

## Operation of District Councils in Northern Ireland

1. We are conscious of a view in some quarters that it may be timely to look again at the question of whether additional powers should be returned to District Councils in Northern Ireland. The arguments advanced in favour of such an approach are broadly as follows:
  - that, in general, District Councils are now operating in a more co-operative and non-sectarian manner than in the past.
  - that if able and imaginative people are to be attracted into local politics, a more significant range of powers should be transferred to District Councils.
2. In seeking to assess the first of these arguments, we have felt it useful - drawing on the knowledge and experience of contacts throughout Northern Ireland - to survey the current state of play in the District Councils. Our findings are summarised below; while there is considerable variation among District Councils, the key point that emerges is that Councils with a dominant Unionist majority continue to exhibit the old patterns of hegemonic control with little or no sense of obligation towards the nationalist community.
3. As regards the second proposition - that Council powers should be strengthened in order to attract Councillors of a higher calibre - we would have the most serious reservations about such an approach. With Councils, or a substantial number of them, continuing to act in a biased and bigoted way, the risk must be very high that further powers will simply provide scope for greater abuses. One would need some factual basis for an expectation that Councils with strengthened powers would attract a qualitatively better membership. The performance of District Councils prior to

1970 (i. e. before the Macrory Report led to a reduction in their powers) does not support a thesis that enhanced powers attract a more enlightened membership.

4. In interpreting current patterns of behaviour in District Councils, we would make the following two points:

- (i) Reaction to the Anglo-Irish Agreement led to some particularly hysterical behaviour in District Councils in the years immediately after 1985. Some of the worst elements of that hysteria have now subsided and Councils may now be regarded as returning to a more "normal" pattern of behaviour. However, it would be a mistake to confuse "normalcy" with fairness or even-handedness; while there may well be an argument for rewarding the latter, it is difficult to see any objective argument for rewarding the "normal" pattern of Unionist behaviour on District Councils.
- (ii) Experiments in power-sharing in certain District Councils West of the Bann have attracted considerable attention. We share the general view that such experiments are welcome and deserving of encouragement and support. However, in themselves, they do not support any general thesis that Unionist politics have fundamentally changed. Arguably, in those areas where the demographic make-up is rapidly changing, there is a political imperative for Unionists to reach an accommodation with nationalists. A much better test of Unionist attitudes is how power is exercised in situations where Unionist majority control is not threatened to the same degree, or within the same timeframe, as it is in areas such as Dungannon and Fermanagh.

5. In the analysis which follows, Belfast City Council is treated separately from the others. The significance of this Council and its symbolism for both communities cannot be over-emphasised. Belfast City Council accounts for about one fifth of the local government electorate in Northern Ireland; its operation attracts very widespread attention and is generally seen as the most significant barometer of the Unionist approach to the exercise of power. To quote Dr. Alderdice: "As the premier elected forum in Northern Ireland, it cannot but influence peoples' views about the future of Northern Ireland". It is only when there is an emergence of some sort of consensus politics in Belfast that nationalists will believe that there has been any kind of meaningful change in the traditional profile of Northern Unionism.

(A) Belfast City Council

6. The combined Unionists - OUP, DUP and Independents - hold 28 of the 51 seats on the Council; Non-Unionists hold the remaining seats in the following proportions: SDLP (8); SF (8); Alliance (6) and WP (1). As is clear from these figures, non-Unionists hold 45% of the membership of the Council (and indeed received 53% of the total poll at the most recent local Government elections). Despite this, the Unionists use their relatively narrow majority to maintain a total stranglehold on Council affairs - in their conduct of Council business, appointments to Committees and public bodies, the Unionists adopt a ruthless "winner takes all" approach.

7. There are three major civic-offices in Belfast - Mayor, deputy-Mayor and High Sheriff. All of those posts are monopolised by the Unionists; it is symptomatic that the Unionist majority on the Council is unwilling to cede even the ceremonial post of High Sheriff.

(i) Conduct of Business

8. The atmosphere of the Council has been described as "poisonous", with verbal abuse commonplace and even physical abuse not unknown. While clearly the significant Sinn Féin presence on the Council is a factor, DUP Councillors are responsible for the worst excesses. DUP bitterness is directed primarily at Sinn Fein but the SDLP, Alliance, and even independent-minded Unionists are also targeted. Routine DUP heckling includes remarks that are offensive, sectarian and downright racist.
9. The general conduct of Council business is so unsatisfactory that, on occasion, non-Unionists are even denied an opportunity to participate in the discussion. It is not unusual for the Unionists to agree a proposal and put the motion before any non-unionist has a chance to contribute to the debate. (The most recent example of this practice was the Council held on 4 February when it set a new record of four minutes for a monthly meeting - the various Committee reports were formally adopted by the Unionist majority and the meeting adjourned before many of the non-unionists had even arrived in the chamber.)

