

**Proposed Revisions to the Council's Policy on the  
Flying of the Union Flag**

**Draft**

**Equality Impact Assessment  
Final Decision Report**



**Ards and  
North Down  
Borough Council**

December 2022

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## Preface

Under the statutory duties contained within Section 75 of the Northern Ireland Act 1998, Ards and North Down Borough Council gave an undertaking to carry out an equality impact assessment (EQIA) on each policy or group of co-joined policies where screening had indicated that there may be significant implications in relation to one or more of the nine Section 75 categories.

This Final Decision Report represents the concluding stage of the EQIA relating to the **Proposed Revisions to the Council's Policy on the Flying of the Union Flag**, and is presented to Council in order to help inform its decision-making.

This EQIA Final Decision report is available on our website at:

[www.ardsandnorthdown.gov.uk/eqia](http://www.ardsandnorthdown.gov.uk/eqia)

This EQIA has been undertaken in accordance with the ECNI Guidance:

<http://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/PracticalGuidanceonEQIA2005.pdf>

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

Head of Administration

Town Hall, The Castle,

Bangor

BT20 4BT

Tel: 0300 013 3333

07718 159 275 sms text only

E-mail: [alison.curtis@ardsandnorthdown.gov.uk](mailto:alison.curtis@ardsandnorthdown.gov.uk)

[www.ardsandnorthdown.gov.uk](http://www.ardsandnorthdown.gov.uk)

# Introduction

## Background

Further to the creation of Ards and North Down Borough Council on 1 April 2015, the new Council continued to operate the existing Flags Policies of the two legacy councils (Ards BC and North Down BC), until July 2021, when an updated policy was introduced. The updated policy is shown below (with change to the previous policy highlighted in bold).

### ***Amended Ards and North Down Borough Council Flags Policy (July, 2021)***

- I. The Union Flag be flown permanently (365/6 days) at seven designated sites i.e. Castle Park, Bangor; Conway Square, Newtownards (beside Blair Mayne Memorial); Ballygowan (adjacent to the War Memorial); The Square, Comber (adjacent to the War Memorial); The Maypole, Holywood; The Moat, Donaghadee; and Queen's Hall, Holywood.
- II. The Union Flag be flown only on designated days (currently 15) at Church Street, Newtownards.
- III. The Union Flag be flown at war memorials for the period of remembrance (around 11 November) or for the Remembrance Service in line with existing local custom and practice but for a period which must not exceed two weeks. **In addition to the period of Remembrance, flags at war memorials will be flown at half-mast following the death of the reigning Monarch.**
- IV. Flags commemorating specific days or events (to include Commonwealth Flag, Armed Forces Day Flag or Red Ensign) be flown at Castle Park, Bangor and Conway Square, Newtownards. Additional flags may also be considered that have a national significance at one or both sites. (Council approval will be required for these on a case-by-case basis).
- V. Each flag be maintained and serviced at regular intervals by Council staff and will only be flown at half-mast following the death of a member of the Royal Family, a serving or former Prime Minister of the United Kingdom, a serving or former First or Deputy First Minister, or at a time of designated national disaster.

At a meeting of Council on 30 March 2022 it was resolved that, subject to the completion of an equality impact assessment (EQIA), it was proposed that Council would amend its flag policy to include the flying of the Union Flag at every war memorial all year round, and also Church Street Newtownards Council building.

It was against this backdrop that the current EQIA was undertaken, with the intent of consulting widely on the proposed revisions to the policy prior to the Council reaching a final decision.

It was intended that the consultation process would provide an opportunity to consider various options regarding proposed revisions to the policy, including the option of not changing the policy.

The EQIA consultation commenced on June 9<sup>th</sup> 2022 and concluded on November 1<sup>st</sup> 2022. (The normal period of consultation was extended beyond 12 weeks to accommodate public holidays and the need to accommodate additional public meetings as requested by a number of respondents to the two surveys.)

With regard to the war memorials affected by the policy, while legacy Ards War Memorials are included in the Asset Register, legacy North Down ones are not and so this list may not be complete but affected war memorials within the Borough are likely to include at least the following (n = 14):

- Donaghadee War Memorial
- Comber, Gillespie's Monument
- Ballywalter War Memorial
- Newtownards Castle Street War Memorial
- Greyabbey War Memorial
- Ballyhalbert War Memorial
- Portavogie War Memorial (x2)
- Bangor Ward Park War Memorial
- Holywood War Memorial
- Groomsport War Memorial
- Ballygowan War Memorial
- Millisle War Memorial
- Groomsport War Memorial

## **Relevant Legislation and Agreements**

### **(a) *Belfast/Good Friday Agreement***

In the Belfast/Good Friday Agreement, the participants endorsed the commitment:

‘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.’

Also, in relation to national identity, Article 1 (xi) of the Agreement provides that the two Governments,

‘recognise the birthright of all the people of Northern Ireland to identify themselves and be accepted as Irish or British, or both as they may so choose, and accordingly confirm that their right to hold both British and Irish Citizenship is accepted by both Governments and would not be affected by any future change in the status of Northern Ireland.’

**(b) *Flags (Northern Ireland) Order 2000***

The 2000 Order gives the Secretary of State the power to make regulations regulating the flying of flags at government buildings and court-houses. In exercising these powers, the 2000 Order requires that the Secretary of State shall, among other things, have regard to the Belfast Agreement.

**(c) *Flags Regulations (NI) 2000 (as amended)***

The 2000 Regulations govern the flying of the Union flag on government buildings. Under the 2000 Regulations, the Union Flag must be displayed at specified government buildings on 15 specified days per year (see Appendix 1), and on other specified occasions, e.g. on the occasion of a visit by the Queen (in certain circumstances) or other Head of State. Except as provided by the 2000 Regulations, it is not permissible to fly the Union Flag on any government building except on these specified days.

While the Flags (NI) Order sets out the position on the flying of the Union Flag on government buildings, it does not specifically apply to District Councils. The Order was the subject of a Judicial Review in response to an application from Mr Connor Murphy MLA (Sinn Féin), and the Judge in his decision in October 2001, stated,

‘The Regulations are consistent both with the principles of the Belfast Agreement and with the wishes of the vast majority of the people of Northern Ireland from both traditions, who wish to see flag flying handled in a sensitive, respectful and, above all, non-provocative way...the Regulations follow the principle that it is the inappropriate or excessive use of symbols, including flags, which should be eliminated, not their constitutional significance. The Regulations achieve a balance based on respect for diversity and tolerance of difference, in full accord with principles and spirit of the Belfast Agreement.... The decision to fly the Union Flag on the days designated by the Secretary of State seems to me to exemplify a proper regard for partnership, equality and mutual respect.’

**(d) *Fair Employment and Treatment (NI) Order 1998 (including ECNI Advice on flying the Union Flag in Councils)***

In January 2013 the Equality Commission for Northern Ireland issued advice to Councils in relation to the flying of the Union Flag. The Equality Commission’s remit in this area stems from their duties under the Fair Employment and Treatment (Northern Ireland) Order 1998 (‘FETO’) to promote equality of opportunity, affirmative action and to work for the elimination of religious/political discrimination<sup>1</sup>, and their duty to offer advice to public authorities in relation to Section 75 of the 1998 Act<sup>2</sup>.

The advice included the following:

‘[FETO] does not make any express reference to flags but makes discrimination on the grounds of religious belief and political opinion

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<sup>1</sup> Article 7, FETO.

<sup>2</sup> Paragraph 1(b), Schedule 9, Northern Ireland Act 1998.

unlawful, both in the workplace and in the provision of goods, facilities and services. Also, in the workplace, it bans 'harassment' on these grounds<sup>3</sup>. In addition to the issue of discrimination and harassment, employers also have legal obligations which require them to promote fair participation in employment and associated responsibilities to promote a good and harmonious workplace.'

In the field of employment, the Fair Employment Code of Practice provides general guidance for employers on these matters. The Code has been cited with approval by the Fair Employment Tribunal when upholding complaints against employers in numerous discrimination cases. A small number of these concerned the display of flags and emblems<sup>4</sup>.

The relatively new statutory definition of harassment under FETO, first enacted in 2003, has not yet been explicitly considered by the Tribunal in any case dealing specifically with flags and emblems issues. However, the case law that preceded 2003 can, with a reasonable degree of confidence, be used to predict how the Tribunal would approach these questions if raised today. It is noted that the Tribunal has not considered a complaint relating solely to the official display of a Union Flag at a Council's premises.

In relation to fair employment obligations relating to the provision of goods, facilities and services, it is also not clear to what extent FETO impinges on the issue, as there has been no case law to date in respect of these provisions regarding the display of flags and emblems. Furthermore, the coverage of the statutory provisions differs from those which apply to employment-related matters<sup>5</sup>.

#### **(e) ECNI Guidance on Promoting a Good and Harmonious Working Environment**

In October 2009, the Equality Commission issued guidance on promoting a good and harmonious working environment. This guidance states that:

'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....This of course does not mean that working environments must always be devoid of anything that happens to be more closely associated with one or other of the two main communities in Northern Ireland....In

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<sup>3</sup> The definition is: Harassment occurs where, on the ground or religious belief or political opinion, an employee is subjected to unwanted conduct that has the purpose or effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him or her.

<sup>4</sup> For example, the cases of Brennan-v-Short Brothers Plc [1995] and Johnston-v-Belfast City Council [2000] case ref 00241/97FET.

<sup>5</sup> In the context of the relationship between a service provider and service users there is no corresponding definition of harassment or express ban on 'harassment' like that which applies in the case of the employer/employee relationship. Instead, aggrieved service users must allege that, on the ground of religious belief or political opinion, they have been subjected to less favourable treatment compared to others in relation to the quality or manner or terms on which they received a service.

other words an ‘harmonious’ working environment does not necessarily mean a ‘neutral’ one.’<sup>6</sup>

The guidance includes the following advice on the issue of workplace emblems:

‘The Commission recommends that where an employer is seeking to provide or maintain fair participation, or to ensure that all services and facilities are widely utilised by all sections of the community, there is sensitivity concerning displays wholly or mainly associated with one section of the community.’

The document goes on to provide guidance specifically on the flying of the Union flag:

‘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. 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. On the other hand, the Union flag is often used to mark sectional community allegiance. There is a world of difference between these two approaches. Thus, for example, while it is acceptable and appropriate, in the Commission’s view, for a local Council to fly the Union flag at its Civic Headquarters, the rationale for its display at every Council location, facility and leisure centre would be questionable.’

**(f) ECNI Advice on Flying the Union Flag in Councils**

Building on this advice, in 2013, the ECNI produced specific guidance on the flying of the Union flag in councils. This reiterated the statement from the earlier (see f. above) but also went on to state:

‘In developing or reviewing a policy on the flying of the Union Flag a Council should consider the policy aims and intended rationale for the policy. This is a matter for a Council to decide for itself. However the policy aims and objectives must be legitimate. The Commission accepts that there will be a range of legitimate policy options for flying the Union Flag which may be adopted. As noted above, the Commission considers that flying the Union Flag with the aim of acknowledging the constitutional position of Northern Ireland would be a legitimate aim. It also considers it legitimate to fly the Union Flag as a mark of commemoration, in a manner which symbolises the dignity and respect for those it is remembering.’

‘It is for a Council reviewing or developing its policy to establish the aims and objectives for the policies it wishes to develop. The final Council policy should reflect the Council’s legitimate policy aims and not cause unlawful discrimination or harassment, unintentionally or indirectly through its likely effects or impacts. In reaching that outcome the Council should also have

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<sup>6</sup> ‘Promoting a Good and Harmonious Working Environment, A Guide for Employers and Employees’, Equality Commission for Northern Ireland, October 2009

complied with its Section 75 duties, that is to pay due regard to the need to promote equality of opportunity and regard to the desirability of promoting good relations.'

**(g) ECNI Advice on Good Relations in Local Councils**

In September 2015, the Equality Commission published further advice to councils on 'how the Section 75 good relations duty applies to relevant areas of their business, as well as how it can inform councils' wider good relations policy development'. This guidance reiterates the Commission's view that,

'if a decision is made to initiate or continue with a policy that damages good relations or which is likely to frustrate the promotion of good relations, then it may raise a doubt that the decision-maker properly paid regard to the desirability of promoting good relations.'

The Commission goes on to state that,

'If such a decision is challenged by way of a complaint to the Equality Commission or otherwise, the decision-makers will have to provide convincing evidence that they considered the desirability of promoting good relations "in substance, with rigour and an open mind" and not as a mere "tick box" exercise.'

**Other Relevant Guidance, Strategies and Policies**

**(a) Department for Digital, Culture, Media and Sport**

The flying of flags is not the subject of statute law in England, Wales or Scotland but the Department for Culture, Media and Sport (DCMS) has responsibility for issuing guidance on the days designated for flying of the Union flag.

On 21 May 2021 DCMS changed its guidance advising that the Union flag be flown on UK government buildings from 20 designated days (see Appendix 3) to 365 days a year. It further states that, 'This guidance is aimed at UK government buildings. However, we would encourage local authorities and other local organisations to follow suit where they wish to fly flags.' However, 'In Northern Ireland, designated flag flying for Northern Ireland government buildings is governed by legislation rather than this guidance' (emphasis as published).

Therefore, it is not anticipated that this guidance should extend to Northern Ireland.

**(b) Commission on Flags, Identity, Culture and Tradition**

The Commission on Flags, Identity, Culture and Tradition published its final report in December 2021 but found 'no meeting point' between the:

'two diametrically opposed political and public positions relating to the official flying of flags on public buildings – that either the Union Flag only, should fly on public buildings, or; that the Union Flag and the Irish National

Flag should both fly on public buildings together, or there should be no flags flown at all.’

In relation to council buildings, it stated:

‘The flying of flags by local government is left to the discretion of each local authority. In developing or reviewing a policy on the flying of the Union Flag a Council is required to consider the policy aims, objectives, rationale and must not cause unlawful discrimination or harassment, unintentionally or indirectly through the effects or impacts of the policy. While the policy aims and objectives must be legitimate, ultimately the policy is a matter for each Council to decide for itself. In reaching an outcome on any review of its policy, a Council must comply with its Section 75 duties, namely to ‘have due regard to the need to promote equality of opportunity and have regard to the desirability of promoting good relations’.’

**(c) Northern Ireland Assembly Commission Review of the Policy on the Flying of the Union flag at Parliament Buildings**

In 2014 the Northern Ireland Assembly Commission completed an EQIA on their policy on the flying of the Union flag at Parliament Buildings (Stormont). There are no statutory obligations in relation to the flying of the Union flag at Parliament Buildings; previously it had adhered to the designated days as set down in the Flags Regulations schedule.

During the consultation on the review, the Commission found that, ‘people from the Nationalist community might experience a ‘chill factor’ in their dealings with the Commission as a result of the flying of the Union flag’:

Comments were made regarding the current impact of the flying of the Union flag on designated days; it was suggested that there is a chill factor for those of a Nationalist or Republican community which makes the building less welcoming on such days, and it was reported that visitors had regularly commented likewise. Some consultees said that, on designated days, issues of identity were raised in consciousness and there was greater sensitivity to such matters [...] A number of interviewees felt that the flying of the Union flag was not in keeping with the spirit of the Good Friday / Belfast Agreement, and was not likely to encourage mutual respect, nor did it help present the building as a shared space for all communities.

The final decision of the Commission on the matter was to adopt the recommendations in the EQIA report that the existing policy on the flying of the Union flag at Parliament Buildings on designated days should continue but that the designated days observed be based on 18 days as designated by the Department of Culture, Media and Sport.<sup>7</sup>

**(d) Northern Ireland Human Rights Commission**

The Northern Ireland Human Rights Commission’s 2013 report, *The Display of Flags, Symbols and Emblems in Northern Ireland*<sup>8</sup>, notes that:

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<sup>7</sup> Review of the Policy on the Flying of the Union flag at Parliament Buildings (niassembly.gov.uk)

<sup>8</sup> <https://nihrc.org/publication/detail/the-display-of-flags-symbols-and-emblems-in-northern-ireland2>

'The display of flags, symbols or emblems in a public space may act as a territorial marker or a method of harassment, irrespective of the intention behind its erection. The ECt.HR has noted that expression, which is not, on its face, offensive, can be offensive in certain circumstances.

Consequently, when public authorities make decisions pertaining to the erection or removal of a flag, symbol or emblem, a broader discussion of the rights of those who live in the vicinity and those who travel in or through the area for purposes of accessing services is required. The existence of such displays may have an impact on individuals from other communities, acting as a form of intimidation which creates an access barrier to the area. This may have consequences for individuals accessing health care services and for children in accessing public recreational spaces, both of which are protected by international human rights law.'

### **(e) *Together: Building a United Community***

In 2013 the NI Executive launched the Together: Building a United Community (T:BUC) strategy. Its vision is:

'a united community, based on equality of opportunity, the desirability of good relations and reconciliation – one which is strengthened by its diversity, where cultural expression is celebrated and embraced and where everyone can live, learn, work and socialise together, free from prejudice, hate and intolerance.'

The Executive established an all-party group to consider contentious issues including flags and emblems.

## **1. Defining the aims of the policy**

1.1 The Council's future decision on the flying of the Union Flag must aspire to be consistent with existing legislation, while taking into account the findings of the EQIA and including the views expressed by those consulted therein.

1.2 The Council must also ensure that it continues to keep in mind best value principles of economy, efficiency and effectiveness while serving the needs and interests of ratepayers, residents and visitors within the Borough.

1.3 Bearing these considerations in mind, the overarching aim of the flags policy, and including proposed revisions, should be:

'Operating within available resources, and mindful of the Council's ongoing duty to protect and promote equality of opportunity and good relations within the Borough, to have in place a policy with regard to the flying of the Union that is able to strike an appropriate balance between respecting the traditional flag of the United Kingdom while acknowledging that the flag has the potential to be used to mark sectional community allegiance in the context of Northern Ireland.'

## 2. Consideration of available data and research

### 2.1 Section 75 Profile of the Borough

A full breakdown of the Ards and North Down population by Section 75 categories is shown at Appendix 2.

In summary, on Census Day 27 March 2011, in Ards and North Down Local Government District:

- 13.1% belonged to or were brought up in the Catholic religion and 75.1% belonged to or were brought up in a 'Protestant and Other Christian (including Christian related)' religion;
- 72.4% indicated that they had a British national identity, 8.3% had an Irish national identity and 32.4% had a Northern Irish national identity;
- 19.0% were aged under 16 years and 17.68% were aged 65 and over (with a median age of 41 years);
- 48.5% of the usually resident population were male and 51.5% were female;
- 1.5% were from an ethnic minority population and the remaining 98.5% were white (including Irish Traveller);
- 20.1% of people had a long-term health problem or disability that limited their day-to-day activities;
- 80.6% of people stated their general health was either good or very good; and
- 13.3% of people stated that they provided unpaid care to family, friends, neighbours or others.

Initial results taken from the 2021 Census, with specific regard to the Ards and North Down district, were released on September 22<sup>nd</sup> 2022<sup>9</sup>. In summary, these interim statistics indicate that:

- The usual population of the Borough (163,664) had increased by 4.5% (6,992) from 2011 to 2021 and stands at 8.6% of the total NI population.
- The 2021 census day population comprised 83,958 females (51.3%) and 79,706 males (48.37%).
- Population increase was greatest in the older age group. Across Northern Ireland, the Borough had the largest increase in the number of people aged 65 and over, and this figure had risen from 27,692 (17.7%) in 2011 to 36,226 (22.1%) in 2021.
- Children (aged 0 to 14) make up 17.0% of the Borough population, a fall of 0.8% from 2011.
- The number of people living in the Borough who were born outside Northern Ireland has grown from 18,164 people (11.6%) in 2011 to 21,545 people

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<sup>9</sup> <https://www.ardsandnorthdown.gov.uk/news/ni-census-2021>

(13.2%) in 2021. Of these, 12,080 people were born in Great Britain, 2,040 in Ireland and 7,425 outside UK and Ireland.

