

Item: 3

Special General Meeting of the Council: 22 June 2021.

Orkney Pride Committee – Request to Fly Flag.

Report by Chief Executive.

1. Purpose of Report

To consider a request to fly the Rainbow flag at the Council Offices, School Place, Kirkwall, on 26 June 2021 to mark Orkney Pride.

2. Recommendations

The Council is invited to note:

2.1.

The flag flying protocol, attached as Appendix 1 to this report, which details the flags to be flown at the Council Offices, School Place and the Town Hall, Kirkwall on specific dates or events each year.

2.2.

That a request has been received from the Chair of the Orkney Pride Committee, for the Rainbow Flag to be flown at the Council Offices, School Place, Kirkwall, on Saturday, 26 June 2021 to mark Orkney Pride.

2.3.

That the Rainbow flag is an emblem for the entire LGBT+ community and is flown as a gesture of solidarity within this community, promoting equality and inclusion and celebrating the diversity of communities as a whole.

2.4.

That, for 2021, 26 June is designated Armed Forces Day and, in accordance with the protocol referred to at paragraph 2.1 above, the Council would fly the Armed Forces flag on this day.

It is recommended:

2.5.

That consideration is given to flying the Armed Forces Day flag at the Council Offices and the Rainbow Flag at Kirkwall Town Hall on 26 June 2021.

2.6.

That the Chief Executive undertakes a review of the Flag Flying protocol and thereafter submit a report to the Policy and Resources Committee.

3. Background

3.1.

The Council has a flag flying protocol, attached as Appendix 1 to this report, which details the flags to be flown on specific dates or events each year. This protocol was agreed through the Councillors' House Working Group approximately seven years ago and has not been reviewed or updated since that time.

3.2.

The Flags in the protocol are normally flown at either or both the Council Building at School Place and Kirkwall Town Hall in Broad Street, Kirkwall.

3.3.

A request has been received from the Chair of the Orkney Pride Committee, for the Rainbow Flag to be flown at the Council Building at School Place on Saturday, 26 June 2021 to mark Orkney Pride.

3.4.

For 2021, 26 June is designated Armed Forces Day and, in accordance with the protocol, the Council would fly the Armed Forces flag on this day.

4. Rainbow Flag Request

4.1.

The Orkney Pride Committee is planning the Orkney Pride event to be held on Saturday, 26 June 2021 and has requested that the Rainbow flag be flown at the Council Building at School Place to mark the event.

4.2.

The Rainbow flag is an emblem for the entire LGBT+ community and is flown as a gesture of solidarity within this community, promoting equality and inclusion and celebrating the diversity of communities as a whole. The Orkney Pride event is a protest against discrimination and inequality and the gesture of flying the Rainbow flag symbolises support for the event.

4.3.

The Pride events are held in many other areas on an annual basis and flying the Rainbow flag has become common practice in other authorities. The local authorities which have committed to supporting the LGBT+ community and Pride events include Dundee City Council, Perth and Kinross Council, East Lothian Council, Aberdeenshire Council, Edinburgh City Council, West Dunbartonshire Council, Highland Council and Shetland Islands Council.

4.4.

In addition, the Scottish Government has reviewed its policy on hoisting flags on buildings of the Scottish Government, attached as Appendix 2 to this report, and flies the Rainbow flag on four occasions throughout the year to mark the following:

- Start of LGBT History Month.
- Edinburgh Pride.
- Glasgow Pride.
- International Day Against Homophobia and Transphobia.

4.5.

The Orkney Pride Committee is requesting that Orkney Islands Council consider flying the Rainbow flag to demonstrate the Council's commitment to equality, inclusion and diversity to the LGBT+ community and to the Orkney community as a whole. The Committee believes that seeing the Rainbow flag flown will demonstrate visible signs of support and reassurance that discrimination against the LGBT+ community is not something that will be tolerated in Orkney.

4.6.

In recognition that the Council has not reviewed the Flag Flying protocol for some time, it is proposed that consideration is given to flying the Rainbow Flag for this year and that a subsequent review of the Flag Flying protocol is undertaken. Additional dates for flying flags may, for example, include those to mark International Workers Day.

