allowed me some latitude, Mr Speaker. Maybe I took more than I should have. What I said at that point was that this is not a flags Bill, and it should not become one. I do not believe that it will, but it is unfortunate and pretty predictable that the story tonight will be about this part of the debate. I implore Members to think about that when they make their contributions.

Thankfully, those amendments will not be passed today. There is good reason for that. We have just gone through in fine detail, and the Committee has gone through in a lot of detail over the past number of weeks and months, very important legislation that will change the way we do local government business for the next generation. The focus should be on that. I think that we have done a good piece of work here in the past couple of days.

**Mr Lyttle:** I thank the Member for giving way. Does he agree that failure to address this particular issue means that there is a risk that local government getting on with the business of delivering public services will be severely hampered and handicapped by that hanging round its neck?

**Mr Eastwood:** Well, that is all very well, and we have to understand that there is an issue. Of course there is an issue around flags.

We were all engaged in a process to deal with the past, flags and parades. The Alliance Party's lukewarm reaction to the Haass proposals does not leave us in a very good place either. I think that the Alliance Party needs to understand — this might be because it does not have very many representatives too far from here — that this issue is not an issue right across Northern Ireland.

**3.15 pm**

Some people obviously have deep concern about their national flag. People who are nationally minded have concern and fond feelings for their national flag, but the issue is how we deal with that. I can tell you what

people in my city were saying during the trouble that erupted around here, at your office and across the whole city of Belfast. The whole world was looking at us and saying, "I thought that they had that whole thing sorted out. What's going on in Belfast?" What does that do for our economy? I can tell you what people in Derry were saying. They were saying, "Don't be importing that problem over here, because we don't need it".

We were engaged —

**Mr Lyttle:** Will the Member give way?

**Mr Eastwood:** I will.

**Mr Lyttle:** I will make this clear for the Member: the Alliance Party was in no way lukewarm on the Haass proposals. The Alliance Party worked tirelessly and hard, not least for victims and survivors in Northern Ireland, to come up with a set of proposals that have a realistic opportunity to improve access to justice, information and services for victims and survivors across Northern Ireland and to deal with parading and flags.

If you think that this is not an issue for Northern Ireland, you need to get your head out of the sand. As for it being a Belfast problem, it was Sinn Féin and the SDLP that put the proposal forward at Belfast City Council. So, if they think that there is a need for change and compromise at Belfast, there is a need for change and compromise across the whole region.

**Mr Eastwood:** I thank the Member for his contribution. Of course, the Alliance Party had nothing to do with that decision in Belfast.

I think that Members need to understand this. People right across Northern Ireland looked at the trouble that erupted here and, wringing their hands, said, "What under God have we got ourselves into this time? Why is there such a reaction?" Maybe some of us need to understand that people do have a particular reaction.

**Mr Humphrey:** I thank the Member for giving way. I am one of two people in the Chamber who was in the City Hall the night that the vote was taken. The Member is quite right: the Alliance Party played a very pivotal role. In fact, it brought forward the suggestion that the flag be removed at all. Let us be clear: two men and a wee lad complained about the flag flying at Belfast City Hall. The truth of the matter is that it is unfortunate that, in this scenario, when a majority will work in the City

Hall, Alliance, Sinn Féin and the SDLP come together, but that, in this place today, when we are discussing this very issue about the flying of our national flag, Sinn Féin and the SDLP reject that majority and table a petition of concern. That is appalling, and it is a complete denial of democracy.

**Mr Eastwood:** We could talk about democracy all night. The DUP never tables petitions of concern on issues such as this — ever. It would be a real shock if that happened in here.

**Mr Humphrey:** Not if —

**Mr Speaker:** Order. Let us not have a debate across the Chamber.

**Mr Eastwood:** OK, Mr Speaker.

**Mrs D Kelly:** Will the Member give way?

**Mr Eastwood:** I will.

**Mrs D Kelly:** Was the decision at Belfast City Hall that led to the Union flag being taken down not a democratic one, which the Members opposite fail to recognise? *[Interruption.]*

**A Member:** Would they accept it here?

**Mr Speaker:** Order.

**Mrs D Kelly:** Did the 40,000 leaflets that the DUP and the Ulster Unionist Party distributed not also have a huge role in and a huge impact on drawing and bringing people out on to the streets?

**Mr Humphrey:** Educating people.

**Mr Speaker:** Order.

**Mr Eastwood:** The Member is correct. It was a democratic decision. Unfortunately, —

**Mr Givan:** Majority rules.

**Mr Speaker:** Order.

**Mr Eastwood:** Unfortunately, there was agitating and stirring of tensions outside Belfast City Hall. Talk about democracy: the offices of Members who were elected to this House were attacked because of that stirring up of tension around east Belfast and in other places. That is not recognising democracy.

We have to understand that, in Northern Ireland, we have two competing identities. The unionist identity is not the only identity in Ireland. Our identity counts as well, and I think that it is important that people understand that. I have no desire to strip councils of unionist emblems or symbols.

**Mr Givan:** Londonderry.

**Mr Speaker:** Order.

**Mr Eastwood:** I will take any of the Members from across the Chamber to the Guildhall in Derry and give them a tour.

**Mr Givan:** Do you not mean "Londonderry"?

**Mr Speaker:** Order.

**Mr Eastwood:** You call it "Londonderry"; that is fine.

**Mr Givan:** Aye, that is right.

**Mr Speaker:** Order.

**Mr Eastwood:** I have no —

**Mr Humphrey:** You stripped that.

**Mr Eastwood:** OK, so that was not a democratic decision either. I will take any of you to Derry. *[Interruption.]*

**Mr Speaker:** Order. All remarks through the Chair. Order.

**Mr Eastwood:** Sometimes people do not want to listen because they do not like what they hear. However, sometimes they have to listen, because I was elected to the House in the same way as they were — by a democratic decision. I would love to take — we will maybe do a bus run — a group of DUP MLAs to Derry, and we will do a tour of — *[Interruption.]*

**Mr Speaker:** Order.

**Mr Eastwood:** You can go to Londonderry as well. We will put two signs on the bus. *[Laughter.]* Maybe Mr Campbell could take the tour as well. We will do a tour of the Guildhall — *[Interruption.]*

**Mr Speaker:** Order.

**Mr Eastwood:** — and we will look at all the symbols of British identity and of historical

imperialism in our city that we have not stripped away. I think that it is important that we recognise our history, because we have a shared history. We do not like all of it, but we have a shared history. I am not proposing that we tear down the Walls of Derry because they are a symbol of British imperialism. I am not proposing that at all. What we have done in our city — *[Interruption.]*

**Mr Speaker:** Order. There is no time limit on Members who want to contribute to the debate. If they want to make a contribution, they should get their name on the speaking list. I also say to the Member who has the Floor: let us try to get back to the amendment. Let us not have a debate about the Guildhall or anywhere else. Let us get back to the amendment before us.

**Mr Eastwood:** The point that I was trying to make was that the SDLP has no desire to strip away Britishness or even the symbols of British imperialism. That is because we recognise that we have a history in this part of the world. We have to understand, as does the DUP, that we also have a future, and it needs to be a shared future.

**Mr F McCann:** Will the Member give way?

**Mr Eastwood:** Yes.

**Mr F McCann:** Would you not agree that for decades, were you to have looked at the emblems in many councils across this state, you would have been forgiven for believing that there was only one community here, and you are now trying to address that problem?

**Mr Eastwood:** That is a fair point, because many nationalists across the North have a very different opinion and experience of councils than have been explained from across the Benches today. We need to stop. Why are we debating flags? Mrs Cameron made a good point — I thought that her speech was eloquent and thoughtful — when, referring to the Alliance Party amendment, she said that flags should not be sneaked into the Bill by the back door because the Bill was much more important than that.

**Mr Lyttle:** Will the Member give way?

**Mr Eastwood:** Unfortunately, she went on to say that she would support two of the other amendments on flags. Did you say that you wanted to come in?

**Mr Lyttle:** Yes. I thank the Member for giving way. Mrs Cameron also said that we should deal with the issue in the Assembly. I find it hard to describe what is happening today, in full public view in the regional legislature, as sneaking something in via the back door. The hope is to have a mature, sensitive debate, as was initiated by my colleague Anna Lo. I hope that we get back to that.

**Mr Flanagan:** Good luck with that.

**Mr Eastwood:** Yes, well. The place for dealing with this issue politically was the Haass process. We need to get another process on the cards as soon as possible. We are going into an election, and the DUP, and everybody else, has to speak about flags and wave the flag and punch the table. However, after this election, we will have to get back to it, because people are fed up listening to us talk about flags and parades and the past. They are all very important, but, until we deal with it, we will be bound and imprisoned into constantly debating them here, across councils and everywhere else.

I ask every political party in the Assembly to get together as soon as possible. I would love you to do it today or tomorrow, but we can already tell that that will not happen until after the election. Get the two Governments around the table to pull us together to deal with it once and for all, because my generation will not forgive us if we do not deal with this a matter of urgency.

**Mr Givan:** Thank you for giving way. On getting "around the table" and dealing with this as "a matter of urgency", will the Member clarify why his party joined Sinn Féin in boycotting the Assembly Commission when it tried to deal with this issue?

**Mr Eastwood:** Here we go again. No attempt — *[Interruption.]*

**Mr Speaker:** Order.

**Mr Eastwood:** It has been universally recognised across the world, and it was recognised last week in America, that the only way to deal with these issues is comprehensively and properly in a negotiating setting. *[Interruption.]*

**Mr Speaker:** Order.

**Mr Eastwood:** We made quite a lot of progress around Haass. All parties played their part in

that, but we need to get back to it. We cannot just leave it up in the air, because, otherwise, the people will not forgive us. I believe strongly that the tricolour is my national flag. I have no problem with you believing otherwise. I do not have any problem with you believing that the Union Jack is your national flag. *[Interruption.]*

**Mr Speaker:** Order. Let us not have debate across the Chamber. Order.

**Mr Eastwood:** My national identity is not decided by you or anybody else. *[Interruption.]*

**Mr Speaker:** Order. All remarks must be made through the Chair. Order.

**Mr Eastwood:** Mr Speaker — *[Interruption.]*

**Mr Speaker:** Order.

**Mr Lyttle:** I thank the Member for giving way. He touches on an important point. We are conflating identity with a reflection of constitutional status. The Good Friday Agreement enshrines absolutely the Member's right to be Irish and of Irish nationality, but the constitutional status of Northern Ireland is that it is part of the UK. Would the Member then agree that reflecting that constitutional status requires a reflection of the Union flag in the way that we are proposing, which is a sensitive, balanced way that reflects the diversity of Northern Ireland?

**Mr Eastwood:** The Alliance Party's argument to extend the flying of the Union Jack across all councils would mean more flags rather than fewer. I cannot quite understand the logic of that, given that that party talked about good relations earlier.

We have to recognise each other's identity. I have no problem recognising unionism's identity. I am happy to help you to celebrate it and everything else, but you have to understand that I and people over here have a different identity. Our identity is not out to threaten your identity, and I do not think that your identity threatens my identity. I am comfortable enough to say that I am Irish and that the Irish tricolour is my national flag. *[Interruption.]* It is surprising — *[Interruption.]*

**Mr Speaker:** Order.

**Mr Eastwood:** Again, you do not want to listen. It is surprising that, when you get two nationalist parties voting to fly the Union Jack in Belfast

City Council, once again unionism snatches defeat from the jaws of victory and creates —

**Mr Humphrey:** I am grateful to the Member for giving way. That is at the core of the issue. In Belfast City Council, the views of the unionist community were completely ignored — *[Interruption.]* Yes, they were —

**Mr Speaker:** Order.

**Mr Humphrey:** The fact of the matter is that the decision was taken by the SDLP, the Alliance Party and Sinn Féin to remove that flag, a flag that flew there, causing little or no offence. There were six objections over the years that it flew. The truth of the matter is that there was no objection from this side of the House to anybody celebrating their culture. However, my culture as an Orangeman — I am proud to be an Orangeman — is denigrated, demeaned and attacked by your two parties sitting across the way, which actively go out and protest and campaign against parades. That is something that you really lecture us about, but, when it comes to reality, you do not deliver.

**Mr Eastwood:** I come from a city that last August had, I think, the largest Loyal Orders march — I stand to be corrected on that, because I am not an expert — right across Northern Ireland. We had that marching through Derry city, which is largely a nationalist city, without any trouble, but of course we are very much against your identity and are running it down and everything else. *[Interruption.]*

**Mr Speaker:** Order.

**Mr Eastwood:** The very next day, we had the largest ever festival of Irishness in the same city, in the same street, but we were able to accommodate that. A bit of — *[Interruption.]*

**Mr Speaker:** Order.

**Mr Eastwood:** A lot can be learned from the way in which Derry has behaved over the past year and beyond.

People also need to understand that, outside council buildings and everything else, I have to witness in my own city, around the anniversary of 14 people being murdered on the streets, the Paratrooper flag being flown on the entrance to the city. Why do all of us as public representatives not get together and recognise that that in itself is meant to try to offend people? The meaning behind erecting that flag was to try to offend people. Surely we can be a

bit more grown up than that and try to move things forward.

I will finish there, Mr Speaker.

**A Member:** Hear, hear.

**Mr Eastwood:** I know that you are glad to hear that, but we will have plenty of time to listen to probably all of you throughout the rest of the debate. *[Interruption.]* I hope, Mr Speaker, that, when this is reported tonight, the media and public recognise that we have done some good work in the Assembly over the past couple of days, because we are often criticised for not doing a lot of good work. We have done some good work. We will have passed an important piece of legislation that will change the way in which we do local government for the next number of years, and we should be proud of that. Hopefully, when this is all over and everybody gets things off their chest and gets to release a bit of anger, we can get back to doing what we should be doing in the House, which is dealing with the economic crisis that is going on right across the North.

### 3.30 pm

**Mr Elliott:** Like others, I hope that the debate on this group of amendments is not classified as the grand finale of this two-day debate. I am just sorry that we are at a position where we are having to debate trying to restore the Union flag to its rightful place on Belfast City Hall and have it flown on designated days from other council buildings throughout Northern Ireland. If the decision taken in Belfast back in December 2012 had not been taken, we would not be here today. That is the reality.

I was pleased to hear that the Alliance Party, in some way, might be coming round to agreeing that Northern Ireland is a constitutional part of the United Kingdom. I am pleased to hear them say that. Now, they need to put their actions into words and react in the proper way by ensuring that that is recognised. I also welcome Mr Lyttle's suggestion that there is a difference between identity and the constitutional position. That has been the Ulster Unionist Party position for some time; we have been saying that for a long, long time.

The fact is that the Union flag represents the constitutional position of Northern Ireland as part of the United Kingdom. That is enshrined here and that is the democratic position. I cannot for the life of me see why people cannot understand and accept that. I accept that the Irish tricolour is the constitutional emblem of the

Irish Republic. I accept that they have a right to fly it from government buildings in Dublin or elsewhere. That is a constitutional right. It is part of the identity of people there but it is not just their identity; it is their constitutional position and their constitutional right. Why can people not accept that the same is the case for Northern Ireland? We are part of the United Kingdom, and the constitutional emblem is the Union flag.

**Mrs Foster:** Will the Member give way?

**Mr Elliott:** I will, yes.

**Mrs Foster:** Does the Member agree that the principle of the constitutional position of Northern Ireland was enshrined in and was the cornerstone of the Belfast Agreement and the 1998 Act that followed it? That is the same Belfast Agreement that is talked about a lot by people on the other side of the House as something that they very much adhere to. Given that that is the case, is it not entirely hypocritical for the parties across the way to talk about the Irish tricolour being the flag that they adhere to, given that they signed up to the principle of consent, which is enshrined in the Belfast Agreement?

**Mr Elliott:** I promise Members that the other Member for Fermanagh and South Tyrone and I did not have a conversation before this debate, because that is the next point that I was going to make. That position was enshrined in the Belfast Agreement. Whether you supported it or not, over 71% of the people in Northern Ireland supported it, and over 98% of people in the Republic of Ireland. Mr McCallister wants me to give way.

**Mr McCallister:** I just wanted to make the point that the two Members who brought up that point did not vote for the Good Friday Agreement. *[Interruption.]*

**Mr Speaker:** Order. The Member has the Floor.

**Mr Elliott:** I am not so sure that Mr McCallister needed to give clarification on that. Over 71% of people in Northern Ireland voted for it. That is the constitutional position. *[Interruption.]*

**Mr Speaker:** Order. Let us not have a debate across the Chamber. The Member has the Floor and must be heard.

**Mr Elliott:** Thank you very much, Mr Speaker. The point that I am making is that many of

those people on the other side of the Chamber — in fact, all of them, I believe — support the position that the constitutional reality of Northern Ireland is that we are part of the United Kingdom. I see Mr Alban Maginness shaking his head and having a snigger, but that is a fact. He voted for that agreement and supported it, so why does he not support it now? Why does he not support the rightful position of Northern Ireland in the United Kingdom, in the same way that I support the right of the Irish Republic to fly its tricolour? That is a democratic right.

I support Ms Lo when she indicates that one of the councils' first tasks may be to debate the very issue of whether they will fly a flag. That is why it is much better, I think, that we do it regionally, here in the Assembly, and try to find a compromise resolution that will suit all the councils, in order to ensure that we have that consistency throughout Northern Ireland.

**Mr Nesbitt:** I thank the Member for giving way. Does he agree with Professor Meghan O'Sullivan, the vice-chair of the Haass talks, who, on a recent American television programme on CNN — *[Interruption.]*

**Mr Speaker:** Order.

**Mr Nesbitt:** — said that the failure of some in the talks to distinguish between identity and sovereignty evidenced immaturity?

**Mr A Maginness:** She was not referring to you, was she?

**Mr Speaker:** Order.

**Mr Elliott:** I thank the Member for his intervention. I hear other people shouting: if they want an intervention, maybe they would ask instead of having the Speaker continually intervene. People know that I am quite generous with my time and allow people to have a good debate.

I agree with Mr Nesbitt in that respect. Professor O'Sullivan recognised, as did Dr Haass, that some people were being immature here about how they looked at the constitutional position of Northern Ireland.

I listened carefully to the issues that Mr Eastwood raised in that he does not want to remove everything representing Britishness and does not want to clear the decks. He held out his own city of Londonderry — he calls it Derry, and I am not going to argue with him over that — as being a prime example. I challenge him

to go on the walls of the city and look down over the housing estates and areas, as I did quite recently. There were hundreds upon hundreds of Irish tricolours flying from lamp posts and even cranes in the city. What welcome is that to people from the unionist community? What welcome is that to people of a minority community?

**Mr Eastwood:** Will the Member give way?

**Mr Elliott:** I am happy to give way.

**Mr Eastwood:** Maybe the Member is not aware that I have a very strong affinity to my national flag, and I do not like to see it hanging tattered on a lamp post or on a footpath. I am sure that the Member knows that there are other areas in Derry that have different flags flying all over as well. If he looked over the other side of the wall, he might have seen into a different area that had the same problem. Will the Member join me, then, in condemning those people? I have no problem talking to my community when they are doing things that, I think, denigrates our national flag.

**Mr Elliott:** I have always been quite clear that it does no national flag justice to be hanging in tatters from lamp posts, but the point that I am making is that there is not the same level of Union flags hanging in the city of Londonderry than there is Irish tricolours of a foreign nation. I am happy to go with Mr Eastwood and have a count of the flags if that is what he wants, because it is quite obvious, when he looks from the walls, how welcoming it is to the unionist people there.

Mr Eastwood also said that he does not want to strip out all Britishness and that he does not want to strip our identity out of council chambers. However, I was on Fermanagh District Council back in 2002 when the SDLP, in conjunction with Sinn Féin, decided to remove the Union flag from Enniskillen town hall, which at that time was only flying on designated days. It was not flying every day. Were they satisfied with just taking the Union flag off? No. They had to strip every iota of Britishness, any identity that I may have been able to feel akin to, any identity at all that was to do with Britishness, from Enniskillen town hall. Were they satisfied then? No.

I heard Ms Boyle say that they do not want workplace conflict. Fermanagh District Council has a very good working relationship among the staff. There are no items of identity whatsoever. What did the council do last year? It introduced Irish language onto its vehicles. It

added Irish language onto its letterheaded paper. Is that not bringing workplace conflict right into the heart of the workplace? That is not done by the workforce but by the councillors who decided to do it. So, please tell me that that is not workplace conflict brought in by those councillors.

We have brought forward these proposals and amendments in the hope of resolving some of these issues so that councils do not continually have to debate them and have discussions and heated arguments about them. Let us resolve them here, and let us do it in such a manner that people actually respect each other's identity. I am happy if people want to have their days and their identity recognised, but please let me have my identity recognised. Above all, however, let us recognise the constitutional position of where you live and where you are, which you all accepted in the Belfast Agreement as being the constitutional position but which you will not accept now.

**Mr Newton:** Thank you, Mr Principal Deputy — Mr Deputy — Mr Speaker; sorry. *[Laughter.]*

**Mr Elliott:** He has not been demoted yet.

**Mrs Foster:** You got there in the end.

**Mr Newton:** I got there in the end.

I listened to Ms Lo on this matter, and I accept that she was not involved in the decisions that were made in Belfast City Council and she was unaware of the complex issues and situations that were being created in Belfast City Council. Because of that, I can only think that the words she used were spoken with a degree of naivety. If I do not believe that and if I cannot give her the credit for that, I have to believe that she was talking nonsense. I will give her the benefit of the doubt on the matter, because she comes on to use —

**Ms Lo:** Will the Member give way?

**Mr Newton:** I am happy to give way, Mr Speaker.

**Ms Lo:** That is extremely patronising, I am afraid. I have to say this — *[Interruption.]*

**Mr Speaker:** Order.

**Ms Lo:** Mr Newton, I have lived in this country since 1974 and I am probably older than many of your party colleagues here, so do not be so patronising to say that I am naive.

**Mr Newton:** I said you were naive about the situation in Belfast City Council. *[Interruption.]*

**Mr Speaker:** Order.

**Mr Newton:** If you were not naive, then it pushes me towards saying that what you were talking about was nonsense.

You went on to say that the removal of the flying of the flag was a matter of esteem and that it was based on equality and legal advice, but you were wrong on both counts. Sinn Féin said that it was also about parity of esteem and creating a neutral environment. That expression, "creating a neutral environment", is frequently used and, in fact, the organisation that is tasked with equality and creating equality impact assessments — not an organisation that my party is particularly fond of — describes the need to create a neutral environment. The Equality Commission has said:

*"While the Commission recognises that some employers will still choose to promote their workplace environment as a 'neutral' space, it is important to recognise that the two concepts 'harmonious' and 'neutral' are not inextricably linked. In other words an 'harmonious' working environment does not necessarily need to be a 'neutral' one."*

The situation on Belfast City Council, which had been emerging over a period of years, was one of harmony. We were in danger of harmony breaking out on Belfast City Council to the point where there was so little to fight about on the agenda that the council meetings lasted 45 minutes when in previous years they had lasted for three hours. We were in danger of harmony breaking out. That was when Alban Maginness was a member of Belfast City Council, and in the early stages of William Humphrey's time on Belfast City Council.

**3.45 pm**

There was a Sinn Féin strategy whereby it removed from Belfast City Council those councillors who were perceived to be getting too comfortable, becoming part of the institution and working with other council members to do constructive things such as policies on rates that were not based on spend, spend, spend. There was a constructive approach. Indeed, investment programmes were being looked at and launched, and that can happen only when councillors from all sides are working together. All of a sudden, Sinn Féin removed half a dozen councillors overnight and put into the leadership of its group — *[Interruption.]*

**Mr Speaker:** Order. Let us not have a debate across the Chamber or have Members trying to make contributions from a sedentary position. The Member is prepared to give way.

**Mr Flanagan:** *[Interruption.]*

**Mr Speaker:** Order. Let us also get back to the amendments. We are having a debate on Belfast City Hall and everything except the debate on the amendments. Let us get back to the debate on the amendments. I am prepared to give Members some latitude in setting forth their position, but we really need to get back to the amendments.

**Mr Newton:** For the sake of Ms Lo, I have to put this into context, Mr Speaker, having referred to her earlier.

**Mr I McCrea:** Will the Member give way?

**Mr Newton:** I am happy to give way.

**Mr I McCrea:** The Member is obviously speaking to amendment No 66, which refers to the Union flag being flown at Belfast City Council. I am sure that that is the reason why he is referring to Belfast City Council so much.

**Mr Speaker:** Yes. Let me say that — *[Interruption.]* Order. All Members will know that, when Bills are going through the House, I give Members some latitude, but we cannot have a debate continually on what happened at Belfast City Hall. Members need to try to get back to the amendments. I am still prepared to give Members some latitude in how they contribute to the debate.

**Mr Newton:** I will move on then, Mr Speaker.

It does not really matter whether Mr Eastwood believes that the tricolour is his national flag. The fact that he believes it does not make it true. He can believe what he likes.

It was said that this matter is based on equality and legal advice. However, when the Equality Commission undertook an EQIA on Belfast City Council —

**Mr F McCann:** Will the Member give way?

**Mr Newton:** Yes, I am happy to give way.

**Mr F McCann:** The Member did not mention me, but he practically did as I was a member of Belfast City Council. He is looking on the issue wearing rose-tinted glasses. I do not recognise

the place that he is talking about, and it is unfortunate that cameras were not in the City Hall as they are now because they would have shown a different picture. In fact, when I spoke on the night that I was leaving the council, I said that I was glad to get out of it because of the attitude and the sectarian decisions that were being taken in the council.

**Mr Newton:** That makes my point for me. The Member was glad to get out because of the reversal of the attitudes that had emerged across the chamber.

The Equality Commission issued further guidance to Belfast City Council on promoting a good and harmonious working environment, and it distinguished, as I said, between a harmonious working environment and a neutral one. The new guidance that it issued states:

*"A good and harmonious working environment is one where all workers are treated with dignity and respect, and where no worker is subjected to harassment by conduct that is related to religious belief or political opinion."*

Of course, that does not mean that working environments need to be devoid of the symbolism of the two main communities in Northern Ireland. In other words, a harmonious working relationship does not necessarily mean a neutral one. You do not have to wipe everything out. The guidance includes the following specific advice:

*"the flying of the Union Flag must be viewed within the context in which it is flown or displayed. Factors affecting the context include the manner, location and frequency with which flags are flown."*

According to the Equality Commission —

*"The Union Flag is the national flag of the United Kingdom and, arising there from, has a particular status symbolising the constitutional position of Northern Ireland. On the other hand, the Union Flag is often used to mark sectional community allegiance."*

Such allegiance has been referred to, and we want no part of that.

The flying of the national flag from the City Hall does not create an environment in which people are not comfortable. That was indeed —

**Mr Humphrey:** I thank the Member for giving way, and I agree with everything that he said. However, given the damage caused by the decision taken by the Alliance, Sinn Féin and the SDLP in December 2012, which led to the erection of flags right across the city and damaged community and inter-community relations in Belfast, does the Member think that the policy that they set out has made the city better?

**Mr Newton:** Let me say that I agree with the Member. The decision taken on 3 December created a situation that had been emerging but one that was soured by Sinn Féin. It will take years to get back to the situation before that decision, if we can get back to that.

**Mr Lyttle:** Will the Member give way?

**Mr Newton:** I am happy to give way.

**Mr Lyttle:** There has been an attempt to paint a picture of 3 December 2012 as the one focus point for when this first became an issue in Northern Ireland. Given how well the Member has educated us all on the City Hall, does he accept that it was an issue that had been worked on, discussed and debated there for many years? As far back as the Good Friday Agreement, it was stated that the issue would have to be dealt with on a regional basis by the Assembly.

**Mr Newton:** I do not recognise that it was a major issue that was debated and discussed over a period of years in the City Hall. Ms Lo also made the point that this was based on equality and was a matter of esteem. Belfast City Council, because of the importance of the flag, asked people coming to the City Hall and its employees about it. A survey was taken of 402 people who visited the City Hall, in which the question was asked:

*"Did you happen to notice any flags flying outside the building?"*

Some 67% of people who came to the City Hall never even noticed the flag. Did you notice —  
[Interruption.]

**Mr Speaker:** Order. The Member has the Floor and must be heard.

**Mr Newton:** Another question was this:

*"Did you notice the Union Flag flying over the front entrance of City Hall?"*

Some 93% of people said that they did not. In another part of the survey, this question was asked:

*"The Council flies the Union Flag on the City Hall every day. Which of the following statements best reflects your feelings regarding the Union flag?"*

Of the 402 people surveyed, 306 said that they were "pleased", "comfortable" or had "no particular feelings". That is the level of offence that flying the flag creates. The survey shows that it was not a matter of esteem and was not an issue in the City Hall. I have referred to —

**Ms Lo:** Will the Member give way?

**Mr Newton:** I am happy to give way.

**Ms Lo:** I do not know whether the Member recalls that Belfast City Council ran a stakeholder event one evening to consult on the flag, and only a couple of people turned up. That was before 40,000 leaflets were distributed and agitated people into rioting.

**Mr Newton:** I am not quite sure what the point of that intervention was, Mr Speaker. Can I just say that — *[Interruption.]*

**Mr Speaker:** Order. The Member has the Floor.

**Mr Newton:** It has been mentioned that it was an important issue in the City Hall. I indicated that I believe that there was an orchestrated campaign and that some people fell into the trap, maybe willingly or otherwise. After it started to become an issue and after it was wound up and new appointments were made by the Sinn Féin side of the chamber, Belfast City Council senior officers — the chief executive, I presume — started to get letters. William Humphrey said that, in the decade before, six people had made a complaint and then, all of a sudden, letters started to appear. I want to take the comments from some of the letters that appeared. The first stated:

*"Over the past number of weeks and months, our Sinn Féin team in the council have received a number of complaints from constituents in relation to the current council policy of flying the Union Jack above the City Hall."*

Out of that flowed:

*"The Chief Executive has also received six letters from individuals in recent months".*

We are told that comments to the chief executive included:

*"I was very offended to see the Union flag flying".*

*"I was surprised and annoyed to see the Union Jack flying over the City Hall".*

I think that it had been there for 110 years, yet only over the past few weeks and months had people become annoyed. The letter continued:

*"As a Nationalist who aspires to Irish re-unification and as someone who gives his allegiance to the Irish Tricolour, I found the presence of the Union Jack above my City Hall offensive."*

Another letter stated:

*"when I think of a building flying the British Union Jack I think of a place that is predominantly Protestant/Unionist. It certainly did not look to be a 'City Hall for all', but for only one side of the community."*

A further letter stated:

*"I believe that this is ... divisive and intimidating and is counter-intuitive when it comes to nurturing cross community participation ... I believe that if the Tricolour were to fly above City Hall, it would be a harmonious gesture".*

A further letter stated:

*"I've always felt alienated from my City Hall and its grounds because it is a bastion of Unionism and Britishness."*

**Mr A Maginness:** I am grateful to the Member for giving way. The Member has talked a lot about the constitutional position etc, the Union flag and so forth. He has also talked, in my view, quite correctly, about political identity and has made a distinction between the two. Will you tell me in what way you, as a Member of the DUP, and your party would recognise my political identity as an Irish nationalist? How do you do that? How do you express that in overt terms?