(ii) Composition of Committees

10. Since June, 1986 all Committee Chairmanships and vice-Chairmanships have been taken by the Unionists. A Unionist majority on all Committees is ensured by the stratagem of appointing every Unionist Councillor to three separate Committees while only appointing each non-Unionist to two. Additionally, the Unionists have tightened their control by expanding the size of Committees, raising the quorum to 8 and ensuring that there are never more than 7 non-Unionists on any Committee - if the Unionists decide not to turn up, there is no quorum and no decisions can be taken. In most cases, Unionists meet first, make decisions, then go into the Committees and have their decisions rubberstamped. (While we are aware from recent media reports that the OUP has apparently decided to offer a Committee Chairmanship to the SDLP and, perhaps, a vice-Chairmanship to the Alliance, it remains to be seen what, in the event, will happen when these posts come to be filled in June.)

(iii) Appointments to Public Bodies

11. Belfast City Council has nominating rights to over 60 places on public bodies. In June 1985, all non-Unionists were removed from these places; in the intervening years, the Council has never nominated a non-Unionist to any public body. This situation has led to a travesty of democratic principles: Belfast contains the biggest concentration of Catholics in Northern Ireland and half the school-going population is Catholic; however, all 14 Council nominees to the Education and Library Board are Unionists. (Only the intervention of Lord Skelmersdale in 1989 prevented all the Council seats on the Health and Social Services Board from being taken by Unionists).

(iv) Community Relations

12. The Government's Community Relations Initiative has become the most recent victim of the sectarianism of Belfast City Council. Minister Mawhinney announced on 14 February that "he had withdrawn the offer of funding for Community Relations activities by Belfast City Council, as a result of their failure to appoint Community Relations Officers"; the Council subsequently voted by a narrow margin to refer the matter back to Committee and it remains to be seen what will ultimately emerge.

(B) District Councils outside Belfast

13. The operation of District Councils elsewhere is not as uniformly bleak as in Belfast. West of the Bann there is some evidence to suggest that a number of the Councils are slowly moving towards a more co-operative and harmonious working atmosphere. The four nationalist controlled Councils, to their great credit, have not given the Unionists back in kind the treatment to which they were subject as minorities. However, the Unionist controlled Councils, by and large, still cling to the patterns of behaviour which have characterised their approach for seventy years.
14. Unlike Belfast, the problem of nationalist councillors not being allowed participate in Council debates does not arise elsewhere. However, the fact that minority representatives are able to intervene in Council debates does not, of course, imply that the Unionist majorities are disposed to

take on board their proposals or to accommodate their views. We understand that, in Antrim for example (OUP controlled), as a matter of principle, the unionist majority on the Council routinely opposes all proposals emanating from the SDLP representatives - irrespective of how sensible the suggestion might be.

15. In the paragraphs which follow, four key issues are examined
- Council Committees
  - Appointments to public bodies
  - Allocation of resources
  - Fair Employment

as indices of Council attitudes. For the purposes of analysis, we have differentiated between (a) Unionist controlled Councils (b) Councils where the Unionist/Nationalist divide is fairly even and (c) Nationalist Councils.

I. Council Committees

(i) Unionist Controlled Councils.

16. In the case of a number of Unionist-controlled Councils, we continue to hear complaints that nationalists are effectively excluded from membership of the Committees; or that their membership is limited to the less-influential and relatively unimportant Committees; and/or that they are never permitted to hold the Chairmanship/vice-Chairmanships of the Committees.
17. Of the authorities which are over-whelmingly Unionist-controlled, the worst cases would appear to be Ballymena,

Ballymoney and Lisburn. In Ballymena, the three non-unionists (SDLP, Alliance and Independent) are restricted to membership of the three Committees on which all Councillors serve by right - Development Services, Environment/Public Health and Recreation/Amenities. The Unionist majority oppose their election to any other Council Committee - even to such non-controversial ones as the Road Safety Committee. (This latter exclusion is particularly incongruous given that the SDLP Councillor is by occupation a transport depot manager and would have a good deal of expertise to contribute to the Committee).

18. In Ballymoney two of the three SDLP Councillors are members of the Council's less important Committees e.g. Environmental Health and Building Control. No SDLP Councillor, however, is represented on the two really important Committees - Finance/General Purposes and Economic Development. In Lisburn, all Chairmanships and vice-Chairmanships of Committees are monopolised by the Unionists.
  