4.7.

In terms of the immediate request for 26 June 2021, due to the clash of dates with Orkney Pride and Armed Forces Day, it is proposed that consideration is given to flying the Armed Forces Day flag at the Council Offices and the Rainbow Flag at Kirkwall Town Hall.

5. Equalities Impact

5.1.

An Equality Impact Assessment has been undertaken and is attached as Appendix 3 to this report.

5.2.

The Equality Act was introduced in 2010 to help make Britain a fairer society. The act places particular duties on public authorities to reflect the pivotal role they can play in dismantling inequality and driving up positive outcomes for all. The public sector equality duty (also known as the general equality duty) covers the nine protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

5.3.

Public sector bodies subject to the general duty are required to demonstrate due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and those who do not share it.

5.4.

The duty to foster good relations places a positive obligation on public sector bodies. In other words, good relations cannot be measured simply by the absence of bad relations. Instead there must be impactful, measurable action to build good relations between groups of people. Examples of taking active steps in fostering good relations include developing clear policies, recruiting and promoting diverse candidates, monitoring staff diversity and supporting events like Pride and LGBT History month.

6. Corporate Governance

This report relates to governance and procedural issues and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

7. Financial Implications

There are no significant financial implications arising from this report. The Council Caretaker would raise and lower a Rainbow Flag as an alternative to an Armed Forces Day Flag at no additional cost, while the cost of a Rainbow Flag, if one were to be purchased would be about £20.

8. Legal Aspects

There are no legal implications arising from this report.

9. Contact Officers

John Mundell, Interim Chief Executive, Email john.mundell@orkney.gov.uk

Karen Greaves, Head of Executive Support, Email karen.greaves@orkney.gov.uk

10. Appendices

Appendix 1: Orkney Islands Council Flag Flying Protocol.

Appendix 2: Days for Hoisting Flags on Buildings of the Scottish Government with External Flag Poles in 2021.

Appendix 3: Equality Impact Assessment.

Orkney Islands Council

FLAG FLYING PROTOCOL

The undermentioned are the list of dates on which it is customary for flags to be raised over Public Buildings.

Flags are to be flown from **08.00am until 8.00pm (or morning after)**. If occasion falls on the weekend the flag is to be flown Friday evening through to Monday morning.

DATE	OCCASION	FLAG	FLOWN
March (2 nd Monday)	Commonwealth Day – flag to be raised at 10am	Commonwealth 	Town Hall
April 16 th	St Magnus Day	Orkney 	Council Offices and Town Hall
April 21 st	Queen’s actual birthday	Union Jack 	Council Offices
May 17 th	Norwegian Constitution Day	Norwegian 	Town Hall
June (usually the 2 nd Saturday)	Queen’s official birthday	Union Jack 	Council Offices
June XX	Armed Forces Day (last week in June) – dates advised annually	Armed Forces 	Town Hall
November (2 nd Sunday)	Remembrance Sunday → Armistice Day Flag flown Friday – down on morning of 12 th Reminder for fire alarm: 2 minute silence at School Place at 11am (when 11 th Nov falls on a working day)	Union Jack 	Town Hall

November 30 th	St Andrews Day	Saltire 	Council Offices and Town Hall
December XX	Kirkwall Tree Lighting Weekend (held Second weekend of advent - on or after 4 December) Flag flown Friday-Monday	Norwegian 	Town Hall

The Council Caretakers have a key to the Flag cupboard along with the Development and Infrastructure Office Manager

NOTE: The Orkney Flag is to be flown at the Council Offices when Full Council is sitting.