**Mr Newton:** I have the greatest respect for Mr Maginness. We were colleagues in the City Hall, and I do not think that I have exchanged an angry word with him at a Committee or across the Chamber. *[Interruption.]* I am being told that there is something wrong with me. *[Interruption.]*

**Mr Speaker:** Order.

**Mr Newton:** He knows that when there was only the City Hall and that was the debating chamber, issues went through the City Hall. Take St Patrick's Day as an example. I was not unhelpful in the sense that I wanted St Patrick's Day to happen. However, I wanted it to be a tricolour-free St Patrick's Day so that it truly recognised his cultural identity as opposed to the political identity that St Patrick's Day has so often been used to enhance in Belfast City Council. He knows that I have worked with him on cross-community aspects for the good of all the citizens in Belfast.

**Mrs D Kelly:** I thank the Member for giving way. Although the letters that have been received by Belfast City Council might be of interest to some people, I wonder whether we will hear the content of the 40,000 leaflets that were issued. Does the Member now regret being part of a campaign that led to 700 young people in the east Belfast and greater Belfast areas being criminalised as a result of being antagonised and called out onto the streets?

**4.00 pm**

**Mr Speaker:** Order. Once again, I get a feeling that we are slipping away from the debate. Let us get back to the debate. That applies even to interventions.

**Mr Newton:** I must be annoying some folk on the other side of the Chamber today. I will quote the opinion of a senior counsel on the flying of the flag at Belfast City Hall. He stated:

*"It is difficult to see how the flying of the Union flag on the exterior of Council buildings would be likely to have an intimidatory or chilling effect on persons working within the buildings — although a tribunal could conclude that it had that effect."*

He went on to say that there would likely be a very low outcome to that.

I will conclude on this matter. As my colleague reminded me, I support Mr Elliott's amendment. This decision has probably created the worst community relations problem in Belfast for many, many years. I believe that Ms Lo did not understand the situation in Belfast City Council on that decision and that it is part of an ongoing campaign.

I will finish with this: many people here are so pleased to rush off to the States and regard the

States as the home of democracy. The United States of America is made up of so many nationalities that have gone to America. When they arrive, they may continue to identify themselves as Irish-Americans, Italian-Americans or Polish-Americans, but the one thing that they do is rally round the national flag.

**Mr Flanagan:** Will the Member give way?

**Mr Newton:** I am happy to give way.

**Mr Flanagan:** Will the Member accept that some of those people who he is talking about, who are immigrants to America, did not bring their own flag and put it up instead of the flag of the United States of America? The Union flag that you are talking about has not always been the flag here. You need to accept that. You are running about quoting all these different surveys. The thing that you need to accept is that most people actually do not care about what you are talking about. They want to move on and enjoy their lives. Will you quit bringing up surveys and letters that you are selectively quoting from and just move on? Think about the many hundreds of people who did not even know the flag was flying. So, why are you so annoyed about it?

**Mr Speaker:** Order. Let us not refer to Members as "you". Let us call Members by their proper names.

**Mr Newton:** Maybe he will discuss the removal of the flag with his colleagues in Belfast City Hall and talk about why they were so exercised about something that he says that nobody cares about.

**Mr Humphrey:** I thank the Member for giving way. The Member is so out of touch with his colleagues in City Hall. Mr McVeigh, who is the leader of your group in the City Hall, said that they were voting for the flying of the Union flag on designated days tactically so that it would be a stepping stone.

The other thing is that we have just seen exactly why Sinn Féin has no interest. It talks about a shared future, it talks about shared space and it talks about respect of identity, and then we see an example of complete disrespect. This is the same party that, when the Union flag was, sadly, removed from City Hall, held a party in its room in City Hall to celebrate the Union flag being removed, such is its respect for our tradition. *[Interruption.]*

**Mr Speaker:** Order.

**Mr Newton:** That example that Mr Humphrey gave indicates the lack of respect —

**Mr Speaker:** Order. The Member must be heard.

**Mr Newton:** — or the contempt in which my culture, identity and politics are held. In America, when they ask, "Where should the flag be displayed?", the flag code says that it should be displayed in or near every schoolhouse on school days, near the administration building of every public institution each day and in or near every polling station on election days.

I am trying to say that that was not, as the —

**Mr Eastwood:** I thank the Member for giving way. Does the Member accept that the American national flag unifies all the different identities in America? Regardless of whether the other side of the House likes it or not, the Union flag is not one that brings us all together under one banner. It is not.

**Mr Speaker:** Order. Let us not get into a debate on the American flag. I have no problem if Members want to mention something quickly and move on, but let us not get into a full debate on the American flag.

**Mr Newton:** The ethos that prevails in America and the respect that is shown to the flag in America ought to be shown here. The one request that the Assembly is making is to fly the flag on the City Hall of Belfast.

**Ms McCorley:** Go raibh maith agat, a Cheann Comhairle. I rise to speak against amendment Nos 63 to 66. Beidh mé ag labhairt in éadan leasuithe 63 go 66.

**Some Members:** *[Interruption.]*

**Ms McCorley:** Pardon?

**Mr Speaker:** Order.

**Ms McCorley:** Mutter, mutter. The Bill is the biggest shake-up — *[Interruption.]*

**Mr Speaker:** Order. The Member must be heard.

**Ms Boyle:** No manners.

**Ms McCorley:** Yes. It is the biggest shake-up of local councils in the North for more than 40 years. It is a new system of local government

that is equality proofed, has an oversight commissioner and a mandatory code of conduct for councillors. It is about bringing democracy back to the people. It is about attempting to enshrine principles, such as equality, human rights and parity of esteem at the core of local government.

The Good Friday Agreement provided for a bill of rights that called for an equality-of-treatment duty on public authorities. That statutory duty was explicitly singled out in the agreement to be enshrined in a bill of rights. In a divided society, public authorities cannot, and should not, reflect the national identity of just one side of the community. In that regard, Sinn Féin could have argued for a policy of equality or neutrality, as has happened in other places where no flags are flown. That translates into —

**Mr Lyttle:** Will the Member give way?

**Ms McCorley:** I will give way.

**Mr Lyttle:** Equally, how do you reflect the fact that the sovereignty of the constitutional status of Northern Ireland is part of the UK? What is the equivalence of that fact? *[Interruption.]*

**Mr Speaker:** Order.

**Ms McCorley:** I think that the Member needs to accept that we are a society coming out of conflict. We have two major traditions, and the Good Friday Agreement guaranteed equality and the rights of both communities, and, in that context, both traditions should be respected. We could have argued for a policy of equality or neutrality, as happens in other places, and that could have translated into both national flags being on display or no flags being flown. That would be a manifestation of mutual respect for both identities, British and Irish. What is wrong with that? What is wrong with both traditions being respected? However, instead, what do we see happening here? Cad é atá ag titim amach anseo? We see amendments being introduced on flags, and we have to ask: what is the point of this? I ask that, because, clearly, they are going nowhere.

**Mr Humphrey:** I am grateful to the Member for giving way. Does the Member accept that there is a growing number of people from across the population of Northern Ireland who now accept that the Union is here to stay? They come from all backgrounds. Therefore the nonsense that the Sinn Féin president spoke at the party conference, when he said that the union of Great Britain and Northern Ireland hangs by a

thread, is not accepted by the greater number of people in Northern Ireland and should be accepted by your party as being fact and the case.

**Ms McCorley:** I do not accept your figures. I accept that there is a large population in the North and throughout Ireland who view themselves as Irish and who see their identity enshrined in an Irish tradition.

**Mr F McCann:** Will the Member give way?

**Ms McCorley:** I will.

**Mr F McCann:** Again, Members are moving away from discussing the Bill today. If the Member is that sure about where people stand, why does he not support a referendum?

**Ms McCorley:** That is a good question.

We have a number of amendments proposed to the Bill on the issue of flags. We have to ask where it is going. All that the amendments are is an attempt by some to impose their will on the whole community. That runs —  
*[Interruption.]*

**Mr Speaker:** Order, Members.

**Ms McCorley:** That runs totally contrary to the core of the review of public administration, which is about trying to put democracy back into people's hands. It is an undemocratic move, because it denies the spirit of the Good Friday Agreement, which highlights the requirement for equality, democracy and respect for the traditions of all communities. It rekindles the debate on flags, on which there was no agreement among political parties here. Nor could it be sorted out during the recent talks, when Richard Haass and Meghan O'Sullivan made a concerted effort to bring about compromise. That happened despite three out of five parties agreeing that compromise was the only way forward.

What do we have now? We have another vain attempt to bring us back to the past and the bad old days of unionist domination. We see it happening over the Belfast City Hall issue. Belfast is a divided city: it has a 50% nationalist population, whose traditions and culture were not respected. The flag on City Hall did not reflect Irish nationalism, so it was right and proper that Sinn Féin made a move —  
*[Interruption.]*

**Mr Speaker:** Order, Members.

**Ms McCorley:** — to try to address that imbalance. It was an imbalance.

Sinn Féin could have decided to go for the no-flag or both-flags option, but the councillors agreed that compromise was better, so they went for the designated days policy. I commend my party colleagues and former mayors of Belfast City Council, who went to great lengths and made great moves to bring about equality in what has been a divided city. I commend Alex Maskey and Niall Ó Donnghaile, as well as Máirtín Ó Muilleoir, the current —  
*[Interruption.]*

**Mr Speaker:** Order.

**Mr Humphrey:** On a point of order, Mr Speaker. It is on record in Belfast City Hall that the leader of Sinn Féin, Mr McVeigh, said that the party voted the way in which it did for tactical reasons, not because of compromise. It is important to put that on the record.

**Mr Speaker:** That is not a point of order. Members should not use points of order to score political points. Allow the Member to continue.

**Ms McCorley:** I also commend the current mayor of Belfast, Máirtín Ó Muilleoir, who is making great strides in trying to create a city of equals in Belfast. I hope that we get to the point at which everybody accepts that Belfast should be a city of equals.

We heard reference to 16,000 people in Belfast who wanted the Union flag to fly every day of the year, but what about the rest of the population? Do their views count for nothing? As I have said, 50% of Belfast is nationalist and republican. They deserve to have their traditions respected. We have not heard unionists mention equality or mutual respect. If symbols and cultural expressions are to be treated equally, unionists must recognise that we are coming from a time when it was all one-sided. That is no longer the case. There needs to be discussion about how people's Irishness or Britishness and the identity of other nationalities can be respected and valued. We need to respect the right of all citizens to celebrate their culture and identity in an acceptable manner while recognising and respecting the perceptions of those who may view such displays as overtly sectarian, intimidating and threatening in nature. Failure to do so perpetuates division and instability.

This is an issue of respect for the rights of all, not just one group in society. It is about parity

of esteem. It is about equality. The fact is that Sinn Féin's equality agenda is not going to go away. Tá sé anseo, agus níl sé ag gabháil áit ar bith. We are committed to the principles of mutual respect, democracy, parity of esteem —

**Mr Lyttle:** Will the Member give way?

**Ms McCorley:** — and equality. I am almost finished.

**Mr Lyttle:** We have all day.

**Ms McCorley:** OK, I will give way.

**Mr Lyttle:** I thank the Member for giving way. Consistently, the Sinn Féin Benches have made much of an equality agenda, and I welcome that. Given their commitment to equality, how does the Member respond to the fact that the Equality Commission for Northern Ireland said that the review of public administration and the Local Government Bill is a place where the issue should be dealt with; that the Flags Order, which deals with the display of the Union flag on designated days, should form a basis for dealing with the issue; and that a regulatory framework of a regional nature would address the prospect of the issue becoming a running sore across 11 councils?

4.15 pm

**Mr McCartney:** Will the Member give way?

**Ms McCorley:** Yes.

**Mr McCartney:** Has the Equality Commission said anywhere that the Union flag should fly anywhere in the North of Ireland?

**Ms McCorley:** I have not seen it. Thank you for making that point.

**Mr Lyttle:** I thank the Member for giving way. I am advising that the Equality Commission references the Flags Order, which regulates the display of the Union flag on designated days as a basis on which to find a solution on a regional basis. *[Interruption.]*

**Mr Speaker:** Order. Let us not have debate across the Chamber. The Member has the Floor.

**Ms McCorley:** Just on those points, I do not see eye to eye with everything that the Equality Commission comes out with. This debate is about empowering the House, and that is what

we are here to do. In conclusion, ba mhaith liom focal scoir a rá —

**Mr McKay:** I thank the Member for giving way. There is a general theme coming from across the House and, indeed, from the wee Alliance corner that the flag is about the constitutional position. Flags are about identity, and identity was a big part of the conflict that took place here for many years. When the Alliance Party and others say that flying the Union flag is about a constitutional position, that is a lot of nonsense. It is insulting. It is insulting to us, and it is insulting to the many thousands of people across the North who see themselves as Irish. The Good Friday Agreement was about parity of esteem. It identified that people here can be British, they can see themselves as Northern Irish and they can see themselves as Irish. That is equality. I think that, unfortunately, Alliance has its eye more on the upcoming local government elections and unionist transfers than on equality and parity of esteem.

**Mr Lyttle:** Will the Member give way?

**Ms McCorley:** No, I have to finish at some point.

**Mr Lyttle:** I will be brief.

**Ms McCorley:** OK.

**Mr Lyttle:** I thank the Member. I accept much of what the Member has said.

**Mr Campbell:** About the transfers?

**Mr Lyttle:** Well, I fundamentally disagree with that. This is a position that the Alliance Party has held for over a decade and that we have stood for in the face of the threat of violence and real violence, so I do not take that point in any way.

I will try to get back to a constructive debate. You are right: the agreement absolutely enshrines a person's right to be Irish and have an Irish national identity. However, do the Members accept that you can be Irish and show mutual respect to the constitutional status of Northern Ireland in very limited, respected, time-bound and sensitive ways? *[Interruption.]*

**Mr Speaker:** Order.

**Mr McKay:** Will the Member give way?

**Ms McCorley:** Yes.

**Mr McKay:** What the Member for East Belfast is saying is, "You can be Irish and have your identity, but on our terms". No. An identity is very specific to a group of people, to an individual — *[Interruption.]*

**Mr Speaker:** Order. Let us have remarks through the Chair.

**Mr McKay:** We will not have our identity and how we express it dictated by anybody else. I would expect the same vice versa.

**Mr Allister:** Except in Rasharkin.

**Mr Speaker:** Order.

**Mr McKay:** We have a right to see ourselves as any identity that we wish. That should not be interfered with. We should express that through our national flag as we see it. There should be parity of esteem —

**Mr Allister:** Remember that in Rasharkin.

**Mr Speaker:** Order.

**Mr McKay:** There should be parity of esteem in Rasharkin. There should be parity of esteem in Belfast, in Derry and across the North. Unfortunately, the Alliance Party —

**Mr Speaker:** Order. Interventions should not be speeches. Let us move on. I ask the Member to finish. *[Laughter.]* Order. Allow the Member to finish.

**Ms McCorley:** Mar fhocal scoir, I concur with my colleague's comments. My Irishness and our Irishness is valid, just as valid as British identity. That is what mutual respect and parity of esteem are about. *[Interruption.]*

**Mr Speaker:** Order, Members.

**Ms McCorley:** We are committed to the principles of mutual respect, democracy, parity of esteem and equality. That is something on which we will never compromise. *[Interruption.]*

**Mr Speaker:** Order, Members.

**Lord Morrow:** Basil McCrea, when making a very good speech earlier that I have commended him on already, said that he thought that that debate was the lull before the storm. He went on to comment that harmony was breaking out right around the place. I think that he was right on that, and I suspect that he

is still right, although it might be a different type of harmony that is existence at the moment.

On the amendment that is before the House, it is obvious that, as we look across one at the other, in particular as we look over from here, we hear and see a lot about, allegedly, equality and moving on and going into a new future. However, there are those of us who believe passionately that we are in the United Kingdom and will be there for as long as we are in existence and, indeed, for the next generations too. If Members opposite were able to get it into their heads that that is the reality, there would be a real opportunity for us here in Northern Ireland to move on.

I listened intently to what some of the Members were saying to try to understand where they were coming from. I listened to Ms Boyle, and I found it difficult to get to grips with exactly what her position was. She talked about the situation in her own town, which, I suspect, is Strabane; I am not 100% sure. She said that, when her constituents were going to the social security offices, they did not feel very safe if the Union flag was flying. I found that an amazing statement, but I suspect that they went ahead anyway. She did not say that, in fairness to her.

**Ms Boyle:** Will the Member give way?

**Lord Morrow:** Yes, I will give way.

**Ms Boyle:** If you had been listening, you would know that I did not say that: I said that they called to my office.

**Lord Morrow:** On their way to the social security office. That is fair enough. *[Interruption.]*

**Mr Speaker:** Order.

**Lord Morrow:** I suspect that, in fairness, they still got their entitlement. You did not say that the flying of the flag would have stopped them. It might have made them feel uncomfortable, for whatever reason; I just do not know. That is what you said or something similar to that.

We hear much today about parity of esteem. What does parity of esteem really mean? Does it mean that you take all and we take what is left, the remnants? I think that that is what is coming out here very clearly.

**Mr Flanagan:** Will the Member give way?

**Lord Morrow:** In a moment or two.

When the flag was flying at Belfast City Hall, the Member who now wants to speak — maybe he will deal with this when he is speaking — said that nobody cares about these issues. If nobody cares, why was the flag ever interfered with in the first place? It would have been a good idea to pass on and let things continue, because we know what the consequences have been for the country, economically and in every other way. You want to say something.

**Mr Flanagan:** I thank the Member for giving way. He is at this "You take all, and we take nothing". If the Member looks back at history, he will see that it was his side of the community that took all, and all that we want is our fair share back. *[Interruption.]*

**Mr Speaker:** Order. Let us not debate across the Chamber.

**Lord Morrow:** I do not think that that deserves a reply, to be quite frank with you. This is 'Alice in Wonderland' stuff that they are coming out with. They have lived in that sort of an environment, and they try to portray it that they have been treated terribly over this past while. Look folks, we all know what happened in this country over the past 30 or 40 years.

Here is how equality from the opposition is coming across to us: "We will put up signage to commemorate dead terrorists, and we will put them in children's play parks". That is what you mean by equality. That sends out a dreadful message to our community, and it is one that we simply do not understand. If that is your definition of equality, you will have to define it in some manner.

**Mr Humphrey:** I am grateful to the Member for giving way. The Member makes a very salient point, and this is something that, on this side of the House, we do not understand and which our community does not understand. Will the Member agree that, in Londonderry a number of months ago, there was a campaign, led by the SDLP, to remove an advertisement asking people to join the Royal Air Force? Is this an example of a shared future and shared space?

**Mr Speaker:** Order. Once again, I am afraid that we are going slightly outside the debate that is before us this afternoon. Let us get back to the amendments that are before us.

**Lord Morrow:** Thank you, Mr Speaker. That might be marginally outside the debate today, but it is a very good illustration, and, again, it reinforces what we have been trying to say.

Mr Eastwood comes as close to patronising as you will ever find. He said, "You know, you come to Londonderry" — he said it differently; I accept that — "You come up here to our city and you will see what fine people we are, how we do things and how we are so all-embracing" and all of that. We heard all of that —

**Mr Eastwood:** It is the truth.

**Lord Morrow:** Well now, is it the truth? *[Interruption.]*

**Mr Speaker:** Order. Let us not have a debate across the Chamber.

**Lord Morrow:** I give way to Mr Campbell. *[Interruption.]*

**Mr Speaker:** Order.

**Mr Campbell:** Reluctant as I am, as I have not intervened very much, sometimes I get tempted just once too often. The honourable Member alluded to some of the comments made from across the way. Given that we are talking about the flying of flags, the identity that people have and how they show affinity to their national identity, it is a bit rich if people lecture people about how magnanimous they are, whether it is in Londonderry or anywhere else, when an entire population has been systematically ethnically cleansed from one side of that city. Then they present that as magnanimity 40 years later.

**Mr Speaker:** Order. Once again, we really need to get back to the amendments before us. *[Interruption.]* Order, order.

**Lord Morrow:** I thank Mr Campbell for the point. Maybe he was marginally outside the brief, but, again, it was a good point and it was well made. I think Mr Eastwood even gets the benefit of it too. I can see that he appreciates it, because he is nodding in agreement.

We listened to the Alliance Party. Quite frankly, the Alliance Party is all things to all people. Some days it is right; most days it is wrong. This is another situation where it got it totally wrong and then tried to say, "Well, this is nothing to do with us, really". In Belfast, the SDLP and Sinn Féin merged together to mount a vigorous campaign against the flying of the flag of this country, which was so offensive that they said it just had to be pulled down. The Alliance Party, of course, said, "Yes, we see the benefit of your argument. We will join you in that crusade".

**Mr Lyttle:** I thank the Member for giving way. That is obviously another classic DUP misrepresentation of reality, but we are getting used to that. The Alliance Party position has, for over a decade and independent of any other parties, been a regional policy of designated days. That was not the initial proposal at Belfast City Council. The Alliance policy compromise position was then the proposal. I would be grateful if you could reflect that accurately.

**Lord Morrow:** All I can do is reflect on the facts, and the facts come across loud and clear. Whatever the pros and cons and whatever the issues were that Mr Lyttle feels offended by, he should explain them, or Anna Lo, who has been quite vociferous on the Floor today, should do that. To date, that has not happened, Mr Lyttle, so you have a problem, and your party has a problem. You need to clarify the whole situation, because you have not got your message across. The message that comes across to me, who resides some 30, 40 or 50 miles away from here, is that you have joined arms and linked up with the pan-nationalist front to ensure —

**Mr Lyttle:** Will the Member give way?

**Lord Morrow:** I will let you in in a moment or two. To ensure that, in fact, that very offensive flag that has been flying for 140 or 150 years or whatever it was — a single flag — offended you to such an extent that you had to link arms with the pan-nationalist front and have it pulled down. Right, you want to explain that. OK, go on.

**Mr Lyttle:** I thank the Member for giving way. Can he give evidence and proof that the 365-days policy has been in place for the length of time that he says it has and confirm that the Alliance Party policy is completely independent of any other parties? Indeed, the difficulty with getting that message across was probably not assisted by the fact that his party — the bastion of Christian ethics — put out false, inaccurate leaflets across east Belfast that framed our party position as having joined forces with Sinn Féin and the SDLP to "rip down the Union flag". If that is not inflammatory, I do not know what is. They need to reflect on the poor leadership that was shown, which resulted in tension across the entire city of Belfast and which we should now be focusing on trying to repair.

**4.30 pm**

**Lord Morrow:** I listened to what Mr Lyttle said, and some of his comments disappoint me.

However, I am not going to deal with the negatives. He has come here today having moved on from the situation that he found himself in at Belfast City Hall when the flag was removed. I am going to say this carefully to him: have a wee bit more integrity. It would be a good time to stand up and say that you got it wrong and would do it differently if you had to do it all over again. That certainly would move the situation forward. However, I suspect that that will not happen, or at least it will not happen today, which is a great tragedy.

Significantly, Mr Eastwood talked about allowing the biggest loyalist parade to pass through the city of Londonderry without let or hindrance. Why would it not pass through without let or hindrance? I do not think that that —

**Mr Byrne:** Will the Member give way?

**Lord Morrow:** I will in a moment, Joe.

It is not much to Mr Eastwood's credit to say, "We will let it pass through". You, more than anybody else here, talk about a shared society and a shared community, but a shared community must mean different things to you than it does to me.

**Mr Byrne:** I thank the Member for giving way. Does the Member accept that, over 20 years ago, the SDLP was magnanimous on Derry City Council and supported and encouraged the election of a DUP mayor, someone who is very well respected in the Chamber?

**Lord Morrow:** I suspect that what Mr Byrne said is factual and accurate. I am not going to get into whether the SDLP was magnanimous in what it said or did, but I am sure that it happened as the Member said.

The challenge for the SDLP today is this: do you want to be more closely associated with Sinn Féin or do you want your own identity? The challenge is to give leadership to your community in a different direction to that of Sinn Féin instead of tagging on to it or being dragged along. Whatever Sinn Féin is or is not, it is shrewd enough to know how far it can take the SDLP in that direction. It is good at that. It drags the SDLP along behind it like an unwanted parcel. Sinn Féin needs the SDLP. It needs the SDLP in here to get the 30 signatures and all that jazz. The SDLP needs to wise up and try to steer its own path, make its own policies and give its own leadership. I have said that before. Its Members may sit smugly and say, "We will name play parks after

whomever we like". You can do that, and I suspect that you will continue to do that in the future. However, the SDLP should remember to take into account the message that it is sending out. It is time that the SDLP unhitched its wagon from Sinn Féin and went its own way. Those of us who look across the Chamber at you sometimes cannot see the difference. You might say that there is no difference, which is fair enough, but you have to stand up and say that.

The Assembly could send out a powerful message today by adopting the amendment. I know that you have made a ruling on this, Mr Speaker, and I am not trying to flout that ruling. However, amendment No 66 reads:

*"The Union flag shall be flown at Belfast City Council offices every day."*

It is difficult, therefore, not to mention what happened at Belfast City Hall.

Let us be very careful. Let us get the message out that Northern Ireland is moving on with some respect. We do not want to go back to the past. It is only those on the other side who can take us back to the past. I believe that there is a better future for everybody in Northern Ireland if we keep Northern Ireland moving forward. This can be a starting point today.

**Mr Attwood:** Contrary to the spirit of much of the debate, I intend to be relentlessly positive in my contribution. When I look around the Chamber, even though I am profoundly critical of the failures of government and politics — I will speak about some of that later — I see many people, although not everybody, who have been authors of and participants in multiple paradigm shifts in the politics of this part of the world over the past 20 or 30 years. That was at an awful human and an enormous economic cost. An enormous price was paid by the character of the people of this island before all subscribed to the principle of democratic practice in our national politics.

Similarly, in 2002, people in the Chamber, including you, Mr Speaker, representing your party on the Policing Board at the time, decided to endorse and share in the new beginning to policing. Some did not participate in the new beginning of policing, but others recognised that, despite all the difficulties that arose from Patten and the fact that issues of identity, values and ethos had to be addressed collectively by the political and civilian members of the first Policing Board, they had to face up to that challenge and deliver the new beginning

to policing. By 2007, when others belatedly found the will to join the rest of us in that enterprise, 85% of the Patten recommendations had been substantially or fully accomplished.

When I look again at the 1998 Good Friday Agreement and the subsequent St Andrews Agreement, I see how people in the Chamber measured up to the needs of the time and produced a paradigm shift in the character of our politics. Whatever this election season may or may not produce, and whatever the shadow of all the disputes of the past number of months and years that inform this debate and affect our society, I, for one, have the confidence and conviction that, once again, we will measure up to the need for a paradigm shift in our politics, because that is what the current politics require. We were able to do it with the new beginning in policing, the ceasefires and the agreements on political institutions, even if we did not all like some of them. So the measure of this generation and this time is a further paradigm shift on the issues faced in this debate and around this debate.

I will correct a profound misunderstanding that some in the Chamber have about consent. When the Enterprise, Trade and Investment Minister, Arlene Foster, was here, she referred to the Good Friday Agreement and the principle of consent endorsed therein. People should go back to the Good Friday Agreement, and, if they want to be judged by it, they should be judged by all of the content of that section of the Good Friday Agreement that deals with "Constitutional Issues". The constitutional element of the Good Friday Agreement was not merely about the principle of consent. It was more, it was broader and it was deeper than the principle of consent. If you want to rely on the constitutional provisions of the Good Friday Agreement as the pathway to dealing with the issues of identity and flags, you have to deal with all of the content of that part of the Good Friday Agreement. Paragraph 1 of the "Constitutional Issues" section of the Good Friday Agreement has no fewer than six sub-paragraphs. Sub-paragraph (i) recognises:

*"the legitimacy of whatever choice is freely exercised by a majority of the people of Northern Ireland with regard to its status, whether they prefer to continue to support the Union with Great Britain or a sovereign united Ireland".*

That is the constitutional guarantee, the principle of consent endorsed by the people of Ireland, even though it was resisted by people in the Chamber who now rely on the democratic will of the people of Ireland as outlined in the

Good Friday Agreement. Under "Constitutional Issues" in the Good Friday Agreement, the two Governments, endorsed by the parties, said:

*"affirm that whatever choice is freely exercised by a majority of the people of Northern Ireland, the power of the sovereign government with jurisdiction there shall be exercised with rigorous impartiality on behalf of all the people in the diversity of their identities and traditions and shall be founded on the principles of full respect for, and equality of, civil, political, social and cultural rights, of freedom from discrimination for all citizens, and of parity of esteem and of just and equal treatment for the identity, ethos, and aspirations of both communities".*

That is the constitutional provision of the Good Friday Agreement. Do not be selective about it. Do not say that it is all about the principle of consent without recognising that the will of the people of Ireland, in that paragraph of the Good Friday Agreement, explicitly refers to more than the principle of consent; it refers to issues of equality and parity when it comes to identity, ethos and values.

**Mr Lyttle:** Will the Member give way?

**Mr Attwood:** I will.

The DUP is right to tell us about the outworking of the principle of consent, which we argued for during the years of state violence and terror. However, that party also has to recognise that, if you rely upon that, you have to rely upon all the constitutional provisions of the Good Friday Agreement.

**Mr Lyttle:** I thank the Member for giving way. I was going to read out some of those passages later. I accept what he is saying. However, how is recognising the principle of consent and some of the other texts that he has read out inconsistent with a regional policy of designated days?

**Mr Attwood:** On one reading, it is not inconsistent. However, surely the lesson of this time in our politics is that, if you deal with issues in a partial and selective way, you do not deal with them at all.

Just a number of weeks ago, the Assembly was reconvened to have a debate about on-the-runs. One of the issues that arises about that is that it was, by the choice of others, a partial and selective way of dealing with the issues of the past. What happened? It came to haunt our

politics to the point where the First Minister threatened and then withdrew his resignation. That is the point that has to be made. It is not inconsistent to work out, depending upon where you sit, what the outcome might be on the flying of flags. However, the flaw is — I will come back to this when I deal with the Alliance Party amendments and others — that you are undermining the integrity of Haass and being selective and partial on the issue of identity when the lesson of this time in our history tells us that we must have a paradigm shift on issues of identity and ethos, and that, if we deal with any issue of our history, identity or the past on a selective and partial basis, we do not deal with it at all. That is the danger in political terms of all the amendments. I will come back to that.

If we are to measure ourselves against the challenge of the issue, the way to do so is to embrace all of paragraph 6 and all of its subparagraphs of the constitutional issues part of the Good Friday Agreement.

**Mr Lyttle:** I thank the Member for giving way. I do not disagree with him that the Haass process was a unique and exceptional opportunity to address and deal with those issues. My frustration is that the flags issue, in particular, was pushed into the long grass with regard to the appointment of another commission to try to deal with the issue more than a decade after the Good Friday Agreement. Does the Member then disagree with the Equality Commission's advice that the review of public administration is a useful and appropriate place to deal with one of those serious issues?

**Mr Attwood:** Yes, I do. I do differ with the Equality Commission's advice in that regard. I will come back to that in my concluding remarks.