19. In the cases of Antrim and Newtownabbey (both controlled by the OUP), while representation on Committees is basically by way of proportionality, the principle does not extend as far as rotation of Chairmanships and vice-Chairmanships, which are generally OUP controlled. In Banbridge, while SDLP Councillors have since 1989 been appointed to vice-Chairmanship positions, this has not so far led to the SDLP incumbent succeeding as Committee Chairman the following year.



(ii) Evenly-Balanced Councils

20. On District Councils where the representation from each community is fairly well balanced, there is a greater sense of equity and magnanimity in the constitution of the Committees. In Dungannon, where there is a full power-sharing arrangement, the Committees are constituted on a proportional basis with the Chairmanships and vice-Chairmanships rotating. In Fermanagh each Committee has representation from the two communities and the Chairmanships are also shared. In Magherafelt there are only two Committees which regularly meet - Finance/General Purposes and Tourism; the practice is for the Chairman of the Council (currently SDLP) to chair the two Committees and for the Vice-Chairman of the Council (OUP) to act as vice-chair. All parties are represented on one or other of the Committees.

(iii) Nationalist Councils

21. In nationalist-controlled Councils (or in Councils where nationalists have a natural majority) Council Committees are constituted in a generally fair manner. The SDLP so arrange it in Derry that Committees are formed on the basis of power-sharing and proportionality; two of the Council's four Committees are chaired by non-SDLP Councillors (DUP and SF). In Down, nominations to Committees are based on the proportionate party strength on the Council and all Chairmanships/vice-Chairmanships are rotated on a 50:50 basis between the SDLP and the combined Unionist parties. In Newry and Mourne the Unionist parties are represented on all of the Council's Committees. Finally, in Omagh - which

is under SDLP Chairmanship - there is also proportionality in the composition of Council Committees.

II. Appointments to Public Bodies

(i) Unionist-Controlled Councils

22. The record of OUP-controlled Councils is particularly reprehensible in relation to appointments to public bodies. Irrespective of their degree of dominance on the Council, Unionists on these Councils continue to operate a "winner-takes-all" approach. There is a litany of Unionist-controlled Councils where all non-Unionists are wholly excluded from nomination to public appointments: this is true of Councils such as Antrim, Ballymena (the only exception being the local enterprise agency where IFI funding was made conditional on a representative board being appointed), Ballymoney, Banbridge, Coleraine, Lisburn, Newtownabbey, Craigavon.
23. The total unfairness of this situation is a source of major grievance among nationalists - it is indefensible, for example, that the Coleraine Council should refuse to nominate any non-Unionists to the local Education and Library Board when, within the catchment area of the North-Eastern ELB, there are more Catholic children in the state secondary schools than children from the Protestant tradition.

(ii) Evenly Divided Councils

24. The situation is qualitatively better in those Councils where the local population is fairly evenly balanced between the two communities. In Dungannon, nominations are non-contentious and usually reflect the interests of

particular individuals. In Magherafelt, there does not appear to be any divisiveness on this issue and whichever Councillor is interested is usually nominated to a particular Public Body. While in Fermanagh nominations to the ELB and HSSB are on a cross-community basis, nominations to other Public Bodies - e.g. the Drainage Board - tend to be Unionist dominated. On the negative side, in both Cookstown and Limavady the slender Unionist majorities monopolise all nominations to major public bodies.

(iii) Nationalist Councils

25. On Nationalist Councils, nominations to Public Bodies would appear to follow the principle of equitable proportionality. In Derry the Council nominates both Unionist and SDLP Councillors on the basis of their proportionate strength. Down shares the nominations equally between the SDLP and Unionist Councillors. In Newry and Mourne the SDLP policy is to share whatever nominations arise and there has apparently been no complaints of unfairness within the Council. In Omagh only Sinn Fein is excluded from nomination and in Strabane both Unionist and SDLP Councillors enjoy representation on the regional ELB and HSSB.

III. Allocation of Resources

26. We also canvassed the views of our contacts in regard to the pattern of resource allocation in their Councils - in particular to establish whether there is a perception that their own Council is influenced by political/sectarian considerations when making spending decisions. The point was frequently made to us that such considerations regularly

influence Unionist-controlled Councils when it comes to considering financial assistance for the provision of GAA sports facilities and in regard to access on Sundays to the Councils own sports and leisure facilities.