- In 2021, the number of people from a white ethnic background was 159,892 (97.7% of the population). The percentage from a minority ethnic background had increased from 1.5% to 2.3%. Within this classification, the largest groups were mixed ethnicities (1,236) and Chinese (500).
- In relation to national identity, 48.8% of the population identified as 'British only', 21.6% as 'Northern Irish only', 14.4% as 'British and Northern Irish only' and 5.9% as 'Irish only'. The percentage of people who self-defined as 'British only' has decreased from 57.7% to 48.8%, while those who identify as 'British and Northern Irish' has increased from 11% to 14.4%, 'Northern Irish only' from 18.9% to 21.6%, and Irish only from 5.1% to 5.9%.
- Combining current religion and religion of upbringing, in 2021 68.0% of the Borough population self-declared as 'Protestant, other Christian or Christian related' and 11.3% 'Catholic', substantially higher than the respective Northern Ireland averages of 43.5% and 45.7%. In 2011 the equivalent percentage figures were 75.1% 'Protestant, other Christian or Christian related' and 13.1% 'Catholic'.
- In 2021, the main current religions for Borough residents were: Presbyterian (28.5%), Church of Ireland (13.6%) and Catholic (11.3%). By comparison, across Northern Ireland the main current religions were: 'Catholic (42.3%), Presbyterian (16.6%) and Church of Ireland (11.6%).
- 30.6% declared 'no religion'. This is higher than the Northern Ireland average (17.4%) and the highest of all 11 district council areas. This is also a marked increase from 2011 when 19.1% stated 'no religion'.

## 2.2 Policies of other Local Authorities in Northern Ireland

The 11 Local Authorities in Northern Ireland currently adopt a range of positions with regard to the flying of the Union flag, with many continuing to work with arrangements as handed down from legacy councils and in the absence of new, overarching policies.

These arrangements range from the flying of no flags (Mid Ulster District Council; Newry, Mourne and Down District Council; Derry City and Strabane District Council); to flying only the council flag (Fermanagh and Omagh District Council); to flying the Union flag only on designated days (Belfast City Council; Lisburn and Castlereagh City Council); to flying the Union flag permanently at a number of locations (Antrim and Newtownabbey Borough Council; Causeway Coast and Glens Borough Council; Mid and East Antrim Borough Council), to a combination of designated days and 365 days at different locations (Armagh City Banbridge and Craigavon Borough Council).

A summary of written policy positions, as draw up by legacy and current councils, is included below

### (a) ***Belfast City Council (2012)***

In 2012 Belfast City Council carried out an EQIA on proposed changes to its flags policy, which was then flown on City Hall 365 days a year and other council buildings (the Ulster Hall, a cultural venue, and the Duncrue Complex, a depot open to staff only) on designated days, some bank holidays and ad hoc occasions.

Legal opinion provided at this time by David A. Scoffield QC agreed with earlier legal opinion<sup>10</sup> in that:

‘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.’

He did not agree, however, with previous counsel that flying the flag on a daily basis (or not at all) would be in breach of good relations duties under Section 75(2) of the Northern Ireland Act 1998, ‘provided that the decision was taken after full consideration of the possible effects on the promotion of good relations’. This was further challenged by legal advice obtained by Sinn Féin from Eugene McKenna BL, which found ‘strong authority for the proposition that the flying of the Union flag on days other than in accordance with the Flags Regulations (NI) 2000 would be in contravention of the duties of the council under s.75’.

Overall, Scoffield found that, ‘The striking of such a balance’ as is set down for central government buildings in the Flags Regulations ‘seems to me to be a laudable aim’. Furthermore, it ‘is likely to be legally ‘safer’ than the present policy and very unlikely to give rise to a successful discrimination and less at risk of a successful legal challenge’.

The EQIA further pointed to evidence that some people from a Catholic and/or Nationalist community background regarded the flying of the Union flag as offensive and possibly intimidating, but that ceasing to fly the Union flag would be equally offensive to some people from a Protestant and/or Unionist community background. This included the results of a survey at City Hall which found that

- Protestant visitors were more likely to say they felt pleased/ proud (50 per cent) and comfortable (22 per cent) about the Union Flag flying. One percent said that they felt uncomfortable, with a further 1 per cent feeling offended by the Union flag flying;
- In contrast, 4 per cent of Catholic visitors said they felt pleased and proud, 8 per cent comfortable with 56 per cent saying they had no particular feelings. Twenty percent said they felt uncomfortable with the Union flag flying, with a further 12 per cent saying they felt offended;
- 72 per cent of protestant visitors believed that the Council should always fly the Union Flag compared with 16 per cent of Catholic visitors.

Consultation responses to the EQIA report confirmed these positions.

With regard to staff, those from a Protestant background were more likely to say they felt pleased/proud (78 per cent) and comfortable (14 per cent) about the Union flag

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<sup>10</sup> Mr Nicolas Hanna QC, 2002

flying. One percent said that they felt uncomfortable, with a further 0.5 per cent feeling offended by the Union flag flying. In contrast, 4 per cent of Catholic visitors said they felt pleased and proud, 14 per cent comfortable with 18 per cent saying they had no particular feelings. Thirty two percent said they felt uncomfortable with the Union flag flying, with a further 41 per cent saying they felt offended.

The Belfast City Council EQIA report concluded that:

‘... it would appear that the policy options which best promote good relations are – in descending order of effectiveness:

- Designated flag days only
- Designated flag days plus specified additional days
- No flag or a neutral flag
- Two flags’

The final decision of Belfast City Council in December 2012 in relation to their flags policy was to fly the Union flag at its civic headquarters, City Hall, on designated days; and not to fly the flag at all at its other buildings.

This decision was followed by extended civil unrest, which, according to the Northern Ireland Assembly Commission, ‘gives a strong indication of the likely adverse impact on good relations of any change in policy where one or more communities may feel disadvantaged by that change’.

### ***(Postscript)***

In 2013, the Council carried out a screening of a further policy on the flying of the Union flag in the Garden of Remembrance at the Cenotaph in the grounds of the City Hall<sup>11</sup>. The proposal brought to Council was to fly the Union flag permanently and instead of only three days (the anniversary of the Battle of the Somme [1<sup>st</sup> July], Remembrance Sunday and the Monday immediately prior to Remembrance Sunday [cross laying day]).

As part of pre-consultation, the Council engaged with the Royal British Legion HQ Area Office (Ireland) for their views on the matter. In response, the Legion stated:

‘As the nation’s custodian of Remembrance, the Legion is committed to helping everyone understand the importance of Remembrance, so those sacrifices are never forgotten.

Remembrance of all those who have fallen should unite, not divide. It is sacrosanct and should not be politicised in any way. We would therefore oppose the Garden of Remembrance becoming involved in the flag debate for that reason and, in the interests of keeping Remembrance free of

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<sup>11</sup>[https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjv8\\_iP\\_J77AhXeSkEAHRSdAIUQFnoECBAQAQ&url=https%3A%2F%2Fminutes3.belfastcity.gov.uk%2Fdocuments%2Fs34794%2FCenotaph%2520Screening%2520Report.pdf&usg=AOvVaw39\\_6ptBKnfV-UN1uj830BT](https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjv8_iP_J77AhXeSkEAHRSdAIUQFnoECBAQAQ&url=https%3A%2F%2Fminutes3.belfastcity.gov.uk%2Fdocuments%2Fs34794%2FCenotaph%2520Screening%2520Report.pdf&usg=AOvVaw39_6ptBKnfV-UN1uj830BT)

controversy, cannot agree to any change to the current policy of flag-flying at the Cenotaph”.

**(b) Banbridge District Council (2009)**

In 2009 Banbridge council carried out an EQIA on its existing policy of flying the Union flag at its civic headquarters and other buildings all year round. The vast majority of respondents (91 per cent) to the public consultation favoured the current policy.

In deciding to adopt the option of flying the Union Flag at its civic headquarters only throughout the year, the Council took account of the view that this reflected the constitutional status of Northern Ireland; that not to fly the Union Flag would cause offence to a large number of people; that the current presence of the Union flag had not deterred the Council from recruiting and retaining a workforce that was broadly in line with expected rates for the local Protestant and Catholic communities; and, in particular, noted the advice of the Equality Commission that, ‘this would be an option that would be within the general context of a policy which symbolises the constitutional position of Northern Ireland’.

**(c) Craigavon Borough Council (2005)**

Craigavon Borough Council conducted an EQIA in 2005 of its policy on flying the Union flag on civic occasions. This EQIA raised the question of adding additional days to those designated under the Flags Regulations, such as 1 and 12 July. The Borough Solicitor advised at that time that the Equality Commission would probably not view these additions as sustainable due to political significance and commemoration could be divisive.

**(d) Limavady Borough Council (2004)**

In 2004 Limavady Borough Council conducted an EQIA on the adoption of a no-flags policy. The Council had previously flown the Union flag at its main headquarters building on designated flag days.

The EQIA considered that there was a possibility that the policy on flags may have a differential impact upon people as to whether they feel free to fully access the public services available to them. It suggested that there was a possibility that people may experience a ‘chill factor’ in their dealings with Council or visits to the Council offices. This ‘chill factor’ may not prevent people from entering a building or accessing a service but may detract from their ability to participate and benefit fully.

The EQIA also recognised that some employees may experience a ‘chill factor’ when working in a building displaying a flag which would lead them to associate the building with a different political identity. Also, that some employees may experience a ‘chill factor’ when working in a building where their political identity was not recognised in the flag flying practice.

Having taken into account the findings of the EQIA and the consultation responses, the Council adopted the no-flags policy, noting that the stated intent behind the policy, ‘in the interests of creating a neutral environment’, was reflective of the Council’s own policies in relation to promoting equal opportunities and combating harassment.

**(e) Armagh City and District Council (2004)**

In 2004 Armagh City and District Council conducted an EQIA of a composite policy which included the flying of the Union flag at its civic headquarters on designated days. The Council reported that strong opinions were voiced by the Unionist and/or Protestant community who generally felt that the Union flag was often singled out for causing offence. There was a 'genuine sense of hurt' that 1 and 12 July were not included in the designated days and that this indicated a lack of recognition for Unionist and/or Protestant traditions. There was not the same depth of feeling expressed by the Nationalist and/or Catholic community.

As a result of the EQIA the Council decided to continue to fly the Union flag on designated days. It was acknowledged that both main communities might feel that the policy created an adverse impact for them, but the Council considered that the policy best suited its corporate aim of 'creating an inclusive place'.

**(f) Newtownabbey Borough Council (2003)**

In 2003 Newtownabbey Borough Council undertook an EQIA of its existing policy that the Union flag should be flown at all times on its administrative buildings and leisure centres.

In carrying out the EQIA the Council acknowledged that there were alternative policies that would reduce the perceived barrier to Nationalists or Republicans and challenge the stereotype that Newtownabbey was a Unionist-controlled Council which did not take account of the views of other traditions. It was recognised that if the Council did not adopt an alternative policy then those from a Nationalist or Republican tradition would continue to perceive the Council facilities as being unwelcoming. However, the Council determined that the existing policy should be retained on the basis that:

- the policy was lawful;
- although an adverse impact had been identified, the greater number of respondents had indicated that they would not wish to see a change in the policy; and
- altering the policy would have an adverse impact on a greater number of people.

**(g) Antrim Borough Council (2007)**

In 2007, Antrim Borough Council carried out an EQIA on the flying of the Union Flag at the Council's Headquarters (Civic Centre) and the Antrim Forum Leisure Centre.

The existing policy (to fly the flag permanently at both locations) was examined in the light of information obtained to assess whether or not there was seen to be an adverse impact on any of the nine Section 75 grounds and to ascertain if further action could be taken to help promote good relations.

The EQIA determined that the Council's existing policy did not impact significantly on any Section 75 ground. In light of this assessment the Council proposed to continue to fly the flag at both locations.

### (h) Causeway Coast and Glens Borough Council (2022)

In November 2022, Causeway Coast and Glens Borough Council concluded an EQIA based on a notice of motion submitted to Council in 1 June 2021. The notice proposed that the council should adopt the following policy:

“That this Council falls in line with the new guidance published by the Department for Digital, Culture, Media and Sport to have the Union flag flown on Council and Civic buildings every day (365 days). Therefore, the following buildings would fly the flag in accordance with this policy; Coleraine Town Hall, Cloonavin Council Headquarters, Limavady Office (Connell St), Roe Valley Arts and Cultural Centre, Ballymoney Town Hall, Riada House, Portrush Town Hall and Portstewart Town Hall.<sup>12</sup> This list of buildings will be reviewed on an ongoing basis. The Union Flag is the National Flag of the United Kingdom, and it is so called because it embodies the emblems of the constituent nations united under one Sovereign – the Kingdoms of England and Wales, of Scotland and of Northern Ireland”.

At a full meeting of Council on 1 November 2022, this policy was duly adopted.

### 2.3 Views on the Flying of Flags

No research has been carried out on local views with regard to the flying of flags. However, the Northern Ireland Life & Times Survey does provide regional statistics. The tables below give views on the flying of flags in the 2013, 2019 and 2020 surveys, by religion.

2013 Survey	%		
	Catholic	Protestant	No religion
Union flag flown from all public buildings all the time	5	44	23
Union flag flown on designated days only	59	48	54
Union flag not flown at all from any public building	28	3	13
Don't know	9	5	10

2019 Survey	%		
	Catholic	Protestant	No religion
Union flag flown from all public buildings all the time	3	38	22
Union flag flown on designated days only	60	56	50
Union flag not flown at all from any public building	28	2	13
Don't know	10	4	16

2020 Survey	%		
	Catholic	Protestant	No religion
Union flag flown from all public buildings all the time	2	38	13

<sup>12</sup> Portstewart Town Hall is no longer part of the Council estate and has been removed from the list.

<b>Union flag flown on designated days only</b>	35	51	53
<b>Union flag not flown at all from any public building</b>	54	4	25
<b>Don't know</b>	9	7	8

**Source: Life and Times Surveys, 2013; 2019; 2020**

In 2003, a further question was asked: When you see the Union Jack, does it make you feel proud, hostile or do you not feel much either way? Responses by religion are shown below.

	Total	Catholic	Protestant	No religion
<b>Very proud</b>	<b>17%</b>	<b>0%</b>	<b>31%</b>	<b>6%</b>
<b>A bit proud</b>	<b>11%</b>	<b>1%</b>	<b>19%</b>	<b>9%</b>
<b>Does not feel much either way</b>	<b>59%</b>	<b>75%</b>	<b>46%</b>	<b>71%</b>
<b>A bit hostile</b>	<b>5%</b>	<b>11%</b>	<b>1%</b>	<b>4%</b>
<b>Very hostile</b>	<b>2%</b>	<b>6%</b>	<b>0%</b>	<b>3%</b>
<b>It depends</b>	<b>3%</b>	<b>3%</b>	<b>2%</b>	<b>4%</b>
<b>Other</b>	<b>1%</b>	<b>2%</b>	<b>0%</b>	<b>2%</b>
<b>Don't know</b>	<b>2%</b>	<b>2%</b>	<b>1%</b>	<b>2%</b>
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

**Source : Life and Times Survey 2003**

Once more, the survey highlights the striking difference in opinion by community background.

#### **2.4 Other Relevant Council Strategies, Policies and Documents**

A number of the Council's strategies and policies have a bearing on the proposed policy under consideration. These include the following:

- ANDB Council - Corporate Plan
- ANDB Council Equality Scheme
- ANDB Good Relations Strategy and Action Plan
- ANDB Lands and Property Policy
- ANDB Corporate Complaints Policy and Procedure
- ANDB Dignity at Work Policy and Procedures

These are all available on the Council's website or by contacting Head of Administration (see contact details page 4.)

### **3. Assessment of impacts**

3.1 In accordance with the EQIA process, having gathered information on the policy and those affected by it, the Council must: (i) assess whether there is a differential impact on one or more of the nine Section 75 grounds; (ii) determine the extent of any differential impact; and (iii) decide whether that impact is adverse.

3.2 Differential impact suggests that a particular group has been affected differently by the policy (either favourably or unfavourably), while adverse impact is an indication that the effect is less favourable (i.e. negative) and is potentially unlawful.

3.3 In order to determine whether the policy has any adverse differential impact, it is necessary to consider the people affected by the policy, their needs and experiences and the equality categories to which they belong.

#### **Differential impact**

3.4 The evidence suggests that the policy may have a differential impact on two Section 75 grounds in particular, i.e. religious belief and political opinion, although it could be argued that the issue of emblems and national identity (i.e. flags) also brings into play a third category, ethnic origin. In general, the impact would relate to the perceptions of the Union flag by different communities in Northern Ireland, in turn related to considerations of national identity and allegiance.

3.5 No evidence has been identified during the consideration of this policy to suggest that the proposed revisions to the policy are likely to have a differential impact with regard to other Section 75 grounds (i.e. age, marital status or sexual orientation, men and women generally, persons with a disability and persons without, persons with dependants and persons without).

#### **Adverse impact**

3.6 The decision may have the potential to adversely impact people with regard to religious belief, political opinion and ethnicity, but the full extent of this impact has not yet been fully determined locally. It is therefore necessary to use the EQIA process, and including public consultation and stakeholder engagement, to consider further the impacts of the policy in terms of: (i) the promotion of good relations generally across the Borough; (ii) the promotion of a good and harmonious working environment for those who are employed by the Council, and, more generally: (iii) the promotion of equality of opportunity and good relations among all employees, users and potential users of Council facilities and premises within the Borough.

#### **Assessment of impacts**

3.7 In carrying out this EQIA, the following potential adverse impacts were initially identified.

#### **Access to services:**

3.8 Any proposed increase in the number of flags flying on or close by Council premises may create a potential 'chill factor', and hence adverse impact, for:

- Users and potential users of Council facilities and premises, and in particular those from a Roman Catholic and/or Nationalist and/or Republican background;

#### **Good and harmonious working environment:**

3.9 Any proposed increase in the number of flags on Council premises may have the potential to create an adverse impact on employees from a Roman Catholic and/or Nationalist and/or Republican background, or those who do not identify with any community background, by disrupting a good and harmonious working environment.

#### **Promoting good relations:**

3.10 More generally, the proposed increase in the number of flags on Council premises and across the Borough generally may have an adverse impact on residents, visitors and employees from a Roman Catholic and/or Nationalist and/or Republican community background, in terms of an expectation that the Council will have regard to the desirability of promoting good relations through its policies.

## **4. Consideration of alternative policies and measures to mitigate**

4.1 The EQIA process requires that, if it is decided that the policy has an adverse impact on one or more of the nine equality grounds, a series of alternatives should be put forward for consideration, and an assessment of the possible impact of these alternatives undertaken. In other words, the Council must consider measures that may mitigate any identified or perceived adverse impact and alternative ways of delivering policy aims that may reduce the adverse impact on the relevant equality ground or that may better promote equality of opportunity and good relations.

4.2 The Equality Commission Guidance on this section advises that the Council should give consideration to options/measures which may mitigate any adverse impact, and to alternative policies which might better achieve the promotion of equality of opportunity. The guidance states:

***The consideration of mitigating measures and alternative policies is at the heart of the EQIA process. Different options must be developed which reflect different ways of delivering the policy aims. The consideration of these measures is intertwined with the consideration of alternative policies. Mitigation can take the form of lessening the severity of the adverse impact.***

*Ways of delivering policy aims that have a less adverse effect on the relevant equality category, or which better promote equality of opportunity for the relevant equality category, must in particular be considered. Consideration must be given to whether separate implementation*

*strategies are necessary for the policy to be effective for the relevant group.*

4.3 In light of the above, and in order to help the Council reach a decision in relation to the proposed revisions, the following options were offered for consideration:

#### **Council Premises and Facilities**

- **Option 1:** No change to the existing policy;
- **Option 2:** No change to the existing policy except to fly the Union flag for 365/6 days at Council Offices, Church Street; Newtownards;

#### **War Memorials**

- **Option 1:** No change to the existing policy;
- **Option 2:** The Union flag to be flown 365/6 days at all designated and affected war memorials within the Borough.

4.4 The Council decided to seek views on the flying of the Union flag, and including the proposed options, through public consultation. The Council also committed to collate and analyse all comments received in relation to the proposed revisions to the policy.

4.5 The outcome of the engagement and consultation will be used to inform emerging mitigating measures or alternative policies if appropriate, alongside all other relevant information and data.

4.6 The Council commits to remaining open to feedback and will respond in a positive manner to views expressed through the consultation process.

## **5 Summary of consultation process**

5.1 Chapter 3 of the Council's Equality Scheme commits the Council to a consultation period normally lasting for a minimum of twelve weeks, to allow adequate time for groups to consult amongst themselves as part of the process of forming a view.