It is not good advice when drafting legislation to let frustration — Mr Lyttle's term — inform what an amendment should look like. We should not be judged by the standards of frustration or the weaknesses in the Haass process when it comes to showing good authority and legislating for good law. That should not be what guides where we go. Wiser counsel should prevail. I will come back to that.

**4.45 pm**

I say this to the Members opposite: when I read out the part of the Good Friday Agreement that talks about identity and traditions, my understanding of myself when that was written

and endorsed by the people of Ireland is different from my understanding of myself today. Like Mr Eastwood, I still am proudly Irish. I call myself Irish, and I have an Irish passport. I want, more and more and more, to share in the life of this island. That is what I want — *[Interruption.]*

**Mr Speaker:** Order, Members.

**Mr Attwood:** However, my sense of being Irish in 2014 is different from what it was in 1998. I am the same, but I am different, and I am the better for it. Let me explain that.

I have said in the Chamber before — this is relevant, given that this year is the 100th anniversary of the start of the First World War — that I bear the name of a man who was killed in the First World War and who lies in an unmarked grave on the Belgian coast at a place called Nieuwpoort. It was one of the greatest and saddest experiences of my life to go to the memorial that bears his name and to see the name of my great uncle, Alec Attwood, on that memorial. I honour him, value his name and respect his sacrifice. He was a Protestant man from Northampton and was the brother of my grandfather Attwood, who left in the early part of the last century to go to Cork to make shoes. That is how my family ended up on this island. I am not any less Irish for valuing that experience, but I am, I hope, a better person for honouring that man's sacrifice. I would like to think that all of us, after these years of conflict and since the Good Friday Agreement, can all begin to recognise that, in smaller or greater ways, we are different from what we were but that, in being different from what we were, we have not lost any sense of ourselves, our identify or our values. They have just simply become different, bigger and broader. If we do not have that spirit to inform this discussion, we will just end up having this discussion in 11 different places in May and June next year.

**Mr Humphrey:** Will the Member give way?

**Mr Attwood:** I will in a second.

We will just replicate this debate in those places to the damage of the people whom we all represent.

**Mr Humphrey:** I thank the Member for giving way. What the Member just said is certainly very powerful. I listened very carefully and intently to what he said. However, as my colleague Lord Morrow said, you must understand that, to those of us listening on this side of the House, the actions and words of the

SDLP are sometimes somewhat different from the actions and words of the SDLP when it was led by Margaret Ritchie. She encouraged people in your party and in the community that you represent to wear the poppy in recognition of the sort of thing that you are talking about and to call this place Northern Ireland. As we see it, campaigning for people like McGeough to get out of prison, campaigning for Marian Price to get out of prison —

**Mr Speaker:** Order.

**Mr Humphrey:** — and campaigning for a park to be called after a terrorist do not exemplify what you are talking about.

**Mr Speaker:** Order. Every Member who wants to make a contribution has got quite a bit of latitude. Let us try once again to get back to the amendments that are before the House.

**Mr Attwood:** Mr Speaker, I will return to the amendments via a long circuit to answer that question. What surprises me about that remark and about some of the remarks that those on the DUP Benches made is that they seem to have erased from the Hansard record what the SDLP leader said at the Second Stage of the Local Government Bill.

**Lord Morrow:** Which was? Remind us.

**Mr Speaker:** Order. Let us not have a debate across the Chamber. The Member has the Floor.

**Mr Attwood:** I am pleased to remind the Member. When Alasdair McDonnell came into this Chamber on a Tuesday morning at about 11.55 am, he made a speech, which is in Hansard, that recognised the hurt that had been caused by the decision made by the SDLP and, in our view, others to continue naming the park in Newry after somebody who had been involved in terror. That is what the record says. He recognised the hurt, and he said that we wished that that had not happened.

**A Member:** What is the park called now?

**Mr Speaker:** Order. Once again I remind the House to get back to the amendments.

**Mr Attwood:** I might touch on that later. I give way to the Member.

**Mr Wells:** What he has just said would have much greater force had his councillors in Newry and Mourne District Council put down a motion

rescinding the decision to name the play park after a convicted murderer. That would have been helpful. They did not do that —

**Mr Speaker:** Order. Let us not have a debate over a play park and its naming.

**Mr Attwood:** If I have the opportunity, Mr Wells, I will try to weave that into my later comments.

I am making the point that properly addressing issues of identity is our liberation; failing to address them properly ends up being our suffocation. Surely that is one of the lessons of this and other issues over the past while.

The job of legislatures, particularly at the level of this Chamber, is to see the wood for the trees. We must learn four or five lessons from this issue, these amendments and the history of all of this. If we do not learn from the issue, we will replay it in the next nine weeks to 22 May and in the following nine months in the run-in to forming the new councils. We have to draw on those lessons, but those who propose the various amendments have not fully done so.

The first is flags. This is where I disagree with Mr Elliott, who said that we are here because of a decision by Belfast City Council. I understand why that argument might be made, but that is not why we are here. We are here because the flags dispute was an insight into the deeper fault lines in our politics and society. The flags dispute was one that was coming, whatever its timing and nature, at a ferocious rate. That is why we are here. It is because the flaws and fault lines in our politics had deepened, not eased, over the past number of years. If we fail to recognise that, we do not recognise the political issues that we have to face up to.

**Mr I McCrea:** Will the Member give way?

**Mr Attwood:** Whether it was to be on parades, flags, identity or the workings of our political institutions, there was an emerging problem, if not crisis, over the authority and integrity of all of that, because we had failed to deal with the unfinished business of the Good Friday Agreement. I will give way.

**Mr I McCrea:** The problem may be that we on these Benches do not recognise what the Member is referring to as the wider political problems. In speaking to people in my community, there was never an issue in respect of the difficulties that they see now until the decision was taken at Belfast City Hall. Will the Member give us some idea of where he saw

those difficulties arising and who suggested to him that such difficulties existed?

**Mr Attwood:** I am surprised by that. Let us step back from flags very briefly, because we are moving away from the amendments, to talk about parades. There were negotiations about parades in 2010, in the run-down to the devolution of justice. A Bill was brought forward that was derailed by people outside the Chamber. I did not like that Bill. We then had to go back to parades in the Haass process. Did that not demonstrate that, around the issue of parades, as some people saw it, there was a political fault line in our society that had not been resolved? There clearly was. Why, when it began to deal with the issue of parades, did Belfast City Council begin to deal with other issues of expressions of identity in council premises and accommodation? It was because the issues had to be dealt with. So, if the Member is drawing the conclusion that he or the people that he spoke to could not see the issues around parades, flags, identity, the North/South review being sidelined and derailed since 2007 and the failure of political institutions to live up to people's hopes and ambitions, I respect that that is how he saw things.

**Mr Agnew:** Will the Member give way?

**Mr Attwood:** However, this issue was an insight into the wider fault lines, tensions and conflict in our society. The response to those wider fault lines was to have a wider paradigm shift. I will come back to that. I will give way.

**Mr Agnew:** I thank the Member for giving way. He set out the context that, I suppose, created the atmosphere to allow violence. Would he also accept that a large part of that context was a recession, widening inequalities and poverty of income and education, particularly in working-class communities across our society? Endless debates about flags are not advancing any of those causes.

**Mr Attwood:** There is a wider environment that may or may not be relevant to the experience of people, including those who are workless and the working poor. There is clearly going to be a wider context, but critical incidents and rubbing points that display the continued conflict in our community between the traditions demonstrate that the issues of flags and identity were there.

**Mr Humphrey:** Will the Member give way?

**Mr Attwood:** I will in a second. The second issue that we have to learn from is that there was a failure of leadership. I will speak in a

moment about how that relates to the conduct and contribution of the SDLP. However, there was a failure in leadership. I have to say to the DUP benches that the issue about the flag in Belfast was portrayed as a withering blow to the sense of people's loyalty to the British Crown, their sense of Britishness and their sense of being part of the British union.

The failure of leadership came when it was not properly explained to people — this goes way back through years and covers not just the months around the matter — that, just because things feel and look different, it does not mean that you have lost out. I valued articles 2 and 3 of Bunreacht na hÉireann — the Irish Constitution — but in 1998, through democratic will, the people of Ireland gave up what you might call an unlawful claim but that I viewed as a legitimate aspiration to Irish unity.

I am no less an Irish republican for articles 2 and 3 of Bunreacht na hÉireann no longer being in place. I am a better person because of that, so just because things look and feel different does not mean that you have lost out. It means that all of us have gained. I have to say to people opposite that, in my view, there was a failure of leadership to say to people that the outworking of the values of the Good Friday Agreement, and, as you might see it, the St Andrews Agreement, means that all of us can be enhanced and cherished, not lessened.

Just as there are things that I as an Irish republican have had to accept and live and agree with, that has not in any shape or form seen me become any different from what I am. The flag issue should not have been seen in the way in which it was portrayed.

**Mr Humphrey:** I thank the Member for giving way. I am listening intently to what the Member is saying. He needs to remember that articles 2 and 3 of the Irish Constitution were illegal in international law. It was an illegal claim on this territory. I accept that, as an Irish nationalist, he valued those articles. So, too, did we on this side of the House value the Government of Ireland Act. He talks about fault lines in this city. Look at the fault lines and community relations in this city and at the action that your party, Sinn Féin and the Alliance Party took over the flag.

You have to understand this: the people of Northern Ireland, the people of this city and the unionist people of Northern Ireland — Catholic and Protestant alike, because, as we see in surveys time after time, a growing number of people are now supporting the union — felt

betrayed, hurt and angry at the decision taken by those parties in City Hall.

It is wrong for the Member for North Down to stereotype those people as being unemployed and uneducated. The people of Northern Ireland — the people of middle Ulster and the unionist people — felt revulsion and anger at the decision to take the Union flag off City Hall. The Member's remarks simply underline that the Members across the way do not understand that hurt and do not feel it.

**Mr Attwood:** I thank the Member for that intervention. I will give way to Mr Allister in a minute. There is a third learning that I hinted at in my previous remark, and this is where I have more sympathy and understanding with what the Member has said.

The decision at Belfast City Hall was the right one; it was done in the right way and it followed the right process. More than that, it was the outworking of local democracy, which, as I indicated earlier, is the better — not the best — way to deal with the flying of the Union flag.

#### 5.00 pm

However, I accept fully what you have just said. The people of, as you put it, "middle Ulster", whom I awkwardly refer to as "middle unionism", were deeply upset and hurt by that decision. I know that, because those in middle unionism — that is not meant to be a disparaging term — who spoke to me in the days immediately after that decision told me how upset they were. Those are people who will be voting for the SDLP in South Belfast in the elections in May. *[Interruption.]* Yes, they will. I know that because they have spoken to me before this debate and over the past number of weeks. *[Interruption.]*

**Mr Speaker:** Order, Members.

**Mr Attwood:** They are people in unionism on whom I rely for advice about where their sector of unionism — middle unionism — is, and they told me that they were upset and alienated. So, although I believe that it was the right decision, it was taken in the right way, it followed the right process and it was the outworking of a rightful expression of local democracy, do I accept that it was upsetting and alienating to very significant numbers of unionists? I understand that.

They also say to me that it was not the flag decision per se that they found alienating; it was the character of our politics. It was the fact

that the hope and ambition of 1998 was being squandered, and they wondered what it was all about. It was the fact that they saw a relentless validation of paramilitary terror without any sense of accountability, responsibility or apology in any generous and forthright manner. When you add those and many other factors together, you see what became alienating. The flag may have tipped people into a sense of alienation, but there was a process of alienation or disillusionment.

If that is the case for middle unionism, and that is what they tell me, you have to acknowledge that there was a similar process of growing alienation and disillusionment in nationalism about how the DUP was conducting itself in government and how elements of political unionism were conducting themselves in local councils.

In September, my party held an away day at the Wellington Park Hotel. People from our councils in many areas around the North said that they had lost confidence in elements of political unionism because of how they were conducting themselves in the council chambers. Community relations was part of the debate this morning, but when it came to community relations in councils, the issue had to be addressed in unionist terms when unionists were ready, rather than as soon as possible and on the right terms.

The DUP in the Government in this place began to alienate nationalism as you tried to mangle the Good Friday Agreement, recreate the past, slow down North/South cooperation and so on and so forth. The point is that, if we are to recognise where we are in terms of flags, identity and all of that, we have to recognise the disillusionment and alienation where it exists in our society, in unionism and nationalism. We have to learn from dissent — democratic dissent, I stress — to do things more wisely.

**Mr Humphrey:** Will the Member give way?

**Mr Attwood:** I am going to give way to Mr Allister, because I said I would.

**Mr Allister:** The Member waxes very enthusiastically about the Belfast Agreement and with great passion. Has he any appreciation of the fact that a source of the problem is that many unionists — I speak of those who voted for it — thought that they were getting a settlement. To the Member and the broader pan-nationalist community, it was always recognised merely as a process. Therefore, as things have unfolded, issues such

as the flag are seen as part of that never-ending process, and the disillusionment of unionists who thought that they had got a settlement, the middle unionism that the Member talks about, is accentuated by that. Does the Member not see that, by feeding issues such as the flag and by joining in the tearing down of the flag from City Hall, he is feeding that particular tiger of alienation? Does he not recognise that his policies are part of the problem?

**Mr Attwood:** I thank the Member for his waxing, but it is waxing in a somewhat extravagant and overstated way. I will explain why. The source of the problem is that we have not lived up to every word and spirit of the Good Friday Agreement. If we had politics and political parties that were unambiguously living up to, judging and challenging themselves on and compromising themselves in the image of the Good Friday Agreement, a lot of this would have been dealt with.

Way back in the first mandate, Mark Durkan was in discussion with David Trimble, as I understand it, about how to deal with the issue of identity, when the rug pulled from under their feet, although I recognise that it may never have been settled, by a unilateral decision made by another Minister to not fly the Union flag on departmental headquarters at Rathgael House. So, attempts were being made, difficult though they were, and those attempts were derailed.

Mr Allister is wrong — he is just plain wrong — when he says that there was a settlement.

**Mr Allister:** Will the Member give way?

**Mr Attwood:** Go and read the appendices of the Good Friday Agreement. Therein was further process, to use your words, in relation to policing and criminal justice. On the far side of that, upsetting and challenging though it was in many instances for unionism as well as for us, nonetheless, the DUP, the Ulster Unionist Party, the SDLP and nine civilian members of the Policing Board applied themselves to the outcome of that process and all of our society is better for it.

**Mr Allister:** I absolutely agree, and it is the reason why I opposed the Belfast Agreement; it never was a settlement. It always was a process. Unionists who saw that voted against it, but the unionists who wishfully hoped that it was a settlement are the people now of whom you speak who are disillusioned because they

suddenly discovered that they were sold a pup: that it was never a settlement, it was a process.

**Mr Speaker:** Order. Once again, I think that we are moving far away from the amendments. We are almost into a debate in and around the Good Friday Agreement. I am prepared to allow some latitude, as I continually say in the House, but I ask that Members will, if possible, in whatever they are saying, refer in some way to the flags issue and to the amendments that are before the House this afternoon.

**Mr Attwood:** To answer that point: the Good Friday Agreement, as I mentioned in passing, refers to the very point of this debate and the Bill and the amendments in relation to the expression of identity.

**Mr McGlone:** Will the Member give way?

**Mr Attwood:** I will come back to Mr McGlone in a second.

Mr Allister is far wiser on this than I am, and it may even be presumptuous for me to say this, but I do not think that a vast swathe of unionist opinion pathologically thought that the Good Friday Agreement was something that it was not. A copy of the Good Friday Agreement was posted to every house. It was the most talked about document in Irish political history since the treaty. It referred to the right to democratically pursue national political aspirations and the right to seek constitutional change, and people knew that this is what was meant. In my view, to portray unionism as somehow pathologically misunderstanding is disrespectful to those people.

**Mr McGlone:** I thank the Member for giving way. Will he accept that the fundamental challenge and the issue at the core of the Good Friday Agreement was the accommodation of difference and the accommodation of identity, about which proper, serious dialogue has yet to commence on these islands? Likewise, in the context of the Local Government Bill, that too remains a challenge for the 11 new councils to accommodate difference and protect and enshrine in its very core civil rights and equality for all. That is the very challenge that the Assembly and the Executive still have not achieved and which remains a fundamental core for those new councils.

**Mr Attwood:** I agree, and in my concluding remarks I will deal with that very issue, which is, as Mr Eastwood said, about how we are going to get back to this.

The final learning from all this is simply that we cannot deal with the issue of identity ourselves alone — that is a horrible phrase. I remember, during the Haass process, being corrected — that is probably the right word — by the Irish Government, with whom we had many conversations. Mr Byrne will remember one of the corrections; as the SDLP talks delegates, we had the high-handedness to start talking about the where, when and how of flying of the national tricolour — the Irish national flag, Mr Wells — in Northern Ireland. This is one of the incongruities of this debate.

Today's 'Irish News' has a photograph of Queen Elizabeth and an Uachtarán, President Higgins, in advance of the state visit in a few weeks' time. The imagery of that, compared with the imagery of this, is rather stark, acute and critical. Just as on this island there was a wave around the visit of Queen Elizabeth to the island, which within months saw mini-seismic shifts from other parties in their attitude to the British monarchy, there will be more come the middle of April. Let me tell you; there will be more. Do you know what will happen? Four weeks out from our elections, what the President of Ireland and the Queen of the United Kingdom can do will sit in sharp contrast with what we are not yet able to do, but we will deal with that when we come back to it.

We cannot deal with the issue, and this was what the Irish Government were gently reminding us of. The issue of flags is a particular responsibility in London and Dublin, and we argued for a much bigger involvement of the two Governments in the commission that was being proposed as part of the Haass talks. I presume that others in this Chamber were having none of that, but they were wrong. We need more of that in managing the issue of identity, the issue of flags as part of identity and as part of the new constitutional arrangements in this part of the island. I will come back to that.

Why do I believe that all these amendments are errors of judgement?

**Lord Morrow:** Will the Member give way?

**Mr Attwood:** I will.

**Lord Morrow:** I am interested to hear the Member. He puts much emphasis on the Haass talks. Does he think that the Haass talks were undermined by the issuing of letters to the privileged few?

**Mr Attwood:** Dealing with the past in a comprehensive way is undermined if there are any secret deals. If any other deals are done, not exclusively but especially between those who represent the worst of our past and the British Government, that will undermine both our politics and dealing with the past in a comprehensive way. My nose tells me that other deals have been done; I will not go further down that road, but I do not understand the silence and inactivity of the Serious Organised Crime Agency (SOCA) after the Assets Recovery Agency was closed down. I do not understand its silence.

There may be very good reasons, and SOCA may choose to do its business differently from the way in which Alan McQuillan chose to do his business, which was in the public domain and through the courts. It may have chosen to do things privately through civil recovery, and there may be a logistical, organisational or institutional reason for that. However, it seems to me that it was very silent.

#### 5.15 pm

Why is the approach adopted by all those who tabled amendments an error of judgement? I will say this to the Alliance Party: you should not give anybody an easy way to further impede or derail Haass. We all know that the proposed commission on identity was the weakest part of the Haass outcome, but, when you go unilateral on the issue of flags, what you are doing is undermining the entire outcome of Haass.

People will confirm that, during the Haass process, the Alliance Party's issue, more than any other issue — it was strong on many issues — was identity. It was right to say that we had to deal with that issue comprehensively and decisively and that the party had been treated in an appalling manner by elements in our society and by politicians in our community. I understand why the issue was so intimate and acute. However, you are undermining Haass by tabling the amendments, because you take the issue of flags out of Haass. Others could then say that we should take the issue of the past out of Haass. Mark my words, the people who are reticent about Haass and their past are not just elements of unionism. Those who have vested interests, wherever they may be, in state, non-state, institutions of the Government and institutions of the paramilitary organisations are all threatened by Haass because those proposals offer a mechanism for truth, justice and accountability that has not existed previously. Although the amendments were tabled in good faith and with the best of

intentions, you give people the opportunity to say, "Let us undermine Haass further".

**Mr Lyttle:** I thank the Member for giving way. He will not be surprised to learn that I fundamentally disagree with what he is saying. The Alliance Party is fully committed to working on all the areas that were initiated as part of the Haass process, having proposed an independently facilitated process to deal with those issues, and we will work just as hard on dealing with past as we will on flags or parades. However, does the Member think that there is no other possible way to try to make progress on any of those issues using any fora other than all-party talks?

**Mr Attwood:** I will go back to my opening remark that we need a paradigm shift, and we are misleading ourselves if we believe in the notion that you can deal with those issues of identity in a partial way by dealing with the issue of flags in the Bill. You may be doing it for the right reasons, but you will have the wrong outcome. In circumstances in which we need a paradigm shift and a comprehensive process, you should not pick off issues such as flags, important though they are. An unintended consequence could be that people will say that we should pick off other elements of Haass because we do not like them or we should deal with them in a quiet or other manner. Strategically, the Alliance Party has committed an error of judgement by trying to deal with issues of identity selectively, and it has unintentionally undermined the integrity of Haass by giving others an opportunity to pick at it over the next period of time.

Given that, hopefully, there was to have been a commission and that you hoped that people might live up to some greater aspiration and ambition around our politics, you should give this a little bit more space between now and May of next year to try to resolve the issue because, by doing this on flags now, you derail the conversation about identity later. By derailing the conversation on identity later, you do not deal with the politics of this moment. For those reasons, I think that it is an error and it is the worst of evils. In the current situation, leaving it to local decision-making is the better way to go. Rather than saying from on high, "This is the way it's going to be in the absence of agreement", it is better to leave it to local councils to decide the matter. Politically, that is the better course of action.

Mr Lyttle asked me whether I differed from the advice of the Equality Commission on this matter. I may stand corrected, but I am told that in the political reference group, the Alliance

Party accepted that this Bill was not the appropriate vehicle for resolving the flags issue, and I think that that is right. When I was Minister of the Environment before Mr Durkan, I convened the political reference group. The group behaved very wisely and said, "Let us deal with this matter very sensitively and very carefully." That is the way all the parties on the political reference group decided to handle the matter, and they were right. It remains the right way.

Mr Eastwood said that we would have to get back to this but presumed that that would not happen in the run-down to 22 May. He is probably right, but he should not be. There is some talk that there may be meetings of the parties next week, post-Washington DC and post-Haass. If those talks happen next week, the measure of them should be a decisive outcome. This must not be an exercise in covering people's backs because of a reprimand from Washington DC. There has to be decisive movement on the issues of the Haass talks. I have a sense that some people may think that they have overcooked their opposition to Haass. If so, let us see the proof of it over the next number of days. I worry that, as we enter the run-down to 22 May, events may conspire against even the best intentions.

If that does not happen, the SDLP calls today for talks to be convened between the five parties and the two Governments in the week after 22 May, with an invitation to the American Government to be in the room. We cannot allow the Haass talks and all the other unresolved issues of agreement politics to continue and charge into the events of the summer.

Today, we say to the five parties: let us maximise the space over the next number of weeks. However, if that space does not result in product, immediately after 22 May, the five parties should gather with the two Governments, and with appropriate involvement by the American Government, who have some of the wisest reading of the politics of Northern Ireland. When we do not have the authority ourselves, we need the assistance of others to grow our authority in order to deal decisively and conclusively with all those issues.

**Mr Wells:** Will the Member give way?

**Mr Attwood:** Yes. *[Laughter.]*

**Mr Wells:** I have waited. I must say that I always admire the eloquence of the honourable Member for West Belfast. I sat through his

oratory at Queen's University for many years, and now I have sat through it here for 15 years. He is a very clever speaker. Some 40 minutes ago, he said that he would weave in an answer to the question that I raised earlier. I have been listening and no answer, as far as I can tell, has been woven. I am sure that he did not intend to adopt a sedentary position without answering the very important point that I raised about the rescinding motion.

**Mr Attwood:** The respect is mutual. Mr Wells was a very eloquent speaker in his time and still is in the Chamber. I did not weave it in because, although others may have got a reprimand in Washington, I did not want to get a further reprimand from the Speaker. A year ago, my personal advice to the councillors of Newry, who are people of integrity and did not go out of their way in any shape or form to offend anybody — *[Interruption.]*

**Mr Speaker:** Order, Members.

**Mr Attwood:** They did not. People have to stop reading their worst fears into what other people do. Most people are good, generous and decent. I believe that, despite what Mr Allister thinks about unionism. I think that most people are good and decent. You should not read in to the actions of good and decent people your worst fears. So, they did not, in any shape or form, want to visit offence upon anybody. They were in a situation where there was legal advice coming in about what happened years ago and about the consequences of undoing all of that. They behaved in an honourable way even if people were hurt, but it was not intended. I know that because Dolores Kelly, I and others went down and spoke to our councillors and other people in that area, and that is the truth. Do not let anybody deny that, and do not let anybody deny what Alasdair McDonnell did in this Chamber. I have not heard from anybody else on any occasion any sense of acknowledgement of how things in the past may have upset and hurt people.

During the Haass process — I will finish here — one of the meetings that Joe Byrne and I had was the first at which the party met the RUC widows. There is something for us in the SDLP to acknowledge that that was the first time that we had met the RUC widows and seen their sense of hurt. In west Belfast — this is the relentlessly positive — on Friday night in St Mary's University College, there was a second showing of a film that has been produced in respect of the Ballymurphy massacre families by — I will conclude now — Sean Murray. At

the end of that, when Paul Maskey and I were speaking, there were comments made about how to deal with the past. I said that, if we have to deal with the past, we have to deal with it in comprehensive, inclusive terms. That includes the Ballymurphy massacre families, who have suffered so greatly and have shown such resilience. It also meant that we had to deal with the pain and grief of the RUC widows, one of whom we met in and around Haass. She is from and lived in my constituency of West Belfast. She was married to a police officer of my own faith who was murdered in this city. That woman, as much as any other individual, has the right to truth, justice and accountability. I go back to your question: that has to inform how we deal with all these issues, including, in my view, our councillors in Newry.

**Mr Wells:** Will the Member give way?

**Mr Speaker:** Order. The Member has finished.

**Mr B McCrea:** I have listened to the debate without intervening to hear what people had to say, and I am sorry to say that the speech that I have just heard has not filled me with any great confidence. It was rambling, self-indulgent, condescending, patronising — *[Interruption.]* I believe that the sentiments of the gentleman concerned are correct, but we rambled over every single thing that you could think of instead of dealing with the issues. You cannot deal with them in that way; it is simply too broad.

Mr Speaker, I want to address the amendments, in particular, amendment No 66. One Member, who is still here, stood up and said earlier that people did not care. It is true that some people do not care —

**Mr Flanagan:** I said "most" people.

**Mr B McCrea:** Maybe even many people do not care. Perhaps even most people do not care, but there are certainly people who do care. There are people here still talking about the issue. There are people who have been on the streets for the past year. There have been riots on our streets, there have been protests about flags and we have destroyed Belfast city centre. We have had all those issues. So, it is important to some people.

When it comes to the issue about how we deal with the particular position on the UUP amendment, I am surprised that the UUP tabled it. It, too, is mischievous. It, too, is designed for political opportunism. They will have known that there would be a petition of concern. They

will have known the way that people will have looked at this, but they are playing politics with a very important issue.

**5.30 pm**

Mr Speaker, dealing with the amendment, let me refer Members to the flags and emblems legislation that deals with the issue. In the House of Commons on 16 May 2000, the then leader of the Ulster Unionist Party, Mr Trimble said:

*"It is necessary that the legislation goes through, and goes through quickly ... Unfortunately, however, I believe that the form of the order will not settle the issue and may contain the seeds of future trouble ... The existence of the flag and the occasions on which it is flown are matters of custom, practice and administrative procedures, not of law."*

An issue was set out there, but, when you go through the process, you find out what the Ulster Unionist position was then. Later that evening, Lord Rogan, a UUP peer, commented on the issue. I know that Members of Parliament are present here, and they will understand how significant it is to have a hearing in the House of Commons in the morning and then to have emergency legislation rushed through to the House of Lords that evening. Lord Rogan said that he believed that they should be discussing on what days that the flag would fly, not on what buildings.

We returned to the issue in this place, the Northern Ireland Assembly, on Tuesday 6 June 2000. A motion that the Reverend Dr Ian Paisley proposed asked:

*"That this Assembly directs that the Union flag shall be flown on Executive buildings in Northern Ireland on all designated days, in keeping with the arrangements for other parts of the United Kingdom and, additionally, on Parliaments Buildings on all sitting days." [Official Report, Bound Volume 5, p44, col 2].*

The point was that it was not 365 days; it was designated days and different days. Supporting that call was Mr McGimpsey of the UUP. He said:

*"This motion is to do with a very important issue. It can be separated into two parts. The first concerns the Union flag's being flown over Executive buildings, and the*

*second its being flown on Parliament Buildings". [Official Report, Bound Volume 5, p53, col 2].*

He went on to say:

*"In the United Kingdom as a whole the Union flag is flown on designated Government buildings on designated days." [Official Report, Bound Volume 5, p54, col 1].*

There was also an intervention from Mr Boyd of the DUP during the debate. He said:

*"I have here a statement issued by the Ulster Unionist Party on 22 May 2000:*

*"Thanks to our negotiating team, only the Union flag will be flown from Government buildings, and the proud name of the RUC will be preserved ... Unlike our opponents, who talk a lot but never deliver, we actually managed to negotiate significant and tangible concessions from the Government." [Official Report, Bound Volume 5, p49, col 2].*

That was to do with flags.

Then this place set up an Ad Hoc Committee. This is what the written submission of the UUP, the proponents of amendment No 66, said:

*"By accepting the 17 flag-flying days as specified by the Flags Regulations, the SDLP and Sinn Féin will be honouring their obligation in the Belfast Agreement to show 'sensitivity' and 'promote mutual respect rather than division'".*

That is what Sinn Féin and SDLP were being asked to do. Furthermore, it says:

*"Designating a maximum of 17 days out of 365 days in the year clearly indicates that, while upholding the constitutional position of Northern Ireland, the British Government has no intention of flaunting the Union flag."*

That was in the UUP's position paper. It also directly mentions district councils. It says:

*"District Council offices cannot benefit directly from these Regulations ... Consequently, in determining the appropriate days and locations for the flying of flags ... District Councils must pay particular attention to their own statutory obligations under two very important pieces of legislation: Northern Ireland Act 1998 ...*

*and The Fair Employment and Treatment (NI) Order 1998."*

That is the issue on which we have to find a way of getting designated days.

We then moved to a debate, and I think that the Members opposite will find that this is a really interesting point —

**Mr Lyttle:** Will the Member give way?

**Mr B McCrea:** I will.

**Mr Lyttle:** I hope that I have not broken the Member's flow, but, given the Ulster Unionist Party's policy position supporting designated days, which he has set out in detail, has he at any point heard a satisfactory explanation why such a dramatic deviation from that party policy position has occurred in recent years?