(i) Unionist-Controlled Councils

27. In Councils which are overwhelmingly unionist-controlled, the general view of our interlocutors was that the Councils' pattern of expenditure favoured the unionist community and/or reflected their prejudices or values. In Antrim, our contact provided a number of examples where the Unionist majority adopted a discriminatory approach towards the funding of initiatives or proposals which it regarded as nationalist or Catholic e.g. it threatened to withdraw funding from a voluntary social services centre which was run by Catholic nuns on the stated grounds that religious symbols were on display in the centre. (It desisted when the SDLP threatened to create a public row about such sectarianism on the Council). In Ballymena, our contact said that the Council - which is DUP controlled - has always sought to frustrate the provision of GAA facilities in the town. When - notwithstanding the Council - a GAA field was secured, it opposed the granting of planning permission for a changing hut on the field. The DOE Planning Service nonetheless granted the permission.
28. In Lisburn - where the original construction of Poleglass/Twinbrook was at the time actively opposed by Unionists - there is continuing resentment towards both estates. Our interlocutor on the Council is adamant that Lisburn does not allocate resources fairly and ignores the

problems of Poleglass/Twinbrook as much as possible.

(ii) Evenly Divided Councils

29. The resource-allocation picture in regard to the Districts where the Councils are relatively finely balanced is rather mixed. In Cookstown our contact felt that the allocation of resources strongly favoured the unionist community; GAA activities are not provided for by the Council and there have been difficulties in having the municipal swimming-pool open on Sundays. In Limavady, we were told that the areas which are predominantly unionist tend to enjoy better facilities e.g. the town of Limavady. (The SDLP have been pushing this issue and there has, as a result, been some catching-up by the nationalist areas). As against these negative perceptions, our contacts in Dungannon, Fermanagh and Magherafelt felt that there was no differentiation of Council resources as between the two communities.

(iii) Nationalist-Controlled Councils

30. In regard to nationalist Councils, the question of resource-allocation would appear to be generally non-contentious in the cases of Derry, Down, Newry and Mourne and Omagh. Our interlocutor on Strabane Council said that its resources are allocated in a balanced fashion; in this regard, he pointed to the recent development of a soccer and Gaelic pitch on the same Council sports-field.

IV. Fair Employment

31. In 1990 the FEC published reports on the employment records of 16 Councils; these reports were the results of

investigations initiated between 1986 and 1988.

(i) Unionist-controlled Councils

32. The FEC found that Catholics were under-represented among the work-force in a large number of Unionist-controlled Councils (Coleraine, Ballymoney, Ballymena, Larne, Limavady, Craigavon, and Banbridge). It also found that the under-representation of Catholics was particularly marked among the staff-grades and senior posts.
33. In regard to the latter finding the following Councils were noteworthy:
- Coleraine where only 6 out of 76 staff grade positions were held by Catholics (Catholics comprise 22% of the active working population in the area).
  - Banbridge where 1 of the 29 staff officials was Catholic (Catholics comprise 27% of the active working population in the area).
  - Craigavon where 13% of the staff grade were Catholic (Catholics comprise 40% of the working population).
34. The comments by our interlocutors did not suggest that any radical steps had been taken by the Councils in the traditional unionist strongholds to remedy the employment imbalances. Some depressing observations were also offered on the situation in a number of Councils which have not as yet been the subject of an FEC report. The situation on Lisburn Council, for example, is very discouraging. Figures for 1990 show that of 111 salaried employees on the Lisburn Council, only 8 are Catholic; of 18 senior staff none are

Catholic. (The Catholic population in the Lisburn area is estimated at between 20 and 25%).

(ii) Evenly-Divided Councils

35. On the Councils where the local population is more evenly balanced the situation would not appear to be much better. In Cookstown (where the community split is roughly 50:50) of 23 white collar workers on the Council only 3 are Catholic. The power-sharing arrangement in Dungannon has been threatened as a result of SDLP dissatisfaction with the system of appointment to senior posts on the Council; there is at least one case now being brought to the Fair Employment Tribunal. In Magherafelt, the FEC found that Catholics represent 38% of the staff grades as against their 53% composition of the working population; in Limavady the ratio is 23% : 52%.

(iii) Nationalist-controlled Councils

36. The FEC found that Protestants are clearly under-represented among the workforce in two nationalist-controlled Councils: Strabane (where Protestants are 28% of Council staff as opposed to 42% of the active labour force) and Newry and Mourne (where Protestants are 12% of the Council workforce as opposed to 27.5% of the population). In both cases, we understand that the Councils are committed to carrying out the recommendations of the FEC in order to address this situation. In Newry and Mourne, a cross-community Committee was established by the Council to oversee implementation of the FEC recommendations - in fact we understand this Council is considered by the FEC as a model for what should be done

in following up FEC reports.