Flying of Flags at Half Mast at Council Offices

The flag is flown two-thirds up the flagpole. The occasions on which flags are to be flown at half mast are:

At the discretion of the Chief Executive and Convener - the Orkney Flag is to be flown at half-mast from the announcement of the death up to the funeral

The funerals of members of the royal family, subject to special commands in each case from the Palace

DAYS FOR HOISTING FLAGS ON BUILDINGS OF THE SCOTTISH GOVERNMENT WITH EXTERNAL FLAG POLES IN 2021



Issue No. 27 (Valid from January 2021)









From 08:00 am till sunset
(See Key Below)

Schedule

Date	Event	Flag To Be Flown
9 January	Birthday of The Countess of Strathearn	A
20 January	Birthday of The Countess Of Wessex	A
1 February	Start of LGBT History Month (<i>see note 1</i>)	F
6 February	Anniversary of The Queen's Accession	A
8 March	Commonwealth Day (<i>see notes 1 and 2</i>)	H
10 March	Birthday of The Earl of Wessex	A
21 April	Birthday of Her Majesty The Queen	A
28 April	International Workers Memorial Day	I
9 May	Europe Day (<i>see note 1</i>)	G
17 May	International Day Against Homophobia, Biphobia and Transphobia (<i>see note 1</i>)	F
2 June	Anniversary of Coronation Day	A
10 June	Birthday of The Duke of Edinburgh	A
12 June	Official Celebration of Her Majesty's Birthday (<i>see note 2</i>)	A
18 June	Autistic Pride Day (<i>see note 1</i>)	J
TBC	Edinburgh Pride (<i>see notes 1 and 2</i>)	F
21 June	Birthday of The Earl of Strathearn	A
26 June	Armed Forces Day (<i>see notes 1 and 2</i>)	E
17 July	Birthday of The Duchess of Rothesay	A
15 August	Birthday of The Princess Royal	A
TBC	Glasgow Pride (<i>see notes 1 and 2</i>)	F
3 September	Merchant Navy Day (<i>see note 1</i>)	D
14 November	Remembrance Day (<i>see note 3</i>)	C
14 November	Birthday of The Duke of Rothesay	C
20 November	Anniversary of Her Majesty's Wedding Day	K
20 November	Transgender Remembrance Day	K
30 November	St. Andrew's Day	B
1 December	World AIDS Day (<i>see note 1</i>)	L

Key

<p>A:</p>	<p>By Royal assent, for Royal birthdays and anniversaries the Royal Banner (superior) and the Saltire may be flown at SAH - as the principal Scottish Government building - or at another Scottish Government building when the First Minister is present (see section 8).</p>	
<p>B:</p>	<p>Saltire, or two Saltires if building has two or more flagpoles. By Royal assent, for St. Andrew's Day, the Royal Banner (superior) and the Saltire may be flown at SAH - as the principal Scottish Government building - or at another Scottish Government building when the First Minister is present (see section 8).</p>	
<p>C:</p>	<p>Remembrance Day SAH - Lion Rampant and Union flag (as this date is also the Birthday of The Duke of Rothesay). VQ - Union flag and Saltire.</p>	 
<p>D:</p>	<p>Red Ensign if building has one flagpole. Red Ensign and Saltire if building has two or more flagpoles.</p>	
<p>E:</p>	<p>Armed Forces Day flag if building has one flagpole Armed Forces Day flag and Saltire if building has two or more flagpoles</p>	
<p>F:</p>	<p>Rainbow flag if building has one flagpole Rainbow flag and Saltire if building has two or more flagpoles</p>	
<p>G:</p>	<p>European flag if building has one flagpole. European flag and Saltire if building has two or more flagpoles.</p>	
<p>H</p>	<p>Commonwealth flag if building has one flagpole. Commonwealth flag and Saltire if building has two or more flagpoles.</p>	

I	On this day, the Saltire(s) should be hoisted right up and then lowered to half-mast for the day See note 9(e)	 
J	Autistic Pride flag and the Saltire should be flown from SAH	 
K	Royal Banner (superior) and Transgender flag should be flown from SAH	 
L	World AIDS Day flag should be flown from SAH only	 

Notes:

1. Scottish Government main buildings which have four flag poles should fly the Saltire and European flag along with the flags indicated in the schedule. On buildings that only have one flagpole; the Rainbow, Commonwealth, European, Autistic Pride, Armed Forces Day, Red Ensign, Transgender, World AIDS Day flags should be flown. Where a building has two or more flagpoles, the Saltire should also be flown.
2. Dates advised annually. In 2021 the date for Commonwealth Day is 8th March, Official Celebration of Her Majesty's Birthday is 12th June, Edinburgh Pride is TBC, Armed Forces Day is 26th June and Glasgow Pride is TBC.
3. Usually the second Sunday of the month. In 2021, the date for Remembrance Sunday is 14th November.