**Mr B McCrea:** The answer to that is that I am interested to hear what people will say in this debate. It was a matter of discussion between party colleagues and me. I refer to the Ad Hoc Committee report. Dr Birnie of the UUP said:

*"The Ulster Unionist Party welcomes this report and in broad terms also welcomes the Secretary of State's Regulations."*

He also said:

*"We applaud the good sense of the SDLP, at least at local level in Craigavon, where their councillors have recently agreed to regulations providing for the flying of the Union flag." — [Official Report, Bound Volume 6, p403, col 1].*

When people talk about the vote in Belfast, I ask, "If you can agree designated days for Belfast and Craigavon, why can you not accept designated days for Strabane, Limavady or elsewhere?". That is the point that the Alliance Party made. Those things have already been accepted. He moves on to say:

*"The regulated flying of the flag on 17 days ... upholds our constitutional position without flaunting the flag. Thus, the Ulster Unionist Party supports this motion." — [Official Report, Bound Volume 6, p403, col 2].*

That is the Ulster Unionist Party talking. Mrs Carson, a UUP MLA, said:

*"This debate is about the recognition of sovereignty and the flying of the Union flag*

*with dignity on all public buildings on recognised dates.*" — [Official Report, Bound Volume 6, p407, col 1].

There is then an intervention from a certain Mr Peter Robinson, who said:

*"Mrs Carson expressed the view that her interpretation of the Belfast Agreement was the only possible one. Clearly, her interpretation was inadequate".* — [Official Report, Bound Volume 6, p407, col 1].

He also said:

*"The Ulster Unionist Party, when given the opportunity to show its support for other propositions, was able to support every one of the propositions made by the Democratic Unionist Party - apart from one. The one proposition that the Ulster Unionist Party felt unable to support was a simple one. The Democratic Unionist Party argued that there should be no prohibition on the flying of the Union flag on Government buildings at any time - no prohibition. It did not say that it should fly at all times, but it removes the prohibition, which was expressly put into the legislation. The Ulster Unionist Party want a prohibition. They want it to be an offence to fly the Union flag on Government buildings, except on a dozen or so days in the year. I find that difficult".* — [Official Report, Bound Volume 6, p407, col 2].

This is the party that now says, "We want to bring forward 365 days". Not then; not at that time. Mr Foster, a Minister of the UUP, responding to Mr Robinson's intervention, said:

*"Today's attack by Mr Peter Robinson was an assault on the Unionist Party".* — [Official Report, Bound Volume 6, p408, col 2].

He also said:

*"The Union flag must be flown with dignity and decorum on the designated days, not as an act of offence but out of respect for the sovereignty of Her Majesty. ... The motion is a further step in the full implementation of the agreement ratified by the majority of people two years ago."* — [Official Report, Bound Volume 6, p409, col 1].

That is the official policy of the Ulster Unionist Party. I do not know why you are now trying to play politics with the issue. If that is what you felt about the issue after the Belfast Agreement, that is what you should be defending now. Then, we will get to a stage — [Interruption.]

**Mr Speaker:** Order.

**Mr B McCrea:** If Mr Elliott would like me to give way, I am happy to do so.

**Mr Elliott:** I am pleased that the Member has decided to give way. I am just wondering what the use is of something that he is reading from 14 years ago. I heard him mention the Ulster Unionist Party, the Democratic Unionist Party, the SDLP, the Alliance Party and Sinn Féin, but I did not hear him mention Belfast City Hall. What does any of it have to do with the amendment to put the flag back up on Belfast City Hall 365 days a year? I have no idea. [Interruption.]

**Mr Speaker:** Order.

**Mr B McCrea:** Clearly, Mr Elliott was not listening to my earlier points when I said that it was specific commentary about district councils and councils in general. It is a matter of record. I can refer him to it if he wants; it is in the Ad Hoc Committee report. I quoted selectively from it. However, what is absolutely clear is that the UUP was the defender of designated days. It introduced emergency legislation and got it through the House in one day.

There was a very interesting discussion that the UUP may wish to repeat. Mr Newton mentioned senior counsel in Belfast City Council. However, Mr Elliott, there are other counsel who talk. I refer the House to the judicial review and Justice Kerr's opinion on an application by Conor Murphy on the flying of flags. One of the issues that Justice Kerr had to deal with was:

*"it is alleged that a covert arrangement was reached on the flags issue between Mr Mandelson and the Right Honourable David Trimble MP, the leader of the Ulster Unionists so as to enable the latter to persuade his party to return to the institutions of government after the suspension of those institutions."*

There is quite a learned judgement on the matter, but let us just be clear that those were the politics of the time. That was the issue. The UUP has now done the mother of all U-turns on this issue. For the UUP to stand here — [Interruption.]

**Mr Speaker:** Order.

**Mr B McCrea:** — and play pathetic party political games that have the potential to — [Interruption.]

**Mr Speaker:** Order. The Member must be heard.

**Mr B McCrea:** — drag this country back to a place that it thought that it had escaped is entirely irresponsible. You should really look at what you are doing. *[Interruption.]*

**Mr Speaker:** Order.

**Mr B McCrea:** You stand here and give us lectures about how we should go forward. You say, "Let us talk about Haass" or whatever. This is the party that seemed to think that Haass was 80% to 90% a done deal. Let me tell you this: Haass is dead; Haass is no more. *[Interruption.]*

**Mr Speaker:** Order.

**Mr B McCrea:** It is deceased. It is gone. It is finished. You have missed your opportunity, and, frankly — *[Interruption.]*

**Mr Speaker:** Order. Let us not have a debate across the Chamber. The Member has the Floor. *[Interruption.]* Order. The Member should not challenge the authority of the Chair.

**Mr Kinahan:** Will the Member give way?

**Mr Speaker:** I am sure that the Member will give way. As I said, there is no time limit on the debate in the Chamber this afternoon. *[Interruption.]* Order. When Bills are going through the House, there are no time limits on Members' contributions. If Members want to put their name down on the speaking list, they can do so. Let us not have debates from a sedentary position. Allow the Member to continue.

**Mr B McCrea:** I move on to a further debate in the House of Commons on 25 October 2000. A certain Mr Peter Mandelson, proposing, said:

*"I welcome the mature recognition by the Ulster Unionist party, in its submission to the Assembly's ad hoc committee, that there is no need or desire to flaunt the Union flag as such."*

That was the position. Jeffrey Donaldson MP, Peter Robinson MP, Roy Beggs MP and the Rev Martin Smyth MP were present in the House of Commons at the time, but the House did not divide on the issue. In the House of Lords on 2 November 2000, Lord Falconer, proposing, said:

*"Regulation 9 prohibits the flying of flags on government buildings other than as provided for by the regulations. That means that the union flag may not be flown on days which are not specified in the regulations."*

That was coming through as law. He also noted:

*"That means that the Union flag will not be flown on four days on which, prior to devolution, it was flown only in Northern Ireland—Christmas Day, New Year's Day, Easter Sunday and 12th of July."*

That is an issue that came out of the legislation. Lord Rogan of the UUP said in the Lords:

*"Therefore, those parties lacking maturity should, in acting responsibly with respect to their commitments, both explicit and implicit, recognise that the flying of the union flag over government buildings on the same days as in other parts of the United Kingdom is part of what they agreed to."*

He was referring to what parties agreed to in the Belfast Agreement. He was supported by none other than Lord Molyneux:

*"I echo his congratulations to the noble and learned Lord, Lord Falconer, on the intelligent and tactful way in which he introduced the regulations."*

Let me tell you that the amendment the UUP tabled is not sustainable. It is not the way forward. It was bound to provoke a petition of concern. It was not going to get through. You have to deal with these things in a different and better way.

**5.45 pm**

Let me just mention a few other points that I want to deal with. There are some other issues that I think we need to bear in mind.

**Mr Elliott:** Will the Member give way?

**Mr B McCrea:** I have moved on to another topic, but I will give way.

**Mr Elliott:** I thank the Member for giving way, now that he has calmed down somewhat. Will he be supporting the Ulster Unionist Party amendment No 64, which is for, as a minimum, designated days?

**Mr B McCrea:** I think that it is fairly clear what my position is. I hope that the Member has been listening.

Let me move on to a number of other points. Sinn Féin talks about identity and wanting to reach out. I have to tell you that, as far as I am concerned, what was agreed in the Belfast Agreement, not the Belfast process, was that the constitutional position of Northern Ireland was decided until the people decide otherwise. The Union flag is the constitutional emblem of this part of the world, and, in my opinion, it should be flown on designated days at every single council.

When I look at this issue, I ask what happened to us when we were in Lisburn. I notice that some of my colleagues that were there are here. I was elected in 2005 in an election that was something of a landslide, I seem to recall, for the DUP. It said that it had taken control of Lisburn council and that the first thing that it was going to do was to fly the flag for 365 days. A year or so later, people said, "This is not a terribly good idea. We are not going to fly the flag 365 days, but don't tell anybody". I stand to be corrected, but I understood that the DUP was not going to fly it for 365 days because legal advice came forward that said that the council is a place of work and that, under fair employment law, you cannot fly emblems. However, special dispensation was allowed for city halls or town halls because of their ceremonial place, so the flag could be flown on certain days. That is a compromise.

**Mr Lyttle:** I thank the Member for giving way. Was the type of legal advice that Mr Newton MLA earlier referred to as "nonsense"?

**Mr B McCrea:** I do not know exactly what advice he was referring to. All I can tell you is that, as a result of the legal advice that we got, we decided that the flag would not be flown for 365 days but that it would be flown on designated days, plus two more, I think. The decision that we took then was to say nothing. No one noticed that it had gone up, and no one noticed that it had gone down. The situation was resolved in what I thought was the constitutionally appropriate way. Oh, that we had decided to adopt that position at Belfast City Council. This is where I disagree with people who say that they think —

**Mr Givan:** I appreciate the Member giving way. I wanted to let him finish his understanding of the situation at Lisburn council. I am sure that the Member will concur that the flag was removed in 2001 by the Ulster Unionist Party.

Having taken over the council, albeit with the help of others, we explored every avenue and tested every opportunity to return the flag to its place, flying 365 days a year. The end result of that is that the flag does fly in Lisburn at the war memorial for 365 days a year. It flies on designated days at the civic building, with the proviso that the mayor has the ability to fly it on other days. That is why, over the Jubilee period, it flew in all of July and August. However, it does fly in Lisburn 365 days a year.

**Mr B McCrea:** I have to say that I agree with the position that he put forward. What it does not do is fly at the City Hall for 365 days. The point is that other arrangements were required. The other bit, as far as my recollection is concerned, is factually correct. I agree with the Member on that point.

It gets to the stage where we have to ask, "Did we handle it right?". The answer is that we did not. Whether it was a democratic decision or not, we did not understand and we did not apprise ourselves of the dangers of putting out 40,000 leaflets that would get people riled up who would try to play politics out of this issue. Symbols are an important issue, and we did not do it right. And we are not doing it right here again.

I have just a couple of other points to make. I say to colleagues in the SDLP that there is an issue. Mr Attwood came forward to say, "We are trying to do good things about the park down in Newry". The trouble is that it takes 10 acts of goodness to try to put away one act of disappointment. People understand what happens when you have a McCreesh park. You need to work very hard, very consistently, and at every opportunity people will drag you backwards. That is what is not good about the way that we deal with things.

I say this to people in the SDLP: if you are serious about this — you say that you defend the Good Friday/Belfast Agreement — you must be entirely consistent and rigorous, reach out to people who are not from your traditional voter base and do the right thing at all times. Flip-flopping around destroys confidence. That is why we do not have that situation. The idea is that we are all going to get together after the elections. Sorry; we are not all going to get together. Apparently it will be everybody apart from Jim Allister, NI21, and the Green Party, but the rest of you can get together and sort it out. That is not going to happen.

**A Member:** David McNarry.

**Mr B McCrea:** Yes, David McNarry. I forgot. Look, that is not the right way to go about things.

This is the second-last point that I want to make, and it is about the issue with the DUP. When we had the discussions and negotiations with regard to the Belfast Agreement, there was every possibility that there could have been a settlement that required two flags. I know that you would not have agreed with that, but it could have been the Union flag and the Irish flag or the alternative, as Sinn Féin put forward, of no flag. You could have had two flags or no flags.

Against that context, getting designated days was a victory for unionism. It was a better result than you could have got elsewhere, at any time, and you should have sold it as such. You should have told people, "This is a good thing; this is the same as in the rest of the United Kingdom; this is what we can aspire to". Anybody who was here on Monday —

**Mr Humphrey:** Will the Member give way?

**Mr B McCrea:** I will. Just let me finish.

Anybody who was here on Monday will have seen two Union flags flying over the Building for St Patrick's Day. The real issue is this: do flags flying over buildings matter for the constitutional position? Yes, they do, to an extent. However, there are flags galore. There are flags everywhere. Every lamp post has a flag. Apparently, in Derry/Londonderry, every crane has a flag. We are not short of flags. The issue is that the constitutional position of Northern Ireland is safe and secure. We should be finding a way to work together, and we should not be scaremongering.

**Mr Humphrey:** I am grateful to the Member for giving way. I point out to him that my party's position on the flying of the Union flag at City Hall has been consistent. We have consistently argued, and did until the vote in December 2012, that the Union flag fly on 365 days.

The Member talks about being consistent with the rest of the UK. Having designated days is not consistent with the rest of the UK. Many councils across the United Kingdom fly the flag, 365. It is not the norm across the kingdom that the flag fly on designated days.

When it became clear to the unionist family at City Hall that, tragically, the Union flag was not going to fly over City Hall, 365, a solution was put to the Alliance Party. I personally was

involved in meetings with the Alliance Party. A solution was put forward, similar to what happens in Lisburn, where the flag flies at the war memorial, and that was refused by the Alliance Party. In fact, in a TV interview with the Alliance Party leader at City Hall, she indicated that she may even support that. I want to make the Member aware that those were the positions adopted by the Alliance Party at City Hall at that time.

**Mr B McCrea:** I hear what the Member has to say. However, in reading the judgement by Kerr, I see that he concluded that there is the appropriate balance of the constitutional position, fair employment activity and the rights of others to different views of their nationality. When you look at that, you will see that a different point of view comes across.

**Mr Lyttle:** I thank the Member for giving way. Briefly, he put forward the judgement of Kerr. It might also be worth putting on the record that the British Legion did not support the DUP proposal in relation to the war memorial either.

**Mr B McCrea:** The issue comes back to this: we can talk backwards and forwards on this.

My last point is for people who were talking about articles 2 and 3 and about their flag — the Irish flag. I understand that the result of the vote in Ireland was the removal of articles 2 and 3, and there are quite a lot of people in Dublin who do not agree with the same aspirations that you have about how you use their flag. People who use these flags for sectarian symbols and for their own battles are actually undermining their argument.

Here is my wish, Mr Speaker, in dealing with these amendments: I am really disappointed that this Bill, which started off to be a Bill about improving local government, trying to engage economic development and getting a better democratic engagement, has been overshadowed by a debate that was about everything but trying to make things better for people.

On that basis, we will support the Alliance Party's amendment, because we think that that is the right way forward. However, with regard to the general way that this place conducts its business, be careful about what you put down in writing or in Hansard, because it will come back, and you will regret what you have said.

**Mr Campbell:** I rise to support amendment Nos 64 and 66. The use of the petition of concern has been mentioned ad nauseam in this

marathon debate. If we are all honest, once the petition of concern was lodged, the debate, by and large, became marginalised, as it does. That happens on a number of occasions; sometimes we lodge them and, on this occasion, it was lodged by nationalist parties, but that is a fact; that is where we are. For that reason, I do not intend to delay the House even further than it has already been delayed, but I wish to make a few comments nonetheless.

The issue of leadership has been raised on a number of occasions. Mr Eastwood and Mr Attwood, both from the SDLP, raised it and the requirement to see that leadership. Unfortunately, the debate got dragged off into a very different By-path Meadow and had to be drawn back. We talk about senses of identity and allegiances. In the past, leadership has been given. Sometimes there are those who do not like the sense of leadership; they appear to think that leadership means doing a certain thing in a certain way and that it will be viewed like that by those who oppose them. However, it is not always like that. Sometimes you have to give leadership that some people do not actually like. Sometimes they may not endorse the leadership, but it does have to be given.

A lot of discussion and debate ensued around the decisions of local councils and what they would do. I well remember, Mr Speaker — I am sure that you will remember, as well — when the unionist community in Londonderry was trying to come to terms with a very significant diminution of its symbolic allegiances by the SDLP-controlled council supported by Sinn Féin, we had to give leadership then, and some of us did. Even when others went off and put forward proposals of a different nature, we tried to bring it back to what was actually being proposed, and that is what I intend to do this evening.

**Mr Humphrey:** I thank the Member for giving way. In my opinion, the Member is one of the most eminent people to come from the country of Londonderry. I want to read something that was said by another very eminent citizen, the Nobel laureate Seamus Heaney who sadly passed away fairly recently. He said:

*"There is never going to be a united Ireland so why not let loyalists fly the flag".*

He was talking in the aftermath of the removal of the Union flag from the City Hall. Does the Member agree with those comments?

**Mr Campbell:** I thank my honourable friend for those comments. As I have said on previous

occasions, a multiplicity of political and business groups that operate under the term of unity of purpose — Mr Speaker will be aware of them. They meet on a regular basis in Londonderry. The room that we mostly meet in is called the Writers Room in a certain location. One of the framed photographs that I sit under is of Seamus Heaney. That was before he made those comments. At the meeting after he passed away, I made it clear that I was proud to sit under that photograph for precisely that reason: he said that there would never be a united Ireland, so you might as well allow the flag to fly. Of course, I agree with that.

### 6.00 pm

On numerous occasions throughout the debate, the issue was raised and the terminology used of "parity of esteem". Sinn Féin spokespersons used it several times, and it was also used by some SDLP Members. I see that Mr Eastwood has rejoined us. I am delighted to see that. I wrote down the words that he used: "our identity counts as well." On a similar theme, a Sinn Féin spokesperson said that the matter of equality or neutrality raised its head every so often. Therefore, the common thread running through those statements appears to suggest that we have Britishness on the one hand and Irishness on the other hand, and there has to be some means to allow those expressions of identity to be cherished and recognised.

However, those statements fail to appreciate that, in order to make the analogy work properly and accurately, when we talk about parity of esteem, equality and neutrality or say that "our identity counts as well", we have to do that in the country to which those who made the comments give allegiance — the Irish Republic.

Here is where it gets messy for nationalists. Is it the case in the Irish Republic that "our identity counts as well" for those of a British dispensation? I do not hear much about that equality or neutrality. When will the party that has dual-country membership — Sinn Féin — of Northern Ireland and the Republic, and operates in both countries, propose neutrality or equality in Dublin City Hall? Will there be a Union flag and a tricolour, or, if that does not work, will the tricolour be taken down? Now that we are into parity of esteem, I am all for that. I am up for it. When will it be proposed? People do not want that kind of parity of esteem. They want to say, "No, let us restrict this Britishness and Irishness to Northern Ireland". Why is that? Why is there no legitimate expression of Britishness in the Irish Republic?

I do not hear anyone asking me to give way. I do not hear any clamour to explain why that is the case. In fact, I will hold back for second or two. I am sure that some people are just champing at the bit to get up to answer that question.

Right, Mr Eastwood, over to you.

**Mr Eastwood:** I would not let you stand there.

I want to point out to Mr Campbell that I would love to see a lot more discussion around that issue, not only in the Republic of Ireland but here. In fact, when we talked about a united Ireland, my party proposed that the Assembly would still exist in a united Ireland to ensure that there were still links with Britain as he sees it. Therefore, we are very open to having discussions on how we can ensure that the Member's identity is held in esteem with ours. We have no problem with that. The difficulty, Mr Campbell, is that we do not hear the same noises coming from you.

**Mr Campbell:** Avoiding answering the question appears to be in vogue. The debate has gone on for some seven and a half hours. This is the first occasion on which Mr Eastwood's attempt to answer the question has been raised, because it does not get raised.

Another issue of identity, other than whether your national flag is that of the United Kingdom or that of the Irish Republic, is that of passports. When I look at answers to questions that I have posed in the House of Commons over the past 10 years, I find that, 10 years ago, almost 7,000 applied for British passports in Dublin, and, last year, that had gone up to 9,000. So there are more people in the Irish Republic now who have a sense of Britishness than there were 10 years ago. Yet I still do not hear any suggestion of parity of esteem.

**Mr Flanagan:** Will the Member give way?

**Mr Campbell:** Does the un-tied Member from Fermanagh want to make a contribution?

**Mr Speaker:** Order. Let us call Members by their proper name.

**Mr Flanagan:** I am just interested to know, of the four amendments in the Marshall List, which one is the Member talking about?

**Mr Campbell:** I think that it is the same one that all his colleagues referred to. I will carry on, Mr Speaker.

**Mr Flanagan:** *[Interruption.]*

**Mr Speaker:** Order.

**Mr Campbell:** There is an increasing sense of Britishness in the Irish Republic, but nothing by way of parity of esteem. I do not see it. I do not hear it. I do not hear it proposed. I do not hear it suggested and I do not hear it hinted at.

**Mr Byrne:** Will the Member give way?

**Mr Campbell:** Yes.

**Mr Byrne:** I think that it is important to recognise the progress that has been made. When the Queen visited the Republic recently, the Union flag was accommodated, and what she represented was greatly accommodated. Does the Member concede that, if the President of the Republic of Ireland were to visit Northern Ireland, the Irish tricolour should fly alongside the Union flag? *[Interruption.]*

**Mr Speaker:** Order.

**Mr Campbell:** No, I do not. However, the honourable Member made a good, positive reference in his contribution when he very accurately described the president as the President of the Republic of Ireland, not the President of Ireland, as he is inaccurately known. He is not the President of Ireland; he is the President of the Republic of Ireland. I live on the island of Ireland, but he is not my president. I am quite happy that proper protocols should be recognised and that, when he visits our country, those protocols are adhered to. I am very happy with that. All the associations of Irishness by those who live in the Irish Republic should be recognised in that way. However, what we are not seeing is any progress being made on resolving the outstanding problems. Those problems were comprehensively outlined in the Haass proposals, and agreement was not reached.

What we need to do now, quite apart from this debate, which we will, I hope, conclude shortly, is to continue on the political process, which is aimed at trying to get a resolution to those outstanding problems. That is called giving leadership. We are prepared to give it and offer it and to involve ourselves in those discussions and negotiations to try to arrive at some sort of accommodation.

However, one of our problems is that when we talk about whether we have an allegiance to a certain identity and how we manifest that, there is a lack of understanding across the

community divide about how that appears in the other community. If a Sinn Féin Member from West Tyrone, for example, talks in the Chamber about people being able to get their dog licensed in a flag-free environment and then tries to reduce the sense of loss of identity felt when the flag comes down to something as puerile as that, we will face a difficulty in trying to arrive at some form of accommodation.

We need to continue the process of trying to reach a resolution that will be more satisfactory than what we had in the past. We have to try to do that in a way that people feel comfortable with. No one in Sinn Féin or, to some extent, the SDLP should ignore the fact that when they talk about parity of esteem, they seem to think that unionists view that as a mechanism whereby we lose and you win. They appear to think that that is our view.

Many of us think that parity of esteem should be discussed, very broadly and widely, in the context that I just outlined. When Sinn Féin and the SDLP start talking about it in that wider context, we will be up for it. When they talk about equality —

**Mr Attwood:** Will the Member give way?

**Mr Campbell:** Yes, I will.

**Mr Attwood:** I listened intently, so you deserve a bit of a reply. You say that you are "up for it", up for this conversation about identity. Why were you not up for participating in the constitutional convention convened by the current Irish Government? They invited you and other northern parties to participate. The SDLP, Sinn Féin and the Alliance Party participate. The constitutional convention is a vehicle to reshape the constitution for the 21st century to make it inclusive for all the people of Ireland. You could make what you believe is this strong argument about parity of esteem for the British identity in the Republic —

**Mr Speaker:** Order. I must say to the whole House that we need to get back, as I said continually this afternoon, to the amendments that are before us. Let us not have other debates that go totally outside what we are trying to deal with here this evening.

**Mr Campbell:** Thank you, Mr Speaker. I am not even going to go down the route of the constitutional convention, because it is the constitutional convention of the Irish Republic. Unionists are not interested in what type of Republic you would like, you would want or you would prefer — *[Interruption.]*

**Mr Speaker:** Let us not debate across the Chamber. The Member has the Floor. *[Interruption.]* Order.

**Mr Campbell:** We are trying to take this concept of parity of esteem and say to you that, if you are using parity of esteem within Northern Ireland in the sense of Britishness and Irishness, we want you to apply it to the country that you want to be part of and that we are never going to be part of. What problem do you have in doing that? Why is it that the SDLP and Sinn Féin have never done that? You demand that Northern Ireland must accommodate Irishness but the Republic of Ireland cannot accommodate Britishness in that country.

**Mr Attwood:** Will the Member give way?

**Mr Campbell:** Yes.

**Mr Attwood:** I am sure that that is part of the conversation being had at the constitutional convention. The more worrying point is that Mr Campbell has just denied the principle of consent by saying:

*"we are never going to be part"*

of the Republic of Ireland. I am sorry to tell you that honouring the principle of consent could lead to you being part of the Republic of Ireland.

**Mr Campbell:** I will resist the attempt to get me even further away from the amendments through that intervention. I will be kind and call it an intervention.

We have to make progress and try to resolve these issues. I think it was Mr Attwood who commented that these issues did not begin in December 2012. That is true, although we would not have had the months of mayhem afterwards had December 2012 not been mishandled, principally by the Alliance Party, but by others as well. But we are where we are, and we now have to try to deal with the situation we are left with. We have got to try to put this issue to bed in a way that is consistent with what most people in Northern Ireland want.

Prior to December 2012, most people in Northern Ireland were content with or ignored the fact that the flag at the City Hall flew. It did not raise objection, controversy or opposition. It did not prompt a petition to the City Hall to get it removed; most people accepted it or were indifferent to its presence. You cannot say the same for its absence. The issue is there. It

needs to be resolved. I support the two amendments.

**Mr Lyttle:** It is a pleasure to have the opportunity to speak on this issue. I support the Alliance Party amendments. Mr Attwood said that he would endeavour to be relentlessly positive. If at all possible, I am going to endeavour to be audaciously hopeful throughout my contribution.

**6.15 pm**

However, I acknowledge and am acutely aware that many people in Northern Ireland are most likely thinking that we should not be here and that we should have already dealt with these issues. Many people are growing exhausted with the fact that we have not dealt with them. Mr Agnew argued that many feel that this is taking us away from dealing with extremely important and urgent social and economic issues. I know how they feel, but I believe strongly that, to be able to deal with and focus on those important social and economic issues, we have to settle and address these issues. Otherwise, they will remain fault lines that will erupt with, at times, brutal consequences for our society, community and economy. We saw that in recent years.

It is for those reasons that I am slightly disappointed that the SDLP said that we need to park this issue and that it vetoed our proposals, along with Sinn Féin and the DUP. From my point of view and from that of the Alliance Party, the only way to park this issue meaningfully is to deal with it in a long-term, sustainable way. We do not believe that the UUP proposal deals with the issue in that settled way either, so we will not support those amendments.

I hope that it is not too late for the Minister, although with the petitions of concern, they have made some very final views on the motion. I think that the Minister is in danger of going on record as an SDLP Minister who had the authority and responsibility for local government and declined, and, indeed, blocked an opportunity to deal with this issue in a proactive, positive way and to address the issue of flags. I cannot see any assessment of this other than that it is a wholehearted abdication of responsibility.

It failed to take into consideration the Equality Commission's guidance. We hear constantly from Sinn Féin and the SDLP about the importance of equality, and we share that view.

However, the Equality Commission recommended that the review of public administration — the Local Government Bill — was an appropriate opportunity to address this issue in an open and transparent way in this devolved legislature, that is, the Assembly. Indeed, it said —

**Mr Durkan:** Will the Member give way?

**Mr Lyttle:** I am happy to give way.

**Mr Durkan:** I thank the Member for giving way. I wonder whether the Member could then explain to the House why the Alliance Party disregarded that advice of the Equality Commission when, in the political reference group, it shared the view that reform of local government was not the proper forum in which to achieve progress on the flags issue?

**Mr Lyttle:** I thank the Minister for his intervention. I can tell you only my view about this matter, which is that this is the appropriate place and the appropriate opportunity to deal with it. I have seen the most recent Equality Commission view on this matter, which is that this is an appropriate opportunity to deal with it. Indeed, it went on to say that a failure to address the matter or to introduce regulation introduces the prospect of the issue running as a sore across all 11 councils from their inception.

So, despite the DUP's efforts to make this an issue about just Belfast City Hall, or the SDLP's unwillingness to use this opportunity to deal with the issue, we believe that this is a unique opportunity to put a settled, consistent, clear, balanced, regional policy in place that, frankly, we might not have again for the foreseeable future.

**Mr Humphrey:** I thank the Member for giving way. The Member mentioned Belfast City Hall and people trying to make it specifically about Belfast City Hall. The Member is quite right in pointing out that his party put forward the motion for designated days in Belfast City Hall. Why was it specifically in Belfast City Hall and Belfast City Council? Why, for example, did the Alliance Party not put forward a similar motion in North Down Borough Council?

**Mr Lyttle:** The Alliance Party is putting forward a proposal now to make this a regional policy. Indeed, that has been our policy for a long time — *[Interruption.]*

**Mr Speaker:** Order.

**Mr Lyttle:** — and that is what we are putting forward. *[Interruption.]*

**Mr Speaker:** Order.

**Mr Lyttle:** Our proposal is to agree Assembly legislation to govern the display of the Union flag on all council headquarters on designated days. We believe that that is a shared-future option that would settle this issue in a balanced, respectful and sensitive way, reflecting Northern Ireland's constitutional status. It is an issue not of identity but constitutional status. Indeed, Mr Attwood agreed that —

**Mr Humphrey:** Will the Member give way?

**Mr Lyttle:** I need to make some progress here. OK, go ahead.

**Mr Humphrey:** I appreciate your giving way. The Member talks about the constitutional status of Northern Ireland. I listened to him earlier and welcome the noises that I am hearing from the Alliance Party today, but I have heard your leader saying that the Alliance Party is ambiguous, in fact, ambivalent on the Union. Do you speak for the Alliance Party or does your leader speak for the Alliance Party, and do you support the Union? *[Interruption.]*

**Mr Speaker:** Order.

**Mr Lyttle:** My focus, and that of the Alliance Party, is to respect the principle of consent in the Good Friday Agreement and to focus on building a shared community in Northern Ireland. There will be people in the Alliance Party who feel British, who feel Irish, who feel both or none, and they are entitled to take their view when required. Our focus is on building a shared community in Northern Ireland, and this, I believe, is an opportunity to put a shared future policy in place.

As I said, the SDLP, Sinn Féin and DUP actions today guarantee that every council will now have to rerun this issue, and that is extremely unfortunate. However, I recognise that this is a difficult issue. I get the sense that some people think that we should leave the issue and that we should not have difficult conversations in the Assembly. I disagree. We have to face them and deal with them in a responsible way. We have points of reference to help us to find a best compromise solution to those issues.

Mr Campbell said that our steer should be what most people in Northern Ireland want. We have seen a number of polls taken recently. One, taken in September 2013, found, as has been

suggested by other Members, that a significant number of people do not feel strongly enough to express a view on the issue: 10% of those who gave an opinion favoured the current situation of all councils deciding, and the most popular option, by a narrow margin, was that all councils should fly the Union flag but only on designated days, which was the preference expressed by 29%. There are points of reference to help us on this policy.