5.2 Mindful of this commitment, while also allowing for other contingencies including public holidays and requests for public meetings and extensions, the present consultation period ran from Thursday 9<sup>th</sup> June 2022 until Tuesday 1<sup>st</sup> November 2022.

5.3 For the purpose of this EQIA, the Council committed to carrying out a transparent and meaningful consultation with a broad range of stakeholders in a range of formats and using different media and selected locations. Included in the survey was the option to request a public meeting. The Council committed to arranging such meetings if more than one person made a request.

5.4 All consultees listed in the Council's Equality Scheme were informed of the EQIA by email and the EQIA consultation document and accompanying questionnaire (for the general public) was made available on the Council's website consultation page at [www.ardsandnorthdown.gov.uk/eqia](http://www.ardsandnorthdown.gov.uk/eqia). The questionnaire included a covering

explanation and request for completion as the Council aimed to gather as broad a range of comments as possible.

5.5 A staff questionnaire was also issued to all employees of Ards and North Down Borough Council. The questionnaire included a covering explanation and request for completion, as the Council aimed to garner as broad a range of opinion as possible. The questionnaire could be completed confidentially either online or as a paper version with an addressed envelope, to return the completed questionnaire to the Compliance Officer (Equality and Safeguarding).

5.6 Employees were also invited to attend a face-to-face event where they could present their views verbally, either in groups or as individuals. This event was advertised to Council employees and took place at 4.00pm to accommodate different shift patterns (24/10/22, 2.00 – 4.00pm). Two members of staff attended this meeting.

Where employees were concerned about attending staff meeting but still wanted to contribute, face-to face and virtual meetings were offered. No staff took up the invitation to attend one-one-one meetings

5.7 Two public meetings were arranged at different times and different locations (Market House, Portaferry, 24/10/22, 12.00am; Ards Blair Mayne Leisure Centre, 24/10/22, 7.00pm). These events were advertised widely using social media and local press publications. Further to representations at both these events, it was agreed to hold an on-line 'Zoom' meeting on the final day of the consultation period (1/11/22, 7.00pm). This was in order to accommodate those who had been unable to attend earlier events.

5.8 The EQIA was advertised within the Borough using the publications of the County Down Spectator and Newtownards Chronicle. The advertisement indicated the methods of engagement with the Council. It also offered meetings, either on-line or face-to-face as required.

5.9 The Council's social media and website was used to inform readers of the EQIA and the consultation period and how they were able to participate. Stakeholders were informed as to how they could participate in confidence should they wish to remain anonymous.

## **Consultation events**

**Public:** Two public consultation meetings were arranged, one in Market House, Portaferry and one in Ards Blair Mayne Leisure Centre, Newtownards, with a subsequent on-line Zoom meeting arranged for those who were unable to attend either event. Each meeting included a short presentation, giving detail of the existing and proposed policies, together with outlines of relevant legislation / guidance and the EQIA process. A summary of comments from these meetings is included at Appendix 4.

The Portaferry meeting was attended by eight members of the public together with two elected members and four Council officers. A number of contributors indicated their support for either the existing policy or a no flags policy, while other attendees

expressed support for the proposed policy. It was argued that flying the flag may deter the unauthorised flying of flags across the Borough, although it was acknowledged that this theory has yet to be tested. In relation to Church Street, it was argued by some that flying the Union flag permanently could be seen as a retrograde step with regard to the promotion of good relations and inclusivity, while others considered it to be a fitting acknowledgement of the position of Northern Ireland within the UK.

Regarding war memorials, while some saw the existing policy as proportionate, others felt that permanent displays would be more appropriate, and in particular given the need to acknowledge events across the year other than the traditional period of remembrance in November. The costs associated with raising and lowering flags was also mentioned, along with maintenance and replacement of flags due to wear and tear. The timing of the meeting was called into question and it was agreed to consider alternatives for those who were unable to attend (see above).

The Newtownards meeting was attended by 55 members of the public together with four elected members and four Council officers. The meeting was characterised by a high level of emotion among those present, along with unanimous support for the flying of the Union flag permanently at both Church Street and affected war memorials.

Strong support was forthcoming from a considerable number of contributors who wholeheartedly welcomed the permanent flying of the Union flag at numerous sites across the Borough, and including Church Street and war memorials, as a mark of respect to those who had sacrificed for their country, and also given the constitutional status of Northern Ireland within the UK. The need for the EQIA was called into question by several attendees; it was felt this was superfluous and for the Council to determine.

The subsequent on-line Zoom meeting was well attended by over 50 people, and was once more characterised by overwhelming support for the proposed policy, both with regard to Church Street and affected war memorials. Strong sentiments were once more expressed, both in the meeting itself and in the chat room attached to the on-line meeting, regarding the importance and significance of the Union flag within the local community, and the need to show respect to those who had fought and died for their country. (A far smaller number of people expressed concerns about the proposed policy but these comments tended to be in the chat room rather than being made directly in the meeting, and it was suggested that it may have been too intimidating to voice these views openly in the meeting).

**Staff:** Two consultation events were arranged, one offering an opportunity for one-to-one interviews and the other adopting a general meeting format (in Ards Blair Mayne Leisure Centre). While two people suggested they would not be comfortable attending a public forum to voice their opinion and were offered one-to-one interviews, no staff attended any of the one-to-one sessions. Two members of staff did take part in the group meeting (see Appendix 5 for a summary of responses).

At this meeting, there was discussion of the impact of the proposed policy on the maintenance of good relations among staff, and the need for the Council to ensure that

it continued to promote a good and harmonious working environment. The costs associated with maintaining, raising and lowering flags were also highlighted.

## Responses from the general public survey

There was a total of **281** responses to the survey, with only one on behalf of an organisation (Doasim North Down).

### Demographic Profile

269 returns (95.7%) were from either residents or ratepayers in the Borough. 276 (98.2%) declaring their ethnicity as white, with 69.0% male and 29.2% female (1.8% undeclared). The age profile of the sample suggests the majority of respondents (79.7%) were over the age of 35 years, with a relatively even distribution across the ages 25 to over 65.

Age	N	%
Under 18	2	0.7%
18 -24	13	4.6%
25-34	42	15.0%
35-44	61	21.7%
45-54	66	23.5%
55-64	54	19.2%
Over 65	43	15.3%

Respondents were also asked to indicate the first four digits of their postcode. Of those who answered this question (n = 111; 39.5%), a significant proportion (n = 89; 80.1%) lived in either BT22 (Millisle to Portaferry) or BT23 (Ards to Ballygowan), with only 11 (9.9%) in Bangor or Holywood.

Postcode	Area Covered	N
BT18	Holywood	1
BT19	Bangor West	7
BT20	Bangor Central	3
BT21	Donaghadee	7
BT22	Millisle to Portaferry	18
BT23	Ards to Ballygowan	71
Other		4
<b>Total</b>		<b>111</b>

A breakdown of respondents by religion and national identity is shown below. The overwhelming majority (81.5%) self-declared as Protestant, with only 13 respondents (4.6%) stating Roman Catholic and 23 (8.2%) no religion).

In terms of national identity, 67.6% indicated British, 25.3% Northern Irish and 3.6% Irish. While the Borough includes the highest proportion of those self-defined as Protestant across Northern Ireland (68%) according to the latest 2021 census, the extremely low response rate from Roman Catholics to the survey (13; 4.6%) is perhaps noteworthy, and may impose restrictions on the opportunity for detailed statistical breakdowns by religious belief.

Religion	N	%
Roman Catholic	13	4.6%
Protestant	229	81.5%
Other Christian (including Christian related)	6	2.1%
Other faith or non-Christian community background	3	1.1%
No religion	23	8.2%
Prefer not to say	7	2.5%

National Identity	N	%
British	190	67.6%
Irish	10	3.6%
Northern Irish	71	25.3%
English	2	0.7%
Scottish	2	0.7%
Welsh	0	0.0%
Other	6	2.1%

Responses to each of the survey questions are summarised below, together with a coding of additional comments.<sup>13</sup>

**1: To what extent do you agree with the Council’s current policy regarding the flying of the Union Flag at Council Offices, Church Street Newtownards (i.e. designated days only)?**

Current Policy: Church Street	Total	%
Strongly agree	44	15.7%
Agree	26	9.3%
Neutral	19	6.8%
Disagree	43	15.3%
Strongly disagree	149	53.0%

<sup>13</sup> A full analysis of the survey data, including comments, is available on request.

Overall, 68.3% of respondents either disagreed or strongly disagreed with the existing policy, including 60.7% of Protestants and 46.2% of those self-declared as Roman Catholic. The majority of generally short comments tended to reinforce the significance of flying the Union flag within the context of the UK (see below), with a smaller number highlighting the impact this may have on those with different allegiances:

‘It should be flown every day. It is the official flag of the country. Common practice in most countries, including the Rol I'm sure.’

‘I think the flag should be flown permanently. We are a geographical part of Ireland and I feel British as well as Northern Irish, however until sovereignty changes then the flag is what it is representative of the country we live, the UK. I don't believe this would affect anyone's sensitivities as it reflects the current political reality.’

‘Don't believe the flag represents all communities which live in the area.’

‘The union flag should be flown from all Government buildings, war memorials etc all year round, PROUDLY.’

‘There is an obsession with flags here - designated days is an acceptable compromise to 365 days a year.’

‘The Union Flag should be flown all year round. We are part of the United Kingdom and should be very proud of where we come from.’

### Summary of Comments

Code	Code Response	N
R1	Current Policy is Sufficient/ No Change/No Issues	15
R2	Fly Northern Ireland flag only	1
R3	Makes a special statement on specified days only/ Could become invisible/ Unnoticed due to compliancy	4
R4	Marks territory/ Not representative of the community/divisive/ non inclusive/ Do not agree with flying the flag at all	10
R5	No Interest	1
R6	People died for flag, shows respect to the fallen, Reminder of Sacrifice	7
R7	Should fly 356/Permanently	102
R8	Should fly on all Gov buildings/Public Buildings/Civic Building	18
R9	The Union flag is flag of our Country/UK/Great Britain/Government/N Ireland /Monarchy	28
R10	Workplace so should show a shared space	2
R11	Other comments	11

### 2: To what extent do you agree with the Council's proposed policy regarding the flying of the Union Flag at Council Offices, Church Street Newtownards, permanently?

Proposed Policy: Church Street	N	%
Strongly agree	216	76.9%

<b>Agree</b>	15	5.3%
<b>Neutral</b>	5	1.8%
<b>Disagree</b>	10	3.6%
<b>Strongly disagree</b>	35	12.5%

A significant majority, 82.3% of those surveyed, supported the proposed policy (76.9% strongly agreed), while only 16.1% disagreed or strongly disagreed. This support included 89.5% of Protestant respondents but only 15.4% of those declaring themselves as Roman Catholic.

92.6 of those identifying as British supported the proposed policy but only 10% of those declaring their identity as Irish, and 70.4% of those identifying as Northern Irish. Once more, the vast majority of comments tended to affirm the desire to fly the flag permanently as an appropriate mark of respect and national symbol, although there were also a smaller number of those who felt its permanent display at numerous sites may be problematic for the Council

‘The flag should be flown all year round. There is absolutely no reason that it should not be flown.’

‘Flying it every day means the flag is no longer special and becomes a permanent feature that people pay no attention to.’

‘If you want to alienate part of our population, this is the way to go about it. Why fly flags at all?’

‘The War Memorials represent those who gave their lives for our freedom and it’s right that the flag should be flown all year round to show those and the families respect.’

‘Flags are flown in NI not just to honour someone like her Majesty, but also to designate ‘territory”. NI belongs to all its citizens and to claim it all 365 days a year under a Union flag is to dishonour those of Irish heritage and tradition who live here and who must go through Newtownards to get to other parts of NI. Increasing the number of days it is flown is provocative. We need to promote peace not division.’

### Summary of Comments

<b>Code</b>	<b>Code Response</b>	<b>N</b>
<b>R1</b>	Current Policy is Sufficient/ No Change/No Issues	7
<b>R2</b>	Fly Northern Ireland flag only	1
<b>R3</b>	Makes a special statement on specified days only/ Could become invisible/ Unnoticed due to compliancy	4
<b>R4</b>	Marks territory/ Not representative of the community/divisive/ non inclusive/ Do not agree with flying the flag at all	20
<b>R5</b>	No Interest	1
<b>R6</b>	People died for flag, shows respect to the fallen, Reminder of Sacrifice/Pride	11

<b>R7</b>	Should fly 356/Permanently/ Agree	55
<b>R8</b>	Should fly on all Gov buildings/Public Buildings/Civic Building	19
<b>R9</b>	The Union flag is flag of our Country/UK/Great Britain/Government/N Ireland /Monarchy	30
<b>R10</b>	Workplace so should show a shared space	1
<b>R11</b>	Other comments	4

**3: To what extent do you agree with the Council’s current policy regarding the flying of the Union Flag on war memorials within the Borough only for the period of remembrance?**

<b>Current Policy: War Memorials</b>	<b>N</b>	<b>%</b>
<b>Strongly agree</b>	36	12.8%
<b>Agree</b>	28	10.0%
<b>Neutral</b>	18	6.4%
<b>Disagree</b>	44	15.7%
<b>Strongly disagree</b>	155	55.2%

In relation to war memorials, a very similar pattern can be seen in the data. Overall, 70.9% disagreed or strongly disagreed with the current policy, including 63.8% of Protestants but only 34.8% of Roman Catholics. Comments tended once more to affirm the need to recognise those who had made a sacrifice for their country with a permanent display, with far fewer comments supporting the existing policy:

‘War memorials are to remember those that died for their country. The Union flag should be flown every day at these locations.’

‘The sacrifice of the men and women remembered on the memorials should be marked every day and not just for two weeks in November.’

‘A period of remembrance isn’t just one day or one week, it’s every day of each year we should remember, because it’s every day of each year we get to live in peace because of these men and women that gave their lives.’

**Summary of Comments**

<b>Code</b>	<b>Code Response</b>	<b>N</b>
<b>R1</b>	Current Policy is Sufficient/ No Change/No Issues	8
<b>R2</b>	Fly Northern Ireland flag only	0
<b>R3</b>	Makes a special statement on specified days only/ Could become invisible/ Unnoticed due to compliancy	2
<b>R4</b>	Marks territory/ Not representative of the community/divisive/ non inclusive/ Do not agree with flying the flag at all	3
<b>R5</b>	No Interest	0
<b>R6</b>	People died for flag, shows respect to the fallen, Reminder of Sacrifice/Pride	82
<b>R7</b>	Should fly 356/Permanently/ Agree	66
<b>R8</b>	Should fly on all Gov buildings/Public Buildings/Civic Building	0
<b>R9</b>	The Union flag is flag of our Country/UK/Great Britain/Government/N Ireland /Monarchy	3
<b>R10</b>	Workplace so should show a shared space	0
<b>R11</b>	Other comments	9

#### 4: To what extent do you agree with the Council’s proposed policy regarding the flying of the Union Flag permanently at war memorials within the Borough?

Proposed Policy: War Memorials	N	%
Strongly agree	218	77.6%
Agree	15	5.3%
Neutral	8	2.9%
Disagree	4	1.4%
Strongly disagree	36	12.8%

Turning next to the proposed policy on war memorials, 90.4% of Protestant respondents were in favour (agreed or strongly agreed), but only 15.4% of those self-declaring as Roman Catholic. Comments tended again to focus on respect for those who had made a sacrifice for their country, with very few comments raising concerns.

‘Should be flown every day to remember those that paid the ultimate sacrifice.’

‘Those being remembered died for the ideals the flag represents. Honouring them by flying it every day should be seen as the least these heroes deserve.’

‘The men and women remembered on the local war memorials died in the service of their country and as such the flying of the flag of that country at a place of remembrance should not cause offence. In fact, it should act as a reminder to people that it was these peoples sacrifices that ensured we had the freedom to fly the flag of our nation.’

‘It loses the respect and meaningfulness, probably deteriorates and becomes tired looking and probably dirty and therefore less respectful.’

#### Summary of Comments

Code	Code Response	N
R1	Current Policy is Sufficient/ No Change/No Issues	8
R2	Fly Northern Ireland flag only	0
R3	Makes a special statement on specified days only/ Could become invisible/ Unnoticed due to compliancy	6
R4	Marks territory/ Not representative of the community/divisive/ non inclusive/ Do not agree with flying the flag at all	12
R5	No Interest	0
R6	People died for flag, shows respect to the fallen, Reminder of Sacrifice/Pride	67
R7	Should fly 356/Permanently/ Agree	37

<b>R8</b>	Should fly on all Gov buildings/Public Buildings/Civic Building	2
<b>R9</b>	The Union flag is flag of our Country/UK/Great Britain/Government/N Ireland /Monarchy	2
<b>R10</b>	Workplace so should show a shared space	0
<b>R11</b>	Other comments	5

**5: On a scale from 0 to 10, please indicate how you feel in general about the flying of the Union Flag on or close by Council buildings?**

**Where 0 = very uncomfortable, 5 = neutral and 10 = very comfortable.**

<b>Score</b>	<b>N</b>	<b>%</b>
<b>0</b>	19	6.8%
<b>1</b>	1	0.4%
<b>2</b>	2	0.7%
<b>3</b>	3	1.1%
<b>4</b>	2	0.7%
<b>5</b>	10	3.6%
<b>6</b>	1	0.4%
<b>7</b>	2	0.7%
<b>8</b>	4	1.4%
<b>9</b>	5	1.8%
<b>10</b>	232	82.6%

206 Protestant respondents (98.6%) stated that they were ‘very comfortable’ with flying the flag on or close to Council buildings (i.e. scored 10 out of 10). By way of contrast seven (53.8%) Roman Catholic respondents noted that they were ‘very uncomfortable’ (i.e. scored 0 out of 10). Once more, most comments tended to emphasise the Union flag being the flag of the UK.

‘Simply this is our flag. Those who do not acknowledge this don’t have to participate as can chose their own way of remembrance. Thankfully we live in a free country and can decide how we wish to remember the fallen.’

‘The Union flag is widely acknowledged as a symbol of all that is best about the UK. It has the respect of the vast majority of UK citizens and is incorporated with pride into the flags of many peoples around the globe.’

‘It is the only official flag of Northern Ireland and the Good Friday Agreement recognised that Northern Ireland was and shall remain an integral part of the United Kingdom until the majority of people decide otherwise. Therefore people should accept that the Union Flag is the official flag of NI and should be flown on official buildings or anywhere else in NI where people choose to fly it. It should not be politicised.’

## Summary of Comments

Code	Code Response	N
R1	Current Policy is Sufficient/ No Change/No Issues	6
R2	Fly Northern Ireland flag only	1
R3	Makes a special statement on specified days only/ Could become invisible/ Unnoticed due to compliancy	1
R4	Marks territory/ Not representative of the community/divisive/ non inclusive/ Do not agree with flying the flag at all	15
R5	No Interest	2
R6	People died for flag, shows respect to the fallen, Reminder of Sacrifice/Pride	16
R7	Should fly 356/Permanently/ Agree	9
R8	Should fly on all Gov buildings/Public Buildings/Civic Building	7
R9	The Union flag is flag of our Country/UK/Great Britain/Government/N Ireland /Monarchy	84
R10	Workplace so should show a shared space	3
R11	Other comments	6

**6: On a scale from 0 to 10, please indicate how you feel in general about the flying of the Union Flag on war memorials within the Borough?**

Where 0 = very uncomfortable, 5 = neutral and 10 = very comfortable,

Score	N	%
0	11	3.9%
1	0	0.0%
2	1	0.4%
3	4	1.4%
4	0	0.0%
5	12	4.3%
6	4	1.4%
7	2	0.7%
8	2	0.7%
9	1	0.4%
10	244	86.8%

Regarding war memorials, 216 Protestant respondents (94.3%) circled '10' (very comfortable), while the 13 Roman Catholic's views were spread more evenly across the scale, 4 (30.8%) stating 'very uncomfortable' and 3 (23.1%) 'very comfortable'. The majority of responses (67) made reference to an appropriate mark of respect for those who had made a sacrifice for their country.

'I believe war memorials all over the borough should be kept clean and tidy and with the Union flag flying all year round and not just for two weeks around remembrance day.'