Note -

Please note that due to COVID-19, flag flying dates may be subject to change. Some dates are listed as to be confirmed as they are not yet confirmed, this may change over time and the guidance will be updated accordingly.

In addition to the above the First Minister has instructed that the European flag is flown from Scottish Government buildings on a daily basis except for specific flag flying dates.

GUIDANCE FOR HOISTING FLAGS ON BUILDINGS OF THE SCOTTISH GOVERNMENT WITH EXTERNAL FLAG POLES

Issue No. 27

(Valid from January 2021)

1. Review

This issue of the Scottish Government Flag Flying Guidance applies to the calendar year 2021 only.

2. Extent of Application

These guidelines apply to the Scottish Government, its related Agencies and associated Departments. The UK and other devolved governments each has its own flag flying guidelines.

Local authority buildings and schools are not affected by these guidelines, the matter of flag flying remaining one for individual local authorities to determine. This guidance and the dates set out are not binding on other public institutions, or members of the public. With the exception of the Royal Standard, which may not be flown without permission from Her Majesty The Queen, these other groups may fly any flag at any time, no weight of public authority being implied behind such flag flying.

3. Dates On Which Flags Are To Be Flown

The Saltire and European flag should be flown every day from Scottish Government buildings, except where indicated otherwise in the schedule.

The Protocol and Honours Team, Cabinet, Parliament and Governance Division, Directorate for Constitution and Cabinet, will inform the relevant authorities of any other occasions on which Her Majesty The Queen has given a special command to fly flags. Any requests to fly flags on exceptional occasions on buildings to which these guidelines apply must be cleared in advance with the First Minister through the Protocol and Honours Team.

4. Flying Of Other Flags

The only flags that should be flown from Scottish Government buildings in Scotland are the Saltire, the Royal Standard at St Andrew's House only (by Special Command or Royal Assent), the Union flag, the Rainbow flag, the Commonwealth flag (Commonwealth Day only), the European flag, the Autistic Pride Day flag (Autistic Pride Day only) from St Andrew's House only, the Armed Forces Day flag (Armed Forces Day only), the Red Ensign (Merchant Navy Day only), the Transgender flag on Transgender Remembrance Day and the World AIDS Day flag (World AIDS Day only). Other flags, including those of other nations, should not normally be flown from Scottish Government buildings (see 3 above).

5. Superior Position

If there are an even number of flagpoles, the superior position is the left of centre flagpole viewed from the street (looking towards the front of the building). If there is an odd number of flagpoles the superior position is the central pole.

6. How Rainbow, Commonwealth, European, Autistic Pride, Armed Forces Day, Red Ensign, Union, Transgender and World AIDS Day Flags Should Be Flown?

On buildings that have only one flagpole, the Rainbow, Commonwealth, European, Autistic Pride, Armed Forces Day, Red Ensign, Union, Transgender and World AIDS Day flags should be flown for that specific flag flying date only. Where a building has two or more flagpoles, these flags may be flown on the appropriate date in addition to the Saltire flag but not in a superior position.

7. How The Union Flag Should Be Flown

The broader diagonal white stripe should be at the top left hand side of the flag nearest the flagpole.

8. Use of the Royal Banner

The Royal Banner of the Royal Arms of Scotland (the 'Lion Rampant') is Her Majesty The Queen's official banner in Scotland. Flags showing the Royal Banner or the Royal Arms as used in Scotland (the Quartered Arms) are Ensigns of Public Authority, and are therefore only used by The Sovereign or Her Great Officers, such as Lord-Lieutenants, when acting in that capacity.

In the capacity of Keeper of the Great Seal the First Minister may fly the Royal Banner of the Royal Arms of Scotland.