We have also said that the agreement is a place where we can go to find founding principles to steer us in the decisions that we have to make. Mr Attwood referenced the constitutional issues section of the agreement, where participants:

*"recognise the legitimacy of whatever choice is freely exercised by a majority of the people of Northern Ireland with regard to its status, whether they prefer to continue to support the Union with Great Britain or a sovereign united Ireland."*

He also acknowledged that:

*"while a substantial section of the people in Northern Ireland share the legitimate wish of a majority of the people of the island of Ireland for a united Ireland, the present wish of a majority of the people of Northern Ireland, freely exercised and legitimate, is to maintain the Union and, accordingly, that Northern Ireland's status as part of the United Kingdom reflects and relies upon that wish; and that it would be wrong to make any change in the status of Northern Ireland save with the consent of the majority of its people;"*

Mr Attwood also referenced the affirmation that:

*"if, in the future, the people of the island of Ireland exercise their right of self-determination on the basis set out in sections (i) and (ii) above to bring about a united Ireland, it will be a binding obligation on both Governments to introduce and support in their respective Parliaments"*.

It also affirms that, whatever choice may be freely exercised, there should be rigorous impartiality from the Government:

*"on behalf of all the people in the diversity... and equality of, civil, political, social and cultural rights, of freedom from discrimination for all citizens, and of parity of esteem and of just and equal treatment for*

*the identity, ethos, and aspirations of both communities;"*

Mr Attwood agreed that that is consistent with the Alliance Party's proposal of a regional policy of designated days in order to reflect, respectfully and sensitively, the constitutional status set out in the agreement. That is the position of the Alliance Party: that, in matters of state sovereignty, Northern Ireland is and remains part of the United Kingdom.

In matters of nationality and culture, we have diverse and overlapping identities that should have parity of esteem. We think that you can use those principles to guide our decision-making on contested and difficult issues around the display of flags at local councils and that you can agree a regional policy that brings stability and settlement to this issue.

We also have, as a point of reference, submissions that were made by political parties on the Flags (Northern Ireland) Order 2000, and Mr McCrea articulated some of the positions in quite considerable detail. I am not going to go over them in too much detail again, suffice it to say that the Ulster Unionist Party was clearly in favour of designated days, to the point at which it acknowledged that, by accepting the Union flag on designated days:

*"the SDLP and Sinn Fein will be honouring their obligation ... to show 'sensitivity' and 'promote mutual respect rather than division'."*

It is a shame that that reaction to Sinn Féin and the SDLP's support for designated days was so starkly different from that which the previous policy set out. The UUP submission also said:

*"In ... allowing for the national flag of the country of a visiting Head of State to be flown, the British Government has again fulfilled its obligations under the Belfast Agreement by showing sensitivity and mutual respect."*

The DUP said:

*"The Union flag is a constitutional symbol recognised internationally. As an integral part of the United Kingdom the Union flag is therefore the constitutional symbol for Northern Ireland and should be accorded no less standing and acknowledgement than in any other part of the Kingdom."*

It went on to say:

*"The Union flag shall be flown on all Government Buildings on the specified days."*

It is interesting that the PUP said that the view of the flag cannot be divorced from the principles of the Good Friday Agreement. It went on to say:

*"The healing process, which the Agreement was meant to be, is seriously hampered by the continued resurrection of divisive issues - especially if those issues are hyped to one's own constituency as make or break."*

It continued:

*"Northern Ireland is an integral part of the United Kingdom ... There is no requirement to all day every day ensure that that glaring fact is appreciated."*

Again, that is a point of reference in support of designated days.

The SDLP made a lengthy submission, and Mr Attwood spoke to that today, again in some detail. Sinn Féin also made a submission, and, frankly, some of the language used in it is somewhat concerning. The party's contribution today shows that there is a significant amount of work to be done in order to settle and work out what exactly the Good Friday Agreement and its principles mean and what the political parties and the people of Northern Ireland understand them to mean.

Sinn Féin's submission said:

*"Any approach to the issue of flags should be set firmly within the context of the Good Friday Agreement."*

It continued that arrangements should be made to:

*"monitor this issue and consider what action might be required."*

Regrettably, no monitoring arrangement was agreed or made. It is high time that we moved on and dealt with that issue.

I have set out my party's position. Indeed, interestingly, the UK Government have recognised that discussions of this sort will differ in Northern Ireland from those in other parts of the United Kingdom. In 2007, they stated:

*"There are particular sensitivities in Northern Ireland. The flying of flags there is governed by the Flags Regulations (Northern Ireland) 2000. The Government believes that this is the most appropriate way to deal with the matter."*

We also have legal opinion, as was suggested earlier, to which we can refer. In 2001, Justice Kerr stated that the flying of the Union flag on designated days:

*"is not designed to favour one tradition over another; it merely reflects Northern Ireland's constitutional position as part of the United Kingdom."*

Try as we may to communicate that to some parties in the Assembly — Sinn Féin and the SDLP — that is proving a difficult conversation to have, but it is our aim to support that legal opinion where it emphasises that the flying of the flag is not designed to favour one tradition over another but is merely a reflection of here's constitutional status as part of the UK.

We also have a judgement from Mr Nicolas Hanna QC, who said that the flying of the Union flag on designated days is likely to be seen by the courts and tribunals as "striking the right balance". He went on to say:

*"there is a degree of risk that the flying of the Union flag at the City Hall on days other than designated flag days and at other premises even on designated days only, could be held to infringe the concept of a neutral working environment for those who work in those buildings."*

### 6.30 pm

We have had legal opinion and advice on which to draw. Indeed, the Belfast City Council equality impact assessment states:

*"In the light of the legal opinion and the views expressed by the Equality Commission, it appears that the option of flying the Union flag at the City Hall on designated flag days only has the potential to be regarded by many as striking the right balance and therefore to be the most effective in terms of promoting good relations."*

Interestingly, in relation to the issue of two flags, which has been raised by some people, Mr Hanna QC stated in 2004:

*"If the flying of the Union Flag by the Council is limited to the City Hall, and is also limited to designated flag days only, such a practice could and would almost certainly be justified on the basis that it would be acknowledging Northern Ireland's constitutional position as part of United Kingdom in a balanced and moderate way, and without giving undue offence to those who oppose that position; ie the approach approved by Kerr J in his judgment in Murphy: However, if the reason for flying the Union Flag is to acknowledge Northern Ireland's constitutional position as part of the United Kingdom, such a reason could not be deployed to justify flying the flag of any other state, and in particular the Irish Tricolour. Put simply, since Belfast is not in the Republic of Ireland, there is no equivalence."*

The legal advice and the equality impact assessment strongly favoured the option of designated flag days only. Indeed, the Equality Commission advice from January 2013 on the flying of the Union flag at councils states:

*"The Union Flag is the national flag of the United Kingdom and, arising therefrom, has a particular status symbolising the constitutional position of Northern Ireland. ... the Commission considers that flying the Union Flag with the aim of acknowledging the constitutional position of Northern Ireland would be a legitimate aim."*

So, we have significant points of reference and advice to draw from. I remain audaciously hopeful that parties such as the Ulster Unionist Party, the DUP, given its position on Lisburn council, and the PUP will find a way to show leadership and return to previous positions that they have held on this issue. I also hope that Sinn Féin and the SDLP think about their refusal so far to strongly consider the mutual respect that they speak of and put that into action. Rather than park the issue, they should face up to the compromise solutions that we need to agree to settle this.

At worst, parties will continue to play Russian roulette with the social and economic well-being of people across Northern Ireland, I fear, for calculated political gain. I hope that that is not the case and that we can find a way to settle the issue so that we can deal with inequality, regeneration and economic development across Northern Ireland and put real peace and stability, which is the only way that we can move Northern Ireland forward, in place.

I know that this is a sensitive issue, but I truly believe that we have nothing to fear and

everything to gain from agreeing a compromise solution. Indeed, as people who are passionate about uniting Ireland, about a United Kingdom and about building a united community, we will have to compromise and settle issues on flags or we will contest them in perpetuity, and, frankly, that will unite absolutely no one.

The Alliance Party will continue to stand up for compromise and progress regardless of the extent of threat that we face for doing so. Indeed, we refer to OFMDFM's Together: Building a United Community strategy, which aims to build a society that is reconciled and shared in Northern Ireland. I encourage political parties in the Assembly to live up to those aims. Indeed, I say to those in Northern Ireland who are feeling fed up with Northern Ireland politics not to check out or take the advice of some commentators I have heard on television recently to get educated and get out of here. I was 17 when the Good Friday Agreement was signed. I have something in common with Mr Allister in that I was not able to vote for it either. However, I encourage people to get in line with political parties that want to move Northern Ireland forward and to work hard to see us compromise, settle the issues and show the leadership that we need to move Northern Ireland forward.

**Mr Anderson:** I speak in support of amendment No 66, which relates to the flying of the Union flag on Belfast City Council offices every day.

One of the most contentious and divisive issues in our Province at present is that of flags. I accept that there has always been controversy over flags, but the whole issue was turned into a crisis in December 2012 by the short-sighted, bigoted and foolish decision by the parties opposite — Sinn Féin and the SDLP, aided and abetted by the Alliance Party — to remove the Union flag from Belfast City Hall.

More than any other single act in recent times, that has caused widespread, deep and lasting hurt and anger within the broader unionist community. As we all know, the decision was followed by prolonged civil unrest that was felt right across the Province and not just in Belfast. Protests continue in Belfast on a regular basis. The anger is still very raw. There is no point in Sinn Féin, the SDLP or the Alliance Party constantly blaming loyalist protesters and unionist elected representatives for the ongoing tension and adverse impact on the economy. The blame lies, fairly and squarely, at the feet of those three parties and no one else.

I honestly wonder whether the parties opposite fully understand the extent of the damage that they have done. Indeed, do they even care, so long as the flag of our nation is removed from City Hall? At any rate, by that single foolish act in December 2012, they have set back community relations for many years.

I urge the parties opposite to acknowledge that serious error of judgement in voting to remove the Union flag. That has been said in the Chamber already. There was no widespread demand for its removal; as we have been told today, that was shown through the impact assessment exercise carried out at that time by Belfast City Council. It caused offence only to those who were determined to be offended.

The Alliance Party in particular needs to be singled out. It has a lot to answer for.

**Mr McCarthy:** More.

**Mr Anderson:** Yes, there is more to come. The Alliance Party could have prevented this crisis by ensuring that the status quo in Belfast was preserved. Indeed, if it were true to its avowed commitment to non-sectarian politics and mutual respect, it would have refused to support the nationalist campaign to dilute the Britishness of Belfast. It would have recognised that "no change" was the right decision; but what did it do? It caved in. And we still pay the price. This, of course, is a party that claims that it is non-sectarian, has no real interest in flags and wants to promote the cross-community agenda. Yet, even today, Alliance still takes the Pontius Pilate approach and attitude, constantly washing its hands of responsibility. Looking for someone else —

**Mr Lyttle:** Will the Member give way?

**Mr Speaker:** Order. I have been asking the House for some time to get back, as far as possible, to the amendments. I must say that all Members, whether present or outside the Chamber, have gone well outside the confines of the debate this afternoon. I have given a number of Members some latitude for that. However, it is vital that, as far as possible, Members refer to the amendments.

**Mr Anderson:** Thank you, Mr Speaker. I will try as far as possible to do that, as other Members have done. Maybe at times I strayed outside the confines of the debate, but I am only trying to set the context of where we were and where we are in relation to the Union flag, not only in Belfast but in Northern Ireland.

Mr Lyttle wanted to intervene, but I think that he has had plenty to say, and much of it I could not make head nor tail of, in relation to where you are. You would not even answer my colleague, in relation to where Alliance stands on its relationship with the United Kingdom.

**Mr Lyttle:** I did. You just do not like the answer.

**Mr Humphrey:** He did not give an answer.

**Mr Anderson:** He is right. You did not give him —

**Mr Speaker:** Order. Let us not debate across the Chamber. The Member has the Floor and must be heard.

**Mr Anderson:** Thank you, Mr Speaker. I will move on. Alliance and Ms Lo have talked in recent weeks about the Giro d'Italia cycle race in May. In relation to flags —

**Mr Speaker:** Order. If the Member in some way, when he is making his contribution, could even mention the amendments. *[Laughter.]* Order. It is vital that, as far as possible, he weaves the amendments into his contribution in some form.

**Mr Anderson:** Thank you, Mr Speaker. I think that I am in good company here today when different ones were debating this issue because I have listened to quite a bit. I am speaking in relation to amendment No 66. *[Interruption.]* I am still trying to set the context for the Alliance Party.

**Mr Speaker:** Order. The Member has the Floor. The Member must be heard.

**Mr Anderson:** Thank you, Mr Speaker. I am trying to set the context for the benefit of the Alliance Party when it relates to flags. I, for one, would like to see our nation's flag flying not only in Belfast 365 days a year but across a lot, if not all, our civic buildings. I believe that in relation to what happened at Belfast City Hall — and I am back to Belfast City Hall, Mr Speaker — in amendment No 66, they removed the flag, with the support of SDLP and Sinn Féin, they surrendered the —

**Mr McCallister:** Will the Member give way?

**Mr Anderson:** No, I will not. I have a bit more to say here. *[Interruption.]* Go ahead.

**Mr Speaker:** Order. Members should not persist.

**Mr McCallister:** I have a very brief question, Mr Speaker. Would it be possible for the Member to remind us what the flag-flying policy is in Craigavon Borough Council?

**Mr Anderson:** He has pre-empted my speech. I will answer that in a couple of minutes. In relation to flags at the City Hall, Alliance, teaming up with Sinn Féin and the SDLP, has ensured that we now have any amount of flags flying not only around Belfast but right across our Province. I believe that they have secured the flags flying across our cities, towns and villages. There are probably more than I can ever recall in my lifetime.

Belfast is our capital city, and it is only right and proper that the flag of our nation — the Union flag — should fly from City Hall every single day of the year. That is why I support the amendment.

The Ulster Unionist Party proposed the amendment. That is very good, and I am really pleased that it has decided to do that, but it seems to me that it is sending out mixed signals on this issue. Therefore, I welcome clarity about its position on the flying of our nation's flag on public buildings.

The current crisis over the flags began in Belfast, but, as we all know, it is now of much broader relevance right across Northern Ireland. There has been that renewed desire and determination to see that the Union flag is restored to many of our council and public buildings. If you bear with me, Mr Speaker, I will be able to answer the Member from South Down. In relation to Craigavon, which is in my constituency of Upper Bann, in 2002, the Ulster Unionist Party in Craigavon council, with some of its members abstaining, effectively supported designated days. As a result of that, the flag no longer flies 365 days but just flies on designated days. I think that Basil McCrea mentioned Craigavon.

My party in Craigavon brought forward a motion in relation to that in February 2013. That was a direct response and desire for the public to see the flag reinstated. We proposed, as a party, that the council review the current flag policy, with a view to extending the days and extending the flying of the flag to civic buildings, as well as Portadown and Lurgan town centres. Initially — and this is where I am coming back to the Ulster Unionist Party now — the Ulster Unionists supported that, and we greatly appreciated their support in that. We hoped

that the UUP at that stage was getting its act together and getting in touch with grassroots again, but, sadly, our hopes were built on sand.

**Mr McCallister:** Will the Member give way?

**Mr Anderson:** Go ahead.

**Mr McCallister:** I am very grateful to Mr Anderson for his reply. I just wanted to enquire which political party he was a member of at that time.

6.45 pm

**Mr Anderson:** Mr —

**Mr McCallister:** McCallister.

**Mr Anderson:** McCallister, yes. Are you talking about 2002?

**Mr McCallister:** Yes.

**Mr Anderson:** In 2002, I was a member of the Ulster Unionist Party, like your colleague, but — this is the "but" — I voted, as every Ulster Unionist on that council should have voted that night. I did not abstain. The Member is not here at the minute, but the then mayor of Craigavon council was none other than Mr Sam Gardiner. Maybe if he comes back into the debate, someone else could ask what he did on that evening. *[Interruption.]*

**Mr Speaker:** Order.

**Mr Anderson:** We tabled that motion to extend the number of days for that council. Believe it or not, the UUP proposed that the matter be referred to the First Minister and deputy First Minister. The Ulster Unionists probably thought that that was a bit of a get-out clause. They probably asked themselves, "How do we get out of this one?". However, it was made clear by that fateful decision of Belfast City Council that this is entirely a matter for the council, as it was in Belfast.

I have no problem in supporting the amendment; in fact, I welcome it. However, we need clarification this evening from the Ulster Unionist Party on its position on the flying of the Union flag on civic buildings outside Belfast. The Ulster Unionist Party leader is in the Chamber: I suggest to him that he needs to have stern words with his Ulster Unionist Party mavericks, as I call them, on Craigavon council, whose position seems to be, at best, a bit mixed up and, at worst, two-faced.

**Mr Eastwood:** Will the Member give way?

**Mr B McCrea:** Will the Member give way?

**Mr Anderson:** Why not?

**Mr Eastwood:** Is that to me?

**Mr Anderson:** I did not see you.

**Mr B McCrea:** Will the Member clarify what he thought the Ulster Unionist Party's position was on designated flag-flying days when he was a member in Craigavon?

**Mr Anderson:** Mr McCrea, you were a member of that party, and you have not left it for very long. In those days, I believed that they were a bit mixed up and all over the place. From listening to you today, I think that you found out that they were all mixed up and all over the place. I do not think that the Ulster Unionist Party is any further on today. You asked me for the answer. *[Interruption.]*

**Mr Speaker:** Order. The Member must be heard.

**Mr Anderson:** I am prepared to give way. Ulster Unionist Party Members from Craigavon are sitting here. I thought that Craigavon would have come more to the fore in the debate because of what happened there. That is why I am prepared to bring it out.

**Mr Eastwood:** I thank the Member very much for giving way. I know that quite a number of Members are trying to get in on his contribution, so I am grateful. Is it the case in Craigavon that the Union flag is not flown every day and there have not been 40,000 leaflets or riots on the streets? Maybe the Member should look at that and look at the Pontius Pilate job that is being done by unionist politicians in Belfast who say that they had nothing to do with stirring up tension around east Belfast and the city because it happened in Craigavon, and there were no riots.

**Mr Anderson:** I do not believe that someone needs to go out on the street to riot when they want to bring their flag back or to respect it. They should have the democratic right —

**Mr Humphrey:** — and vote.

**Mr Anderson:** — and vote; that is right. They should have the right to peaceful protest, and that is what has been done. There were protests in Craigavon after what happened at

Belfast City Hall. However, the people whom I speak to want their flag back there 365 days of the year. The motion that was tabled recently was to extend the number of days. The Ulster Unionist Party could not even run with that. For whatever reason — only the party can tell us — it decided that it wanted to bring it to the Office of the First Minister and deputy First Minister. We have the leader here, so maybe he wants to tell us what his mavericks are doing in Craigavon. Maybe he would like to tell us that today.

Mr Speaker, you have been very —

**Mr Speaker:** I have very patient.

**Mr Anderson:** You have been very gracious. In finishing, I must say that I have concerns about the really confusing position of the Ulster Unionist Party. What the unionist people need when we talk about the flying of the Union flag is clarity, not duplicity. I support amendment No 66.

**Mr McCarthy:** After six or seven hours of talking about flags, we must all be nearly flagged out — I certainly am. Given that, Mr Speaker, I will not detain you for any longer than I have to. I hope that Members speaking after me will do the same. I support our amendment, amendment No 63. It is the only amendment available today by which we could, hopefully, settle the issue of flags on local government buildings.

I want to mention two or three early contributions to the debate. Sinn Féin's Mr McCann accused us of being mischievous. We are not mischievous; we are dedicated to bringing respect and diversity to everybody throughout Northern Ireland. That is one of the reasons why we tabled the amendment. Maurice Morrow criticised the Alliance Party for trying to move things forward. I am disappointed, because I always had respect for Lord Morrow. He has acknowledged how we try to move things forward. Perhaps I will forgive him on this occasion. He is not in the Chamber at the moment.

Daithí McKay referred to the Alliance Party in really derogatory terms. I say to Daithí McKay and everybody else listening that I am a proud member of the Alliance Party. I have been for a lot of years. I also want to say that I am a proud Irishman. Despite what Daithí McKay said, I want diversity and respect for everyone; that is what our party stands for. Daithí, I am as good an Irishman as you and will continue to be so.

**Mr McCallister:** A better one.

**Mr McCarthy:** Maybe a better one. Everyone of Irish descent who saw the Irish rugby team winning that trophy at the weekend must be proud. It was a fantastic achievement, and we say "Well done" to them.

Every person in this country knows that flags are an issue that antagonises the other side. Let us, for God's sake, get past this and show leadership once and for all. Otherwise, we will be bogged down in this for God knows how long. The UUP amendment will not settle the issue. It will mean that the coming elections will focus on this issue and councils will be forced to make decisions on the flying of the Union flag all over again. I totally agree with Anna Lo —

**Mr McCartney:** Will the Member give way?

**Mr McCarthy:** No, I want to get home tonight. *[Laughter.]* I really do. We have said all these things over and over again.

**Mr B McCrea:** Say them again.

**Mr McCarthy:** No. We want to get out and get home.

I agree entirely with my colleague Anna Lo, who moved the amendment some time ago, and Chris Lyttle, who very recently said what any normal person would say. As a result of this performance, councils will be stuck with poisonous arguments about this decision for God knows how long.

As the shadow councils get the new councils up and running, they will have a wide range of functions. They will have to carry out the new arrangements, get to grips with new powers and tackle complex financial issues such as rate convergence and so on. I happen to reside in the Strangford constituency. Ards Borough Council will merge with North Down Borough Council. I am very concerned that I will end up paying rates for the expenditure that North Down has incurred over the past number of years, and others will be in exactly the same position. Arguments about flags could hold back crucial debates on such issues for years to come, which would not be in the best interests of our citizens.

Passing amendment No 63 will, in my opinion, enable us to move on from the issue of flags and concentrate on bread-and-butter issues, and that is what I think the majority of people want. Passing the UUP amendment No 64 will mean the opposite. Debates about flags will

continue to dominate council agendas, and I do not think that that is what our hard-pressed ratepayers want. Amendment No 63 is also the only sustainable cross-community solution to the issue. This has been borne out by a poll that was carried out, I think before Christmas, by the 'Belfast Telegraph', which clearly showed that that was the only solution commanding significant cross-community support.

Our amendment has attracted petitions of concern from unionist and nationalist politicians. The unique situation of having competing petitions of concern on the amendment demonstrates that our amendment is balanced and is the only sustainable way forward, even though others do not yet accept this reality. Amendment No 63 is also supported by the equality advice that has been produced time and again. A designated days policy is the best way to reflect the multitude of identities in Northern Ireland while also reflecting the constitutional situation agreed by the Belfast Agreement, to which over 70% of our people subscribed in 1998. I must say that I was part of the Alliance delegation that brought forth the 1998 agreement despite the fact that others who are now working the Belfast Agreement were outside it. I am proud to say that we accepted that, and that is where we are at. As I said, I am a proud Irishman. We are living in Northern Ireland in the United Kingdom, and that is the way that it will be according to the 1998 agreement. That is the way that the House should be following.

It is clear that amendment No 63 reflects the preferred option for most government bodies in the UK across the water and that it is the best way to reflect the unique circumstances of this place, Northern Ireland. It is the only option that will settle the debate, and, therefore, it should be supported today. The amendment is a sincere and genuine effort by the Alliance Party of Northern Ireland to get people to respect difference, work together and make progress. I support the amendment.

**Mr G Robinson:** The topic of flags is one of the most emotive that Northern Ireland has to deal with. Therefore, it is essential that the issue is dealt with in a practical manner, taking into consideration the constitutional position that Northern Ireland has in the UK. No one can deny or take this right away from us. Amendment No 64 is about designated days for the Union flag to be flown. I welcome that amendment, especially subsection (2), which excludes any other national flag being flown. Everyone should accept that Northern Ireland is British and that, therefore, the Union flag should be flown 365 days a year in our capital city.

*(Mr Principal Deputy Speaker [Mr Mitchel McLaughlin] in the Chair)*

Amendment No 65 deals with bespoke flags. Some of the new councils may wish to have a bespoke flag for their corporate identity, but it is essential that the Union flag still flies on designated days, as is stated in subsection (4). The national flag of our country, namely the Union flag, is the only recognised flag of Northern Ireland.

Amendment No 66 deals with the flying of the Union flag in Belfast City Council offices 365 days of the year. I am on record as wholeheartedly supporting this approach, and I welcome the amendment as a common-sense way forward. Contrary to part of Mr Attwood's contribution, I can appreciate and realise the hurt and anger that resulted when Sinn Féin and SDLP voted by a majority to remove from Limavady Borough Council buildings the Union flag, which had been flying only on designated days. To this day, we in Limavady cannot fly the flag even on designated days. This is why I have so much sympathy for the unionist position in Belfast City Council, the capital city of Northern Ireland. As I stated, Belfast is the capital city of Northern Ireland, and, therefore, the national flag should be flown 365 days a year. Northern Ireland is an integral part of the United Kingdom, and our flag is the Union flag. I will support amendment Nos 64 and 66, but, because of concerns about the possible abuse from the wording of amendment No 63, a petition of concern was lodged, and I fully support it.

**7.00 pm**

**Mr Kinahan:** Mr Principal Deputy Speaker, I was going to start by apologising to the Speaker for being a little noisy earlier. As a member of a party, being constantly attacked by a former party member made me feel that the well-worn phrase, hell hath no fury like a woman scorned, is quite accurate.

I want to see us working today for a solution. All of us want to see a solution. I think that the Ulster Unionist Party's stance is very clear in the two amendments that have been tabled. I do not think that it could be clearer. So much has changed over the past few weeks and years that all of us have to keep looking at the stance that we take. I am proud that the Ulster Unionist Party has continually tried to find ways forward that would work for everyone.

You will see that, in amendment No 64, we want the flag flown by all councils on

designated days and that, in amendment No 66, we want it flown in Belfast, our capital city, on every day of the year. That should not concern anybody. As we have all seen, we end up muddling sovereignty and identity. The Union flag should not be seen as an insult to anybody. It is the flag of the nation; the nation that we all agreed to in the Good Friday Agreement. That is the way that it should remain and the way that it should be treated.

I feel that where we are lacking — all of us here, at different times — is in leadership. That is not just leadership in our own parties but leadership for and of the other parties. It is about looking at what the other side would like and not always at what we want. I think that that is where we all fail to find mutual respect and trust. It should be a case of looking at the Union flag, as we agreed in the Good Friday Agreement —

**Mr A Maginness:** Will the Member give way?

**Mr Kinahan:** No, I am going to carry on, thank you.

It is about finding a way forward that will actually bring the other side on board. What has happened over Haass and everything else in the past few months has divided us more and more. Today, we have seen a debate in which there have been hints of everyone wanting to work for a joint solution. That is where we should be working to get to.

Much history and many previous positions have been quoted. We have had principles, guidelines and legal advice. None of that is going to help until we sit down together, recognising the other side, to look for mutual respect and trust to try to find a way forward. We heard from Lord Morrow, Alex Attwood and Chris Lyttle — from everyone here — that we are looking for a solution. If we are going to get to that solution, we need amendments such as those that we put forward today so that we get a chance to discuss it.

In amendment Nos 64 and 66, we have a sensible way of going forward that respects the Union flag, the flag of our nation. That is where I would like to see us all leading to in the future. I would then like to see us deal with the things that really matter to Northern Ireland: the economy, our health and our jobs. It is about pulling together. If we resolve that, it will resolve all the other issues.

**Mr Givan:** Let me address my comments in the order of the amendments as they appear.

First are those of the Alliance Party. I will not repeat what other Members already said, but I want to pick up on a couple of points that Members made previously. The Alliance Party has often proclaimed itself to be the party of the centre ground, the party that wants a shared future and the party that wants to bring the community together. Yet, the way in which it handled this issue when it came to Belfast City Hall has driven a wedge in the community, created tension and divided the community, not least by the damage that the decision caused to the traders of Belfast. To have made the decision in December —

**Ms Lo:** Will the Member give way?

**Mr Givan:** It was bad enough that the decision was made at all, but to do it at one of the most economically important times for the city of Belfast was, I think, a retrograde step that the Alliance Party and others should apologise for. I am happy to let the Member apologise.

**Ms Lo:** It was not the Alliance Party that caused the disturbance: it was the 40,000 leaflets and the DUP hyping up the situation. It was not us. It was you — you people. You should bear the responsibility.

**Mr Givan:** I am happy to let the Principal Deputy Speaker correct Members when they refer to "you" and do not go through the Chair. That is his job, not mine.

Nevertheless, Joe Jordan, the chairman of the Chamber of Commerce, made it clear that it was the Alliance Party, Sinn Féin and the SDLP that brought about the difficulties at Christmas time. I make no apology for my party, and other parties, democratically engaging with the public to make them aware of what was going on and for urging them. If they are interested in the issue, you need to lobby people to do it. I make no apology for saying to the public, "Keep peaceful at all times; be respectful at all times". I have no apology for that whatsoever.

**Mr Lyttle:** Will the Member give way?

**Mr Givan:** I give way to the Member.

**Mr Lyttle:** Perhaps the Member will advise why the one person they advised people to lobby was the MP for East Belfast.

**Mr Givan:** It was very clear. It was because the Alliance Party has a pivotal role to play, and it holds the balance of power in Belfast City Hall. When the Ulster Unionists, the DUP and

the PUP were working together on the issue, the people holding the balance of power were the Alliance Party.

**Mr Lyttle:** The MP.

**Mr Givan:** Clearly, we will campaign. Maybe the Member, who is an MLA, feels that the Member of Parliament does not somehow represent the Alliance Party. I do not want to get into personal differences that there may be between MPs and MLAs.

**Mr Principal Deputy Speaker:** You should address remarks through the Chair. Let us stick to the agenda. We are not discussing what happened in Belfast City Council over a year ago.

**Mr Humphrey:** I am grateful to the Member for giving way. Perhaps clarity might be given to the Member for East Belfast. Let us be very clear: members of the Alliance Party in Belfast City Council sought the counsel of the MP for East Belfast. That is one of the reasons why lobbying was done, and not just of her, but of every elected member of the Alliance Party in the council.

**Mr Givan:** I thank the Member for that intervention. It is clear that the Alliance Party's decision to act as the midwife for the pan-nationalist front on this issue caused consternation in the community and led, ironically, to a proliferation of flags, and not just in Belfast. In my constituency, we have more flags flying on lamp posts across Lagan Valley than ever before. They continue to remove the ones that get tattered and put up fresh ones, and that was replicated across Northern Ireland because of the decision taken in Belfast City Hall. Therefore, this issue caused division, and the public will have to decide —

**Mr A Maginness:** Thank you very much indeed for giving way. I am most grateful. For quite some time, the Member was a member of Lisburn City Council. As far as my information is concerned, Lisburn City Council had designated days. During that period, there did not seem to be any concern expressed about designated days. There was an acceptance of the fact that there were designated days. Nevertheless, the Member talks about the shock and the trauma experienced in Belfast by introducing designated days there. Yet, you, as a councillor in the city, tolerated designated days for years without any serious concern.