### Summary of Comments

Code	Code Response	N
R1	Current Policy is Sufficient/ No Change/No Issues	9
R2	Fly Northern Ireland flag only	0
R3	Makes a special statement on specified days only/ Could become invisible/ Unnoticed due to compliancy	7
R4	Marks territory/ Not representative of the community/divisive/ non inclusive/ Do not agree with flying the flag at all	8
R5	No Interest	0
R6	People died for flag, shows respect to the fallen, Reminder of Sacrifice/Pride	67
R7	Should fly 356/Permanently/ Agree	20
R8	Should fly on all Gov buildings/Public Buildings/Civic Building	1
R9	The Union flag is flag of our Country/UK/Great Britain/Government/N Ireland /Monarchy	17
R10	Workplace so should show a shared space	0
R11	Other comments	5

### 7: In relation to Council Offices at Church Street Newtownards, do you think that the Council should fly the Union Flag:

Flag Days: Church Street	N	%
Always (permanently)	239	85.1%
On specific designated days only (currently 15 days in 2022)	29	10.3%
Never	13	4.6%

85.1% of respondents felt the flag should fly permanently at Church Street, including 93.0% of Protestant respondents but only 15.4% of Roman Catholics.

### 8: In relation to war memorials within the Borough, do you think that the Council should fly the Union Flag:

Flag Days: War Memorials	N	%
Always (permanently)	238	84.7%
During the period of remembrance or in line with local custom and practice	38	13.5%
Never	5	1.8%
Not Answered	0	0.0%

91.7% of Protestant respondents stated that the Union flag should always fly at war memorials, but only 15.4% of Roman Catholics, who were more likely to suggest only during periods of remembrance (61.5%)

### 9: Do you have any other comments on the proposed changes to the policy on the Flying of the Union Flag?

There were 125 responses, representing perhaps a wider range of views than previous questions, with the majority still supportive of the proposed policy:

‘Northern Ireland is an important part of the United Kingdom and has to be recognised as such. The removal of our national flag is extremely offensive and is merely to erode all signs of our national identity to appease the nationalist/ republican agenda. ‘I wish our Borough to be inclusive. Many nationalities now live here and too much flag waving will make them feel excluded. All are welcome, please show it.’

‘Yes. Why do we need to have this debate. We are part of the UK. Union flags should be flown. To me we should be debating what can council be doing for young people, older people, roads the list goes on. Planning properly run social events for families for eg Christmas, Easter, what about bringing back civic week and have floats, a carnival atmosphere for families. This is wasting taxpayers money debating flags. Part of the UK we fly the union flag.’

‘I would feel offended if the policy on the flying of the Union flag were to be reduced, respect should always be given to it, we should be proud of our national emblem.’

#### Summary of Comments

Code	Code Response	N
R1	Current Policy is Sufficient/ No Change/No Issues	8
R2	Fly Northern Ireland flag only	0
R3	Makes a special statement on specified days only/ Could become invisible/ Unnoticed due to compliancy	1
R4	Marks territory/ Not representative of the community/divisive/ non inclusive/ Do not agree with flying the flag at all	12
R5	No Interest	1
R6	People died for flag, shows respect to the fallen, Reminder of Sacrifice/Pride	10
R7	Should fly 356/Permanently/ Agree	33
R8	Should fly on all Gov buildings/Public Buildings/Civic Building	2
R9	The Union flag is flag of our Country/UK/Great Britain/Government/N Ireland /Monarchy	24
R10	Workplace so should show a shared space	0

<b>R11</b>	No	14
<b>R12</b>	Other comments	20

**10: Please provide details of any other issues which you think should be included in the EQIA and your reasons for suggesting them.**

There were 58 responses to this part of the question, although very few were directed towards the EQIA itself, more often towards the Council’s priorities, for example:

‘As we live in part of the United Kingdom you have to accept that the Union flag is our flag no matter which group we identify with, therefore it should not cause offense, similarly if we lived in Dublin we should not be offended by the flying of the Tricolour.’

‘Why does the Council have to fly any flags? Can they not just leave this issue alone. There are more problems in the Borough than worrying about the flag. Their constituents are finding life very tough with the cost of living rising and children in their Borough not eating, why do they waste time on this matter.’

‘Thousands of people have been affected by the 30+ years of bombings and killings on both sides. Those people will not be helped or hindered simply by the raising, or not raising a flag. It’s the service they receive not the flag that’s flown over a building. Let’s concentrate on that first and foremost.’

**Summary of Comments**

<b>Code</b>	<b>Code Response</b>	<b>N</b>
<b>R1</b>	Current Policy is Sufficient/ No Change/No Issues	1
<b>R2</b>	Fly Northern Ireland flag only	0
<b>R3</b>	Makes a special statement on specified days only/ Could become invisible/ Unnoticed due to compliancy	0
<b>R4</b>	Marks territory/ Not representative of the community/divisive/ non inclusive/ Do not agree with flying the flag at all	8
<b>R5</b>	No Interest	0
<b>R6</b>	People died for flag, shows respect to the fallen, Reminder of Sacrifice/Pride	2
<b>R7</b>	Should fly 356/Permanently/ Agree	7
<b>R8</b>	Should fly on all Gov buildings/Public Buildings/Civic Building	0

<b>R9</b>	The Union flag is flag of our Country/UK/Great Britain/Government/N Ireland /Monarchy	6
<b>R10</b>	Workplace so should show a shared space	0
<b>R11</b>	No	19
<b>R12</b>	Other comments	12

### 11: To what extent do you agree with the assessment of impacts as set out in the EQIA?

Option	N	%
<b>Strongly Agree</b>	31	11.0%
<b>Agree</b>	53	18.9%
<b>Neither agree nor disagree</b>	97	34.5%
<b>Disagree</b>	27	9.6%
<b>Strongly Disagree</b>	73	26.0%

The majority of respondents (64.4%) either agreed with, or were neutral to, the assessment of impacts as set out in the EQIA.

### 12: If you do not agree with the assessment of impacts, please tell us your reasons and any changes you think should be made.

There were 81 responses to this part of the question. Most comments tended to reiterate earlier positions regarding the flying of the Union flag.

#### Summary of Comments

Code	Code Response	N
<b>R1</b>	Pointless/ Council will not listen to the people's opinion	1
<b>R2</b>	Council are giving in to a minority.	2
<b>R3</b>	Agree/ Fly 365	14
<b>R4</b>	The survey is not reflective of the whole borough/ some areas may be offended/people may be offended when using buildings	10
<b>R5</b>	No comment/N/A	7
<b>R6</b>	The Union flag is flag of our Country/UK/Great Britain/Government/N Ireland /Monarchy	35
<b>R7</b>	No impact	5
<b>R8</b>	No flags should be flown	1
<b>R9</b>	The union flag should be flown out of respect/pride	3
<b>R10</b>	Other	1

### 13: Are you aware of any further data and / or research which may be relevant?

There were 64 responses to this part of the question, but only one stated the need for additional material to inform the EQIA .

#### Summary of Comments

Code	Response	N
R1	No	53
R2	Yes	1
R3	Other	8

### 14: Do you agree with the rural needs assessment?

There were 281 responses to this part of the question.

Option	N	%
Yes	204	72.6%
No	77	27.4%

#### Summary of Comments

Code	Response	N
R1	Yes	21
R2	No	3
R3	Don't understand/ Not relevant/ Didn't read	18
R4	No comment	4
R5	The Union Jack should be flown at all council building and War memorials throughout the council area 365 days a year.	7
R6	Other	12

### 15: Do you have any further comments on the EQIA report, the rural needs assessment and / or the consultation process?

There were 58 responses to this part of the question but only eight raised general matters or restated existing viewpoints.

#### Summary of Comments

Code	Response	N
R1	No	48
R2	Other	8

### Responses from Council staff survey

There was a total of **81** responses to the staff survey, representing 10.7% of the current workforce (n = 757).

## Demographic Profile

The sample included 33 (40.7%) male and 39 (48.2%) female responses, with 9 (11.1%) undeclared. No respondents declared their ethnicity as other than white. The age profile of the sample suggests the majority of respondents (84.0%) were distributed relatively evenly between ages of 35 and 65 years.

Age	N	%
24 or under	0	0.0%
25-34	7	8.6%
35-44	28	34.6%
45-54	21	25.9%
55-64	17	21.0%
Over 65	2	2.5%
Prefer not to say	6	7.4%

A breakdown of respondents by religion and national identity is shown below. 20 staff respondents (24.7%) self-declared as Roman Catholic with 36 (44.4%) Protestant and 14 (17.3%) no religion, indicating a higher proportion of Roman Catholic responses to the survey relative to the religious breakdown of all existing staff (80.1% Protestant; 13.9% Roman Catholic). Furthermore, among the sample, 35 (43.2%) identified as British, 24 (29.6%) as Northern Irish and 17 (21.0%) as Irish.

Religion	N	%
Roman Catholic	20	24.7%
Protestant	36	44.4%
Other Christian (including Christian related)	5	6.2%
Other faith or non-Christian community background	0	0.0%
No religion	14	17.3%
Prefer not to say	6	7.4%

National Identity	N	%
British	35	43.2%
Irish	17	21.0%
Northern Irish	24	29.6%
English	0	0.0%
Scottish	1	1.2%
Welsh	0	0.0%
Prefer not to say	4	4.9%

Staff were also asked how often (in an average week), s/he would pass by or visit Church Street offices. 33 (40.1%) said every day, 13 (16.1%) replied 3-4 days, 11 (13.6%) 1-2 days, 18 (22.2%) rarely and 5 (6.2%) never.

**Responses to each of the survey questions are summarised below, together with a coding of additional comments.<sup>14</sup>**

**1: To what extent do you agree with the Council’s current policy regarding the flying of the Union Flag at Council Offices, Church Street Newtownards (i.e. designated days only)?**

<b>Current Policy: Church Street</b>	<b>N</b>	<b>%</b>
<b>Strongly agree</b>	15	18.5%
<b>Agree</b>	16	19.8%
<b>Neutral</b>	22	27.2%
<b>Disagree</b>	10	12.4%
<b>Strongly disagree</b>	18	22.2%

38.3% of staff surveyed agreed with the current policy, while 34.6% disagreed. By religion, 38.9% of Protestant disagreed along with 35.0% of Roman Catholic staff. Comments tended to be split between those who felt the existing policy was sufficient and those who felt the flag should be flown permanently. A diverse range of often lengthy comments included:

‘Flags are divisive and these are work places however the current situation is a compromise.’

‘As local government we serve the national interest and should display the national flag permanently at the council buildings in each town.’

‘Personally I don’t care when or where it is flown. There shouldn’t be an issue over flags. We have got to move on from the flag issue in NI. Can I also say I’m an Irish catholic but feel flags shouldn’t be an issue. Everyone has their own views and thoughts which is fine - we got to move on....’

‘I fail to see the need to fly the Union flag all year round (Protestant background). I personally feel that I would prefer a flag representing Northern Ireland to be flown, that is neither the Union Jack or the Irish Tricolour. I am Northern Irish, not British or Irish.’

‘The Union Flag is the national flag of the United Kingdom and has a particular status symbolising the constitutional position of Northern Ireland. Some Council employees may feel discriminated against. There may be complaints of discrimination in respect of the display of the flag and could potentially conflict with the Fair Employment Tribunal.’

<sup>14</sup> A full analysis of the survey data, including comments, is available on request.

## Summary of Comments

Code	Code Response	N
R1	Current policy is sufficient/ No change/No issues/Neutral	13
R2	Fly Northern Ireland flag/Tricolour/ both flags	1
R3	Makes a special statement on specified days only/ Could become invisible/ Unnoticed due to compliancy	0
R4	Marks territory/ Not representative of the community/divisive/ non inclusive/ Do not agree with flying the flag at all	6
R5	No Interest	0
R6	People died for flag/Shows respect to the fallen/Reminder of Sacrifice	1
R7	Should fly 356/Permanently	14
R8	Should fly on all Gov buildings/Public buildings/Civic building	1
R9	The Union flag is flag of our country/UK/Great Britain/Government/N Ireland /Monarchy	7
R10	Workplace so should show a shared space/ Could make colleagues uncomfortable	1
R11	Other comments	3

## 2: To what extent do you agree with the Council's proposed policy regarding the flying of the Union Flag at Council Offices, Church Street Newtownards (permanently)?

Proposed Policy: Church Street	N	%
<b>Strongly agree</b>	27	33.3%
<b>Agree</b>	6	7.4%
<b>Neutral</b>	10	12.4%
<b>Disagree</b>	9	11.1%
<b>Strongly disagree</b>	29	35.8%

Regarding the proposed policy at Church Street, 72.2% of Protestant respondents strongly agreed or agreed in contrast with 95.0% of Roman Catholic who disagreed (with 85% stating 'strongly disagree'). Many comments made reference either to the legitimacy of flying the flag permanently or to this proposal being potentially divisive and/or a marker of territory. A wide range of often lengthy comments included:

'Church Street is now not the main ANDBC building ie; Town Hall where the CEO resides. The building is no different to other Council owned buildings. Councillors need to move on and not keep segregating back into legacy Councils.'

'It is the standard practice in many countries that the national flag flies from Government buildings 24/7. Furthermore, the intensification of flying of the Union Flag can be justified given that British Sovereignty of Northern Ireland (which was a central pillar of the Belfast Agreement) has been compromised through the imposition of the Northern Ireland Protocol

which has resulted in the citizens of Ards and North Down being subjugated to EU law without any form of democratic representation.'

'Flags in our country are unfortunately a very divisive issue overall and I feel that the appearance of a flag - any flag - unconsciously advertises a certain perceived viewpoint or belief system. I believe that any organisation that wishes to be seen as balanced, neutral, equal and open would be best to avoid any flag, so as not to risk alienating a particular section of the community.'

'The union flag has been used in Northern Ireland to intimidate and claim territory. It is unacceptable to have a union flag in your office so why would it be acceptable to have one flying above your place of work. Your place of work should be a neutral environment and an employee should not be made to feel intimidated in their place of work. There is a union flag in the Chamber in Newtownards which is only on show if you are in the Chamber and it is your choice to be there but flying above the building is unacceptable, intimidating and sending the wrong message to the Catholic employees who work there.'

'Council offices should be viewed as a safe and welcoming space for all employees and visitors/users of the facility. In NI the use of the Union Flag may be viewed by some communities as political/unwelcoming/not representing their community and thus these sections may not feel welcome.'

'Newtownards is unfortunately a heavily flagged area. On entry to the town there is a plethora of flags, including those associated with paramilitary organisations. It is incumbent upon the Council to ensure Ards presents itself as a town respecting both sections of the community and to promote a harmonious working environment. Flying the union flag over and above designated days ignores the identity of one section of the community. The union flag is displayed prominently and permanently within the Council building which is hardly conducive to a neutral or harmonious working environment.....The number of emblems (photographs, flags etc) within the building, glorifying one sense of identity (and the complete ignorance of another), is oppressive and makes for an uncomfortable and intimidating working environment.'

'These are places of work and people of all backgrounds have to work there.'

'We are part of the UK and the union, and the union flag is our national flag.'

### In a few words, could you please explain your response?

#### Summary of Comments

Code	Code Response	N
R1	Current policy is sufficient/ No change/No issues/Neutral	4
R2	Fly Northern Ireland flag/Tricolour/Both flags	1
R3	Makes a special statement on specified days only/ Could become invisible/ Unnoticed due to compliancy	1
R4	Marks territory/ Not representative of the community/divisive/ non inclusive/ Do not agree with flying the flag at all	19
R5	No Interest	0
R6	People died for flag/Shows respect to the fallen, Reminder of Sacrifice	2
R7	Should fly 356/Permanently	9
R8	Should fly on all Gov buildings/Public buildings/Civic building	2
R9	The Union flag is flag of our Country/UK/Great Britain/Government/N Ireland /Monarchy	7
R10	Workplace so should show a shared space/Could make colleagues uncomfortable	6
R11	Other comments	1

### 3: In relation to Council Offices at Church Street Newtownards, do you think that the Council should fly the Union Flag?

Flag Days: Church Street	N	%
Always (permanently)	34	42.0%
On specific designated days only (currently 15 days in 2022)	34	42.0%
Never	13	16.1%

27 Protestant respondents (75%) stated that the Union flag should fly permanently at Church Street, with 22.2% stating designated days and one (2.7%) replying 'never'. In stark contrast, no Catholic respondents indicated 'always', 55% stated 'designated days' and 45% 'never'.

### 4: What impact do you feel that the Council's current policy on the flying of the Union Flag on Council buildings has on the promotion of a good and harmonious working environment within the Council?

Option	N	%
Very positive	4	4.9%
Positive	9	11.1%
Neutral	44	54.3%
Negative	18	22.2%
Very negative	6	7.4%

66.7% of Protestant staff who responded to the survey felt the impact has been 'neutral', with seven (19.4%) stating either 'positive' (13.8%) or 'very positive' (5.6%). 45% of Catholic respondents felt the impact had been 'neutral', with 45% indicating either 'negative' (30%) or 'very negative', and only 10% 'positive' (5%) or 'very positive' (5%). Once more a considerable number of lengthy comments were generated, including the following:

'The union flag flying on council buildings is a step backwards for a harmonious working environment, at present we have them flying from most lampposts in the area along with paramilitary flags. These flags are used to intimidate and claim loyalist territory. Why would the council wish to intimidate and ostracise their staff or make them feel unwelcome in the workplace.'

'I believe the impact is low, it seems perfectly acceptable that the national flag should be flown at our main civic buildings in designated days to commemorate a special day.'

'I don't think flying the flag outside the building does much to promote good harmonious relationships within the council. Perhaps a review of the decorations within the Mayor's Parlour and Chamber would do more.'

'I respect the right to fly the Union Flag on Council buildings, even though it does not reflect my own nationality/ identity. I find the measured approach to flag flying in the current policy inoffensive and accept that it reflects the fact that they are government buildings. However, it does not actively promote a good and harmonious working environment.'

'It's the flag of our country, nothing to be ashamed of. If they don't like it leave.'

'I agree with the current policy, but it is not something I would wish to discuss openly with other colleagues. There may be some who are not comfortable with it. Therein lies the problem. It is a contentious issue.'

'The use of flags and emblems in a Council setting promotes a bad and discordant working environment. It discriminates against some staff treating them unfairly.'

### Summary of Comments

Code	Code Response	N
R1	Current Policy is Sufficient/ No Change/No Issues/ neutral	6
R2	Fly Northern Ireland flag/ Tricolor/ both flags	0
R3	Makes a special statement on specified days only/ Could become invisible/ Unnoticed due to compliancy	0
R4	Marks territory/ Not representative of the community/divisive/ non inclusive/ Do not agree with flying the flag at all	9
R5	No Interest	3

<b>R6</b>	People died for flag/Shows respect to the fallen/Reminder of Sacrifice	1
<b>R7</b>	Should fly 356/Permanently	3
<b>R8</b>	Should fly on all Gov buildings/Public buildings/Civic building	1
<b>R9</b>	The Union flag is flag of our country/UK/Great Britain/Government/N Ireland /Monarchy	5
<b>R10</b>	Workplace so should show a shared space/ Could make colleagues uncomfortable	6
<b>R11</b>	Other comments	3

**5: What impact do you feel that the Council’s proposed policy on the flying of the Union Flag on Council buildings will have on the promotion of a good and harmonious working environment within the Council?**

<b>Option</b>	<b>N</b>	<b>%</b>
<b>Very positive</b>	11	13.6%
<b>Positive</b>	8	9.9%
<b>Neutral</b>	24	30.0%
<b>Negative</b>	14	17.3%
<b>Very negative</b>	24	29.6%

52.8% of Protestant staff who responded to the survey felt the impact of the proposed policy would be ‘neutral, with 33.3% stated it would have a positive (13.9%) or very positive (19.4%) impact, and only five (13.9%) stating the impact could be negative. Once more, in stark contrast, 90% of Catholic respondents felt the impact would be negative (65% ‘very negative’ and 25% ‘negative’), with none arguing it would have a positive or very positive impact. Comments again reflected this division of opinion:

‘Don’t like to push flags down people’s faces. Work in harmony and respect others. Everyone should respect the nominated days as listed in flying the Union flag in the Main Building as we are part of the UK.’

‘Should not cause an issue within working environment - we should all work together, get along together no matter if flag is flown or not.’

‘By flying the Union Jack this is showing that as a ‘workplace’ we are all from the one community this is not the case and we have many religions and political views this is what makes us a diverse workforce.’

‘Whilst the current policy is inoffensive, to revert to an all year, every day flying of the union flag, would be a backward step politically and culturally, and could be economically detrimental to the Borough discouraging international visitors and offending visitors from the rest of Ireland.’

