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Submitted to Display of Flags and Emblems - Call for Evidence
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Clause 1: Removal of flags or emblems in the public interest

6 Do you agree with Clause 1 of the Bill?

7 Please provide information to support your answer here

Accessible:

I live at the Finaghy Road and Lisburn Road crossroads. I came home after twenty years in England. I belong to no party and no side.

Every summer the flags go up on the lampposts outside my house. This year they are bigger, and they arrive on powered lift platforms. Think about that: a machine and a crew brought down a public road to hang something no one asked for and no one can take down. That is not a neighbour celebrating. It is a claim being staked.

And almost none of us want them. Not the neighbours who walk under them, and not most of the people they are meant to speak for. We each assume the next person does, and that silence is the only thing keeping them up there.

The evidence agrees. Queen's University's research, which the Executive itself relies on, found these displays have no real community support and leave a lasting sense of threat. More than half of people believe they are put up by paramilitaries, and say they avoid the shops on those roads because of them. They are not celebration. They are a way of fencing off the road, left to rot until they tear, a third still hanging in late September.

There is a price on all of this, and we pay it. The government has twice had the cost of our divisions counted. Its own report, by Ulster University for the Department of Finance, found division adds up to £833 million a year to public spending. An earlier study put the ceiling at £1.5 billion. Much of that, the researchers found, is money we lose because Northern Ireland looks like a place with a problem.

And that is exactly what a flag on a lamppost does. A European or American company sends someone to test the waters before they invest. They drive in from the airport, reach a crossroads like mine, see the flags, and think: still trouble here, we will put our money somewhere calmer. The people who study this say the single biggest thing that scares off investors is the appearance of instability, and that what the outside world sees of us is what decides them. The flags are the first thing they see. Every one is a small sign that reads closed.

The 2005 protocol was judged a failure. The 2021 commission agreed. Last year the police admitted flags outside a primary school took months to come down. Everyone could point at someone else. No one had to act.

That is the whole problem, and this Bill is the chance to fix it: give one body a clear duty to take them down, and make the people who put them up carry the cost instead of the rest of us. A flag flown by consent and taken down again honours something. A flag bolted to a lamppost by a machine and left to rot over a crossroads honours nothing. It only marks ownership of ground that was never anyone's to own.

Most of us here already know that. We have just been waiting for the law to say it for us.

Clause 2: Sensitive places

8 Do you agree with Clause 2 of the Bill?

Yes

9 Please provide information to support your answer here

Accessible:

Clause 2 is the heart of it, and it is right. It names the places where a flag does the most harm: schools, health centres, libraries, leisure centres, shopping centres, parks, and the arterial roads like mine. I can give evidence on that list from my own crossroads, because I live on it.

The flags are not hung on quiet back lanes. They go up here, on the Finaghy Road and Lisburn Road junction, one of the busiest routes in south Belfast, at the exact point everyone must pass to reach the shops, the surgery and the school. That siting is deliberate. A flag on an empty lane is seen by no one; a flag at this junction is seen by every person, on foot or in a car, who has no other way through. The Bill is right to name arterial roads and the approaches to public services, because that is precisely where the flags are put, and for precisely that reason.

I can also give evidence on scale and duration. This year the flags at the junction are visibly larger than in previous years, and they are installed at height from powered lift platforms, which means organised equipment and a crew, not a resident with a ladder. They go up early in the summer and are still there, faded and fraying, well into the autumn, long after any event they might claim to mark has passed. Every child walking to the nearby school passes beneath them, twice a day, for months.

That is the harm Clause 2 exists to stop, and it is not abstract to me. It is the road I live on, the junction I cross daily, and the flags I can see from my own window as I write this. From that vantage point, the places the Bill protects are the right places, and the line it draws is the right line.

Clause 3: Procedure for / notification of, or giving views on, flags or emblems

10 Do you agree with Clause 3 of the Bill?

No

11 Please provide information to support your answer here

Accessible:

Clause 3 is where I want to be careful, because it is half right and half a mistake, and I say that as someone who wants this Bill to work.

The half that is right is the part that lets people register their views. Everything I have said above rests on one fact: almost none of us want the flags, but we stay silent because we each assume the next person does, and because saying so to the wrong face on your own road is not a small thing. A quiet online channel, where a resident can record an objection without standing at a lamppost arguing with the men on the lift platform, is exactly what that silence needs. It would, for the first time, let the majority be counted. Used that way, the portal is not paperwork. It is the thing that finally lets ordinary people speak.