**Mr Givan:** I thank the Member for that intervention, and I will come to Lisburn, because it was addressed earlier.

**Mr A Maginness:** But I am right, am I not?

**Mr Givan:** Needless to say, in respect of the DUP's position on Lisburn, the Member is not correct, but I will mention it because I want to touch on it with regard to the Ulster Unionist position.

However, to conclude on the Alliance Party's position, it will ultimately be a matter for the public to decide whether the Alliance Party got this one right, and the people of east Belfast in particular will have the power to decide that. We will leave it to May to find out what the people think, and that will be the democratic way for people, in my view, to quite rightly vent their frustration. If that is a genuinely held view, the place for them to vent their frustration on the Alliance Party is through the ballot box and by no other means.

**Mr Lyttle:** Thanks. At least the Member has made it crystal clear that he thinks democratic means should be used. I am not sure whether that was the case on the leaflet.

The Member has had a lot to say about the Alliance Party. What is his assessment of the legal opinion that the preferable option for Belfast City Hall is one of designated days?

**Mr Givan:** I do not want to disobey the Speaker's previous rulings on this, so I will not get into the minutiae of whatever the legal opinion was for the City Hall. However, I want to make this point again — the story has never been lost in the telling of it — that at no point did the leaflet advocate taking forward a particular position by anything other than peaceful and democratic means. The Alliance Party may well have adopted a victimhood mentality to try to deal with the issue. Quite rightly, we condemn any of the violence that those Members have endured, just as I condemn the violence that Members on all these Benches endured throughout the Troubles. Problems that have been inflicted on the Alliance Party did not start with the flags issue. Members on these Benches have endured violence and personal attacks against them for many years. We condemn all of that.

However, I defend the right of political parties to engage in direct lobbying of their constituents to try to influence through peaceful means a decision that is being taken. That is a legitimate means for people, unless the Alliance

Party has taken a position that it does not put out leaflets, communicate with its constituents through leaflets or sell its position and decisions that it takes through leaflets. I somehow suspect that we need only review the expenses of this place to find that a considerable amount of money has been spent by the Alliance Party on producing leaflets.

**Ms Lo:** Will the Member give way?

**Mr B McCrea:** Will the Member give way?

**Mr Givan:** I am going to move on to my next point, which brings me to the Ulster Unionist amendments. We will support the Ulster Unionist amendments and what they are trying to achieve.

I will not labour this particular issue, but I thought that my colleague from Lagan Valley Mr McCrea very clearly articulated the position of the Ulster Unionist Party. He went into much more detail than I would have. There was not one single word that I disagreed with in his analysis of the Ulster Unionist position on dealing with flags. When it came to the Flags Order, it pursued the position that it adopted through councils in Craigavon and Lisburn, for example. It was in Lisburn where the UUP took the flag down in July 2001. My party opposed that. We voted against it. We continue to vote against it. We then had to work towards an eventual solution, whereby we have the flag flying 365 days a year at the war memorial. Hopefully, that addresses Mr Maginness's point: we have always opposed that particular position in Lisburn.

**Mr A Maginness:** Will the Member give way?

**Mr Givan:** I will, yes.

**Mr A Maginness:** The war memorial is quite some distance away from the city hall in Lisburn. It really does not address the issue of designated days. The Member knows that quite clearly.

**Mr Givan:** The issue has been addressed in Lisburn, because we gave a commitment to address it so that the flag would be flown 365 days a year. We achieved that. We exhausted every avenue that we possibly could. Indeed, I, along with the group leader at the time, Edwin Poots, paid a visit to our Member of the European Parliament to get advice on the issue. Perhaps he wants to elaborate on the advice that he gave us. We eventually exhausted every avenue and got to a solution

whereby we have the flag flying for 365 days at the war memorial.

Notably, one party's position has not been mentioned until this point. In discussing the designated days issue for Belfast City Hall, and amendment No 66 in particular, it is important to do so. It is the position of the Progressive Unionist Party. It is one that needs to be exposed. Members here will talk about people who got engaged in the rabble-rousing, street protests, and so on. It is important to note that the PUP has decided to use its outrage on the flags issue as the particular issue through which to try and reinvent itself and claim some kind of authority over, credibility with and representation of working-class loyalists. Its policy, up until very recently, was that Northern Ireland is an integral part of the UK, but that there is no requirement, all day, every day, to ensure that that glaring fact is appreciated. Also, when it came to a submission in a report in this place, it said:

*"We believe that the Union flag should be flown on the same designated days as the rest of the United Kingdom".*

7.15 pm

So, the Progressive Unionist Party's position now, which is to fly the flag 365 days a year, is completely at odds with the position that it adopted in the past. It is also completely at odds with the vote taken in Belfast City Hall, when Progressive Unionist Party members voted to remove the flag and, when that vote was lost, it voted to go for designated days. However, now it has come to this position of 365 days a year. I think that people will see through the hypocrisy being espoused by the Progressive Unionist Party on this issue.

**Mr Lyttle:** Will the Member give way?

**Mr Girvan:** I will give way, yes.

**Mr Lyttle:** Did the DUP not have a very similar position to the PUP in its submission to the Ad Hoc Committee on the Flags Order, which he is referring to?

**Mr Givan:** No, we have not had the same position as the PUP at any point on this issue. At any point on this issue, we have never shared the position of the PUP. Indeed, he can check with his colleagues at Belfast City Hall to find how he voted on the issue and how it voted on the issue. We were at different parallels to each other. We were on one side, and it was on the side of removing the flag. However, now

it proclaims to be the representatives of working-class people. The hypocrisy from the PUP and its leader Billy Hutchinson is clear to me and to everybody.

Indeed, it would be remiss of me today not to mention the comments that he made to the media when he said that killing two Catholics somehow prevented a united Ireland. That is a disgrace, and it is a disgrace that he then went on to say that middle-class unionism would not understand what he said when it comes to why those Catholics were killed; somehow working-class loyalists would. I have to say that upper-class, middle-class and working-class unionists, loyalists, nationalists and Catholics cannot ever recognise that it was ever justified for Billy Hutchinson to engage in taking the lives of those two Catholic individuals. By engaging in terrorist activities, he did more harm to the flag that he now seeks to represent and to have flown 365 days a year. He brought shame to the flag that he now seeks to represent and to his claims that he speaks for the working-class loyalist people.

**Mr B McCrea:** Will the Member give way?

**Mr Givan:** I will.

**Mr B McCrea:** I will not detain the Member long. I would like to associate myself with his remarks: I think that Billy Hutchinson's comments were absolutely outrageous. Any attempt to try to justify what was done is just untenable, and it besmirches the flag that he wants to represent him. It is absolutely appalling, and I think that we, as an Assembly, should deal collectively with the matter at some stage.

**Mr Givan:** I often ask myself this question: what happened to the true and abject remorse that Gusty Spence spoke of? It certainly was not evident in Billy Hutchinson's comments.

I will move on to the Sinn Féin and SDLP position on this. Colleagues have talked about the fact that they want parity of esteem, but we see what that means in nationalist-controlled councils when it comes to the flying of the flag and the tactical voting that takes places in Belfast to use it as a stepping stone. The fact of the matter is that Northern Ireland is still British. I know that you can say, "The Irish tricolour is more representative of my identity." That is fine. You are at liberty to have that aspiration. However, by supporting the Belfast Agreement, that is all that it is. It is an aspiration to have the Irish tricolour as your sovereign national flag of identity, because, for

as long as the people of this place decide by way of consent, Northern Ireland is British, and we are part of the United Kingdom. Therefore, it is right that that sovereignty is respected when it comes to the symbols that are used to identify Northern Ireland as part of the United Kingdom.

I think that Mr Attwood indicated that he voted, as the people in the Irish Republic did, to give up articles 2 and 3 — the territorial claim to Northern Ireland. That was good and welcome, because that should never have existed in the first place. However, that does not buy you some entitlement to then say, "We do not want to have any British symbols represented here in Northern Ireland".

We are, of course, in the Northern Ireland Assembly. We are part of the apparatus of the United Kingdom Government. Our Executive Ministers are all Ministers of the Crown, and they all require Royal Assent on every piece of legislation that comes through the Assembly. I know that Sinn Féin members will want to portray that, somehow, they have failed to achieve what they set out to achieve during the Troubles, but this is certainly not what the IRA fought for. It is certainly not what Bobby Sands died for. Now, do not pretend otherwise to your constituency, because that is certainly not the case when it comes to reflecting British identity. This is what you have signed up to — being part of the United Kingdom Government in this Northern Ireland Assembly. Therefore —

**Mr McMullan:** On a point of order. Will the Member tell us what part of this debate —

**Mr Principal Deputy Speaker:** What is the point of order?

**Mr McMullan:** We are wandering away from the debate on flags. We have wandered into different political parties and personalities, and now we are on to something else. The Member keeps on —

**Mr Principal Deputy Speaker:** OK. Thank you. The Speaker has allowed significant latitude. Because people have taken advantage of that, he has been forced to invite Members to bring their focus back to the debate in hand. Let us remember that. In the past 10 minutes, we have been hearing about events that were 20 years ago and 30 years ago, and now we are actually going further back. We have to remember that we are trying to make decisions here. We are addressing legislation. I accept that the context is there and has been set by earlier contributors and that other

Members are entitled to the same latitude. However, as did the Speaker, I very strongly urge Members to bring their focus back as often as they can to the business before us. Thank you.

**Mr Givan:** Thank you, Mr Principal Deputy Speaker. I will certainly endeavour to do that, because you are right, Members have strayed off. I think that it was the Member for Fermanagh and South Tyrone who indicated that nobody cared and that we are only looking back at what someone took off us. I thought to myself that we were going to go back to 1155, when Pope Adrian IV, an English Pope, commissioned Henry II to come to Ireland to subdue the people and bring it back to the Catholic Church. Maybe that is what he wants to take back a little. So, the contributions from some Members have been from the sublime to the ridiculous.

Ultimately, we have to debate the amendments put in front of us, and we are obviously dealing with this particular issue around flags. Throughout the Bill, we have dealt with a range of amendments that will provide governance and different arrangements to allow our local authorities to move on. The public may say, "Here goes the Assembly again talking about flags". However, we have to deal with these things, and we continue to work on a whole range of issues.

It is obvious that I will not be able to reach agreement with other people in the Assembly when it comes to identity. Nevertheless, it is right for me to say that when it comes to Sinn Féin and the SDLP, there are things that we can reach agreement upon. There are areas where we have a common approach, because our constituents require the same things as those in the republican and nationalist community. Where we can get agreement, we can move on. I believe that we have been able to do that on a range of issues. Obviously, however, this issue around flags will continue to be a challenge for us to deal with effectively, particularly in the absence of being able to find any common ground and a zero-sum game being played out by republicans in particular. Until there is recognition of the sovereign status of this part of the United Kingdom, Sinn Féin will continue to wage that cultural war, one over which we, as unionists, need to continue to be prepared to engage in battle.

**Mr McCallister:** Several things have arisen in this debate, and, in speaking, I will be careful to mention the amendments every few sentences. I was not planning to go back just as far as Mr Givan did. However, since Belfast City Hall has

been the focal point and the decision around the flag has directly led to these amendments, I remind Members of the remarks of George V at Belfast City Hall. The King said this: "I appeal to all Irishmen" — notice that he referred to us all as Irishmen —

*"to pause, to stretch out the hand of forbearance and conciliation, to forgive and forget, and join in making for the land they love a new era of peace, contentment, and good will."*

We started off that journey after partition and we lost focus of building and taking advantage of what was agreed then, and these institutions and maximising them, and looking after and protecting minorities. We lost focus.

We were given another chance in 1998 to do that. Some Members were in Washington last week, and some will have seen it on the news: Richard Haass was very critical about the progress that we have made in the past almost 16 years since the Good Friday Agreement in delivering its promise. The point about these amendments and why we are debating them, and this is the one bit from Mr Attwood's contribution that I agree with, is a failure to live up to the promise of the Good Friday Agreement and the promise to build reconciliation, to build on that peace and to move to normal politics some 16 years after the Agreement. To build on what a normal society might look like. We are still stuck dealing with those issues from the past.

**Mr Humphrey:** I thank the Member for giving way. Would the Member agree with me and the assertion of some of my colleagues earlier in the debate that that is simply because, for some parties in the Assembly, the Belfast Agreement was clearly not a settlement but a stepping stone towards what they see as a united Ireland? We are simply seeing the playing out of those tactics all these years later. The finger has to be pointed at those parties that failed to accept the agreement. I voted against the agreement but I have to accept the decision that people made in 1998. However, parties have singularly failed to accept that and have cherry-picked what they want to see, took that and moved on to what they are going to see in the future as a settlement, other than the Belfast Agreement.

**Mr McCallister:** I am grateful for the intervention. In looking at these amendments, I agree with much of what he said but he must include himself and his own party in that cherry-picking. For almost 16 years, they have

consistently denied being part of the Good Friday Agreement, being in support of the Belfast Agreement. They deny it, yet they sit here. They deny it, yet they hold Executive office. They deny it, yet they work all the institutions from this place to North, South, east and west. You cannot continue to deny that. Get on board and go back and read the Good Friday Agreement and embrace it.

I agree with your point that other parties have cherry-picked. I said that before to members of Sinn Féin. I said at a conference in London that they wanted a new Ireland, and they got a new Ireland. This is what it looks like. It looks like a devolved Assembly in Northern Ireland — a Northern Ireland in the United Kingdom. That is why you have the constitutional position and fly the flag on designated days. That is what it looks like. They are stuck in a position where they recognise neither the Republic of Ireland nor Northern Ireland.

**Mr Eastwood:** I thank Mr McCallister for giving way. Alex Attwood touched on this in his contribution: the Good Friday Agreement, and I am glad to see that you are still a supporter, also stated in its human rights section that people in Northern Ireland would have the right to pursue democratically national and political aspirations. Does he accept that?

**Mr McCallister:** Of course I accept that because I accept the agreement. Mr McCrea and I are probably the only pro-UK people in this House who now openly admit that they voted for the agreement. So many people have moved away and forgotten about it. There are people declaring cultural war all over the place. Mr Nesbitt not only declares the cultural war, he is out apologising for the Good Friday/Belfast Agreement or aspects of it. That is not where the Ulster Unionist Party was. It is not where it should be. When people ask me whether I regret at times having left the UUP, I say, "No. Simply, they have so lost their way and focus."

DUP Members continued a change in policy on designated days to the ridiculous position that they are now proposing amendments to fly the flag every day. I can tell you —

**7.30 pm**

**Mr Principal Deputy Speaker:** Order. I remind the Member of what I have reminded the House. You gave me a promise that you would address the issue before us, and I am really looking forward to your doing that.

**Mr McCallister:** Thank you, Principal Deputy Speaker, I was speaking to amendment No 66 from the UUP.

It is the very idea that you go from being a pro-agreement party to accepting designated days — along with the PUP as well, I might add — and go right through from the late 90s through the noughties and suddenly find yourself in late 2012 with a changed position. I can tell you when the party changed that position: it was at the last executive meeting of the UUP that Mr McCrea and I attended on 8 December 2012. That was when the party policy changed and that is a huge matter of regret.

I know that the DUP might welcome the conversion, but I think that it is a hugely regressive step by the Ulster Unionist Party, and, regrettably, it has stuck to that position and continued to not recognise the folly of it. I know that Mr Kinahan, although he is absent now, seemed disappointed when Mr McCrea pointed out to the party the ridiculous position of its tabling this amendment, but that is where it is at. It is more in sadness and disappointment that I point out that it has moved to this position. It has tabled this amendment and continues to take this position. These are the outworkings of continuing to fight a cultural war. When you start to get into a position where the flag moves from being the constitutional symbol of the United Kingdom of Great Britain and Northern Ireland to being your property, my property, a cultural symbol, not a symbol of the nation state, that is where we lose our way. Doing that, tabling amendments, making mistakes and going off course in that way is a huge retrograde step.

We have had two reasonably good days of debate with lots of interventions and proper debating, and it has been encouraging to see in the House, but we still very much have "us and them" politics. If "them" wins, "us" has to lose and vice versa. We all end up in the zero sum game of politics, so we grab on to any symbols. The Union flag has to be the symbol of unionism, we have to have protests, we have to make sure that it is flying every day; the Irish language cannot belong to unionists, it has to belong to nationalists or whatever. Those are hugely retrograde steps that we will live to regret every single day. Those are the very issues that hold this Assembly and Northern Ireland back. That is why it is so important to properly debate these amendments, because this is what is holding Northern Ireland back. They are a noose around us, holding us in the past, 16 years after the hope and promise of the Good Friday Agreement. We do it on flags,

we do it on language, we do it about parading and about sporting events.

Mr McCarthy talked about being a proud Irishman. I am a proud Irishman. I am as good an Irishman as any member of Sinn Féin or the SDLP. I was proud to watch Ireland win the rugby on Saturday. Admittedly, it probably knocked around five years off my life expectancy, but I was proud and pleased to see that trophy coming home. That is something that we should always work towards, enjoy and support. I probably view myself as Northern Irish first and foremost, and I think that, if we actually start to build a common identity, to build an identity around "we" rather than "them and us" —

**Mr Wells:** Will the Member give way?

**Mr McCallister:** I will.

**Mr Wells:** As a so-called unionist, does the Member not regard himself as being British rather than Irish? Before he gets too carried away, he is talking about three or so British Ulstermen and the rest from the Irish Republic winning a rugby match.

**Mr McCallister:** I can show the honourable Member my British passport. I carry a British passport: is that British enough for you?

We put a narrow definition on identity. There is nothing to say that we cannot be much more complex and that we cannot be proud supporters of GAA, rugby, Young Farmers' Clubs of Ulster or whatever. Whether it is inter-county, Down playing Antrim, or Ballynahinch playing rugby against Banbridge, of course people's identity shifts and changes. Therefore, I can be a proud County Down man. I can be an Ulsterman. I can be Northern Irish. I can be British. I can be Irish. I can be European. I can be all those things, because identity is much more complicated. We do ourselves a great disservice in the House when we place a narrow definition on identity and then, suddenly, we come to these amendments that just end up saying, "The flag belongs only to us, and you lot can clear off" or "The language belongs only to us, and you lot can clear off". That is not how we will build a united community.

**Mr B McCrea:** Will the Member give way?

**Mr McCallister:** Certainly.

**Mr B McCrea:** Does the Member agree that, if you use a flag as a sectarian symbol, it will be treated as a sectarian symbol? We need to find

a way of unifying our country and our people. For the record, because some people across the way seem to think that it is a problem, I have no problem in standing up and saying that I, too, am an Irishman. Does anybody have a problem with my saying that?

**Mr Wells:** Yes.

**Mr B McCrea:** Well, it is not your place to say so. I can also tell you that my uncles fought in the war for the British Army, that I carry a British passport and that I am Northern Irish. Reducing identity to the simplistic nonsense of this label and that label is what is wrong with this place. What we really need is a sense of identity that we can all share. Until we get that, it is Groundhog Day all over again. The problem with the people opposite is that they have no unity of vision or strategic vision, and they are not going to lead us anywhere.

**Mr McCallister:** Mr Deputy Speaker, I could not have said it better myself. *[Laughter.]* *[Interruption.]* He is a wonderful leader, indeed, and long may he lead.

I point out to Mr Wells that his former leader, Dr Paisley, now Lord Bannside, whom he adored and followed everywhere that he went, described himself on many occasions as being Irish. Does Mr Wells, like many Members of the DUP, now want to distance himself from Lord Bannside? I am surprised at his wanting to abandon an elderly gentleman.

**Mr Wells:** I understand that Dr Paisley does have some Irish blood in his veins, but I have not one drop of it in mine. *[Laughter.]*

**Mr McCallister:** I will have to take Mr Wells's word for that, Mr Deputy Speaker. We will not send him for DNA testing.

It is with sadness that I note that former colleagues have tabled amendments about going back to flying the flag 365 days a year and that we are having debates on the subject. I think that it was Mr Poots from the DUP who said, after the flag came down, that he was going to put the flag back up on Stormont 365 days a year. Where is that? That has not happened. There has been no change, and, if it were done, that would be a retrograde step, too.

**Mr McCartney:** Will the Member give way?

**Mr McCallister:** Just one minute. The now Lord Trimble took on hard-fought battles to get legislation through the House of

Lords and the House of Commons to make designated days the position. A move away from that position would be a mistake.

**Mr McCartney:** You talk about your former colleagues. Ulster Unionist amendment No 64 states:

*"no national flag of any other country shall be flown at any council offices at any time."*

Take the World Police and Fire Games. What signal would we have sent to international visitors had we told them that they could not put the flag of their country up at the Mary Peters Track in Belfast during that event?

**Mr McCallister:** It is a good example. Are we serious about wanting to build a normal society? I heard from many Members opposite how secure the Union is. I believe that the Good Friday Agreement secured the Union unless people want to change that, and there is no evidence that that will be changed.

**Mr McCartney:** Will the Member give way again?

**Mr McCallister:** Yes.

**Mr McCartney:** The Alliance amendment No 65 says that no other flag should fly. Mr McCarthy described himself as a proud Irishman, and I would say that he is. He mentioned the success of the Irish rugby team. Imagine if the Irish Rugby Football Union wanted to fly its flag over Belfast City Hall or in Strangford in recognition of what the team did. You would be prohibiting that flag from being flown.

**Mr McCallister:** I am keen not to bring the Irish Rugby Football Union into, dare I say, the grubby world of politics. I and NI21 support designated days because it reflects the constitutional position of Northern Ireland's place in the UK. Mr Lyttle, in his contribution, set it out very clearly. Of course, if we are holding sporting events such as the World Police and Fire Games, you would want to see other flags.

**Mr Humphrey:** I am grateful to the Member for giving way. The World Police and Fire Games were indeed a great advertisement for Northern Ireland and the city of Belfast. However, Members across the way talk about flags of visiting police forces and fire services, and they have to remember that the Union flag was not flown during the World Police and Fire Games

because of a diktat from the Department of Culture, Arts and Leisure.

**Mr McCallister:** I have spoken about that in different places on different occasions, and that is where we need to get back to. We are lacking in a spirit of generosity. We have moved so far away from the days of the agreement and have poisoned the relationships up here; hence, we need all these amendments to deal with this issue 16 years after the agreement. We have moved away and lost that spirit of generosity, and that is why we have such difficulty in running events. I point out to Mr Humphrey that the World Police and Fire Games were a huge success up to the last night when we had a riot in Belfast that did huge damage.

My colleague Mr McCrea mentioned the flags protest and the damage that it has done to confidence in Northern Ireland. We have had the debate about who is to blame for it, whether it was the DUP, the UUP, Alliance, Sinn Féin or the SDLP, and about whether there was a better way of handling it. Should it have been done in the mouth of Christmas? Probably not. Should the council have sought to get a consensus like Lisburn and Craigavon quite rightly did? That was at the time when the UUP supported a designated days policy, but that has since changed. That is where we go wrong on those issues.

**Mr B McCrea:** Will the Member give way?

**Mr McCallister:** Yes.

**Mr B McCrea:** Will the Member agree that there are different types of flying of flags? There is the constitutional issue that represents the constitutional position agreed by the people of this part of the world, and there are other times for celebratory reasons such as sporting achievements. We need to find a different way of doing that. Regrettably, there is a different scenario in which we hang them from lamp posts and they become rags, and it is no respect to anybody. We really need to find a way of separating a constitutional issue from something that lets us move on with an identity.

**Mr McCallister:** Absolutely, because that is where we go wrong.

The amendments, quite rightly, are to deal with flags on civic buildings, public buildings and the process around that, and that is why we support the Alliance amendment. We support designated days. Mr McCrea made a point about street flags, and that needs to be

addressed. Quite frankly, it serves none of us well to go round our constituencies, towns, villages or even rural crossroads and see our flags falling down or hanging by a thread. What purpose does that serve? What sort of national embodiment is that and what message does it send?

**7.45 pm**

I know that the Speaker quite rightly said that we do not want to debate the situation in the United States. However, you do not see many flags hanging by a thread in the United States. That is because Americans know how to treat a flag with respect. That is what we ought to be doing with the Union flag, and that is vital. I welcome the Alliance amendment that supports that. That is why it is so dangerous to move away from and, as Mr Humphrey quite rightly pointed out in an earlier intervention, to cherry-pick the bits of the Good Friday Agreement that we like and to discount the bits that we do not like or that cause us a bit more discomfort than others.

That is why I say this to former colleagues in the UUP, and I say it with disappointment and sadness: you have moved away from that, mainly in the process of driving for some sort of unionist unity. You have managed to be spurned by the DUP, and now you are much closer to Mr Allister's position. In fact, I noticed that even the journalist and commentator Alex Kane, on reading your submission to the Haass talks, mentioned that the UUP was now somewhere to the right of the TUV. I have to say that, with the greatest respect to Mr Allister, I did not think that that was possible. *[Laughter.]* So, that is what we need to do. We need to look at those amendments and to consider seriously why we are tabling amendments to do a U-turn on a long-established UUP policy and to move away from it.

**Mr Elliott:** I thank the Member for giving way. Obviously, he likes to quote from his good friend Alex Kane who is maybe a scriptwriter for him. I am not sure about that, so maybe he can confirm it. I am just wondering about this, because the Member is quite critical of the Ulster Unionist Party. I recall that, when he was in the Ulster Unionist Party, he led the party in the shared future all-party group, which, I think, met with failure in the end. Mr McCallister told me on several occasions that that was over the flags issue. Mr McCallister was leading for us on that, so do not blame us.

**Mr Principal Deputy Speaker:** I ask the Member who has the Floor not to be tempted

into revisiting the past. I think that you were coming quite well to the focus of the debate.

**Mr McCallister:** Absolutely, Mr Principal Deputy Speaker. I will stick strictly to your guidance. This is how Mr Elliott has got to the point of proposing his amendment. He is quite right in saying that I led the party in the shared future all-party group; indeed, he was party leader for a good bit of the time that those talks and negotiations were going on. The flags issue was a problem, and it was not going to be resolved. When I said that those talks were a waste of time, I know that not everybody in the UUP agreed with that position. In fact, they seemed so keen to get back into talks that they involved themselves in the Haass talks and then pulled out of them and tried to blame the First Minister and deputy First Minister by saying that they had nothing to do with them.

I am not entirely sure, given this amendment, whether the UUP is in or out of the all-party talks that Mr Attwood said should resume now or immediately after the election. So, perhaps some of the UUP Members will clarify whether they are in those talks or out of them to try to resolve it, as it looks unlikely that the party will get its amendment made tonight.

However, that is the key point in all this. This debate has not become just as raucous as it could have done, but the point is that we are moving away from and cherry-picking from the Good Friday Agreement. Sixteen years on, the lesson is that we need to go back and reread it. Yes, the agreement was meant to evolve, and these institutions were meant to normalise and move towards government and opposition. We were meant to have normal politics. That was the promise of the agreement. Tonight, we could be debating economics or the impact that the UK Budget is going to have on us. That is what we should be doing instead of having to focus so firmly on flags and other issues. We need to get back to partnership government. I have to say this to the DUP, Sinn Féin, SDLP, Ulster Unionists and Alliance: you have to remember that you are the Government of Northern Ireland.

Stop always saying that the Executive are terrible — you are part of it. Either have the decency to come out of it before you criticise it so much or get in and make it work. I would prefer to see other parties in opposition; that is why we needed to have the debate on these amendments and why they are so important.

The issues around flags, parades and dealing with our past are holding Northern Ireland back; they are not letting us reap the rewards and the

promise of the Good Friday Agreement. We need to get back to that spirit of generosity. That is why I support the Alliance Party amendment.

**Mr Allister:** I do not want to unduly discourage Members, but I have already missed my scheduled meeting in Ballymena tonight. *[Laughter.]* When we look at this subject, there are a number of matters that we need to deal with. First, when the Alliance Party, in a quite calculated and deliberate move in Belfast City Council, empowered Sinn Féin and the SDLP to obtain a long-held objective of pulling down the Union flag from our prime civic building, not only did it release turmoil on our streets, but it then sought to take refuge in the catchphrase, "Oh, it was a democratic decision." We heard that from the Alliance Party, from the SDLP and from Sinn Féin, with all the evangelical enthusiasm of new recruits to majority rule. They kept telling us, "Oh, it was a democratic decision."

How hypocritical then tonight that, when it comes to this House debating the issue, this House is not allowed to make a democratic decision because of the pernicious use of a petition of concern. It is OK to say, "Oh, we managed to pull the flag down by a democratic decision", but, when it comes to the House debating the issue and daring to take any step that would equalise respect for the flag in Northern Ireland, then, fearful of a democratic decision and fearful of what a majority view might be in this House, they scuttle off and sign up a petition of concern. So let us not hear again the protestation that, on the flag issue, the Alliance Party, the SDLP and Sinn Féin are the paragons and the defenders of a democratic decision, when, tonight, they are the subverters of a democratic decision.

**Mr Lyttle:** I thank the Member for giving way. I encourage him to accurately reflect what happened at Belfast City Hall. I do not expect that he will, but will he have the decency to clarify that the Alliance Party has not signed a petition of concern this evening, please?

**Mr Allister:** Yes, I will certainly clarify that. One could say that it did not need to because the SDLP and Sinn Féin did the job for it.

**Mr Lyttle:** I thank the Member for giving way. I thought that he might have reflected what has happened here tonight accurately. The Alliance Party is putting forward a proposal. Why would we welcome someone signing a petition of concern against that proposal? I would be grateful for accuracy. Thank you.

**Mr Allister:** I suspect that the party might welcome the petition against amendment Nos 64 and 66. But, yes, it did not sign any petition in the House today, but some of those who were loudest in hiding this behind a democratic decision are the people who have signed a petition of concern in order to subvert a democratic decision in this House. There is no getting away from that, as far as they are concerned.

Then, of course, we are told that you cannot fly the Union flag 365 days, for example, because it is an equality issue. Here we come to the very nub of what is supposed to be the Belfast Agreement. It is not my agreement — it is not something I ever voted for or wanted — but it, supposedly, provides clarity and certainty as to the constitutional position of Northern Ireland.

The flying of any nation's flag is but an emblem of its constitutional status. It is but a manifestation of the fact that, within that territory, that is the flag of that country. If those who support, or claim they support, the Belfast Agreement, accept it, then they are supposed to have accepted that this territory of Northern Ireland is a part of the United Kingdom. There should be no surprise then that the flag of the United Kingdom is the flag of this territory. There should be no surprise then, when a council or anyone else in the governmental tiers is called upon, required to or wants to demonstrate its constitutional allegiance and constitutional position, that the flag that flies is that of the United Kingdom, just as, sadly, if the Belfast Agreement ever attained its endgame aspiration of an all-Ireland, the flag that its proponents would most certainly be saying must fly, should fly, will have to fly, is the flag of the nation state of which it then would be a part.

If that is the aspiration, and it doubtlessly is the aspiration of nationalism in this country to take us to a place where we are part of the nation of Ireland and that they want, therefore, to fly the flag in that circumstance of the nation of Ireland, why are they the ones being churlish about the fact that, under the same supposed constitutional arrangement when we are part of the United Kingdom, we cannot, should not and must not fly the flag of the nation of which we are today a part?