‘I think people get easily offended by flags and perhaps if the Union flag was flown on council buildings this would eradicate the need for the flags of organised crime gangs to be flown elsewhere in the towns. It would

also become the norm so would probably not be noticed after a length of time.'

'It is an acknowledgement of being part of the United Kingdom.'

'Think staff should be entitled to work in a neutral environment whereas flying of the flag all year round does not promote neutrality or harmony and can be contentious.'

### Summary of Comments

Code	Code Response	N
R1	Current policy is sufficient/ No change/No issues/neutral	8
R2	Fly Northern Ireland flag/ Tricolor/ both flags	1
R3	Makes a special statement on specified days only/ Could become invisible/ Unnoticed due to compliancy	0
R4	Marks territory/ Not representative of the community/divisive/ non inclusive/ Do not agree with flying the flag at all	10
R5	No Interest	0
R6	People died for flag, shows respect to the fallen, Reminder of Sacrifice	1
R7	Should fly 356/Permanently	2
R8	Should fly on all Gov buildings/Public buildings/Civic building	0
R9	The Union flag is flag of our Country/UK/Great Britain/Government/N Ireland /Monarchy	2
R10	Workplace so should show a shared space/ Could make colleagues uncomfortable	9
R11	Other comments	3

### 6: Do you have any other comments on the proposed changes to the policy on the Flying of the Union Flag?

There were 44 responses to this part of the question, in the main reinforcing points that had already been made but also raising new concerns:

'Council buildings should be treated as other places of work - no emblems/flags should be on display as a mark of respect for everyone.'

'I hate all the Union flags flying during the summer months (May - August). It's so intimidating and I know people who refuse to come up North during this period as they don't feel comfortable. Territory demarcations show that the troubles really haven't gone away. Please don't be encouraging the flying of more flags on more buildings.'

'I welcome the change in policy. There is no evidence to suggest a differential impact.'

'To be honest I think that there is nothing wrong with the way things are now and I don't see why it needs changed. As a council as feel that maybe they should concentrate on the actual building in Newtownards, it's

hardly a welcoming place and looks like its straight out of the 70s, not a progressive work environment that i would want to visit!

'I believe the proposed changes are politically motivated and reprehensible, especially, at a time when the Borough is being showcased in television programmes highlighting the natural beauty and biodiversity that abounds in Strangford Lough and dramas such as Hope Street, where film makers had to negotiate the temporary removal of loyalist flags. This move works against engendering a sense of civic pride and the Council's purported commitment to inclusiveness.'

'Yes I do, I think there is a wider issue at hand, that ANDBC needs to stop being seen as a 'protestant' council and start representing the borough as a whole.

The borough has become more and more diverse with many living here and paying rates not from the UK. Why cant our Council lead the way with this issue (that is ongoing in other Council areas) and make up a Flag for the Borough? Then we can fly that instead.'

'Having flags up permanently will also help reduce the current workload of raising and lowering the flags to suit certain events, and to meet individual needs. Flag raising and lowering can and is often political, so having them permanently in place may help to alleviate such response, i.e. if the Union Flag is in permanent position, as opposed to regular raising and lowering, it's less likely to remind those, that see it as political, to make an issue of it!'

'Our nation's flag is a symbol of liberty, unity and freedom that creates a shared sense of civic pride. People rightly expect to see the Union Flag flying high on civic and Government buildings up and down the country, as a sign of our local and national identity.'

'I am astonished that the proposal has actually got this far. The elected members are supposed to serve the whole of their constituencies and not just their religious/political base and I expected better. I am very disappointed in the proposed policy changes and it would make me question my future as a member of staff for the Council.'

'The Council should adhere to the advice contained with the Equality Commission NI's Advice on Flying the Union Flag in Councils.'

### Summary of Comments

Code	Code Response	N
R1	Current policy is sufficient/ No change/No issues/ Neutral	11
R2	Fly Northern Ireland flag/ Tricolor/ both flags	0
R3	Makes a special statement on specified days only/Could become invisible/ Unnoticed due to compliancy	0
R4	Marks territory/ Not representative of the community/divisive/ non inclusive/ Do not agree with flying the flag at all	11

<b>R5</b>	No interest/ Nothing to add	2
<b>R6</b>	People died for flag, shows respect to the fallen, Reminder of Sacrifice	1
<b>R7</b>	Should fly 356/Permanently	8
<b>R8</b>	Should fly on all Gov buildings/Public Buildings/Civic Building	2
<b>R9</b>	The Union flag is flag of our Country/UK/Great Britain/Government/N Ireland /Monarchy	0
<b>R10</b>	Workplace so should show a shared space/ Could make colleagues uncomfortable	3
<b>R11</b>	Other comments	5

**7: Please provide details of any other issues which you think should be included in the EQIA and your reasons for suggesting them.**

There were 21 responses to this part of the question. A number of new themes were introduced, including:

‘I think that such a disregard for one section of the community calls into question how the Council operates equality of opportunity across the board including, but not limited to: recruitment, career advancement, policy implementation, and allocation of resources.’

‘Only fly an Ards & N Down BC flag if serious on community / staff relations.’

‘I consider that this is not a true EQIA as it does not explore the cumulative effect of all displays both inside and outside this building. This cumulative effect has the potential to heighten the following impacts:

- intimidation/'chill factor' in the workplace.
- access to services by discouraging the use of Council facilities, and participation in Council processes, from one section of the community.
- shows disregard for the promotion of good relations in the Borough.

Sadly, for the reasons outlined in this questionnaire I would not feel comfortable participating in a staff meeting in relation to this EQIA. I consider that this would be a highly intimidating experience for me for the reasons already explained.’

‘Council should not be taking a political stance, especially in this current social climate there are much more important things going on that should be prioritised.’

‘How is the potential chill factor for staff from a Catholic/Nationalist/Republican (CNR) background going to be assessed? Can all members of staff be informed of their legal rights in regards to employment law and implicit as well as explicit exclusion and isolation in the work place? Can all members of staff be informed of legal precedents that have been established in regards to supposedly inclusive public buildings being intentionally divisive so that they are readily prepared should the council attempt to instigate division and demarcate ownership?’

In what way is the flying of flags going to demonstrate the principles of economy, efficiency and effectiveness while serving the needs and interests of ALL ratepayers, ALL residents and ALL visitors within the Borough or is the assertion of the Unionist identity the only identity that is welcomed in these buildings?’

### Summary of Comments

Code	Response	N
R1	Nothing to add/No	8
R2	Council should remain neutral and represent the Borough as a whole	3
R3	Other	8

### 8: To what extent do you agree with the assessment of impacts as set out in the EQIA?

Option	N	%
Strongly Agree	14	17.3%
Agree	17	21.0%
Neither agree nor disagree	45	55.6%
Disagree	4	4.9%
Strongly Disagree	1	1.2%

Only 6.1% of respondents either ‘disagreed’ (4.9%) or strongly disagreed (1.2%) with the assessment of impact as set out in the EQIA.

### 9: If you do not agree with the assessment of impacts, please tell us your reasons and any changes you think should be made.

Code	Response	N
R1	Nothing to add/No	3
R2	It’s the flag of our country	3
R3	Other	5

The purpose of the EQIA was questioned by a small number of respondents, along with its scope, e.g.:

‘I agree with the potential impacts that has been identified but further impact is that the Council building will appear to express partiality to one section of the community. Further, and significantly, it is my firm view that this EQIA is being carried out on a false premise. To consider the flying of the union flag on a daily basis in isolation is to ignore the cumulative impact of such a proposal given the highly flagged and emblematic environs of the building and within the building itself.’

'The flag of the country/state cannot have a detrimental effect. It is utterly ridiculous this EQIA has taken place.'

**10: Are you aware of any further data and / or research which may be relevant?**

Code	Response	N
R1	Nothing to add/No	11
R2	Council should remain neutral and represent the Borough as a whole	1
R3	Other	4

**11: Do you agree with the rural needs assessment?**

Option	N	%
Yes	63	77.8%
No	18	22.2%

**Summary of Comments**

Code	Response	N
R1	Nothing to add/No	1
R2	Don't know/Don't understand	2
R3	Agree	6
R4	Other	5

**12: Do you have any further comments on the EQIA report, the rural needs assessment and / or the consultation process?**

**Summary of Comments**

Code	Response	N
R1	No/Nothing to add	16
R2	Other	3

**Other responses**

Four substantive written responses were received. These are summarised below and are included in full at Appendix 7.

**Response from the Alliance party**

The Alliance party reiterated its support for the flying of the Union Flag from Council Civic Headquarters on designated days in line with DCMS guidance, and its opposition to the Council's existing policy of flying the flag permanently at seven sites.

With regard to war memorials, it was felt that flying the flag permanently could jeopardise good relations and have an adverse impact on those from a Roman Catholic

and/or Nationalist community background. The concerns of those who do not identify as either Unionist or nationalist should also be shown due regard in these deliberations. The significance of flying the Union Flag during the remembrance period should remain paramount, and at Remembrance events throughout the year.

In relation to Church Street, the party restated the ECNI guidance on a good and harmonious working environment and in particular questioning flying the flag at more than one site. In light of case law elsewhere in NI, it was further suggested that the revised policy could open the Council to the risk of legal action as it is more extreme and acts against the Council's duties to ensure good relations and a good and harmonious working environment, 'potentially risking legal challenge from employees or service users.'

### **Response from the Equality Commission for Northern Ireland**

The Commission sought further clarity regarding the screening and in particular what was referred to as 'all council properties', and whether the proposed policy includes continuing to fly the flag at each designated site.

The Commission felt that an EQIA should contain a consideration of all alternative policies and measures to mitigate, and that consultees should be asked to make an informed consideration of each, including the rationale for each option. While the EQIA presents policy alternatives, 'no assessment of the potential impacts of these alternatives on equality and/or good relations have been included'. The Commission also recommended that monitoring arrangements are set out in the Final decision report.

### **Response from East End Residents Association**

The resident's group are in support of the change in policy, and argued that this remedied a problem that had been created when the Equality Commission had previously challenged the flying of the Union flag permanently at Church Street. 'Hence the change in policy at that time. Now with this new amendment it is looking to return to the old previous policy.'

The group also expressed concerns that 'the Equality Commission will not take our views seriously as this will fly in the face of their recommendations at that time'.

### **Response from Cloughey and District Community Association**

The response was confined to the flying of the Union flag year round on war memorials, and highlighted the need to ensure that the period of remembrance was duly respected and not 'politicised'. The Association argued that by extending the period that the flag was flown may diminish the significance of the act, and could lead to 'a degree of numbing or blaséness and ultimately even to disregard'. 'It is therefore incumbent on the council to consider that there is a very real risk of diluting the importance of the remembrance message that they wish to exalt by overexposure and overfamiliarity.' 'We would ask the council to please consider that it does not necessarily follow that amplified continual commemoration is better than contemplative background

commemoration with recognised times that allow a high focus on communal remembering.’

The Association also highlighted the issue of perception. ‘If we wish to have full and also cross-community support for the sacrifices made then perception really matters.’ ‘If there is a risk, even the slightest risk, that commemoration is perceived as being politicised then, surely the wise step to take is not to do anything which may increase that risk. Surely to do otherwise would only risk council ‘shooting itself in the foot’ and increase the risk of turning more people away from commemorating the great sacrifice made on all our behalf.’

## 6 Conclusions

6.1 Schedule 9 of the Northern Ireland Act 1998 requires that, in making any decision with respect to a policy, a public authority shall consider any EQIA and consultation carried out in relation to the policy (para. 9.2). This information should be considered in the context of the stated aim of the policy in question (see p.10).

6.2 There is no strict definition of what ‘taking into account’ entails. However, the Equality Commission guidance on how decisions should be recorded makes it clear that a public authority must be able to record the decision-making process (as well as the decision) and that the decision must be justified.<sup>15</sup>

6.3 The guidance also advises that all available data should be combined in making the decision. This includes the information gathered during the research phase of the EQIA, the results of the consultation and the analysis of alternative policy options in light of all relevant considerations and including case law, legislation and guidance.<sup>16</sup>

6.4 This information has been brought together in this report and the accompanying appendices in order to ensure that the Council is in a position to take account of all issues and relevant data when making a decision.

6.5 In any consultation, the number of people that have expressed a preference for a particular option cannot be ignored but this information must also be considered in the context of all other relevant concerns and including both quantitative and qualitative information.

6.6 Equally, it is to be expected that those who took the time and trouble to respond to the consultation would be those with strong opinions on the subject and they have made their views very clear. At the same time, the impact of the proposed policy on all those who engage with the Council or live within or visit the Borough but chose not to engage with the EQIA itself should not be disregarded.

6.6 In relation to Section 75 consultations, the Equality Commission has made explicit in the past that an *‘EQIA should not be considered as a referendum whereby the*

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<sup>15</sup> Practical Guidance on Equality Impact Assessment, ECNI 2004, p.45

<sup>16</sup> Practical Guidance on Equality Impact Assessment, ECNI 2004, p.45

*views of consultees from a majority are counted as votes to decide the outcome.'* Instead, all available quantitative and qualitative data should be interrogated in order to help reach a decision that aspires to be fair, reasonable and proportionate.

6.7 The following summary of the key points arising from the EQIA and the consultation is provided to assist the Council in its decision making, but is not exhaustive and is not offered as a substitute for the detailed information as presented earlier in the report.

6.8 While the Council is grateful for the time and effort taken by respondents, the surveys of both staff (N = 81; 10.1% of staff total) and the public (N = 281; 0.17% of Borough population) have yielded relatively low return rates, and so cannot be relied upon to be representative of the respective populations as a whole.

6.9 Instead they are likely to be indicative of the depth of feeling felt by respondents regarding these issues, and who were then motivated to take part. In relation to the public survey, it is noteworthy that 81.5% of the sample self-declared as Protestant while only 4.6% identified as Roman Catholic. Equally, while 82.9% of the sample stated their national identity as British or Northern Irish, only 3.6% declared as Irish. This suggests a higher return from the Protestant / Unionist community than would be predicted from population census returns for the Borough (75.1% Protestant; 13.1% Roman Catholic; 11.8% Other).

6.10 The profile of respondents to the staff survey suggests a more even balance on grounds of religion, with 44.4% self-declaring as Protestant, 24.7% Roman Catholic and 30.9% Other. The latest Article 55 return to the Equality Commission indicated that 79.6% of the workforce was classified as Protestant, 13.1% Roman Catholic and 7.3% Other. Hence, a higher proportion of staff members who are Roman Catholic appear to have completed the survey than would be anticipated. In addition, the gender balance is more even in the staff survey, with 40.7% male and 48.2% female, in contrast with the public survey (69.0% male; 29.2% female).

### **EQIA Process**

6.11 Respondents in both surveys were asked to comment on the EQIA process itself. The majority of respondents to both surveys either agreed with or were neutral to the assessment of impact as outlined in the Draft EQIA Consultation Report (64.4% public survey; 93.9% staff survey), and very few called for additional data (1.6% public survey; 6.3% staff survey).

6.12 Of the additional comments received regarding the EQIA (including the need for any additional data), very few related to the content of the EQIA process itself but instead reiterated stated positions regarding the proposed policy and the flying of the flag.

6.13 There is no indication from the responses received to suggest that the EQIA process was seen as fundamentally flawed or required major revision.

6.14 Only four substantive written responses were received (see above). The written response from the Equality Commission did highlight issues relating to the EQIA

process, and these have been noted and taken on board in the EQIA Final Decision Report. In particular, the need to consider monitoring arrangements, and the need to assess the potential impact of each option, and including the rationale.

### **Quantitative Data**

6.15 In summary, the overwhelming majority of respondents to the public survey (85.1%) felt that the Union flag should fly all year round at Church Street, while 84.7% felt that the Union Flag should fly permanently at war memorials. This sentiment resonated through answers to related questions regarding the current and proposed policy, with 82.6% stating that they were very comfortable with the union flag flying on or close by Council buildings, and 86.8% in relation to flying the Union Flag on war memorials.

6.16 Not surprisingly, and in common with previous surveys, community background emerged as a highly significant predictor of attitudes towards this issue, with Protestant respondents and those who identified as British being overwhelmingly supportive of the proposed policy while Roman Catholic respondents largely rejected the proposal and most especially with regard to flying the Union flag permanently at Church Street.

6.17 While 93% of Protestants who responded maintained that the Union flag should fly permanently at Church Street, only 15% of those declaring themselves Roman Catholic felt likewise. Equally, less than 1% of those self-declaring as Protestant stated that the Union flag should never fly on Council buildings, in contrast with 54% of Roman Catholics. 93% of Protestant respondents also felt the Union flag should fly permanently at affected war memorials within the Borough whereas the majority of Roman Catholics (62%) opted for periods of remembrance or in line with local custom or practice

6.18 Furthermore, nearly 90% of Protestant respondents either agreed or strongly agreed with the proposed policy with regard to Church Street, in contrast with around 15% of Roman Catholic respondents (with 85% strongly disagreeing). In relation to war memorials, equivalent figures emerged, with 90% of Protestant respondents either agreeing or strongly agreeing with the proposal but only 15% of those self-declared as Roman Catholic (with 77% strongly disagreeing)

6.19 Among staff, levels of support for the flying of the Union flag permanently at Church Street were less strong than among the general public. While 42% agreed that it should fly permanently, an equal number (42%) stated that it should only fly on designated days, and 16% never. In relation to the proposed policy at Church Street, one third (33%) strongly agreed while 36% strongly disagreed. In other words, over half of all staff who responded (58%) showed support for either no flags or designated days only, and this figure including all Roman Catholic respondents.

6.20 When asked about the likely impact of the proposed policy on the promotion of a good and harmonious working environment, 24% either agreed or strongly agreed that the proposed policy would have a positive effect (including 33% of Protestant respondents), while close to half (47%) suggested that the effect would be either negative or very negative.

6.21 The current policy on flag flying was also seen as problematic, with nearly one third (30%) stating that it has had a negative or very negative impact on the promotion of a good and harmonious environment, rising to 45% of Roman Catholic respondents.

6.22 In combination, while the sample size in both surveys was relatively low in relation to the respective populations (and hence the scope for drawing strong statistical inferences is constrained), these data do suggest strong community support for the proposed policy in terms of both Church Street and affected war memorials, but a more equivocal reaction from staff. In both surveys, while numbers are low, those who self-declared as Roman Catholic are far less welcoming of the proposed change to policy.

### **Qualitative Data**

6.23 At various points throughout both surveys, respondents were afforded the opportunity to provide additional comments or set out reasons for their answer.

6.24 Many of these comments were simply affirmations of personal opinions in relation to the flying of the Union flag, seeing it either as a legitimate expression of identity, or as an unwanted, and even intimidating, display of national allegiance with little personal resonance.

6.25 Several respondents expressed concern as to how the proposed policy may impact on good relations within the Borough, along with suggesting opportunities to reach a compromise that may satisfy both communities. It was also argued that the Borough should aspire to be welcoming and inclusive, and the display of so many Union flags could have the opposite effect - although it was suggested that the flying of authorised flags may help to curb the excessive display of unauthorised displays during the summer months when visitors to the Borough are most numerous.

6.26 Comments relating to the harm to good relations tended to be more common among staff who regarded the proposed policy as potentially divisive within the Council, and where a shared or 'neutral' space was often highly valued. Concern was expressed that further change to the existing policy may harm what were seen as good relations within the Council, and this was seen as unfortunate but potentially avoidable if a compromise position could be reached.

6.27 A number of comments suggested that this policy should not be taken in isolation but considered along with a more expansive audit of flags, memorabilia, regalia etc. within Council properties, and in particular Church Street. The cost implications attaching to the proposed policy were also mentioned, including ongoing maintenance to ensure that flags did not become 'old and tatty looking'.

6.28 It was noteworthy that a number of staff members penned lengthy statements regarding this and related issues, and a sample of comments have been included above. These statements suggest that opinions on this matter are deep rooted, well established and strongly held, and that the Council should be minded of the potential impact of the proposed policy on future staff relations and attitudes.