But the other half worries me, and the evidence is on my side. Voluntary notification by the people erecting the flags will achieve nothing, because the whole character of these displays is that they are put up without asking anyone. People who bring a crew and a lift platform to claim a public junction are not going to log on and fill in a form first. Every review has already found this: the 2005 protocol failed and the 2021 commission failed precisely because they relied on goodwill and negotiation with people who had no intention of cooperating. A voluntary portal risks repeating that same mistake in a newer, tidier form.

So my evidence on Clause 3 is simple. Keep the part that lets residents give their views, because that is where the silent majority finally gets a voice. But do not let the Department treat a display as acceptable merely because no one objected through a website, and do not let "gathering views" become another reason to do nothing while the flags hang over the school for another summer. The portal should be a way for people to be heard. It must never become one more place for the decision to get lost.

Clause 4: Code of Practice

12 Do you agree with Clause 4 of the Bill?

No

13 Please provide information to support your answer here

Accessible:

Clause 4 is sensible in what it asks for and too slow in when it delivers. I understand the need for a proper Code of Practice, and I understand consulting the Human Rights Commission, the Equality Commission and the police so that it is done lawfully and fairly. I have no quarrel with any of that. My concern is the clock.

As I read it, the Bill gives six months before this part comes into operation, and then twelve months to issue the Code, which is eighteen months from the day the Bill becomes law. I want the Committee to picture what eighteen months means from where I live. It means two more summers. Two more Julys of the lift platforms and the oversized flags at my junction, two more sets of children walking to school beneath them, before a single word of the Code takes effect. The people who hang the flags will not pause for eighteen months out of courtesy. They will simply use the time.

And I say this with the record behind me, because delay is the exact disease this Bill is meant to cure. Every previous attempt failed not for want of good words but because nothing happened quickly enough: the 2005 protocol drifted, the 2021 commission's findings sat, and only last year the police admitted flags at a primary school took months to remove. A Bill written to end that pattern should not open with eighteen months of the pattern continuing.

So my evidence on Clause 4 is this. Keep the duty to produce a proper, consulted Code. But tighten the timetable, or give the Department clear powers to act against the worst displays, the ones at schools and on arterial roads, in the interim, so that the first eighteen months are not simply surrendered. A law against delay should not begin with a delay.

Clause 5: Offence of obstructing the Department in removal of flag or emblem

14 Do you agree with Clause 5 of the Bill?

No

15 Please provide information to support your answer here

Accessible:

Clause 5 is where the Bill loses its nerve, and I say that as someone who wants it to succeed. Everything before this point is sound: name the sensitive places, give one body a clear duty, let residents be heard. And then the penalty for obstructing removal is a fine not exceeding level 3 on the standard

scale, a maximum of one thousand pounds.

Set that beside what the Bill is actually dealing with. The people obstructing removal are not casual offenders. They are the ones who organise a crew and a powered lift platform to claim a public junction, and who have kept every previous scheme toothless for twenty years. A thousand-pound ceiling is not a deterrent to an organised operation. It is a licence fee. Worse, it can be paid by someone else, quietly, and treated as the cost of doing business, which turns the penalty into exactly the thing it was meant to prevent: proof of who controls the road.

The evidence in this submission shows how out of scale that is. I have set out that division costs the public purse up to £833 million a year, and that the flags at crossroads like mine are part of what tells an outside investor to take their money elsewhere. Against harm counted in hundreds of millions, a maximum fine of one thousand pounds is not proportionate. It asks the wrongdoer for pocket change while the rest of us carry the real bill.

So my evidence on Clause 5 is this. A fine alone, capped this low, will be absorbed and ignored, and the Bill will join the 2005 protocol and the 2021 commission on the list of good intentions that changed nothing. If the penalty is to mean anything, it must at least rise sharply for organised or repeat obstruction, and it must let the Department recover the full cost of removal from those responsible, so that the people who put the flags up carry the cost instead of the people who live beneath them. Make the obstruction more expensive than the flag, and the obstruction stops.

Clause 6: Request for assistance from police

16 Do you agree with Clause 6 of the Bill?

Yes

17 Please provide information to support your answer here

Accessible:

Clause 6 is honest, and I am glad it is in the Bill, because it names the thing the whole debate usually tiptoes around. It lets the Department call on the police where taking a flag down might provoke a breach of the peace, or where the person sent to remove it could be obstructed. Read plainly, that is an admission that these displays are held in place not by consent but by the threat of what happens to anyone who touches them. That is the reality on my road, and it is right that the law finally says so out loud.