That is the illogicality of the nationalist position on the flying of the flag. They aspire to the erection of one flag — the flag of the Irish nation, as they see it — if and when they can ever cajole this part of the United Kingdom out of the United Kingdom into joining that Irish nation, and they would say that that flag must

have primacy, not equality, primacy. The corollary is that so long as you are part of the United Kingdom, the flag that has to have primacy is the flag of the United Kingdom. There is nothing too much to ask for in that. It is a natural consequence of our constitutional position which should offend no one; it is a reality.

**Mr Lyttle:** I thank the Member for giving way. He has expounded the Sinn Féin and SDLP long-term position in relation to the display of flags in Northern Ireland.

**Mr A Maginness:** Supposed position.

**Mr Lyttle:** Yes, supposed position. I have made an effort to ask what they are, and I have not had any response. Perhaps he would like to cite on what grounds he is expounding those positions on behalf of the other parties.

**8.00 pm**

**Mr Allister:** Well, I think that the silence of the other parties confirms the fact that they are not taking issue with that being their ultimate aspiration. Are they going to rise and tell us that their aspiration is not the unification of Ireland? Are they going to rise and tell us that their aspiration, if and when they ever attain the unification of Ireland, would not be to give primacy to the flag of Ireland? Of course they are not. Of course they are not.

**Mr Eastwood:** Will the Member give way?

**Mr Allister:** Yes.

**Mr Eastwood:** I will send Mr Allister, just for his information, some of our documents about a united Ireland and what that might look like. In every written document that we have produced about a united Ireland, we have proven and have shown that we are up for the discussion around recognising the fact that the North of Ireland in a united Ireland would be unique and would be very different to the rest of the island. We recognise that Britishness would still exist here. In the same way as you can be British in America or Irish in America, you could still very much be British in Ireland. The Member does not recognise that we are Irish within the United Kingdom as it stands. He has no recognition of that, and neither do the Members opposite.

**Mr Allister:** I do have to rhetorically —

**Mr Principal Deputy Speaker:** Could I just point out that Members, including those making interventions, should address their remarks

through the Chair. The same rules apply to everyone.

**Mr Allister:** I do have to rhetorically say to the Member that, if he really wants unionists to believe that, in this utopia of a united Ireland, their heritage, their traditions and, as he would see it, their flag would be protected, he has to explain why, within the United Kingdom, they have bent every effort to tear down the flag of the United Kingdom. It is not much comfort for a unionist if, while within the United Kingdom, the combined forces of nationalism attempt to “de-Briticise” us and to remove the British flag. It is not much comfort then to say, “Oh, but don't worry about it. When we have you in the parlour of an all-Ireland republic, we will respect your flag”. Who does he think he is kidding? The reality, I think, is so very different from the pretence.

**Mr Attwood:** Will the Member give way?

**Mr Allister:** Yes.

**Mr Attwood:** There are a lot of points that I might ask you to give way on later when you, eventually, reveal the contradictions in your approach, so you can anticipate that, Mr McCallister. *[Laughter.]* Tear down the British flag. Tear down the British flag. Although it was a very irregular way to do things, we accepted it when the British Government, with David Trimble and Peter Mandelson, imposed a flags order over the head of the Northern Ireland Government, without consultation with our party or with other parties in the Executive and without any consultation with the wider community. Bad politics and bad process — some might even argue a bad outcome — but we accepted it.

Do not — do not — say to the SDLP that we are tearing down flags when we, for the greater good, 12 and 14 years ago, when others were trying to impose flags, said in those circumstances at that time that, when it came to Government buildings, the order could prevail.

**Mr Principal Deputy Speaker:** Order. I have only just reminded Members to address their remarks through the Chair. Now, I will take a tighter line on that if Members do not obey that ruling. Members understand these rules as well as I do.

**Mr Allister:** I must say, if Mr Attwood thinks that my constituents do not believe that SDLP and Sinn Féin have been involved in a concerted campaign to tear down the flag, he has far less understanding of unionist

perception than even I thought. That is the belief. It is the belief based on what we saw at Belfast City Hall and the triumphalism and partying of Sinn Féin that attended it. So it should come as no surprise to the Member that the unionist community is very much of the opinion that the SDLP, in cahoots with Sinn Féin and with the obliging assistance of the Alliance Party, obtained that republican objective and was very happy and triumphant in doing so.

**Mr McCallister:** There are a couple of issues on that. Will the Member accept that it was the first time that Sinn Féin and the SDLP voted to fly the flag on the Queen's birthday and on all of the designated days? He talks about the perception in unionism, and this goes to the very heart of the leadership, or what passes as leadership, of unionism. The leaders of the DUP, UUP and PUP keep telling unionism that they have lost something, rather than actually facing that down and saying that this is where we should be. They keep telling them that they have lost something to the point where people believe it. At the end of 2012, unionism should have been looking back on that year and feeling quite buoyant and confident. You had the jubilee celebrations, the Olympics in the national capital, the centenary of the covenant, and you ended that year with a flags protest. That is where it takes away and shows the weakness and lack of confidence in unionism and its leadership.

**Mr Allister:** The honourable Member might be in the business of hoodwinking the unionist population into believing that, when it celebrates the covenant but the Union flag cannot even fly on this Building, it is a victory and that, when the Union flag comes off City Hall, it is a victory. That might be the Member's politics, but it is certainly not mine.

Of course, the Member's politics is driven by an unthinking, unchallenging allegiance to the Belfast Agreement, which is the template for the ultimate delivery of the removal of the British flag and the British territory of Northern Ireland. That is its endgame, and proof positive is the fact that the only referendum under the Belfast Agreement that the people of Northern Ireland can ever have is one that effectively says to them, "Are you yet ready to join the Irish Republic?". When that question is asked, it has to be asked every seven years until the answer is yes. The Member might be blind to the trajectory and the direction of travel of that, but I am not. Therefore, it is no surprise to me that every step along that road involves —

**Mr B McCrea:** Will the Member give way?

**Mr Allister:** In a moment. Every step along that road involves the "de-Briticising" of this Province, and the tearing down of the Union flag from Belfast City Hall was a very significant milestone in that regard, as was celebrated by those who contrived and colluded in bringing it about.

**Mr B McCrea:** I appreciate the Member giving way. Surely, the Member will recognise the huge significance of Her Majesty The Queen's visit to the Republic of Ireland and the warmth and generosity of her response there and that that was replicated by President Higgins going to meet Her Majesty over in London. Surely, he will recognise the fact that David Cameron and Enda Kenny and the Irish Government and the British Government have never, ever been closer. The whole future of our island and the United Kingdom — the British Isles — works better in cooperation and understanding of the point of view. No one is losing anything. We are building a future.

**Mr Allister:** I think that the Member deludes himself on this issue — I suspect that this is not the only issue — if he thinks that that is the truth of the political path that this Province is on. Look at this House. Look who sits and rules over us. Look at the fact that we are part of the United Kingdom, which is the birthplace of democracy in many senses. We cannot even have the basic democratic rights to have an opposition. We cannot even have the basic democratic right as citizens to vote a party out of Government. Please, in those circumstances, do not come telling us that things have never been better.

**Mr Principal Deputy Speaker:** Order.

**Mr Allister:** Things have never been worse is the truth.

**Mr Principal Deputy Speaker:** Order. The Member will resume his seat. Remember, please, that we are discussing the Local Government Bill. I think that the Member has yet to address that Bill. I give him the same latitude as anyone else, but you are required to address the agenda of this Assembly.

**Mr Allister:** I will seek to travel route 66 — [*Laughter.*] — but I keep coming up against these diversions. Being weak minded, I get distracted. I will address the specific issue.

Mr McCallister said that, in the United States, you do not see the flag of the United States

flying threadbare. That is right. Sadly, you do so in this country. But ask yourself this: why is it so different here? The answer is that, in the United States, they wholly respect the flag and give it absolute primacy. They require it to fly on schools, polling stations and government buildings. Indeed, so fastidious are they, that they have rules that it goes up at dawn and comes down at dusk. They give absolute primacy and respect to the flag.

It is no surprise then that any red-blooded American patriot does not feel the need to run a flag up a lamp post. Contrast that with the United Kingdom, where we have passed through a bloody terrorist campaign to remove our Britishness. Then, we have the companion policy of removing the flag. It should be no surprise to anyone that the reaction of many will be, "If I cannot see the flag fly where I want to see it fly, it will fly in as many other places as I can fly it". I am not saying that that is the right approach, but that is the reality.

If people want a solution to the flags issue in Northern Ireland, I respectfully suggest that they need to build that solution upon showing respect and primacy for the Union flag, in keeping with the fact that it is a manifestation of our constitutional reality.

**Mr Lyttle:** Will the Member give way?

**Mr Allister:** Yes, I will give way.

**Mr Lyttle:** How is displaying the Union flag respectfully and sensitively on designated days, as is done throughout the rest of the United Kingdom, in any way contradictory to what he has just set out?

**Mr Allister:** In the Province, we have an abundance of councils that refuse to ever fly the flag. We heard from Mr Elliott that, in Fermanagh, not only is it a prerequisite to take down the flag but the insatiable demand is to sanitise entire buildings of any semblance of any British attachment.

**Mr Lynch:** Will the Member give way?

**Mr Allister:** In a moment.

The Member from Strabane told us that it was offensive to her constituents to have to go to a social security office with the Union flag flying to get their benefits — not so offensive to collect the Queen's head from the social security office; not so offensive then.

That is the attitude that drives many disaffected, often feeling disenfranchised, unionists/loyalists to put flags on lamp posts, because people like those in Mr Lyttle's party arrogantly decreed that the flag will not fly, year-round, on Belfast City Hall. That is part of the consequence of that. The Alliance Party, whatever its motivation, obviously did not have very much foresight if it thought that tearing down the flag would not have consequences; consequences that we have all been reaping ever since. I will give way.

**8.15 pm**

**Mr Lyttle:** I thank the Member for giving way. Perhaps he could set out for me exactly in what way any employee of any council has actually torn down any flag at Belfast City Hall, and be willing to stand over that description. I bring him back to my last question that he completely refused to answer. In what way is the respectful display of the Union flag on designated days, as is the case in many other parts of the United Kingdom, anything other than an appropriate proposal and, indeed, can he tell us whether he will be supporting the Alliance Party's proposal put forward today?

**Mr Allister:** Perhaps the difference is that, happily in the rest of the United Kingdom, the citizens have not been subjected to 30 years of butchery and genocide by those who wanted not just to tear down the flag but to tear the very part of the United Kingdom out of the United Kingdom, and that comes with a legacy whether the Member likes it or not. You cannot visit terrorism of that magnitude on a small community and not reap a resulting attachment to the very thing that the terrorists want to take away from you. That is the reality.

As for designated days, if the Member could come to the House —

**Mr McCartney:** Will the Member give way?

**Mr Allister:** In a moment.

If the Member could come to the House and say that the House is going to try and settle this flag position with a proposition of what I would call designated plus in every council — that every council everywhere would have to obey the designated days and that those who wanted to do more in a designated-plus approach could fly it more — and if, in addition, because of the symbolic significance of it, that Belfast City Council is the prime civic building, and the Member could tell the House that a resolution had been reached whereby the flag would fly

365 days from Belfast City Hall, then I, who am always looking for more, would not be arguing with him. However, the Member cannot come to the House because his cohorts in the House — those whom he colluded with in Belfast City Hall — made sure that even his proposition will not pass tonight. Therefore, the Member is in no position to lecture, to challenge and to question what one wants when he cannot even deliver his own proposition.

**Mr B McCrea:** Will the Member give way?

**Mr Allister:** Yes.

**Mr B McCrea:** The Member is a learned man, a QC and a man who understands the law. He will, I am sure, be aware of the legal position set out in the fair employment acts about places of work that must be separated from symbols. There have been judicial inquiries and reviews on this, and city halls are allowed special dispensation because of the ceremonial position, but only in part. This is a result of the law. When we talked about Lisburn, Craigavon and other things, it was the threat of surcharge that changed people's minds. He will know that what he is asking for is not deliverable in law, and I am surprised that a man of his learning, which I absolutely respect, does not take the point that Mr Lyttle is making.

**Mr Allister:** It is most certainly deliverable in law, because the proposition is that the political headquarters of each council — primarily a political place — should fly the flag. When you go to where the chambers of those councils are, they are political buildings. In consequence, you will find no credible legal advice that will tell you that you cannot fly the flag in a political chamber — as Belfast City Hall was advised.

**Mr Weir:** I thank the Member for giving way. Further to the point raised by Mr McCrea, can Mr Allister indicate any legal ruling — certainly I am not aware of any — where it has been ruled that the flying of a flag at a council headquarters constitutes a breach of a neutral working environment? If there has been a single court ruling on that issue, I am not aware of it. Indeed, if we are to consider what constitutes a neutral working environment, I am not aware of anybody working up a flagpole.

**Mr Allister:** I am sure that, if there were such an opportunity to give such a legal ruling, Sinn Féin, through Madden and Finucane or someone else, would have tried it years ago. It has never been obtained. There was no legal

declaration that the flying of the Union flag on Belfast City Hall was in breach of the law. It patently is not.

**Mr Lyttle:** Will the Member give way?

**Mr Allister:** If I must, if you do not want home. *[Laughter.]*

**Mr Lyttle:** I thank the Member for giving way, briefly. Is he aware, as I am, of advice that there is at least a risk of a breach of the neutral working environment as a result of the flying of the flag on 365 days?

**Mr Allister:** I repeat the point: where it is primarily a political chamber and headquarters, it is my belief that the flying of the flag is safe and sound legally. If the Member, who has been a council member, can turn up any contrary advice, the question is why it has never been acted upon.

I probably need to move a little further along route 66. I want to address the DUP in particular for a moment. In a debate like this, there is the luxury of having a little fun with various parties. We have had an anxiety from some, which is a bit reminiscent of the on-the-runs saga, to point to the Ulster Unionists and say, "It all happened on your watch: it is your problem" etc. In one sense, that is fair enough, but the lead party of unionism today is the Democratic Unionist Party. It, above all, is required to deliver a solution to the crisis created by the tearing down of the flag from Belfast City Hall.

**Mr Lyttle:** Will the Member give way?

**Mr Allister:** No. I am not giving way any more to you.

I suggest that this, the Local Government Bill, is one of the last opportunities to do anything about it. If these amendments are thwarted tonight, and the Bill passes as it is, the reality will be that in approximately half of the councils, the Union flag will not fly. Indeed, it could be more because, if excess is taken to the insistence on a qualified majority vote, maybe the Union flag will fly from only a couple of the 11 councils. The only way to protect against that is by legislating in this Bill.

It is a bit like the definition of a victim: once it is through, it is, essentially, too late to do anything about it. Therefore, I say to the lead party of unionism that it has to pick up the challenge and consider the fact that it will not be enough to leave here tonight saying, "We tried, but the

perversion of the petition of concern defeated us. We now have a Bill, and we will just have to live with it." That is not how it has to be. If it really goes to the core of what the primary unionist party in the Province would wish to defend, that party has the option, as others have exercised in respect of other Bills, of stalling this Bill until the issue is addressed. If it is not addressed in this Bill, it will not be addressed.

That is the challenge and the opportunity. I think that the DUP needs to consider whether or not it feels strongly enough about this issue to make sure that the Local Government Bill that eventually passes in the House addresses it. Taking that stand is in your gift. I respectfully say to you that you should think about exercising that, because if the Bill goes through as is —

**Mr Weir:** Will the Member give way?

**Mr Allister:** In a moment.

If the Bill goes through as is, we are not going to see the change, the reversal, the restoration or the fulfilment of the promise that the flag would fly again on City Hall. I will give way to Mr Weir.

**Mr Weir:** At Second Reading, the Member raised the issue of flags. The Minister indicated that he did not intend to make any regulations as regards the flag in terms of a qualified majority vote. What becomes a qualified majority vote essentially rests on two things in the legislation. The first is standing orders. On that basis, unless it was put in by a council, it could potentially restrict the flying of the flag, and, clearly, no unionist council would do that. The alternative is affirmative resolution in this House, in which case, if there were any attempt to restrict the flying of the flag, that would be blocked in the House. So, there is a degree of protection in the legislation on this issue.

**Mr Allister:** I hear what the Member says, but that can only give protection to those councils where there is an exercised unionist majority who wish to fly the flag. We are in a situation of dearth, whereby in or about half the councils will not be inclined to do that, and one of the most likely will be the primary council in this land.

If we are as exercised as we say we are about the tearing down of the flag and wish to see the flag flown on political buildings, such as council chambers, in every part of the United Kingdom, it will be too late once this Bill passes, having fought and lost a battle. So there is an

opportunity and a challenge to weigh up and decide. Is the lead party of unionism prepared to take a stand of that strength on this issue? That is how many people in the community who hoped, and believed the promises, that the flag etc would be restored will judge the issue. I do not see any other opportunities to do that but through applying the leverage and the pressure that this Bill presents the opportunity of doing.

**Mr Poots:** It is good to have the opportunity to speak on this issue. The debate has had a number of interesting aspects. The first interesting aspect to today's debate has been that a considerable amount of amnesia has set in. The Ulster Unionist Party seems to be suffering quite badly from that, almost as badly as the deputy First Minister on Al Jazeera when he did not seem to recall when the IRA was established. He seems to think that it was established some time in the mid-70s, as opposed to the 60s.

Nonetheless, political amnesia has certainly set in with the Ulster Unionist Party. It does not seem to recall its connivance with the British Government on all these issues in and around and after the signing of the Belfast Agreement to remove the flag; to bring in the Flags Order on designated days; to remove the flag from Craigavon Borough Council, which is a majority unionist council; and to remove the flag from Lisburn Borough Council, which is also a majority unionist council. In each instance, the Ulster Unionist Party stood along with Sinn Féin, the SDLP and, of course, the scurrilous Alliance Party in taking the flag down from those buildings.

### 8.30 pm

Therefore, many people in Belfast were quite significantly surprised by the Ulster Unionist Party reaction, given that it had already done it in other areas and did not seem to have a particular problem in removing the flag in places such as Lisburn and Craigavon, and in engaging with the British Government to bring in the Flags (Northern Ireland) Order 2000. Indeed, I understand that Councillor McCusker recently voted with nationalists on Craigavon Council to reject putting the flag up 365 days a year. So, the Ulster Unionists' political amnesia stretches back not to the early part of this century but to just a few weeks ago, when they voted against the flag flying 365 days a year. Having put us all in the position we are in, their amendments are clearly a means of trying to demonstrate that they are great and mighty unionists.

Towards the end of his speech, Mr Allister made the point that half the councils would not be flying the flag under the new council scenario. Therefore, not to go ahead with the Bill would be a means of making it happen. Of course, around half, or more, councils in Northern Ireland do not fly the flag as it is. So, if we were to not go ahead with the Bill, the flags would not fly in any event. It is an illogical argument that Mr Allister makes on this occasion.

**Mr Allister:** Will the Member give way?

**Mr Poots:** Yes.

**Mr Allister:** Of course I understand that half the councils, or whatever the number, do not fly the flag presently. I am presenting that there is an opportunity to change that. If this Bill goes through, that will never change. However, if this Bill goes through with requirements for designated days across the Province plus Belfast City Hall on 365 days, it will change. Only legislative change will make it happen. That is the point. If you simply pass the Bill, nothing will ever change.

**Mr Poots:** On the basis of how the Assembly is established, with petitions of concern and everything else, Mr Allister knows full well that this is not going to happen. He raises a false hope. He runs a false flag up the pole to try to encourage people that something can be done, when he knows full well that that will not be the case. Mr Allister seems to project in the House an image that flying the flag can be delivered in places such as Strabane, Newry and so forth. He is living in some cloud cuckoo land, because it is an expectation that cannot be delivered upon.

We can say clearly that had unionists turned out to vote in Belfast, the flag would not have come down in the first instance. If they turn out to vote again, they will have the opportunity to rectify the great wrong that was done in our capital city.

The Alliance Party never seems to learn. Its members pulled down the flag. That party had the casting votes in this matter. The majority did not lie with nationalists and republicans, so they did not have the ability to take down the flag. However, the Alliance Party in Belfast City Hall ensured that it happened. They ensured that our capital city had the flag removed for the vast majority of the year, and shame on them.

I am very proud of our national flag. It incorporates St Patrick's cross, which no other

flag in Ireland does. This week, we celebrated our patron saint. Yet, at the same time, other Members in the House want to remove the symbol of St Patrick from our civic buildings. I am proud of the fact that people fought for and under our national flag against people such as the Nazis and communist forces. Against the dictators and despots of this world, they stood and they fought under the national flag. For despicable people in the Alliance Party to pull it down from our capital's City Hall is something that we totally reject: in doing so they have brought great shame upon us.

**Mr Lyttle:** Will the Member give way?

**Mr Poots:** Mr McCallister wished me to give way.

**Mr McCallister:** Mr Poots mentioned amnesia, and I gently remind him that he has a health service that could probably do with his attention. *[Interruption.]* In effect, his answer to Mr Allister's point is no. He is in blame-everyone-else mode, but he cannot do anything about it and he is not going to stop the Bill. At least the Alliance Party has brought forward an amendment for a sensible solution of designated days, which he might do well to support.

**Mr Principal Deputy Speaker:** Order. I remind the House about the use of appropriate language.

**Mr Poots:** OK, that did not raise many points of concern, so I will give way to Mr Lyttle.

**Mr Lyttle:** I thank the Member for giving way. I recognise the passion and pride that he has in the flag, but I ask him to reflect on connecting that passion and pride that he has for people who made sacrifices under that flag with directing shame towards the Alliance Party, given that members of the Alliance Party include RAF wing commanders who have more sacrifice to that flag in their big toe than he has in his entire body.

**Mr Poots:** I note the Member talks about others and not himself, so perhaps if he has done some great thing, he can let us all know about it. Many people in this party have served for Crown forces, many people in this party have given their lives, and many people in this Chamber have been shot at and bombed by republicans because they stood up for the national flag.

So we do not make any apologies for standing up for the national flag. My father was shot at

by republicans, so I am not going to take lessons from Mr Lyttle about this issue. We have always fought and stood for our country, and will continue to stand and fight for our country. We will stand and fight for the flag of our country because it is the right thing to do — because it is a flag about freedom. It is a flag that recognises that people within that country can have the freedom to enjoy their faith, whether it is a Roman Catholic, Muslim, Jewish or Protestant faith, irrespective of what you are or of no faith at all.

The national flag of the United Kingdom — the Union flag — recognises all of that. It recognises people's right to have political freedoms and political conscience. So whether you are a communist, socialist, right-of-centre, on the middle ground or wherever you happen to be or want to be, you can practise your politics, because we believe in democracy and freedom. That is why we cherish the national flag. Unfortunately, others do not and, unfortunately, others have done damage to Northern Ireland as a consequence.

**Mr B McCrea:** Will the Member give way? I simply ask the Member, because I recognise the passion that the Member has put forward in his speech, why he does not take Mr Allister's suggestion and get his party to do a petition of concern on this Bill unless the flag is flown 365 days a year in Belfast? Why does he not do that? Why not just make your stand?

**Mr Poots:** Belfast can be dealt with. The Belfast flag can fly again if unionists come out and cast their votes and elect people to fly the flag. That is how the situation can be resolved. The splinter parties will not help in all that. The splinter unionist parties that split the votes and take people away will not help us to ensure that the national flag flies and that unionism can put things right for the great wrong that was done.

What we need to recognise, and what it is shocking that the Alliance Party has not learned, is that one flag was removed from Belfast city centre at the City Hall. One flag. As a consequence, we had huge community divisions and thousands of flags put up all around Belfast and beyond. Not content with doing that, and not having learned from that, the Alliance Party wants to replicate that right across Northern Ireland. So let us go into Ballymena and rip the flag down there, and Newtownabbey and rip the flag down there, and Carrickfergus and rip the flag down there, and so forth.

That is what the Alliance Party wants to do. Having raised tensions and caused people

huge and passionate concerns, it wants to go ahead and do more of it. I would have thought that a party that allegedly prides itself on reconciliation and bringing people together would know better than to seek to cause further divisions. I will give way to them if they wish, but they cannot but recognise that the removal of the national flag at Belfast City Hall caused massive divisions in Northern Ireland that did not exist beforehand. There was no issue, but the Alliance Party made it an issue, and it caused major problems as a consequence: massive problems in policing and massive problems in justice. Many young people have ended up getting themselves into trouble unnecessarily and foolishly, but the Alliance Party had a major part to play in that by taking the flag down off Belfast City Hall. Not content with that, it wants to do it across Northern Ireland. That is not somewhere that we are going to go and it is not something that we will support.

We cannot support the Alliance Party's amendment. We will reject it wholeheartedly.

**Mr Durkan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I am glad to rise today. In fact, I am glad that I can rise; I have been sitting for a very long time.

As we all know only too well and have seen and heard, and heard, and heard, and heard today, flags remain a contentious issue in our society. The debate around a future policy is ongoing, despite the best efforts of Richard Haass and others. It is, in some respects, unsurprising, therefore, that we are being asked to consider today two sets of conflicting amendments on the subject: one from the Alliance Party and one from the Ulster Unionists.

In another respect, though, I am surprised that these amendments have been tabled, given that flags were raised several times — sorry, the issue of flags was raised several times — at the political reference group. All six parties that attend that group, including the Alliance Party and the Ulster Unionist Party, agreed that this Bill is not the appropriate vehicle for resolving the flags issue and that that should be considered in the wider context of the ongoing discussions on flags, emblems and dealing with the past.

**Mr Elliott:** I thank the Minister for giving way. I attended most of the political reference group meetings, and, although the Minister and his predecessor both raised the issue, there was never any agreement that this was not the place to deal with it. There may have been an indication from the Minister and the

Department, but there was no agreement at the meetings.

**Mr Durkan:** I thank the Member for his intervention. I do not recall any dissent at the meetings. As Mr Elliott has intervened, I feel that I should apologise to him that he found my home city, and yours, Mr Principal Deputy Speaker, so uninviting on his last visit, although I know that thousands and thousands of Apprentice Boys have no problem going there every year.

People will be relieved to hear that I will get the debate back to the amendments. The Alliance Party's proposed clause 109A suggests that councils adopt the flags protocol as adopted by central government Departments on flying the Union flag on designated days, but gives a further option to councils to fly any other flag alongside the Union flag on those days.

Currently, councils are advised each year of the calendar of designated days as determined by the Department for Culture, Media and Sport. However, it is for councils, as locally democratically elected bodies, to decide on their flags policy, including whether to follow central government's protocol, whether to fly any other flags or, indeed, whether to fly no flag at all.

Clause 109A, as proposed by the Ulster Unionists, would require councils to adopt central government's flags protocol as a minimum and prevent any other national flag being flown at any other time. Its proposed new clause 109C goes even further than that by proposing that the Union flag flies every day at Belfast City Council offices. That could result in the Union flag flying in all council offices in all parts of the city, leading to fair employment issues, as identified by Mr McCrea, given the requirement that all workplaces should be neutral.

**Mr Allister:** Will the Minister give way?

**Mr Durkan:** This will be the final time.

**Mr Allister:** Is the Minister saying that if it did not apply to all workplaces but was restricted to City Hall — we still have the Further Consideration Stage to come — he would be better disposed towards it, or is he just setting up a straw man to knock it down again?

**8.45 pm**

**Mr Durkan:** I would not say that I am setting up a straw man, but this is not the only reason I

have stated for opposing this amendment. Local government reform is about strengthening local democracy and both these amendments run counter to that. Furthermore, the Ulster Unionists' clause 109A could cause diplomatic embarrassment — Mr McCartney identified this issue — if councils were receiving important visitors from overseas or hosting international tournaments and were prevented from flying their national flag as a sign of respect to visitors.

The new clause 109B proposes that a council can, through qualified majority voting, adopt its own flag that can be flown at any time. There is currently nothing to prevent a council from flying its own flag and, indeed, it is common practice in some councils already. Therefore, there is no need to legislate for it.

In conclusion, I commend parties on their mature approach to the first five parts of this debate. I appeal to them to revert to that and maintain that constructive approach as this Bill progresses to and through its next stage. I urge them not to be tempted — I reiterate tempted — into any knee-jerk reactions. People look here for leadership; let us lead and get through this groundbreaking piece of legislation that will transform local government and bring power closer to people. These amendments do the opposite of that. I, therefore, recommend that Members reject all four amendments.

**Ms Lo:** I will not be long, Mr Principal Deputy Speaker. *[Interruption.]* That just killed it; I had better sit down. *[Laughter.]* I am so disappointed with the change of mood compared with earlier this morning, from one of genuine cooperation among all the parties to this evening's mood of deep division and negativity. It is really depressing to hear the rants from the DUP and the TUV, one after another, on the same thing. There is nothing new coming from them. There is no leadership — no leadership — to move away from tribal politics to a shared future with a common purpose. It is really depressing, and I am beginning to wonder why I should stay in politics. *[Interruption.]*

**Mr McCarthy:** You stay where you are. You stay. We need you to fly the flag, Anna.

**Ms Lo:** Which flag? *[Laughter.]* It is very important also to point out that the events after the Belfast City Hall vote were very much the DUP's responsibility because it hyped up tension and fear in loyalist communities, particularly in east Belfast. Many would say it was the start of a campaign to try to win back

the East Belfast Westminster seat, and I do not doubt that.

*(Mr Speaker in the Chair)*

Mr Eastwood mentioned the fact that the flags disturbances caused so much harm to our economy and to our reputation worldwide. I wonder what the public and the media made of today's debate.

The Alliance Party has been accused of putting forward amendments for electioneering purposes, to cause community divisions and even to undermine the Haass talks. I want to stress that the Alliance Party's policy on designated days, in line with other practices in the rest of the UK, has been there for 10 years. So, we are not being opportunist at this time.

Basil McCrea is quite right to highlight the inconsistencies of the UUP and, to a certain extent, the DUP in supporting designated days in the past. I want to point out, too, that it is the same for Sinn Féin and the SDLP, because they supported the policy of designated days in Belfast City Council. The Alliance Party put this forward in good faith and in the hope that we will show some leadership in the House — *[Interruption.]*

**Mr Speaker:** Order.

**Ms Lo:** — that we are moving forward, that we work for and represent everyone and that the flag issue is really not that important. *[Interruption.]*

**Mr Speaker:** Order. *[Interruption.]* Order. Order. The Member must be heard.

**Ms Lo:** Go and talk to people in the community. They care about the delivery of services, jobs, the economy and welfare issues.

**Mr McCarthy:** Health.

**Ms Lo:** Yes, about health and about education. For God's sake — *[Interruption.]* — we have spent four hours — no, more than four hours — we have spent about six hours debating the flags —

**Mr Allister:** On a point of order, Mr Speaker. In the past, Mr Speaker, you have ruled on issues of language and language that can be offensive to others. Have you anything to say about what we have just heard?

**Mr Speaker:** I remind the Member and the whole House to be careful with their language and temper their language in the House.