6.29 The two public meetings, in Portaferry and Newtownards, together with the on-line Zoom meeting, confirmed the depth of feeling which the topic of flags has the

potential to provoke, and has already provoked, along with overwhelming support for the proposed policy among those who attended. The Newtownards and on-line Zoom meetings in particular were noteworthy for revealing the depth of emotion and indeed passion stirred by this topic, and the overwhelming support for the extension of the existing flags policy was unmistakable. The Portaferry meeting, although not well attended, was characterised by a range of views while the Newtownards and on-line Zoom meetings were notable for the number of participants and the strong expressions of support for one perspective. Indeed this message was so powerful that subsequent correspondence suggested that this environment may have been intimidating for those who held alternative opinions but felt constrained from expressing these.

### **Decision-making**

6.30 In reaching a decision in relation to the proposed policy, a number of competing considerations must be borne in mind. For example, while public support for flying the Union flag permanently at both Church Street and on war memorials across the Borough is undeniable and clearly evident in the survey findings, there is also counter evidence, both quantitative and qualitative, and particularly from staff members and representative bodies, which would suggest the need to proceed with caution.

6.31 The consultation has served to confirm how the two elements contained within the proposal (relating to Church Street and affected war memorials respectively), while often eliciting similar survey responses in terms of attitudinal ‘head counts’, also triggered qualitatively different issues that should be considered separately in order to best inform the Council’s decision-making. **For this reason, it is recommended that the two elements that make up the proposal should be regarded as separate and distinct for the purposes of the EQIA.**

6.32 While there are common concerns attaching to both elements, equally there are distinctions that may warrant closer consideration, not least the fact that one relates to symbols attaching to a place of work while the other relates to displays in a public space over which the Council has responsibility. Also, the flying of the Union flag at Church Street is best characterised as an acknowledgement of the constitutional position of Northern Ireland, while at war memorials, its primary function is more likely to be, ‘as a mark of commemoration, in a manner which symbolises the dignity and respect for those it is remembering.’<sup>17</sup>

6.33 Taken in conjunction with guidance, case law and relevant anti-discrimination legislation, it would be prudent to suggest that the consultation alone should not be used to provide the Council with a clear mandate to move in a particular direction.

6.34 While community support for the proposed policy regarding both Church Street and affected war memorials was overwhelming, the Equality Commission is unequivocal in stating that an EQIA must not be regarded as a plebiscite or referendum. Instead, all available guidance and information, both quantitative and qualitative, should be brought together to help inform the decision-making process.

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<sup>17</sup> ECNI Advice on Flying the Union Flag in Councils, 2013

6.35 Although there is some support among staff, allied with strong support among the public, for the proposal to fly the Union flag permanently at Church Street and on affected war memorials, equally there is opposition, and sentiment for and against would appear to run high in both camps.

6.36 With this in mind it would be naïve and potentially imprudent of the Council to proceed without a recognition of potential challenges that may lie ahead, both legally (under anti-discrimination legislation) and locally (in terms of damage to good relations within the Borough and the Council itself).

6.37 In its response to the draft consultation EQIA report, the Equality Commission highlighted the need for the EQIA to assess the potential impact of alternative policy positions on the promotion of equality of opportunity and good relations. The concluding section of this report endeavours to meet this objective by considering the two elements contained within the proposed policy separately.

6.38 The EQIA had identified the possibility that adverse impacts may not only relate to community background (i.e. religious belief and political opinion) but also ethnicity (e.g. nationality). However, the consultation did not reveal any evidence to suggest this was a significant concern and hence attention will focus on two section 75 grounds, religious belief and political opinion.

6.39 The Equality Commission has produced specific advice for Northern Ireland's Councils on the flying of the Union flag (see p.7). While this advice does not have the legal status of a code of practice, it is likely to be of assistance should a claim of unfair discrimination in relation to flags be made. In this advice the Commission makes very clear that there are legitimate grounds for the flying of the flag, both to mark the constitutional status of Northern Ireland and/or as a dignified and respectful symbol of commemoration.

6.40 However, the advice goes on to state that the flag may also be used to convey 'sectional community allegiance', and therefore advises that a Council must strike a proportionate balance that aligns with the stated aim of its policy (see p.10) and is also supported by a rationale that recognises contextual factors, including 'the purpose, manner, location and frequency with which flags are flown'. Consistency is not included in this list of contextual factors but the advice does state that 'the rationale for its display at every Council location, facility and leisure centre would be questionable'.

**6.41 When finally reaching a decision in relation to each of the two elements of the proposed policy, Section 75 and broader statutory considerations must be afforded due regard by the Council, alongside all other matters that are seen to be germane to the policy in question. The EQIA, along with earlier legal advice, has made clear that there are a number of concerns attaching to the proposed changes to the policy. In particular these relate to the promotion of good relations within the Borough generally and the promotion of both good relations and equality of opportunity within the Council itself, but ultimately executive authority will continue to rest within the Council Chamber as to how these concerns are taken into account in its decision.**

## **Church Street**

6.42 Although the consultation showed considerable support from the public for flying the Union flag permanently at Church Street, in choosing to adopt this proposal the Council will have made a conscious decision to move yet further beyond the parameters of the Equality Commission's guidance on promoting a good and harmonious working environment.

6.43 The rationale for this change in policy would appear to be founded on striving for consistency with other Council facilities, along with further acknowledging the constitutional status of Northern Ireland within the UK. However, when set in the context of guidance and relevant legal advice it is difficult to see this argument for consistency as compelling, and especially given opposition from staff not only to the proposed policy but also elements of the existing policy. While the number of staff who engaged with the survey was small, the depth of feeling and concern attached to a number of contributions cannot be disregarded and may be indicative of a wider perception of the Council that is disconcerting.

6.44 This EQIA specifically deals only with a proposed revision to the existing policy. However, the consultation process has revealed concerns not only with the proposed revision but also with the existing policy itself, not least given the Equality Commission's guidance which suggests that, while the display of the Union flag at civic headquarters may be acceptable, 'the rationale for its display at every Council location, facility and leisure centre would be questionable.'

6.45 In the context of this guidance, the potential status of Church Street as 'civic headquarters' is perhaps worthy of closer consideration, and in particular as the main Council chamber is located in Bangor Castle, where the Union flag already flies permanently. In the legacy Ards Council, Church Street was recognised as the primary civic headquarters for the council but the Town Hall was also used for civic events and functions. Today, Church Street is primarily an administrative office building but council committees do meet in the building, and including those with decision-making powers (e.g. planning).

6.46 Notwithstanding this consideration, the Council already chooses to fly the Union flag permanently at seven locations and the proposal would increase this number to eight. The existing policy position is already at the extreme among councils in Northern Ireland, and if the proposal is adopted it may not only further marginalise the council but also may harm good relations among staff and within the wider community, as well as perhaps increasing the risk of legal challenges on grounds of unfair discrimination. These challenges could be predicated on the belief that the Council is not promoting a 'good and harmonious working environment' but instead is more welcoming to those from one community.

6.47 The Equality Commission is explicit in stating that any decision should reflect the Council's legitimate policy aims and 'not cause unlawful discrimination or harassment,

unintentionally or indirectly through its likely effects or impacts.’<sup>18</sup> A number of staff surveyed indicated opposition to the proposed policy and this finding should not be disregarded in the Council’s further deliberations.

6.48 Undoubtedly, Ards and North Down Borough includes a significant majority of those from Protestant/unionist/loyalist communities<sup>19</sup> but in itself the principle of ‘majority rule’ cannot form a firm foundation for a change to the policy. While the voice of these communities may well be the loudest, and has been heard clearly and powerfully throughout the consultation process, the council cannot ignore its moral and statutory responsibilities towards all communities, and including minorities.

6.49 With this in mind, while acknowledging that the staff sample size was small, responses to the survey from Roman Catholic staff in particular revealed a level of disquiet with not only the flying of flag at various locations but also the display of memorabilia within council buildings generally, and this concern is unlikely to subside should the proposed policy be adopted.

6.50 On a more practical note, one consultee pointed out that the Church Street offices faced a health trust facility that included services for those with mental health problems that could include heightened sensitivities and anxieties. Recognising how emotive the topic of flags can be among those from all communities in Northern Ireland, the positioning of the flag to avoid causing the potential for distress among residents of the facility should be afforded due attention.

**6.51 Finally, with reference to the two options as set out earlier (see p.20), when taking all these considerations into account it is likely that the second option (No change to the existing policy except to fly the Union flag for 365/6 days at Council Offices, Church Street, Newtownards) may have the potential to harm good relations, and will run counter to both the promotion of equality of opportunity and a good and harmonious working environment within the Council.**

### ***War Memorials***

6.52 Apart from those few members of council staff who may be tasked with maintaining their upkeep, war memorials affected by the policy do not represent part of the Council’s workplace but instead are prominent features of public spaces within the Borough that fall under the Council’s aegis. Hence anti-discrimination employment legislation is less likely to be relevant and instead broader considerations of shared spaces, ambience and atmosphere may come into play.

6.53 Further to the creation of the new Ards and North Down Borough Council, determining the status of all war memorials in the Borough in relation to this policy is not always straightforward but Council has some level of responsibility for at least 14. Determining the current status of each of these memorials, and the role played by

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<sup>18</sup> Advice on Flying the Union flag in Councils, [www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/Public%20Authorities/AdviceflyingtheUnionflagincouncils2013.pdf?ext=.pdf](http://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/Public%20Authorities/AdviceflyingtheUnionflagincouncils2013.pdf?ext=.pdf)

<sup>19</sup> According to the 2021 census, 68.0% of the Borough population self-declared as ‘Protestant, other Christian or Christian related’ and 11.3% ‘Catholic’.

Council in raising and lowering the flag at each, is not straightforward but tends to be determined by longstanding local custom and practice. During the course of the consultation it became apparent that it was important to clarify the precise status of each war memorial with regard to the flying of the Union flag, and the following table summarises the outcome of this research:

War Memorials	Union Flag Flown	Council Owned
Donaghadee War Memorial	Remembrance Sunday only	Yes
Millisle War Memorial	Remembrance Sunday only	Yes
Ballywalter War Memorial	Remembrance Sunday only	Yes
Ballyhalbert War Memorial	Remembrance Sunday only	Yes
Cloughey War Memorial	Remembrance Sunday only	Yes
Portavogie War Memorial – Princess Anne Road	Remembrance Sunday only	Yes
Portavogie War Memorial – Harbour Road	Remembrance Sunday only	Yes
Ards War Memorial	Remembrance Sunday only	Yes
Hollywood War Memorial	Remembrance Sunday only	No
Bangor War Memorial (Ward Park)	Remembrance Sunday only	Yes
Comber War Memorial	365 days/year	Yes
Ballygowan War Memorial	365 days/year	Yes
Greyabbey War Memorial	365 days/year	Yes
Groomspoint War memorial	14 days to Rem. Sunday	Yes

6.54 In other words, the Union flag is raised before sunrise and lowered after sunset on Remembrance Sunday at ten war memorials, and flies for a fortnight leading up to Remembrance Sunday at one site (Groomspoint), while the flag currently flies permanently at a further three locations. Council staff are responsible for maintaining and raising and lowering the flag at all flagpoles.

6.55 Over recent times, and allowing for local custom and practice, generally it has been the tradition within Northern Ireland to fly the Union flag at war memorials either on Remembrance Sunday or for two weeks during the period of remembrance (around 11 November), along with special anniversaries (e.g. Somme Day, 1 July). (Permanent flags are often flown at unauthorised memorials that fall outside the scope of this policy.)

6.56 This stance would appear to have been broadly if tacitly supported by a number of relevant organisations and bodies over the years including the Royal British Legion. To date the Legion has been reluctant to be drawn into wider political debates around these matters but did endorse the existing policy of only flying the Union flag on three days (1 July; Remembrance Sunday; and cross laying day [Monday preceding Remembrance Sunday]) when consulted on this matter by Belfast City Council in relation to the Cenotaph in the grounds of Belfast City Hall in 2013 (see p.14).

6.57 By flying the flag only during periods of remembrance, on the one hand it could be argued that this highlights, and shows due deference and respect to, a special and

significant period of remembrance and commemoration, i.e. 'less is more and more is less'. On the other hand, it could also be argued that acts of remembrance should not be confined to a limited period of time but should be permanent reminders of past sacrifice.

6.58 It has also been argued that flying the Union flag permanently at these locations may act as a disincentive or deterrent to the flying of unauthorised flags more generally across the Borough - although this hypothesis has yet to be tested empirically.

6.59 Whatever is the case, agreeing to fly the Union flag permanently at several war memorials across the Borough will have the effect of proliferating the display of emblems that tend to be associated with only one community or identity in Northern Ireland. Furthermore, as a direct consequence, in certain towns or villages the Council would then have responsibility for maintaining two or possibly even three Union flags throughout the year.

6.60 As a number of consultees pointed out, the maintenance of so many flags may well have a considerable cost implication for the Council, and would be necessary to ensure that the displays do not fall into disrepair.

6.61 To move to a position where the Union flag is flown permanently at 14 locations, over and above those already flown for 365/6 days at seven Council facilities, does not help align the Council with other public bodies but instead would serve to increase the likelihood that the Borough could be perceived as more welcoming for members of only one community. How this perception may impact on residents and visitors alike is worthy of further consideration but is unlikely to be seen as helping promote good relations across the Borough.

6.62 At the same time, the consultation did reveal overwhelming and powerful support for the proposal to fly the Union flag permanently at affected war memorials and, in contrast to Church Street, appeared to generate little by way of strong opposition. While support was highest among members of the Protestant community, this was to be anticipated, but this strong endorsement was not countered by a significant 'anti' sentiment among other communities, where elements of support were also noted. One community association did, however, raise concern that flying the flag permanently could dilute the impact of it being flown specifically during the period of remembrance, a sentiment echoed by a small number of respondents in the public survey.

6.63 The location of the war memorials in towns and villages that are predominantly of one community may have played some part in determining opinions on this matter, and taken some of the 'heat' out of this element of the policy. However, in reaching a decision on this matter, the impact on both visitors and residents of seeing so many council-maintained Union flags across the Borough, and often in close proximity, should not be ignored but instead be afforded due attention in reaching a decision.

6.64 In its 2013 advice to Northern Ireland's 11 Councils on the flying of the Union flag, the Equality Commission stated that, '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 purpose, manner, location and frequency with which flags are flown.' In reaching a

decision, the Council must bear these considerations in mind, and also whether the decision marries with the stated aim of the Council's flags policy, and including proposed revisions, 'to strike an appropriate balance between respecting the traditional flag of the United Kingdom while acknowledging that the flag has the potential to be used to mark sectional community allegiance in the context of Northern Ireland.'

6.65 To conclude, in contrast with Church Street, which is a place of work for Council employees, the legal imperative informing any Council decision on war memorials is not likely to be quite as prominent and hence may offer scope to take into consideration a number of contextual factors. Of the two options set out in the EQIA (No change to the existing policy; The Union flag to be flown 365/6 days at all designated war memorials within the Borough), while the latter may provide consistency this may be at the cost of overriding local considerations. The former option may have aligned with local custom and practice over many decades, for example where other authorised and council-maintained Union flags may have also flown permanently and in close proximity.

**6.66 With this in mind, Council should strive to reach a decision on this element of the policy mindful not only of statutory responsibilities along with the potential harm that any change may have on the promotion of good relations generally across the Borough but also the impact that this proposal may have locally, and in particular where existing arrangements are seen to be accepted and appropriate.**

## **7 Monitoring for adverse impact**

7.1 The final stage in the EQIA process is the establishment of a system to monitor the impact of the proposed revisions and /or any agreed mitigation, in order to find out its effect on groups within the Section 75 equality categories.

7.2 If the Council should choose to adopt the proposed policy, or to continue with the existing policy, then in each case it will be imperative to establish a monitoring strategy that is able to identify adverse impact at an early stage, among both staff and members of the public. This will be achieved by way of surveys and/or focus groups, along with an annual review of the complaints register.

7.3 Regarding the general public, the Council already operates a bi-annual ratepayers survey, and will commit to including questions that relate to this matter in this survey. It also regularly uses on-line surveys to consider the views of visitors who attend events in the Borough, and will also commit to including similar questions regarding flags in these surveys in future. Other opportunities to gauge public opinion will also be explored as and when appropriate.

7.4 The Council further commits to including as a standing agenda item on its quarterly meeting of the Staff Consultative Committee consideration of decisions reached by the Council (including this decision). It will also ensure that the quarterly Section 75 Screening Panel and monthly Joint Forum (with trade unions) continue to review this matter.

7.5 It would be intended that the policy will be scrutinised on an ongoing basis and reviewed at least every two years, in line with the Council's standard policy review cycle.

7.6 The results of the monitoring will be reviewed on an annual basis and published in the Council's annual Section 75 report to the Equality Commission.

7.7 Where monitoring and analysis show that the proposed changes have resulted in adverse impact, or if opportunities arise which would allow for greater equality of opportunity and/or good relations to be promoted, the Council will ensure that the policy is further revised to achieve better outcomes for the relevant Section 75 groups.

## Appendix 1: Designated Days, 2022



Department for  
**Communities**

An Roinn  
**Pobal**

Department fur  
**Commonities**

Chief Executive of each District  
Council

Dear Chief Executive

### **LOCAL GOVERNMENT CIRCULAR 01/2022**

#### **DAYS IN 2022 FOR HOISTING FLAGS ON GOVERNMENT BUILDINGS IN NORTHERN IRELAND**

I enclose a list of the days in 2022 for hoisting flags on government buildings in Northern Ireland.

A government building is defined as a building which contains, in the majority, civil servants working for government.

I should emphasise that this circular is for guidance only, as it is a matter for each council to make a decision regarding flags flown from its own buildings.

Yours sincerely

**ROBERT COUSINS**  
**Local Government & Housing Regulation Division**  
Local Government Circular 01/2022

Local Government & Housing Regulation Division  
Level 4  
Causeway Exchange 1-7 Bedford Street Town Parks BELFAST  
BT2 7EG  
Phone: 028 9082 3387

Email: [lgprd.secretariat@communities-ni.gov.uk](mailto:lgprd.secretariat@communities-ni.gov.uk)

4 January 2022

## 2022

### DAYS FOR HOISTING FLAGS ON GOVERNMENT BUILDINGS IN NORTHERN IRELAND IN ACCORDANCE WITH THE FLAGS REGULATIONS

9 January	Birthday of The Duchess of Cambridge
20 January	Birthday of The Countess of Wessex
6 February	Her Majesty's Accession
19 February	Birthday of The Duke of York
*TBC	Commonwealth Day
10 March	Birthday of The Earl of Wessex
17 March	St Patrick's Day
21 April	Birthday of Her Majesty The Queen
2 June	Coronation Day
21 June	Birthday of The Duke of Cambridge
*TBC	Official Celebration of Her Majesty's Birthday
17 July	Birthday of the Duchess of Cornwall
15 August	Birthday of The Princess Royal
*TBC	Remembrance Day
14 November	Birthday of The Prince of Wales

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Flags should be flown at full mast all day and not at half-mast.

\*Dates to be confirmed by the Department for Culture, Media and Sport (DCMS) these will also be published in the *Belfast Gazette* by the Northern Ireland Office – a further note will issue in the New Year confirming dates.

**ON THE ABOVE DAYS FLAGS SHOULD FLY FROM 8AM UNTIL SUNSET**

## Appendix 2: Section 75 Profile of the Borough

### Religion or Religion Brought up in (Numbers with % in brackets)

According to the 2011 Census, the profile of residents of the Borough indicates:

	All usual residents	Roman Catholic	Protestant and Other Christian (including Christian related)	Other Religions	None
Northern Ireland	1,810,863 (100%)	817,385 (45%)	875,717 (48%)	16,592 (1%)	101,169 (6%)
Ards and North Down Borough Council	156,672 (100%)	20,550 (13%)	117,589 (75%)	1,729 (1%)	16,804 (11%)

The makeup of the council in relation to employee religious belief is 80% Protestant, 14% Roman Catholic and 6% Other.