If Her Majesty The Queen or any other member of The Royal Family is to be present in your building at any time, please contact the Protocol and Honours Team, Cabinet, Parliament and Governance Division, Directorate for Constitution and Cabinet to make the necessary arrangements.

9. Flying Of Flags At Half Mast

'Half-mast' -the flag is flown two-thirds up the flagpole.

The occasions on which flags are to be flown at half-mast are:

- (a) on the death of the Sovereign, further guidance will be given at that time.
- (b) the funerals of members of The Royal Family, further guidance will be given in each case;
- (c) the funerals of foreign rulers, further guidance will be given at the time;
- (d) the funerals of serving and ex-Prime Ministers of the United Kingdom, and the funerals of serving and former First Ministers of Scotland, further guidance will be issued at the time.
- (e) International Workers Memorial Day (28 April)

10. Acts Of Terrorism And Other Human Tragedies

The Death And Funeral Of Serving And Ex-Serving Foreign Rulers

In the event of an act of terrorism or other human tragedy, flags should not be flown at half-mast unless a special command is issued to the contrary. The Protocol and Honours Team will be your point of contact.

11. Flag flying contact

Darren Jeffery, Protocol and Honours Team, 2W, St. Andrew's House, Edinburgh, EH1 3DG. Tel. 0131 244 3403 email: protocolandhonours@gov.scot



Equality Impact Assessment

The purpose of an Equality Impact Assessment (EqIA) is to improve the work of Orkney Islands Council by making sure it promotes equality and does not discriminate. This assessment records the likely impact of any changes to a function, policy or plan by anticipating the consequences, and making sure that any negative impacts are eliminated or minimised and positive impacts are maximised.

1. Identification of Function, Policy or Plan	
Name of function / policy / plan to be assessed.	Flag Flying
Service / service area responsible.	Chief Executive's Service
Name of person carrying out the assessment and contact details.	Karen Greaves
Date of assessment.	14 June 2021
Is the function / policy / plan new or existing? (Please indicate also if the service is to be deleted, reduced or changed significantly).	Existing

2. Initial Screening	
What are the intended outcomes of the function / policy / plan?	To determine the flags flown from Council buildings.
Is the function / policy / plan strategically important?	The protocol lists the dates on which it is customary for flags to be raised over the Council HQ and Town Hall.
State who is, or may be affected by this function / policy / plan, and how.	General Public.
How have stakeholders been involved in the development of this function / policy / plan?	At this stage, the initial request to deviate from the current protocol has been instigated by the Orkney Pride Committee. No other stakeholders

	<p>have been involved however; this would be undertaken should the Council determine to review the current protocol.</p>
<p>Is there any existing data and / or research relating to equalities issues in this policy area? Please summarise.</p> <p>E.g. consultations, national surveys, performance data, complaints, service user feedback, academic / consultants' reports, benchmarking (see equalities resources on OIC information portal).</p>	<p>Existing data exists on flag flying protocols in other local authorities and for the Scottish Government buildings.</p> <p>The Equality Act was introduced in 2010 to help make Britain a fairer society. The act places particular duties on public authorities to reflect the pivotal role they can play in dismantling inequality and driving up positive outcomes for all.</p> <p>The public sector equality duty (also known as the general equality duty) covers the nine protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.</p> <p>Public sector bodies subject to the general duty are required to demonstrate due regard to the need to:</p> <p>Eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited under the Act;</p> <p>Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it;</p> <p>Foster good relations between persons who share a relevant protected characteristic and those who do not share it.</p> <p>Good relations can be defined as 'Communities of all kinds living and working together with understanding and respect, so that people experience:</p> <p>Freedom from discrimination, stereotyping, harassment or violence.</p> <p>A shared sense of belonging and acceptance.</p> <p>The ability to participate equally in economic, political, civic and social life.</p> <p>Freedom to agree or disagree respectfully, without fear of reprisal or rejection.'</p> <p>The duty to foster good relations places a positive obligation on public sector bodies. In other words, good relations cannot be measured simply by the absence of bad relations. Instead there must be</p>