**Ms Lo:** Thank you, Mr Speaker. I do not think that I have said anything wrong. *[Interruption.]*

**Mr Speaker:** Order.

**Ms Lo:** I am speaking the truth. Many Members dare to talk about the flag. Yes, it is a symbol, but, for many people, it is the bread-and-butter issues —

**Mr Speaker:** Order.

**Mr Givan:** On a point of order, Mr Speaker. The Member indicated that she does not know what she said. I will repeat it for her. She said "For God's sake". For many Members, that is a special term to use, and to use it in the way in which that Member has just used it is offensive to many people in the House.

**Mr Poots:** Hear, hear.

**Mr Speaker:** Order. I have already said to the Member that it is important that she tempers her language.

**Ms Lo:** I am lost for words. *[Interruption.]*

**Mr Speaker:** Order. Allow the Member to continue.

**Ms Lo:** We need to get back to the real issues and the matters of importance to many of our constituents.

**Mr Speaker:** Before I put the Question, I remind Members that the amendment requires cross-community support due to a valid petition of concern and that it is mutually exclusive with amendment No 64.

*Question put, That amendment No 63 be made.*

*The Assembly divided:*

*Ayes 9; Noes 86.*

**AYES**

**UNIONIST:**

*Mr McCallister, Mr B McCrea.*

**OTHER:**

Mrs Cochrane, Mr Dickson, Dr Farry, Mr Ford, Ms Lo, Mr Lyttle, Mr McCarthy.

Tellers for the Ayes: Ms Lo and Mr Lyttle.

## NOES

### NATIONALIST:

Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Dr McDonnell, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr P Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

### UNIONIST:

Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Copeland, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Noes: Mr McKinney and Mr Milne.

Total Votes	95	Total Ayes	9	[9.5%]
Nationalist Votes	40	Nationalist Ayes	0	[0.0%]
Unionist Votes	48	Unionist Ayes	2	[4.2%]
Other Votes	7	Other Ayes	7	[100.0%]

Question accordingly negatived.

### New Clause

**Mr Speaker:** Before I put the Question, I remind Members that amendment No 64 will require cross-community support due to a valid petition of concern. *Amendment No 64 proposed:*

After clause 109 insert -

"PART 14A

## FLYING OF FLAGS AT COUNCIL OFFICES

### Flying of flags at council offices

**109A.**—(1) *The Union flag shall be flown at the offices of any council as a minimum on the days on which and at the times at which they are required to be flown at United Kingdom government buildings in Northern Ireland.*

(2) *Except as provided in this Part, no national flag of any other country shall be flown at any council offices at any time.*— [Mr Elliott.]

Question put, *That amendment No 64 be made.*

**Mr Speaker:** Order, Members. I have been advised by party Whips that, in accordance with Standing Order 27(1A)(b), we may dispense with the three minutes.

*The Assembly divided:*

Ayes 46; Noes 47.

## AYES

### UNIONIST:

Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Copeland, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Elliott and Mr Kinahan.

## NOES

### NATIONALIST:

Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Dr McDonnell, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr

Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr P Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

**OTHER:**

Mrs Cochrane, Mr Dickson, Dr Farry, Mr Ford, Ms Lo, Mr Lyttle, Mr McCarthy.

Tellers for the Noes: Mr McKinney and Mr Milne.

Total Votes	93	Total Ayes	46	[49.5%]
Nationalist Votes	40	Nationalist Ayes	0	[0.0%]
Unionist Votes	46	Unionist Ayes	46	[100.0%]
Other Votes	7	Other Ayes	0	[0.0%]

The following Members voted in both Lobbies and are therefore not counted in the result: Mr McCallister, Mr B McCrea.

Question accordingly negated.

**New Clause**

**Mr Speaker:** Before I put the Question, I remind Members that amendment No 65 will require cross-community support due to a valid petition of concern. *Amendment No 65 proposed:*

After clause 109 insert -

**"The flying of bespoke flags for the district council at council offices**

**109B.**—(1) A council may commission and adopt a flag for use which represents the council district.

(2) The adoption of a flag for the council district must be adopted by resolution of the council passed by qualified majority.

(3) This flag may be flown from the council offices on any day that the council decides.

(4) Nothing in this section should be taken to prevent the flying of flags as specified elsewhere in this Act."— [Ms Lo.]

Question put, That amendment No 65 be made.

The Assembly divided:

Ayes 9; Noes 86.

**AYES**

**UNIONIST:**

Mr McCallister, Mr B McCrea.

**OTHER:**

Mrs Cochrane, Mr Dickson, Dr Farry, Mr Ford, Ms Lo, Mr Lyttle, Mr McCarthy.

Tellers for the Ayes: Mr Dickson and Ms Lo.

**NOES**

**NATIONALIST:**

Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Dr McDonnell, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr P Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

**UNIONIST:**

Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Copeland, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Noes: Mr McKinney and Mr Milne.

Total Votes	95	Total Ayes	9	[9.5%]
Nationalist Votes	40	Nationalist Ayes	0	[0.0%]
Unionist Votes	48	Unionist Ayes	2	[4.2%]
Other Votes	7	Other Ayes	7	[100.0%]

Question accordingly negated.

**New Clause**

*Amendment No 66 proposed:* After clause 109 insert

**"Flying of the Union flag at Belfast City Council offices**

**109C.** *The Union flag shall be flown at Belfast City Council offices every day.*— [Mr Elliott.]

**Mr Speaker:** Before I put the Question, I remind Members that amendment No 66 will require cross-community support due to a valid petition of concern.

*Question put, That amendment No 66 be made.*

*The Assembly divided:*

Ayes 46; Noes 49.

**AYES**

**UNIONIST:**

*Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Copeland, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells.*

*Tellers for the Ayes: Mr Elliott and Mr Kinahan.*

**NOES**

**NATIONALIST:**

*Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Dr McDonnell, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr P Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.*

**UNIONIST:**

*Mr McCallister, Mr B McCrea.*

**OTHER:**

*Mrs Cochrane, Mr Dickson, Dr Farry, Mr Ford, Ms Lo, Mr Lyttle, Mr McCarthy.*

*Tellers for the Noes: Mr McKinney and Mr Milne.*

*Total Votes 95 Total Ayes 46 [48.4%]*

*Nationalist Votes 40 Nationalist Ayes 0 [0.0%]*

*Unionist Votes 48 Unionist Ayes 46 [95.8%]*

*Other Votes 7 Other Ayes 0 [0.0%]*

*Question accordingly negatived.*

*Clause 110 ordered to stand part of the Bill.*

**Clause 111 (Power to repeal provisions relating to surcharge, etc.)**

*Amendment No 67 made: In page 62, line 25, leave out "Article" and insert "Articles 18(1) and".— [Mr Durkan (The Minister of the Environment).]*

*Clause 111, as amended, ordered to stand part of the Bill.*

*Clauses 112 and 113 ordered to stand part of the Bill.*

**Clause 114 (Transitional rate relief in consequence of changes in local government districts)**

*Amendment No 68 proposed: In page 63, line 34, after "(2A)" insert*

*"for a rates convergence period lasting a minimum of three years".— [Mr Elliott.]*

*Question put, That amendment No 68 be made.*

*The Assembly divided:*

Ayes 46; Noes 47.

**AYES**

*Mr Allister, Mr Boylan, Ms Boyle, Mr Brady, Mrs Cochrane, Mr Copeland, Mr Cree, Mr Dickson, Mrs Dobson, Mr Elliott, Ms Fearon, Mr Flanagan, Mr Ford, Mr Gardiner, Mr Hazzard, Mr Hussey, Mr G Kelly, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lynch, Mr Lyttle, Mr McAleer, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr B McCrea, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Mr Nesbitt, Ms Ní Chuilín, Mr Ó hOisín,*

Mr O'Dowd, Mrs O'Neill, Mrs Overend, Ms Ruane, Mr Sheehan, Mr Swann.

Tellers for the Ayes: Mr Elliott and Mr Kinahan

## NOES

Mr Anderson, Mr Attwood, Mr Bell, Mr D Bradley, Ms P Bradley, Mr Buchanan, Mr Byrne, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr McCausland, Mr I McCrea, Dr McDonnell, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McKinney, Mr A Maginness, Lord Morrow, Mr Moutray, Mr Newton, Mr Poots, Mr P Ramsey, Mr G Robinson, Mr P Robinson, Mr Rogers, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Noes: Mr Anderson and Mr G Robinson

Question accordingly negatived.

Clause 114 ordered to stand part of the Bill.

Clause 115 ordered to stand part of the Bill.

## New Clause

Amendment No 69 made: After clause 115 insert

### "Transferred functions grant

#### Transferred functions grant

**115A.**—(1) In the Local Government Finance Act (Northern Ireland) 2011, after section 27 (rates support grant) there shall be inserted the following section—

"Transferred functions grant

27A.—(1) The Department shall for any prescribed financial year make a grant under this section to councils.

(2) In this section "transferred functions grant" means the grant payable under this section for any financial year.

(3) The transferred functions grant is payable only to a council which is a new council within the meaning of Part 2 of the Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010.

(4) The amount of the transferred functions grant payable to a council for any financial year is the amount equal to the difference between—

(a) the amount of the product of the district rate for that year (within the meaning of the Rates (Northern Ireland) Order 1977) so far as it relates to the rateable net annual values of the hereditaments in the district of that council; and

(b) the amount which would have been the amount of that product if the total of the rateable net annual values of the hereditaments in the district of that council had been increased by a prescribed amount.

(5) Subsection (4) is subject to section 28 (reductions in grants) and to section 67(3B) of the Local Government Act (Northern Ireland) 2014.

(6) Payments in respect of transferred functions grant shall be made to a council at such times as the Department may determine."

(2) In section 28 of that Act (reductions in grants), in subsections (2)(a) and (6)(b) and in the heading for 'or 27' there shall be substituted ' ; 27 or 27A' ".— [Mr Durkan (The Minister of the Environment).]

New clause ordered to stand part of the Bill.

Clauses 116 and 117 ordered to stand part of the Bill.

## New Clause

Amendment No 70 made: After clause 117 insert

"Payments for special purposes etc.

### Payments for special purposes and public appeals

**117A.** In the Local Government Finance Act (Northern Ireland) 2011 the following provisions cease to have effect—

(a) section 37 (payments for special purposes);

(b) section 38 (restrictions on power to make payments under section 37); and

(c) section 40 (limit on expenditure on payments under section 37 and on public

appeals).”— [Mr Durkan (The Minister of the Environment).]

New clause ordered to stand part of the Bill.

Clauses 118 and 119 ordered to stand part of the Bill.

### **New Clause**

Amendment No 71 made: After clause 119 insert

### **"Power to dissolve Local Government Staff Commission**

#### **Power to dissolve the Local Government Staff Commission for Northern Ireland**

**119A.** In section 40 of the Local Government Act (Northern Ireland) 1972 (Staff Commission), after subsection (8) there shall be added the following subsection

"(9) The Department may by order make provision for, and in connection with, the dissolution of the Staff Commission and such an order may—

(a) provide for the transfer of the functions, assets and liabilities of the Staff Commission to any other body or person; and

(b) contain such incidental, consequential, transitional or supplementary provisions (including the modification or repeal of any statutory provision (including a provision of this Act)) as appear to the Department to be necessary or expedient.

(10) An order must not be made under subsection (9) unless a draft of the order has been laid before, and approved by resolution of, the Assembly.'"— [Mr Durkan (The Minister of the Environment).]

New clause ordered to stand part of the Bill.

Clause 120 ordered to stand part of the Bill.

### **Clause 121 (Schemes for transfers of assets and liabilities)**

Amendment No 72 made: In page 66, line 14, leave out subsections (1) to (3) and insert

"121.—(1) The power conferred by subsection (4) is exercisable where it appears to any Northern Ireland department necessary or

expedient as mentioned in section 123(1) or (2).”— [Mr Durkan (The Minister of the Environment).]

Amendment No 73 made: In page 66, line 27, leave out "paragraph (c) of section 123(1)" and insert "section 123(2)".— [Mr Durkan (The Minister of the Environment).]

Amendment No 74 made: In page 66, line 30, at end insert

"(6A) The Department of Culture, Arts and Leisure may make one or more schemes for the transfer of designated assets or liabilities of the Board of Trustees of the National Museums and Galleries of Northern Ireland relating to Armagh County Museum to the council for the district of Armagh, Banbridge and Craigavon."— [Mr Durkan (The Minister of the Environment).]

Amendment No 75 made: In page 66, line 40, leave out from "means" to "that" in line 42.— [Mr Durkan (The Minister of the Environment).]

Amendment No 76 made: In page 67, line 1, leave out "it".— [Mr Durkan (The Minister of the Environment).]

Amendment No 77 made: In page 67, line 3, leave out "it".— [Mr Durkan (The Minister of the Environment).]

Clause 121, as amended, ordered to stand part of the Bill.

### **Clause 122 (Compensation for loss of office or diminution of emoluments)**

Amendment No 78 made: In page 67, line 11, leave out from "means" to "includes" in line 15 and insert

"includes the Local Government Staff Commission and".— [Mr Durkan (The Minister of the Environment).]

Amendment No 79 made: In page 67, line 18, leave out from "Act" to the end of line 22 and insert -

"or any other Act mentioned in subsection (1) of section 123;

(b) any transfer of functions or any statutory provision falling within paragraph (a) or (b) of subsection (2) of that section."— [Mr Durkan (The Minister of the Environment).]

*Amendment No 80 made:* In page 67, line 28, at end insert

"(4A) Subsection (4) does not preclude the payment of compensation if it forms part of a severance arrangement which has been sanctioned by the Department. The Department must satisfy itself that the arrangement is reasonable."— [Mr Weir.]

Clause 122, as amended, ordered to stand part of the Bill.

**Clause 123 (Supplementary and transitional provisions for the purposes of this Act and other purposes)**

*Amendment No 81 made:* In page 68, line 12, leave out from "order" to "order" in line 38 and insert

"regulations make such incidental, consequential, transitional or supplemental provision as appears to the Department to be necessary or expedient for the purposes of, or otherwise in connection with—

(a) this Act;

(b) the Local Government (Boundaries) Act (Northern Ireland) 2008; or

(c) the Planning Act (Northern Ireland) 2011.

(2) Any Northern Ireland department may by regulations make such incidental, consequential, transitional or supplemental provision as appears to that department to be necessary or expedient for the purposes of, or otherwise in connection with—

(a) any transfer of functions to a local government body, whether they are functions of that department or not, coming into operation on or before 1st April 2015; or

(b) any statutory provision coming into operation on or before 1st April 2015 which confers functions on a local government body, whether this is expressed as transfer of functions or not.

(3) In this section "local government body" includes the Northern Ireland Housing Executive.

(4) Nothing in this section is to be taken as limiting the generality of any other statutory provision (including a provision of this Act) and

nothing in any other statutory provision (including a provision of this Act) is to be taken as limiting the generality of this section.

(5) Regulations under this section which amend any statutory provision must not be made unless a draft of the regulations".— [Mr Durkan (The Minister of the Environment).]

Clause 123, as amended, ordered to stand part of the Bill.

**New Clause**

*Amendment No 82 proposed:* After clause 123 insert

**"Appointment of chair and vice-chair of district policing and community safety partnerships**

**123A.**—(1) Schedule 2 of the Justice Act (Northern Ireland) 2011 (c.24) is amended as follows.

(2) After paragraph 10(2)(b) insert—

"(c) In this sub-paragraph, 'in turn' means in order of size, with size being determined by the number of seats won by each political party in the previous local government election, with the largest first, second largest second and so on. Where the number of seats won by two or more political parties is equal, the number of first preference votes cast in the council district for the parties at the last local government election shall be used to determine the order in which each of those parties shall hold the relevant position."— [Ms Lo.]

The Assembly divided:

Ayes 43; Noes 51.

**AYES**

Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Craig, Mr Dickson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Ms Lo, Mr Lyttle, Mr McCallister, Mr McCausland, Mr B McCrea, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Lord Morrow, Mr Moutray, Mr Newton, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Dickson and Ms Lo

## NOES

Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Copeland, Mr Cree, Mrs Dobson, Mr Durkan, Mr Eastwood, Mr Elliott, Ms Fearon, Mr Flanagan, Mr Gardiner, Mr Hazzard, Mr Hussey, Mrs D Kelly, Mr G Kelly, Mr Kennedy, Mr Kinahan, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Dr McDonnell, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Nesbitt, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr P Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan, Mr Swann.

Tellers for the Noes: Mr McKinney and Mr Milne

Question accordingly negatived.

## New Clause

Amendment No 83 proposed:

After clause 123 insert -

"Council websites

### Council websites

**123A.** The Department must by regulations specify a standard format for the domain names of council websites."— [Mr Elliott.]

Question put, That amendment No 83 be made.

The Assembly divided:

Ayes 53; Noes 40.

## AYES

Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Copeland, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lyttle, Mr McCallister, Mr McCausland, Mr B McCrea, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr

Ross, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Elliott and Mr Kinahan

## NOES

Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Dr McDonnell, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr P Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Noes: Mr McKinney and Mr Milne

Question accordingly agreed to.

New clause ordered to stand part of the Bill.

## Clause 124 (Interpretation)

Amendment No 84 made:

In page 69, line 12, at end insert

"'external representative', in relation to a council, has the meaning given by section 10(4);"— [Mr Durkan (The Minister of the Environment).]

Amendment No 85 made:

In page 69, line 17, at end insert

"'local government body' means a local government body within the meaning of Part 2 of the Local Government (Northern Ireland) Order 2005;"— [Mr Durkan (The Minister of the Environment).]

Amendment No 86 made:

In page 69, line 27, leave out "section 103" and insert "sections 103 and 123".— [Mr Durkan (The Minister of the Environment).]

Clause 124, as amended, ordered to stand part of the Bill.

## Clause 125 (Regulations and orders)

*Amendment No 87 made:*

In page 70, line 5, leave out "making" and insert "a Northern Ireland department makes".— [Mr Durkan (The Minister of the Environment).]

*Amendment No 88 made:*

In page 70, line 6, leave out "the Department" and insert "it".— [Mr Durkan (The Minister of the Environment).]

*Amendment No 89 made:*

In page 70, line 10, leave out "the Department" and insert "it".— [Mr Durkan (The Minister of the Environment).]

*Amendment No 90 made:*

In page 70, line 12, leave out "made by the Department" and insert "under this Act".— [Mr Durkan (The Minister of the Environment).]

*Amendment No 91 made:*

In page 70, line 27, at end insert

"( ) section 51;

( ) section 54;".— [Mr Durkan (The Minister of the Environment).]

*Amendment No 92 made:* In page 70, leave out line 33.— [Mr Durkan (The Minister of the Environment).]

*Amendment No 93 made:* In page 70, line 34, at end insert -

"(m) paragraph 4A of Schedule 4".— [Ms Lo (The Chairperson of the Committee for the Environment).]

*Amendment No 94 made:* In page 70, line 40, leave out "Department" and insert "Northern Ireland department making them".— [Mr Durkan (The Minister of the Environment).]

*Clause 125, as amended, ordered to stand part of the Bill.*

*Clauses 126 to 128 ordered to stand part of the Bill.*

*Schedule 1 disagreed to.*

*Schedule 2 disagreed to.*

**Schedule 3 (Positions of responsibility)**

*Amendment No 95 proposed:*

In page 74, line 6, leave out "unless" and insert "only if".— [Ms Lo (The Chairperson of the Committee for the Environment).]

*Question put, That amendment No 95 be made.*

*The Assembly divided:*

*Ayes 9; Noes 84.*

**AYES**

*Mr Allister, Mrs Cochrane, Mr Dickson, Dr Farry, Mr Ford, Ms Lo, Mr Lyttle, Mr McCallister, Mr B McCrea.*

*Tellers for the Ayes: Mr Dickson and Ms Lo*

**NOES**

*Mr Anderson, Mr Attwood, Mr Bell, Mr Boylan, Ms Boyle, Mr D Bradley, Ms P Bradley, Mr Brady, Mr Buchanan, Mr Byrne, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Copeland, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Mr Elliott, Ms Fearon, Mr Flanagan, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mrs D Kelly, Mr G Kelly, Mr Kennedy, Mr Kinahan, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr I McCrea, Dr McDonnell, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr D McIlveen, Miss M McIlveen, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr Poots, Mr P Ramsey, Mr G Robinson, Mr P Robinson, Mr Rogers, Mr Ross, Ms Ruane, Mr Sheehan, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells.*

*Tellers for the Noes: Mr McKinney and Mr Milne*

*Question accordingly negatived.*

**Mr Speaker:** I will not call amendment No 96 as it is consequential to amendment No 95, which has not been made. *Amendment No 97 proposed:* In schedule 3, page 75, line 33, at end insert -

"(3) This paragraph does not apply in relation to a position of responsibility specified at section 10(1)(e) (member of a cabinet-style executive of the council) or section 10(1)(f) (external representative of the council)."— [Mr Weir.]

Question put, That amendment No 97 be made.

The Assembly divided:

Ayes 70; Noes 22.

## AYES

Mr Anderson, Mr Bell, Mr Boylan, Ms Boyle, Ms P Bradley, Mr Brady, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Copeland, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Ms Fearon, Mr Flanagan, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr G Kelly, Mr Kennedy, Mr Kinahan, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr I McCrea, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr D McIlveen, Miss M McIlveen, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Ms Ruane, Mr Sheehan, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Anderson and Mr G Robinson

## NOES

Mr Allister, Mr Attwood, Mr D Bradley, Mr Byrne, Mrs Cochrane, Mr Dickson, Mr Durkan, Mr Eastwood, Dr Farry, Mr Ford, Mrs D Kelly, Ms Lo, Mr Lyttle, Mr McCallister, Mr B McCrea, Dr McDonnell, Mr McGlone, Mrs McKeivitt, Mr McKinney, Mr A Maginness, Mr P Ramsey, Mr Rogers.

Tellers for the Noes: Mr A Maginness and Mr McKinney

Question accordingly agreed to.

**Mr Speaker:** I will not call amendment Nos 98 or 99, as they are consequential to amendment No 95, which has not been made. Amendment No 100 made: In page 79, line 12, at end insert -

"(6A) In this Schedule 'term', in relation to a member of a cabinet-style executive of the council, means the period beginning with the date of the meeting at which the nomination is made and ending when the members of the council retire by virtue of section 11(2)(c) of the 1962 Act."— [Mr Weir.]

Schedule 3, as amended, agreed to.

## Schedule 4 (Appointment of councillors to committees, etc.)

Amendment No 101 made: In page 80, line 28, at end insert—

"4A. Regulations shall provide for the application of paragraphs 2 to 4 in circumstances where a council decides to appoint more than one Committee."— [Ms Lo (The Chairperson of the Committee for the Environment).]

Schedule 4, as amended, agreed to.

Schedules 5 to 8 agreed to.

## Schedule 9 (Minor and consequential amendments relating to local government audit)

Amendment No 102 made: In page 89, leave out line 20.— [Mr Durkan (The Minister of the Environment).]

Schedule 9, as amended, agreed to.

## Schedule 10 (Transfer schemes)

Amendment No 103 made: In page 91, line 19, leave out "Northern Ireland department concerned" and insert "transferee".— [Mr Durkan (The Minister of the Environment).]

Schedule 10, as amended, agreed to.

## Schedule 11 (Minor and consequential amendments: general)

**Mr Speaker:** Amendment No 104 has already been debated and is consequential to amendment No 5 and the Minister's opposition to clause 8. Amendment No 104 made: In page 92, line 25, at end insert -

"Local Government Act (Northern Ireland) 1972 (c.9)

[A1]. In section 9 (vacation of office on account of non-attendance)

(a) in subsection (1), for 'and (3)' substitute 'to (4)';

(b) after subsection (3) add

'(4) Any period during which a councillor is suspended or partially suspended under Part 9 of the Local Government Act (Northern Ireland) 2014 is to be disregarded for the purpose of calculating the period of six months under subsection (1) (and accordingly—

(a) a period during which a councillor fails to attend meetings of the council that falls immediately before, and

(b) a period during which a councillor fails to attend meetings of the council that falls immediately after,

a period of suspension or partial suspension are to be treated as consecutive).'

[A2]. In section 42 (councillors not to be appointed officers)

(a) after 'paid office' insert 'office which is prescribed under section 4(1)(a)';

(b) omit subsection (2).

[A3]. In section 143 (orders and regulations), for '115(2A)' substitute '4(1)(a) or 115(2A)'.]

[A4]. In Part 1 of Schedule 1 (declaration of councillor on acceptance of office), for 'be guided by the Northern Ireland code of local government conduct' substitute 'observe the Northern Ireland Local Government Code of Conduct for Councillors (as revised from time to time)'.— [Mr Durkan (The Minister of the Environment).]

Amendment No 105 made: In page 92, leave out lines 26 to 34.— [Mr Durkan (The Minister of the Environment).]

Amendment No 106 made: In page 93, line 8, at end insert -

"Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010 (c.7)

3A. In section 17 (power to modify legislation), in subsection (2) in the definition of 'local

government legislation', after paragraph (cc) insert

'(cd) the Local Government Act (Northern Ireland) 2014;'.— [Mr Durkan (The Minister of the Environment).]

Schedule 11, as amended, agreed to.

### **Schedule 12 (Repeals)**

Amendment No 107 made: In page 93, line 16, in the second column leave out "Sections 3" and insert -

"In section 4(1)(b)(i) and (ii), the words 'or interim order'.

Section 7A.

Sections 11".— [Mr Durkan (The Minister of the Environment).]

Amendment No 108 made: In page 93, line 18, in the second column at end insert -

"Section 42(2)".— [Mr Durkan (The Minister of the Environment).]

Amendment No 109 made: In page 93, line 19, in the second column at end insert -

"In section 104(1), the words 'any other council or', and in both places where they occur the words 'the other council or, as the case may be,'.— [Mr Durkan (The Minister of the Environment).]

Amendment No 110 made: In page 93, line 26, in the second column leave out "Articles 29" and insert

"Article 29(1).

Articles 31".— [Mr Durkan (The Minister of the Environment).]

Amendment No 111 made: In page 93, leave out lines 30 to 33.— [Mr Durkan (The Minister of the Environment).]

Amendment No 112 made: In page 93, line 33, at end insert -

"The Local Government (Best Value) The whole Act."

*Act (Northern Ireland) 2002 (c.4)— [Mr Durkan (The Minister of the Environment).]*

*Amendment No 113 made: In page 93, line 33, at end insert -*

*"The Local Government (Northern Ireland)*

*Order 2005 (N.I. 18)*

*In Article 5(1), (2), (4), (5), (6) and (8), the word 'chief',*

*In Article 25(1), the word 'chief'.*

*In Article 26, in paragraph (2) the words "Department or the chief" in the second place where they occur and in paragraph (3) the word 'concerned'.*

*Article 28(2) and (3)."— [Mr Durkan (The Minister of the Environment).]*

*Amendment No 114 made: In page 94, line 9, at end insert -"In section 13(3), the words 'of a statutory transition committee'."— [Mr Durkan (The Minister of the Environment).]*

*Amendment No 115 made: In page 94, line 13, in the second column at the beginning insert -*

*"Sections 37 and 38.*

*In section 39, the words 'Subject to section 40,'.*

*Section 40."— [Mr Durkan (The Minister of the Environment).]*

*Schedule 12, as amended, agreed to.*

*Long title agreed to.*

**Mr Speaker:** That concludes the Consideration Stage of the Local Government Bill. The Bill stands referred to the Speaker.

*Adjourned at 10.53 pm.*

## WRITTEN MINISTERIAL STATEMENT

*The content of this ministerial statement is as received at the time from the Minister. It has not been subject to the Official Report (Hansard) process.*

### Environment

#### LOCAL GOVERNMENT REFORM: COUNCILLORS' REMUNERATION AND FINAL SCHEME OF ALLOWANCES

*Published at 1.00 pm on Wednesday 19 March 2014.*

**Mr Durkan (The Minister of the Environment):** On the 1st May 2013, a Councillors' Remuneration Panel for Northern Ireland, comprising a chairperson and four members, was set up to consider allowances for councillors, from June 2014 - March 2015 (Shadow Period) and from 1st April 2015 and beyond (New Councils).

The Panel was asked to consider and make recommendations on:

- The system and level of allowances which would be available to councillors from 1 April 2015 taking into consideration the role and responsibilities of councillors post-reform, the proposed new governance arrangements (particularly in relation to SRA) and schemes of remuneration for councillors in other jurisdictions in Britain and Ireland;
- The system of remuneration /allowances which would apply for a council chairperson and vice-chairperson; and
- The allowances which would be payable to councillors during the shadow period.

The Panel submitted its report to me on the 1st November 2013, making ten recommendations on:

- (a) Basic Allowance ;
- (b) Special Responsibility Allowance for committee chairs or Cabinet members;
- (c) Productivity Allowance for Chair or Mayor;

- (d) Vice-chairs;
- (e) Indexing;
- (f) Remuneration for the shadow period in 2014;
- (g) Travel and Subsistence Allowances for "approved duties";
- (h) Caring or Dependant Carers' Allowance;
- (i) Office Support Allowance;
- (j) Training and Development (attendance) Allowance.

The Panel's Report is attached at Annex A.

#### Departmental Response to Recommendations

I considered the recommendations made by the panel in conjunction with the views of the Political Reference Group for the Local Government Reform Programme and also representations made to me by the groups including the National Association of Councillors and a summary of the views put forward by those who attended one of the five targeted stakeholder events held by my Department. My response to the recommendations of the panel is attached at Annex B and a copy of circular setting out the resulting scheme of allowances is attached at Annex C.

#### Financial Implications

The allowances set are a maximum limit. From April 2015 onwards, all payments will be made by councils out of council funds. If all councils pay the maximum permitted and use all of their Special Responsibility Allowance, the overall cost would be £7,328,400 per annum, excluding travel and subsistence. This compares to £5,936,718 in 2012/13 (Figures for 2013/14 are not yet available). During the shadow period, the cost of allowances for those elected to the new councils will be partly met by the Executive who have agreed to provide £5.2 million for councils in shadow mode. Of this allocation the maximum amount made available for councillors' allowances is £4.5 million and for travel and subsistence and other expense is £700,000.

#### Arrangements for Review

The value of the basic allowance and SRAs will be updated in line with pay for council officers. However, as the Executive has made a commitment to review the transferring functions in 2016, I will review the basic allowance if and when further functions are transferred.

Copies of the annexes to the statement have been laid in the Assembly Library.





Published by Authority of the Northern Ireland Assembly,  
Belfast: The Stationery Office

and available from:

Online  
[www.tsoshop.co.uk](http://www.tsoshop.co.uk)

**Mail, Telephone, Fax & E-mail**

TSO  
PO Box 29, Norwich, NR3 1GN  
Telephone orders/General enquiries: 0870 600 5522  
Fax orders: 0870 600 5533  
E-mail: [customer.services@tso.co.uk](mailto:customer.services@tso.co.uk)  
Textphone 0870 240 3701

**TSO@Blackwell and other Accredited Agents**

ISSN 1463-7162

Daily Editions: Single copies £5, Annual subscriptions £325  
Bound Volumes of Debates are issued periodically during the session: Single copies: £90

Printed in Northern Ireland by The Stationery Office Limited  
© Copyright Northern Ireland Assembly Commission 2014