Males	Protestant	Roman Catholic	Other	Total
Full Time	358 (84%)	33 (8%)	34 (8%)	425 (100%)
Part Time	*(63%)	*(25%)	*(13%)	*8 (100%)
<b>Totals</b>	<b>363 (84%)</b>	<b>35 (8%)</b>	<b>35 (8%)</b>	433 (100%)

Females	Protestant	Roman Catholic	Other	Total
Full Time	223 (78%)	58 (20%)	6 (2%)	287 (100%)
Part Time	20 (54%)	12 (32%)	5 (14%)	37 (100%)
<b>Totals</b>	<b>243 (75%)</b>	<b>70 (22%)</b>	<b>11 (3%)</b>	324 (100%)

<b>Total Emp</b>	606 (80%)	105 (14%)	46 (6%)	757 (100%)
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\* No figures have been given as low figures may serve to identify individuals

Source: Religion or religion brought up in. Census 2011, NISRA

Employee details: Figures taken from Monitoring Return for 01/01/2017, Ards and North Down Borough Council

### Political Opinion

The most recent local council election (2<sup>nd</sup> May 2019) showed:

Ards and North Down Borough Council Election Result 2019 <sup>[3]</sup>								
Party	Seats	Gains	Losses	Net gain/loss	Seats %	Votes %	Votes	+/-

DUP	14	0	3	▼3	35.0	33.4	16,759	▼2.0
Alliance	10	3	0	▲3	25.0	22.2	11,162	▲8.8
UUP	8	1	2	▼1	20.0	17.8	8,943	▲0.4
Green (NI)	3	0	0	—0	7.5	10.2	5,106	▲5.8
Independent	3	2	1	▲1	7.5	8.6	4,321	▼1.1
SDLP	1	0	0	—0	2.5	3.2	1,621	▼1.0
TUV	1	0	0	—0	2.5	1.4	695	▼3.4
UKIP	0	0	0	—0	0	1.3	672	▼1.2
NI Conservatives	0	0	0	—0	0	1.3	660	▼2.0
Sinn Féin	0	0	0	—0	0	0.5	267	▼0.3

Source: <https://www.ardsandnorthdown.gov.uk/about-the-council/elections-2019/results-2019>

#### Party strengths, 2014, 2019, Present

Party	Elected 2014	Elected 2019	Current
DUP	17	14	12
Alliance	7	10	10
UUP	9	8	8
Green (NI)	3	3	3
SDLP	1	1	1
TUV	1	1	1
Independents	2	3	5

#### Ethnic Group (Numbers with % in brackets)

The A&NDBC employee profile shows that less than 2% of Council employees are from an ethnic minority background.

In relation to the resident population NISRA, NINIS and Northern Ireland Strategic Migration Partnership data provide up to date data. The 2011 census showed that 32,000 (1.8%) of the usually resident population in Northern Ireland is from a minority ethnic background.

Within the Borough, the 2011 Census showed that 1.5% (2,300) were from a minority ethnic background. Across the borough this ranged from 5.2% in Loughview ward to 0.3% in Lisbane ward.

See table below

	All usual residents	White	Chinese	Indian	Bangladeshi	Other Asian	Black African	Black Other	Mixed	Other
Northern Ireland	1,810,863 (100%)	1,778,449 (98%)	6,303 (0%)	6,198 (0%)	540 (0%)	6,089 (0%)	2,345 (0%)	1271 (0%)	6,014 (0%)	3,654 (0%)
Ards and North Down Borough Council	156,672 (100%)	154,365 (99%)	406 (0%)	283 (0%)	177 (0%)	415 (0%)	139 (0%)	132 (0%)	556 (0%)	199 (0%)

Source: [Ethnic Group, Census 2011, NISRA](#)

### Age Groups (Numbers with % in brackets)

NISRA have published population projections for the Borough which show that the proportion of those aged 85 and over are expected to more than double within the next 25 years.

A&NDBC has the highest % population of older people in Northern Ireland.

See table below

	0-15	16-39	40-64	65+	Total
Northern Ireland	385,200 (21%)	583,116 (31%)	591,481 (32%)	291,824 (16%)	<b>1,851,621 (100%)</b>
Ards and North Down Borough Council	29,801 (19%)	43,239 (27%)	54,094 (34%)	31,663 (20%)	<b>158,797 (100%)</b>

Sources: Demography and Methodology Branch, NISRA

### Council employees by age and gender (30/08/2017)

Age	Female	Male	Total
16 - 29	20 (8%)	26 (6%)	46 (7%)
30 - 39	5 (2%)	83 (19%)	88 (13%)
40 - 49	105 (42%)	121 (27%)	226 (33%)
50 - 59	80 (32%)	176 (39%)	256 (37%)
60+	42 (17%)	41 (9%)	83 (12%)

TOTAL	252 (100%)	447 (100%)	699 (100%)
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### Marital Status (All aged 16+) (Numbers with % in brackets)

The 2011 Northern Ireland Census showed that 48% of adults (those aged over 16 years of age) in Northern Ireland were either married or in a registered same-sex civil partnership.

Within the borough, 54% of adults fell into this category. This varies across the Borough from 36% in Central (Ards) ward to 64% in Lisbane ward.

	All usual residents	Single (never married or never registered a same-sex civil partnership)	Married	In a registered same-sex civil partnership	Separated (but still legally married or still legally in a same-sex	Divorced or formerly in a same-sex civil partnership which is	Widowed or surviving partner from a same-sex civil partnership
Northern Ireland	1,431,540 (100%)	517,393 (36%)	680,831 (48%)	1,243 (0%)	56,911 (4%)	78,074 (5%)	97,088 (7%)
Ards and North Down Borough Council	126,945 (100%)	36,730 (29%)	67,866 (53%)	123 (0%)	4,328 (3%)	8,548 (7%)	9,350 (7%)

### Sexual Orientation

It should be noted that no reliable data is available on sexual orientation. However, the 2011 census indicates that less than 1% of the Northern Ireland adult population (those aged 16 years and over) were in a registered same-sex civil partnership. This was similar to the Borough as a whole. The Continuous Household Survey in Northern Ireland estimated this figure between 0.9% and 1.9% in 2015-2016. The Office for National Statistics estimates a similar range for the United Kingdom (1.7%).

Source: Northern Ireland 2011 Census, Marital Status  
ONS 2015 Sexual Identity

### Sex / Gender

According to census (NISRA) almost half of the population of Northern Ireland were male (49%) and this was similar throughout Ards and North Down Borough Council

(48%).

See table below

In relation to employees and their gender see table below

	Males	Females	All
Northern Ireland	887,323 (49%)	923,540 (51%)	1,810,863 (100%)
Ards and North Down Borough Council	75,920 (48%)	80,752 (52%)	156,672(100%)

Source: Age Structure, Census 2011, NISRA

Review of statistical classification and delineation of settlements, NISRA

Council employees by sex and full-time / part-time status (30/08/2017)

		Total
Female (f-t)	172 (22%)	322 (42%)
Female (p-t)	150 (20%)	
Male (f-t)	408 (53%)	447 (58%)
Male (p-t)	39 (5%)	
<b>Total</b>	<b>769 (100%)</b>	<b>769 (100%)</b>

## Disability

The 2011 Census (NISRA) showed that 20% of the population in Ards and North Down area had a health issue or disability (including those related to old age) which has lasted or expected to last at least 12 months. (This was similar to the Northern Ireland figure of 21%.)

### Disability Living Allowances, 2015

	2015 (Disability Living Allowance Recipients)	2015 (Multiple Disability Benefits) <sup>20</sup>
Northern Ireland	209,280	251,490
Ards and North Down Borough Council	13,840	18,080

Source: Northern Ireland Census 2011 Long-term health problem or disability by long-term problem or disability.

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<sup>20</sup> MDB is aggregated data from Attendance Allowance, Disability Living Allowance, Incapacity Benefit and Severe Disablement Allowance data, and data for Employment and Support allowance

### Appendix 3: Staff Profile by Religion and Gender

The makeup of the council in relation to employee religious belief is 80% Protestant, 14% Roman Catholic and 6% Other.

<b>Males</b>	<b>Protestant</b>	<b>Roman Catholic</b>	<b>Other</b>	<b>Total</b>
Full Time	358 (84%)	33 (8%)	34 (8%)	425 (100%)
Part Time	*(63%)	*(25%)	*(13%)	*8 (100%)
<b>Totals</b>	<b>363 (84%)</b>	<b>35 (8%)</b>	<b>35 (8%)</b>	433 (100%)

<b>Females</b>	<b>Protestant</b>	<b>Roman Catholic</b>	<b>Other</b>	<b>Total</b>
Full Time	223 (78%)	58 (20%)	6 (2%)	287 (100%)
Part Time	20 (54%)	12 (32%)	5 (14%)	37 (100%)
<b>Totals</b>	<b>243 (75%)</b>	<b>70 (22%)</b>	<b>11 (3%)</b>	324 (100%)

<b>Total Emp</b>	606 (80%)	105 (14%)	46 (6%)	757 (100%)
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\* No figures have been given as low figures may serve to identify individuals

Source: Religion or religion brought up in. Census 2011, NISRA

Employee details: Figures taken from Monitoring Return for 01/01/2017, Ards and North Down Borough Council

## **Appendix 4: Public Consultation Meeting Summaries**

### **Public Consultation Meeting held in Portaferry Market House, Portaferry**

**Monday 24<sup>th</sup> October, 12pm**

**8 members of the public in attendance**

*It was mentioned at the beginning of the meeting that if people felt for whatever reason they could not voice their opinion, then an email could be sent to [EQIA@ardsandnorthdown.gov.uk](mailto:EQIA@ardsandnorthdown.gov.uk) which would be added into the report*

The following were comments made in relation to the Proposed Revisions to the Council's Policy on the Flying of the Union Flag.

#### **Church Street Comments**

- Is Church Steet really considered as a Headquarters?
- The timing of the meeting in not acceptable
- The current policy is acceptable, designated days work well and no one has raised an issue.
- The Workplace in Church Street should be welcoming to all – a flag may make it feel unwelcome. It does not promote good relations and there is no need to fly it more than the designated days.
- I support the flying of the flag 365 days over all Government buildings – this is what happens in the South of Ireland so why not in Northern Ireland.
- There should be 2 flags flown above the Council building as a representation of all constituents.
- If the constitution changes in this Country Council will fly the Irish flag but until then it will be the Flag of the UK.
- 2 participants agreed with designated days only.
- The policy was previously agreed by legacy Ards Council (i.e. designated days) and works in other Council areas so why change it in this Borough
- Proposed policy is a regressive step – it is non-progressive for Good relations.
- There should be no flags at all.
- It should fly on Church Street 365 in line with other Government buildings

#### **War memorial comments**

- The flag should fly on war memorials 365 day per year, both 'sides' participated in the war so the flag remembers all who gave their lives (Soldiers/Sailors and Airmen) and this should be remembered everyday not just for 2 weeks.
- The union flag only shows one 'side' of the community if all who lost lives are to be remembered then both flags should fly.
- The flag is not representative of the whole community.
- The union flag incorporates the Cross of Saint Patrick therefore, represents Ireland, so both 'sides' that fought in the wars, shows freedom and democracy.

- There is more impact if the flag flies for 2 weeks as opposed to 365 – less is more
- People lay wreaths on 1<sup>st</sup> of July at war memorials to remember those that died in the battle of the Somme, no flag flies on that day however they should to honour the dead.
- With the cost of flag poles/ flags and maintenance be at a cost to the ratepayer and has Council considered the cost.

**The meeting ended at 1pm**

## **Public Consultation held in Blair Mayne Wellbeing and Leisure Complex**

**Monday 24th October, 7pm**

**55 Members of the Public in Attendance**

*It was mentioned at the beginning of the meeting that if people felt for whatever reason they could not voice their opinion, then an email could be sent to [EQIA@ardsandnorthdown.gov.uk](mailto:EQIA@ardsandnorthdown.gov.uk) which would be added into the report*

The following were comments made in relation to the Proposed Revisions to the Council's Policy on the Flying of the Union Flag.

- This is the third time the flag issue has been discussed
- This is not a 'contentious issue' it is the flag of our country
- Unanimous decision that the flag should fly 365 on war memorials and Council buildings.
- People are good enough to take the queen/kings money yet do not recognise the flag
- Holding this EQIA is pandering to a minority
- If people don't like the flag they should go home
- It was requested that the flag be lowered at half mast to recognise the death of Prince Philip – Council said no as it wasn't in the policy – this is a disgrace as he was not only the husband of the Queen but served in the war.
- Felt the meeting and consultation was poorly advertised - felt another meeting would be beneficial in Bangor.
- Having a meeting in Portaferry was divisive
- Should be the majority rule
- It's the flag of the country and there is no harm flying it 365 days.
- Businesses feel that more flags in war memorials would benefit the Town as less would go up on lampposts.
- Flag discussions should not be up for debate and it should be a given
- This is a needless argument in Ards.
- This EQIA has been framed that the flag is an emblem, the Union flag stands beyond this, it stands for freedom and democracy. This stands against people who fought in the war for the freedom to fly the Union flag. The Status of the flag must be recognised.
- Just because people identify as Irish does not mean they are against the union flag. Many Irish soldiers serve in wars for his majesty's armed forces with the union flag on their uniforms yet are still happy to be called Irish – identity proves nothing.
- War memorials should honour the dead 365 days – they did not serve on designated days.
- Annoyed that people outside of the Borough could contribute – this should only be for the People of the Borough to decide.
- In other countries namely Normandy the union flag flies 365 over the British and commonwealth graves – why should we be different.

- Flying the flag over a war memorial 365 day does not take away the reason it is there in the first place.
- The council were willing to accept Bangor's 'City' Status from the Queen so why not fly the flag that represents the United Kingdom.
- Ards Councillors should never have allowed the flag to be removed in the first place this is legacy issue and should have been sorted before the Council Merged.

**Meeting finished at 8.10pm**

## **Public Consultation held online via Zoom**

**Tuesday 1<sup>st</sup> November @ 7pm**

**42 member accounts logged in attendance**

*(it should be noted that some accounts had multiple people in attendance, including around 30 people in attendance at Portavogie)*

**The following were comments made in the chat function of Zoom meeting in relation to the Proposed Revisions to the Council's Policy on the Flying of the Union Flag.**

- I've no concerns with the Church St Newtownards flag be present 365 days apart from costs of personal, replacement flags, etc
- I have a problem with War memorial flying all year round. They will be somewhat alienating for folks with a nationalist viewpoint. Also these would mean that more council personnel will be transporting to locations of war memorials perhaps every two months as they will be shredded by the weather in about that time.
- CNR also served in the Armed Forces, the flying of a flag on War Memorials is a sign of respect 24/7 365 days a year
- Can I ask why was it felt necessary to propose this change? – Answer via a Local Councillor – This should never have been changed in 2005, most Councillors feel it's appropriate to fly the British flag on their buildings and on War memorials for a consistent approach.
- I agree the flag should be flown 365 days a year. Susan Coffey.
- Tom, why propose for war memorials though?
- Has anyone asked how the staff in Church Street, who work there every day, feel about either option? If so what was the general feeling? – Answered via JK yes, staff had been consulted and views had been expressed and noted
- Are opinions restricted to residents of the Council area?
- The cost of maintaining the flying of the flags 365 would be insignificant when compared to the cost the council expends on equality issues. Equality has become an industry. If it's the right thing to do to fly the flag 365, and it certainly is, lets do it.
- Can I ask if it has yet to be costed as the ratepayers will ultimately be paying for it?
- Do England fly the flag on war memorials 365
- I would support 365 and 24/7 flying the flag on Council and War Memorials.
- Yes flags are flown 365 in England, Scotland and Wales
- I've lived in Newtownards all my life and I have never heard of anyone taking offence to the flying of the union flag. It's only since the Belfast City Council flag decision of 2012 that they've become an issue from what I've seen.

- I'm chairperson of the Eastend Residents Association and have been contacted by numerous residents who support the flying of the union flag 24/7 365 days, we've submitted this also in writing.
- The six members of Portavogie Regeneration Forum here tonight agree that we should be in line with Great Britain if we are talking about cost, the cost to those we are remembering was to lay down their lives for our freedom. My Grandfather and Great Grandfather fought in both World Wars all year round and not on designated days. 365 days per year is only out of respect. We support the proposed changes to the policy.
- On behalf of Ballywalter Community Action Group 10 members we fully support flags on council buildings and War memorials 24/7 365 days
- Given the religious/political make-up of the Borough, it is not likely to be seen as contentious. The extent of the consultation seems over-kill.
- I see no reason why the flag shouldn't be flown all year at war memorials and council buildings...
- As someone else has stated the cost of a flag is minimal to the cost of life which members of the armed forces gave up so that we could have consultations like this. Yes flags must be presentable, but they should be on display, we should be proud of what our forefathers did for our freedoms, as well as those that have lost their lives in wars since.
- It would be difficult to name any country that does not fly its Nation Flag at War Memorials
- We are proud of them that's why we have memorials...
- Is it one vote for both parts or two separate votes?

**The following comments were voiced in relation to the Proposed Revisions to the Council's Policy on the Flying of the Union Flag.**

- We must remember that both sides fought in the Wars, it's the national flag, there would have been a religious service before the war where the Union flag would have been draped over. I'm in full support of the flag 365 on both War memorials and Church Street.
- Why not fly the Union Flag on other days (not 365) other than designated days on War memorials – this is to remember the dead on significant days i.e. 1<sup>st</sup> July, throughout November.
- The flying of flags on war memorials should be on special occasions only – no more no less than other days. There is an aggravating factor and it's not necessary – this may detract from remembrance.
- Both sides fought in the war – we should remember 365 days
- Both Church Street and Town Hall, Bangor are civic headquarters so why is there an issue – it's appropriate to fly on War Memorials 365.

- There is strong support from the People of Portavogie – This NOM follows the same policy that the UK and Irish government have, this is a constitution and should not be seen as offensive.
- An ex service man stated that he did not fight on designated days so why should the flag only fly on designated days.
- A Roman Catholic constituent got in touch via a Councillor to say that they had no objections to the flying of the flag either on War memorials or Church street - they stated that the flag should be well kept and not tattered.
- USA commemorate the war dead - we should do the same
- In the USA they do not have tattered flags flying from every lamppost with war memorials popping up everywhere and flags appearing
- The flag should fly 365 on Stormont as well.
- A question was asked if the debate on the report will be done 'behind closed doors' and will the public see who has voted for or against. The debate should be open and transparent. – The question was answered by a local Councillor that it will be in the public domain and it can be held as a 'registered vote' however it was unsure as to when the report will be debated by Council.
- A question was raised about a surcharge to Councillors should there be a legal challenge on the Flag and will Councillors stand up to 'officers' on this matter. The question was answered by a local Councillor that the EQIA was a requirement of the policy and Councillors were aware of this when the NOM was brought to Council, this was a part of the policy making process and that no surcharge would be brought to Council nor has this ever been mentioned.

**The meeting ended at 19.50pm**

## **Appendix 5: Staff Consultation Summary**

**Staff Consultation held in Blair Mayne Wellbeing and Leisure Complex**

**Monday 24th October, 4pm**

**2 members of staff in attendance**

*It was mentioned at the beginning of the meeting that if people felt for whatever reason they could not voice their opinion, then an email could be sent to EQIA@ardsandnorthdown.gov.uk which would be added into the report*

It should be noted that when invited some staff refused to attend and the following statement was passed to NIPSA union –

‘It’s highly inappropriate to ask staff to discuss such a personal, political and contentious topic in a group forum. Concerns about the proposed changes have been detailed at length in the online consultation. Staff would not feel comfortable airing these views in a group setting with colleagues.’

The Council Liaison Officer from NIPSA expressed the following:

‘We would not be in favour of this approach for the following reason, a discussion of this nature could reveal the political and or religious background of an employee. Which could lead to discrimination, harassment etc. if we have already given them written rationale then that should be sufficient.’

It was therefore arranged and communicated to all staff that anyone wishing to add additional comments but had reservations about attending a meeting could arrange a one-to-one via Teams or face to face with an independent facilitator. – this had no uptake

**The following were comments made in relation to the Proposed Revisions to the Council’s Policy on the Flying of the Union Flag.**

### **Council Buildings**

The cost of erecting flag poles/flags and maintaining the flags, at a time when many Council events and budget slashing is taking place and the rising cost of living crisis is affecting everyone, was discussed. In addition, how the policy would impact on Council’s Sustainability Policy, as the replacement of flags would incur considerable cost and energy. How the display of flags may impact on visitors was also considered, including the possibility that flying flags may reduce the number on lampposts due to the parade routes. The overall cost to ratepayers was also discussed..

**The meeting ended at 4.40pm**

## **Appendix 6: Email and Fb Responses**

### **Email responses (Via EQIA email, CEO email and JK email), and Fb (Facebook)**

#### **STAFF**

I believe the proposal goes against the aspirations of both the secular and the Nationalist citizens of the Borough and having learned that ANDBC already has the most union flags displayed on civic buildings I believe it to be unnecessary. I believe it will cause discomfort and distress to my community and that it will create additional tensions within the Borough by being seen to endorse hidden sectarianism

Furthermore it goes against the Council's vision that " Ards and North Down will be a place to be proud of which is more prosperous, vibrant, healthy, sustainable and where people enjoy an excellent quality of life."