	<p>impactful, measurable action to build good relations between groups of people.</p> <p>The actions to promote good relations not only has a significant impact for community members, but for employees also.</p> <p>The 2018 LGBT in <u>Britain Work Report</u> by Stonewall highlights the key findings from a Survey conducted by YouGov asking more than 5,000 LGBT people across England, Scotland and Wales about their life in Britain.</p> <p>It recommends that ‘employers who take active steps towards establishing inclusive work policies, by showing visible commitment to LGBT equality and showcasing best practice equality policies, have a real impact on the lives of LGBT staff, boost work morale and create work environment that people are proud to work in.’</p> <p>Examples of taking active steps include developing clear policies, recruiting and promoting diverse candidates, monitoring staff diversity and supporting events like Pride and LGBT History month as well as displaying LGBT friendly posters to show customers that the organisations supports equality.</p>
<p>Is there any existing evidence relating to socio-economic disadvantage and inequalities of outcome in this policy area? Please summarise.</p> <p>E.g. For people living in poverty or for people of low income. See The Fairer Scotland Duty Interim Guidance for Public Bodies for further information.</p>	<p>Not applicable.</p>
<p>Could the function / policy have a differential impact on any of the following equality areas?</p>	<p>(Please provide any evidence – positive impacts / benefits, negative impacts and reasons).</p>
<p>1. Race: this includes ethnic or national groups, colour and nationality.</p>	<p>None – the flying of the Rainbow Flag would have a positive impact by demonstrating support for the LGBT+ community regardless of race.</p>
<p>2. Sex: a man or a woman.</p>	<p>None – the flying of the Rainbow Flag would have</p>

	a positive impact by demonstrating support for the LGBT+ community regardless of sex.
3. Sexual Orientation: whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.	Positive – the flying of the Rainbow Flag would have a positive impact by demonstrating support for the LGBT+ community.
4. Gender Reassignment: the process of transitioning from one gender to another.	Positive – the flying of the Rainbow Flag would have a positive impact by demonstrating support for the LGBT+ community.
5. Pregnancy and maternity.	None – the flying of the Rainbow Flag would have a positive impact by demonstrating support for the LGBT+ community.
6. Age: people of different ages.	None – the flying of the Rainbow Flag would have a positive impact by demonstrating support for the LGBT+ community regardless of age.
7. Religion or beliefs or none (atheists).	None – the flying of the Rainbow Flag would have a positive impact by demonstrating support for the LGBT+ community regardless of religion.
8. Caring responsibilities.	None – the flying of the Rainbow Flag would have a positive impact by demonstrating support for the LGBT+ community including those with caring responsibilities.
9. Care experienced.	None – the flying of the Rainbow Flag would have a positive impact by demonstrating support for the LGBT+ community including those who are care experienced.
10. Marriage and Civil Partnerships.	None – the flying of the Rainbow Flag would have a positive impact by demonstrating support for the LGBT+ community.
11. Disability: people with disabilities (whether registered or not).	(Includes physical impairment, sensory impairment, cognitive impairment, mental health) None – the flying of the Rainbow Flag would have a positive impact by demonstrating support for the LGBT+ community including those with disabilities.
12. Socio-economic disadvantage.	None – the flying of the Rainbow Flag would have a positive impact by demonstrating support for the LGBT+ community.
13. Isles-proofing.	None – the flying of the Rainbow Flag would have a positive impact by demonstrating support for the LGBT+ community including those in the isles.

3. Impact Assessment

Does the analysis above	None.
-------------------------	-------

identify any differential impacts which need to be addressed?	
How could you minimise or remove any potential negative impacts?	
Do you have enough information to make a judgement? If no, what information do you require?	Yes

4. Conclusions and Planned Action

Is further work required?	No.
What action is to be taken?	
Who will undertake it?	
When will it be done?	
How will it be monitored? (e.g. through service plans).	

Signature:



Date: 14/06/21

Name: Karen Greaves

(BLOCK CAPITALS).

Please sign and date this form, keep one copy and send a copy to HR and Performance. A Word version should also be emailed to HR and Performance at hrsupport@orkney.gov.uk