Community Relations Initiative

37. The decision by Minister Mawhinney in November 1990 to launch a new Community Relations Initiative involving all the District Councils was a positive and welcome one. We note that a pre-requisite for grant-aid for any Council programme was to have "cross-political support" together with the formal adoption of a community relations policy statement.
38. In the information which he gave to the House of Commons on 14 February, Minister Mawhinney indicated that all 26 Councils had been invited to submit proposals to improve community relations in their areas; 10 Councils have, to date, appointed community relations officers; 8 others are expected to do so in the near future; and discussions about policy and programmes are continuing with a further 5 Councils. This leaves the following three Councils:
- Belfast City Council where the offer of financial support was recently withdrawn because of the Council's refusal to appoint community relations officers; as indicated above, the matter has now been revived within the Council and the outcome is uncertain.
  - North Down - which, we understand, voted to turn down the Government financial assistance of £30,000; and
  - Castlereagh - which is also Unionist-controlled - who expressed no interest in the initiative.



39. Since this initiative is still in its infancy, our contacts were unable to offer an informed opinion on the substance or efficacy of their Council's programme. A number of them remarked that while their Unionist counterparts voted to take the money on offer, they did so with little enthusiasm for the concept of the programme. We will obviously wish to follow closely the implementation of the Initiative over the period ahead with a view to assessing its overall impact on Council policies.

### CONCLUSIONS

40. The summary of findings set out above does not suggest that Unionist controlled Councils are operating with a degree of tolerance or fairness that would justify consideration of additional powers. The operation of the premier Council, Belfast, is by any standards outrageous; while the situation in other Unionist controlled Councils is more mixed, there remain fundamental problems with regard to control of Committees, nominations to public bodies and fair employment issues.
41. The context in which powers were removed from the District Councils in 1970 must be recalled. The record of local government throughout the Stormont years was one of wholesale gerrymandering and bigotry; against that historical background, it is hardly surprising that the nationalist community would require concrete evidence of a change in Unionist approach before supporting the return of any of those powers which were so blatantly abused in the past. If trust is to be restored, it will be crucial to have a sustained period in which more enlightened policies

are implemented by a majority of Councils; as of now, that situation has certainly not been reached.

42. We fully endorse the desirability of attracting high calibre people into local government in Northern Ireland. We feel, however, that, if there is to be any hope of achieving this, priority should be attached to the attempt to ensure that District Councils exercise their present range of powers in a fairer (and ultimately more efficient) way. In our view, the real problem is not so much the limited District Council functions but the fact that the present pattern of Council behaviour is a disincentive for many able people who might otherwise be interested in becoming involved in politics.
43. While the calibre of SDLP Councillors is, generally speaking, high, the party has experienced its share of problems in getting the best-qualified people to stand for election in areas with Unionist majorities. If, however, nationalists felt that as Council members they would have some possibility of influencing Council decisions (which, by and large, is not the case at present) this would act as a real incentive for able and highly-motivated people to come forward. On the Unionist side also, we believe that many Unionists feel a distaste for the sectarian patterns of behaviour that prevail in so many District Councils and would be much more disposed to serve on Councils that operated in a more enlightened manner.
44. We are conscious that a number of the Articles contained in the recently published draft Local Government (Miscellaneous Provisions) (Northern Ireland) Order, 1991 are intended to eliminate - or at least restrict - some of the unfair and inequitable practices which have been used by certain Unionist-controlled Councils to effectively exclude

nationalists from participating in Council business. After the enactment of this legislation, some time will be needed to assess its practical effects on the quality of operation of Unionist-controlled Councils. In advance of such an evaluation, it would seem premature to consider any extension of Local Government powers. Equally, as mentioned above, some time will be needed to assess the implementation of the Community Relations Initiative and its impact on Council policies.

45. Finally, we are aware that the Local Boundary Commissioner is currently engaged in a major review of District Council boundaries which is carried out at ten year intervals. While the Commissioner has no mandate to examine Council functions, there is clearly a relationship between Council size and function - as was recognised in the Macrory Report, appropriate Council size very much depends on the range of functions for which Councils are responsible. The Commissioner, in carrying out the present review, is obviously working on the basis of current Council powers; it would therefore hardly make sense, during or in the immediate aftermath of this exercise, to envisage any significant alterations in Council functions.

Department of Foreign Affairs

April 1991

W6032