It also specifically contravenes the following professed Council value:

Progressive: We will be proactive, ambitious, innovative, forward thinking and outward looking.

Respect: We will treat everyone in a fair and equitable manner, respecting diversity and each other's roles

In July 2018 Britain First targeted Newtownards as the best place to try to recruit members, based on their perception of the Town as extremely Loyalist – something borne out by the presence of numerous flags – Britain First leader Paul Golding posted a video on social media to tell people about the meeting and described Newtownards as "patriotic British culture, undisturbed by political correctness" [https://www.belfastlive.co.uk/news/belfast-news/britain-first-holding-first-northern-14958556?utm\\_source=linkCopy&utm\\_medium=social&utm\\_campaign=sharebar](https://www.belfastlive.co.uk/news/belfast-news/britain-first-holding-first-northern-14958556?utm_source=linkCopy&utm_medium=social&utm_campaign=sharebar)

The proposed revision to the Council's policy on the flying of the union flag, shows that lessons have not been learned from this distressing incident by playing into the hands of the far right and the culture of fear that they engender.

As was noted at the meeting, it is very likely that the Equality Commission will lodge a complaint if this proposal is implemented and this will result in additional legal expense to Council and intense media scrutiny, which will tarnish the reputation of the Council, discourage investment in the Borough and be detrimental to tourism. The forward of the Corporate Plan states that the Council exists to provide civic leadership, promote prosperity and build community – implementing this proposal will do none of these things. In fact it will divide communities, negatively impact on prosperity and show that there is no cohesion or progression within our "civic leadership".

This Council persistently seeks to assert the primacy of one section of the community at the expense of another. As outlined in my response to the questionnaire, these actions are intimidating, infringe on the concept of a neutral and harmonious working environment and do not promote good relations or equality of opportunity within the Council. A harmonious working environment is not one in

which there are displays which are associated with one section of the community and where employees are drawn from both.

**PUBLIC (via Cllr Naomi Armstrong Cotter)**

- Name withheld - flag should be flown all council buildings, memorials, 365 days, BT23.
- Name withheld-, flag to be flown 365 days especially at town halls, BT23.
- Name withheld-, flags to be flown 365 especially at memorial Gardens and town halls, BT23.
- Name withheld- flag to fly 365 days especially at town halls, Bangor BT23.
- Name withheld- flag to be flying 365 days, BT23.
- Name withheld- flag to fly 365 especially at cenotaphs and council building BT23.
- Name withheld- flag to fly 365 days at memorial Gardens and council owned property's, BT23.
- Name withheld -, flags to fly 365 days at memorials and council halls, BT23.
- Name withheld- flag to fly 365 days BT23.
- Name withheld- flag should definitely fly 365 days at all civic centres inc town halls, BT23.
- Name withheld- flag should be flown as I'm ex service so definitely 365 days, BT23.
- Name withheld- flag should fly 365 days per year BT23.
- Name withheld,- in a mark of respect the union flag needs flown 365 days per year BT23.
- Name withheld- flag should always be flown 365 especially at town hall BT23
- Name withheld- flag needs to represent us 365 days BT23.
- Name withheld- i feel the flag should be flown on all council buildings my father recently passed away as ex service man and it would be great to see flag flown all year at cenotaphs BT23.
- Name Withheld - yes our flag should be flown 365 days as this is important to us as it reflects and represents the country we are living in BT23.
- Name withheld - At least this much but should be daily on all major civic buildings and cenotaphs BT19.
- Name withheld - Absolutely support this motion BT23.
- Name withheld - This should always been flown BT23.
- Name withheld - Keep our flag flying not to be divisive but to be accurately patriotic BT23.
- No name given - I fail to see why this question needs to be asked but since you want a response, this is right and proper to extend this flag flying and indeed should be considered Borough wide if feasible but at the lest at war memorials and Ards church Street. BT22.
- Name withheld - I believe that this is representative of the area we live in and hopefully it will give security to loyalists who feel their belief and opinion comes second in this Borough and country BT23.

Name withheld - I think this is the very least that we should flag the flag which so many people I knew and loved died under. BT23 8XG.

Name withheld - As a young man I will be pleased to see my belief reflected if not represented by my council acknowledging the place of our flag in our civic life within a borough council. BT23 4BG

**PUBLIC (via Cllr Robert Irvine)**

- The union flag should fly on all government buildings.
- My only ask is that they are lowered when they should be as marks of respect and replaced when tattered... there is nothing worse than a flag that is not in good condition.
- Regarding the recent meeting in Blair Mayne leisure centre on the Union Flag flying proposals, I feel the flag of our country should be flown at all times at the council owned war memorials and at council buildings in the Borough. This should already be happening and shouldn't have needed proposing at all. Please let me know of any future meetings that will be open to the public regarding these proposals.
- I don't see any problem flying the union flag outside any council buildings or war memorials all year round! We shouldn't have to take it down at any point in the year.
- Hello I don't see an issue of flying union flags on war memorials and council buildings all year round shouldn't be an issue
- The union flag is the flag of the UK, N Ireland is part of the UK and therefore we should be allowed to fly it where and when we so desire.
- I would like our union flag to fly from as many public buildings and cenotaphs as possible thanks.

**Via Facebook (fb) messenger (names redacted)**

- I was intending to go but I am back in Hospital. Fly it every day
- It's an absolute disgrace that this is even being debated!
- Needs to be flown x
- Needs to be flying Every Day!
- America fly the national flag everywhere why can't we absolutely ridiculous that it needs to even be discussed
- The flag of our country needs it to fly everyday
- Fly the flag each day
- It shouldn't even be discussed!
- Get it flown!
- Up all year round! Don't need a consultation!!
- Why is this even being discussed?
- As long as it's only residents in the Borough that can join the meeting.
- Keep those flags up!

- Any councillors care to comment or contact me? Unannounced in addition to the meetings held in Portaferry and Newtownards
- There's no point complaining its not up. Unless u put ur views forward to the council it won't count.
- Shameful!!
- Disgrace to be called into question, hang your heads.
- An utter disgrace.
- I'd like to hear from our elected representatives about this and their views on previous meetings
- Should be up all year, especially at war memorials.
- I am unable to join this online meeting however I wish my views to be put on record. I totally disagree with any extensions of the present flying of flags. I would prefer a NO FLAGS policy in the Borough. NI flags does not offend anyone and creates an everyone welcome Borough.
- Keep the flags up
- Is this an early April fools?
- Why is this even being discussed?
- Absolutely disgusting that this is under consultation.
- Keep the flags up.
- I want to see it flown every day of the year. I am grateful that I live in the UK.
- I've read the documents. There seems to be no way of commenting on these changes other than to attend a zoom meeting (where the public won't be active participants, just observers). In other words this ISN'T a CONSULTATION with the people paying the councillors wages - it's a way of telling us what you're going to do irrespective of our opinions on this.
- The Union flag should be flown all year round. I don't understand what the fuss is about. My brother will be turning in his grave. He protested and protested over the flag being removed at City Hall. He was respectful to all, he had a lot of Irish friends, but it didn't stop him standing up for his beliefs.
- The Union Flag is the flag of the country it's not offensive so just fly it.
- It's a flag, fly it. It's not as if it's a flag belonging to Russia, it's the flag of this country. Has anybody any idea how ridiculous it sounds that in the name of 'equality' we have to have meetings about meetings to fly the flag of our own country?
- Disgusting!!!

**Via JK personal email**

I attended your Portaferry meeting & Zoom this evening. I would like my views to be considered.

In my opinion, there should be either no flags or both flags flown in order for the council to be adhering to its commitment to nurture equality & good relations. As well as this the council should be considering the cost involved and keep in mind the principles of economy, efficiency & effectiveness while serving the needs & interests of ratepayers, residents & visitors. I feel that this is a divisive issue which

is evident from the comments on the Facebook & the way certain members of the public have negatively reacted to other people's opinions. Instead of being progressive this council appears to be regressive in terms of promoting equality and good relations. How does this fall into the TBUC strategy? As usual A& NDBC seem to represent only one section of the community. Far too many flags already flying in my opinion.

If you could include my opinion it would be very much appreciated.

## Appendix 7: Written Responses

### 1: Alliance Party

#### Equality Impact Assessment (EQIA): Proposed Revisions to the Council's Policy on the Flying of the Union Flag

*“At Council on 30th March 2022, it was RESOLVED that, subject to the completion of an equality impact assessment, Council amends the current flag policy to fly the Union Flag at every war memorial all year round, and will also include Church Street Newtownards Council building.”*

#### Designated Days Policy

The Alliance Party has a long-standing and well-known policy in support of flying the Union Flag from Council Civic Headquarters on designated days, in line with the schedule of days from the Department for Digital, Culture, Media & Sport guidance. This stance has been equality proofed many times, and shows equal respect for those who feel represented by the Union Flag and those who do not.

In Northern Ireland it is important that public buildings and civic spaces are inclusive for all. As people, we share much in common, but we clearly have political and cultural identities which divide us and at times challenge us. If we want to build a genuinely shared future then we cannot avoid or ignore these tensions, and need to tackle them head-on.

It should be noted that the Alliance Party does not support the Council's current flag policy. The current policy of flying the Union Flag permanently at seven sites throughout the Borough goes against our long-standing policy of flying the Union Flag on designated days at Council Civic Headquarters.

The general principle of respect in a divided society should guide the Council in deciding a policy on the flying of flags. Symbols should not be used to stress dominance or be used to exclude; rather symbols such as flags should be used to promote pluralism and aim to unite the community.

The Good Friday Agreement entrenches the Principle of Consent. Hence, the constitutional position of Northern Ireland is that it remains a part of the United Kingdom unless and until its people decide otherwise.

It is for these reasons that Alliance supports the flying of the flag from Council Civic Headquarters on designated days.

This policy is a balanced arrangement reflecting policy in place for other government buildings in Northern Ireland, acknowledging the constitutional status of Northern Ireland whilst also upholding legal obligations to promote good relations and ensure a good and harmonious working environment.

#### War Memorials Proposal

As a Public Authority, the Council must adhere to Section 75 duties to promote good relations:

***“Section 75 of the Northern Ireland Act places a statutory obligation on Public Authorities to carry out their functions with due regard to the need to promote equality of opportunity and good relations in respect of religious belief, political opinion, gender, race, disability, age, marital status, dependants and sexual orientation.”***

Flying the Union Flag permanently in the Borough, in areas which are shared spaces, risks having an adverse impact on residents, visitors and employees from a Roman Catholic and/or Nationalist and/or Republican community background. For example, if this proposal were to be agreed, there would be 3 Union Flags being flown 365 days a year in Holywood, including 2 in close proximity at the War Memorial and at Queen's Leisure Complex.

In addition, there is an increasing segment of society in Northern Ireland who are from a variety of other religious backgrounds or none; and a growing percentage who do not identify as Unionist or Nationalist, often referred to as 'Others'. This community want a shared and inclusive society without use of flags or emblems which could be seen to stress dominance or to exclude, and would prefer flags, symbols and emblems which promote inclusivity and unite the entire community.

The proposed amendment to the Council's current flag policy would put the Council at risk of failing to uphold legal obligations to promote good relations in respect of religious belief and political opinion.

It is also important to note the significance of flying the Union Flag during the Remembrance period. The Remembrance period is to commemorate the service of men and women during WW1, WW2 and later conflicts; however, the timing was chosen to coincide with Armistice Day, marking the end of WW1 in November 1918. Flying the Union Flag during this time serves to highlight the significance of the period, and flying the flag permanently could risk undermining this.

When describing Remembrance, the British Legion highlights that it unites people of all faiths, cultures, and backgrounds. Indeed, the British Legion has previously opposed proposals in 2013 to fly the Union Flag permanently at the cenotaph in Belfast City Hall, arguing that the Garden of Remembrance was "sacrosanct" and should not be politicised.

Alliance continues to support the flying of the Union Flag during the Remembrance period and at Remembrance events throughout the year.

### **Church Street Proposal**

When addressing the proposal to fly the Union Flag permanently from the Council building on Church Street, Newtownards, there are a number of issues which must be considered.

The Council was issued guidance in 2013 from the Equality Commission, stating that it should promote a good and harmonious workplace in line with the Fair Employment and Treatment (NI) Order 1998, which made discrimination on the grounds of religious belief and political opinion unlawful, both in the workplace and in the provision of goods, facilities and services.

In October 2009, the Equality Commission issued guidance on promoting a good and harmonious working environment, which stated:

***"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. 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. On the other hand, the Union flag is often used to mark sectional community allegiance. There is a world of difference between these two approaches. Thus, for example, while it is acceptable and appropriate, in the Commission's view, for a local Council to fly the Union flag at its Civic Headquarters, the rationale for its display at every Council location, facility and leisure centre would be questionable."***

The guidance also highlights that:

**“an ‘harmonious’ working environment does not necessarily mean a ‘neutral’ one.”**

This guidance from the Equality Commission justifies the Alliance Party’s long-standing policy of supporting the flying of the Union Flag from Council Civic Headquarters on designated days.

If the Council were to implement this proposal, it would leave itself open to the risk of legal action as a result of not adhering to legal duties to provide a good and harmonious workplace in line with the Fair Employment and Treatment (NI) Order 1998.

Reflecting on legal advice provided to Belfast City Council during their Equality Impact Assessment on changing the policy on the flying of the Union Flag in 2012, taking a more extreme approach could increase the risk of a successful discrimination claim, while taking a more balanced approach decreases the risk of successful challenge. Noting the case of *Johnston v Belfast City Council* (2000), the legal advice also highlighted that the display of emblems in a context which is removed from the administrative headquarters of the Council is much more likely to give rise to valid complaint.

### **Conclusion**

As previously highlighted, it should be noted that the Alliance Party does not support the Council’s current flag policy. The current policy of the Union Flag being permanently flown at seven sites throughout the Borough goes against our long-standing policy of flying the Union Flag from Council Civic Headquarters on designated days.

However, it is undeniable that the proposal to amend the current flag policy to fly the Union Flag at every war memorial all year round, and also include Church Street Newtownards Council building would serve to make the Council’s flag policy more extreme. It may also result in the Council acting against its duties to ensure good relations and a good and harmonious working environment, potentially risking legal challenge from employees or service users.

## **2: Equality Commission**

### **Response to Ards and North Down Borough Council's Equality Impact Assessment of proposed revisions to Council policy on Flying the Union Flag**

The Commission welcomes the opportunity to comment on the Ards and North Down Borough Council consultation on proposed revisions to the Council's Policy on Flying the Union Flag EQIA.

The Commission's remit in this area stems from our duties under the Fair Employment and Treatment (NI) Order 1998 and our duty to offer advice to public authorities in relation to Section 75 of the Northern Ireland Act 1998. Given that the EQIA references Commission advice on the flying of the Union Flag these comments relate to the EQIA process.

#### **Defining the Aims of the Policy**

The EQIA states that the policy amends the current flag policy (July 2021) to fly the Union flag at each war memorial in the Council area all year round, as well as in Church Street Newtownards. There is also a statement in the associated screening document that, 'Council adopts as policy the flying of the Union Flag on all Council buildings and war memorials all year round'. The EQIA should have clearly stated the Council's proposed policy i.e. what is meant by 'all Council buildings' and whether this refers to administrative buildings only or includes leisure and recycling facilities. It is also not clear whether the proposed policy includes continuing to fly the Union Flag at each of the designated sites included in the July 2021 policy, some of which are war memorials and some of which are not.

#### **Consideration of available data and research and assessing impacts**

The EQIA contains a range of information (pages 4-8) and data and research (pages 9-14) and determines that the policy may adversely impact on people with regard to religious belief and political opinion in terms of accessing services, the provision of a good and harmonious working environment and promoting good relations.

#### **Consideration of alternative policies and measures to mitigate adverse impacts**

Consideration of alternative policies and measures to mitigate adverse impacts which might better achieve the promotion of equality of opportunity are a fundamental part of the EQIA process and should be considered at the various

stages of the policy-making process. It is the Council's responsibility to make these assessments in the EQIA report to enable consultees to make informed contributions and therefore assist the Council to ensure that it pays the appropriate level of regard to its equality of opportunity and/or good relations duties. While the EQIA presents policy alternatives, no assessment of the potential impacts of these alternatives on equality and/or good relations have been included. The Council could have used the information included in the EQIA to develop these alternatives and assessments, for instance by considering the rationale for flying the Union Flag at each location.

### **Monitoring**

The Commission recommends that the final EQIA report sets out the monitoring arrangements that the Council will establish in order to monitor the impact of any policy decision in regard to this policy. There are currently no arrangements set out in the draft EQIA.

This response is made without prejudice to any consideration or determination which the Commission might make in performance of its statutory function to investigate individual complaints under Schedule 9 of the Northern Ireland Act 1998 or conduct any other investigation under that Schedule.

### 3: East End Residents Association

*East End Residents  
Association 23A Queens  
Square Newtownards  
Co.  
Down  
BT238*

*LF*

*Tel: 02891814969*

*Email:*

*[eastend.community@btconnect.com](mailto:eastend.community@btconnect.com)*

25<sup>th</sup> October 2022

#### **E.O.N.I RESPONSE**

We the above resident's group are in support of the change in policy by North Down & Ards Borough Council. Our concerns are that the original Ards Borough Council policy was flying the flag 365 days of the year, but after some complaints by some residents of the Borough, the Equality Commission was of the opinion to only allow the flying of the flag at Church Street on designated days. Hence the change in policy at that time. Now with this new amendment it is looking to return to the old previous policy.

We have concerns that the Equality Commission will not take our views seriously as this will fly in the face of their recommendations at that time.

We look forward to hearing your reply.

**Maoythfa**

*Ian Cox*

*Chairperson*

## **4: Cloughey & District Community Association**

Our response does not concern the flying of the Union flag all year round on council buildings, but is confined only to the flying of the Union flag year round on war memorials.

We start with the assumption that the council wish to fly the flag continually in order to commemorate better the sacrifices made during past conflicts in the belief that by amplifying commemoration in a more continual way it is better.

Commemoration is a good thing and while it may appear self-evident that the more commemoration there is or the more amplified that commemoration is - the better it is, this is not necessarily the case. If we pause to reflect on commemoration in our society and in many other societies and also in many different periods throughout history we find it is most often time-limited. It is confined to set days or times. The reason why it is most often not a continuous amplified activity lies in human nature – over exposure to anything can lead to a degree of numbing or blaséness and ultimately even to disregard. It is therefore incumbent on the council to consider that there is a very real risk of diluting the importance of the remembrance message that they wish to exalt by overexposure and overfamiliarity. Currently the raising of the union flag is used to draw attention to an upcoming time for community remembrance, however it is more than likely that continual flying of the flag will mean the loss of that important call to action as it will no longer stand out in people's attention.

While we may share the belief that commemoration is a good thing we would ask the council to please consider that it does not necessarily follow that amplified continual commemoration is better than contemplative background commemoration with recognised times that allow a high focus on communal remembering.

If the council's intent behind flying the Union Flag all year round at war memorials also includes a desire to make a political statement and assert Britishness at a time of heightened uncertainty then as a community we would have very grave concerns as we believe the commemoration of the dead and wounded from past wars and conflicts should not be used in this way. It is not the place. We believe it is for councillors to question their own hearts as to their true intent.

Lastly, even if we assume that the intent of council is noble and good and that council remain convinced that commemoration is best served by making it continual there still remains the very real question over perception.

We hope, indeed believe, that council places great value on the sacrifice made on our behalf by the dead and wounded in past conflicts and would like therefore to see as many people as possible share in commemorating this great sacrifice. If such is the wish of council, there remains a very real problem with this intended change to the flying of the union flag on war memorials – namely perception. If we wish to have full and also cross-community support for the sacrifices made then perception really matters. As we have said, councillors must judge their own intentions, and, even if they are good and noble, they still must take cognisance of how their actions may be perceived by others. If there is a risk, even the slightest risk, that commemoration is perceived as being politicised then, surely the wise step to take is not to do anything which may increase that risk. Surely to do otherwise would only risk council 'shooting itself in the foot' and increase the risk of turning more people away from commemorating the great sacrifice made on all our behalf.