The need for it is already in the record. The reason flags at a primary school took months to come down last year was not that no one had a duty on paper. It was that removal on the ground is met with obstruction and risk, which is exactly why every previous voluntary scheme stalled. A contractor with a ladder will not, and should not, face down a crowd alone. Without Clause 6, the duty in the earlier clauses would be a duty no one could safely carry out, and the flags would stay up by default. So this clause is what stops the Bill being purely theoretical.

My evidence, and my caution, is this. Clause 6 must be a support the Department can rely on, not a permission it can hide behind. The danger is that "we were waiting on police assistance" becomes the new version of the old excuse, another reason the flag hangs over the school for another month while agencies exchange emails. The point of this Bill is to end that pattern, not give it a fresh form of words. Keep the power to call on the police, but pair it with the clear timescales I have already argued for, so that asking for assistance speeds removal up and can never be used to slow it down.

Clause 7: Interpretation

18 Do you agree with Clause 7 of the Bill?

Unsure

19 Please provide information to support your answer here

Accessible:

Clause 7 is the definitions, and I will not pretend to have strong feelings about a glossary. But I have learned, watching this issue for years, that the argument is often won or lost in the small print of what words mean. Everything I have said above depends on it.

So my evidence here is a plea for precision on the words that will decide real cases. "Sensitive place" must be drawn widely enough to catch the approach to a school or a busy junction like mine, not just the building itself, because the harm happens on the road, not at the front door. "Display" should cover the flag left to rot for months, not only the act of putting it up, since duration is where celebration turns into a claim on the ground. And whatever term is used for the public interest test must be capable of weighing the things this submission has set out: intimidation, the cost to the public purse, the effect on investment and on the value of the homes beneath the flags. Get these definitions tight and the earlier clauses will work. Leave them loose and every one of them can be argued around, which is precisely how the last twenty years were lost.

Clause 8: Commencement

20 Do you agree with Clause 8 of the Bill?

No

21 Please provide information to support your answer here

Accessible:

Clause 8 is the timetable, and it confirms the worry I set out under Clause 4. The core of the Bill, the duty itself and the enforcement in Clauses 1, 5 and 6, does not come into operation until 1 January 2028. From where the Bill stands today, that is a long wait, and I want the Committee to translate it into what it means on the ground. It means the summers between now and then pass untouched. More Julys of the lift platforms and the oversized flags at my junction, more children walking to school beneath them, before the part of the Bill with any teeth takes effect at all. The people who hang the flags will not observe a commencement date. They will simply use the runway the Bill hands them.

There is also a sequencing problem I would ask the Committee to look at closely. As I read Clause 8, the removal duty and the penalties start on a fixed date, while the guidance that is supposed to govern how they are used, the Code of Practice under Clause 4 and the views portal under Clause 3, arrives on a different clock tied to Royal Assent. A Bill whose enforcement and whose rulebook switch on at different times risks a gap in either direction: powers without guidance, or guidance without powers. Neither is what anyone wants, and both are the kind of muddle that has stalled every previous attempt.

So my evidence on Clause 8 is the same as the record's. Delay is not a neutral detail in this issue; it is the whole history of the failure. The 2005 protocol and the 2021 commission did not fail because their aims were wrong. They fell because nothing happened in time. A Bill written to break that pattern should commence as early as is practicable, with its powers and its Code aligned to start together, so that it does not open its life by repeating the very delay it exists to end.

Clause 9: Short title

22 Do you agree with Clause 9 of the Bill?

Yes

23 Please provide information to support your answer here

Accessible:

Clause 9 is the short title, and there is nothing in it for me to contest. But since it is the last clause, let me use it to step back from the detail.

Read as a whole, this is a good Bill, and a necessary one. It names the right places, gives one body a clear duty, lets ordinary people finally be heard, and admits honestly that removal has to be backed against obstruction. My evidence has not been aimed at any of that. It has been aimed at the three things that could still let it fail: penalties too small to deter an organised operation, definitions too loose to survive argument, and a timetable so slow that two or three more summers pass before anything changes. Fix those, and the name on Clause 9 will stand for something. Leave them, and it will join the protocol of 2005 and the commission of 2021 as one more good title over a law that changed nothing.

I have lived on both sides of this. Twenty years in England, where a flag bolted to a public lamppost by a crew on a lift platform would be gone by the afternoon, and now back home at a crossroads where it hangs untouched from summer into autumn. The difference is not culture. It is whether the public realm belongs to everyone by right, or to whoever brings the ladder. This Bill can settle that. I am asking the Committee to make sure it actually does.