

## **Item: 9**

**Policy and Resources Committee: 21 February 2023.**

**Orkney Islands Council – Review of Flag Flying Protocol.**

**Joint Report by Chief Executive and Corporate Director for Strategy, Performance and Business Solutions.**

### **1. Purpose of Report**

To consider a review of the Flag Flying Protocol for Orkney Islands Council.

### **2. Recommendations**

The Committee is invited to note:

#### **2.1.**

That, on 22 June 2021, when considering a request to fly the Rainbow flag at the Council Offices on 26 June 2021 to mark Orkney Pride, the Council resolved that the Chief Executive should undertake a review of the flag flying protocol.

#### **2.2.**

The revised flag flying protocol, attached as Appendix 1 to this report, which proposes the flags to be flown from Council properties on specific dates or events each year.

#### **2.3.**

The proposed criteria which should be applied when considering requests to fly flags not included within the revised flag flying policy, as follows:

- There is no political element to the activity.
- There is no commercial element to the activity.
- There is no significant cost to the Council.
- Flying the flag does not conflict with another event already included in the proposed protocol attached as Appendix 1.

**It is recommended:**

#### **2.4.**

That the Council's Flag Flying Protocol, attached as Appendix 1 to this report, be approved.

## **2.5.**

That, in regard to a request from an organisation not included within the flag flying protocol, powers be delegated to the Chief Executive, in consultation with the Convener, Leader and Depute Leader, to fly a flag, provided the request meets the undernoted criteria, from either the Council Offices or Kirkwall Town Hall:

- There is no political element to the activity.
- There is no commercial element to the activity.
- There is no significant cost to the Council.
- Flying the flag does not conflict with another event already included in the approved flag flying protocol.

## **3. Background**

### **3.1.**

The Council has a flag flying protocol which details the flags to be flown from Council buildings on specific dates or events each year. This protocol was originally developed through the Councillors' House Working Group approximately nine years ago and has not been reviewed or updated since that time.

### **3.2.**

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

### **3.3.**

Over recent years the Council has received requests to fly additional flags to observe the following additional events:

- International Workers Memorial Day.
- Historic County Flag Day.
- Orkney Pride.
- Merchant Navy Day.

### **3.4.**

On 22 June 2021, when considering a request to fly the Rainbow flag at the Council Offices on 26 June 2021 to mark Orkney Pride, the Council resolved:

- That the Armed Forces Day flag be flown at the Council Offices and the Rainbow flag at Kirkwall Town Hall on 26 June 2021.
- That the Chief Executive should undertake a review of the flag flying protocol and thereafter submit a report to the Policy and Resources Committee.

## **4. Revised Flag Flying Protocol**

### **4.1.**

A revised flag flying protocol has therefore been developed, attached as Appendix 1 to this report, which features dates that are of national or local importance or which have been designated by the UK or national governments.

### **4.2.**

The decision of which flags to fly is determined by each individual Local Authority and the revised list has been cross referenced with the most recent Scottish Government Flag Flying Guidance, which is attached as Appendix 2 to this report.

### **4.3.**

From time to time the Council receives requests from organisations to fly flags for upcoming events, which are not currently included in the proposed flag flying protocol, and it is proposed that any future requests are considered provided they meet the following criteria:

- There is no political element to the activity.
- There is no commercial element to the activity.
- There is no significant cost to the Council.
- Flying the flag does not conflict with another event already included in the proposed protocol attached as Appendix 1.

### **4.4.**

It is proposed that, in respect of requests that meet the criteria in section 4.3 above, powers are delegated to the Chief Executive in consultation with the Convener, Leader and Depute Leader, to fly a flag as deemed appropriate from the Council Offices and/or Kirkwall Town Hall.

## **5. Equalities Impact**

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

## **6. Links to Council Plan**

The proposals in this report support and contribute to improved outcomes for communities as outlined in the Council Plan strategic priority theme of Quality of Life.

## **7. Links to Local Outcomes Improvement Plan**

The proposals in this report support and contribute to improved outcomes for communities as outlined in the Local Outcomes Improvement Plan priority of Community Wellbeing.

## **8. Financial Implications**

There are no significant financial implications arising from this report.

## **9. Legal Aspects**

There are no significant legal implications arising from the recommendations contained in this report.

## **10. Contact Officers**

Oliver Reid, Chief Executive, Email [oliver.reid@orkney.gov.uk](mailto:oliver.reid@orkney.gov.uk)

Karen Greaves, Corporate Director for Strategy, Performance and Business Solutions, Email [karen.greaves@orkney.gov.uk](mailto:karen.greaves@orkney.gov.uk)

Alex Rodwell, Head of Performance and Improvement, Email [alex.rodwell@orkney.gov.uk](mailto:alex.rodwell@orkney.gov.uk)

Maureen Spence, Service Manager (Democratic Services and Communications), Email [maureen.spence@orkney.gov.uk](mailto:maureen.spence@orkney.gov.uk)

## **11. Appendices**

Appendix 1: Orkney Islands Council Flag Flying Protocol.

Appendix 2: Guidance for Flag Flying on Scottish Government buildings on significant dates 2023.

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 Council 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 <sup>nd</sup> Monday)	Commonwealth Day – flag to be raised at 10am	Commonwealth 	Town Hall
April 16	St Magnus Day	Orkney 	Council Offices and Town Hall
April 28	International Workers Memorial Day On this day, the Saltire should be hoisted right up and then lowered to half-mast for the day.	Saltire 	Council Offices and Town Hall
May 17	Norwegian Constitution Day	Norwegian 	Town Hall
June 17	King Charles' official birthday	Union Jack 	Council Offices
June XX	Armed Forces Day (last week in June) – dates advised annually	Armed Forces 	Council Offices

June XX	Orkney Pride (dates advised annually)	Progress Pride Flag 	Town Hall
July 23	Historic County Flag Day	Orkney 	Council Offices and Town Hall
September 3	Merchant Navy Day	Red Ensign 	Town Hall
November (2 <sup>nd</sup> Sunday)	Remembrance Sunday  <b>Reminder for fire alarm:</b> 2 minute silence at School Place at 11am (when 11 <sup>th</sup> Nov falls on a working day)	Union Jack 	Town Hall
November 14	King Charles' Birthday	Union Jack 	Council Offices
November 30	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 Officers manage the flags owned by the Council.

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, Convener, Leader and Depute Leader - the Orkney Flag is to be flown at half-mast from the announcement of the death of a former Elected Member up to the funeral.
- The funerals of members of the royal family, subject to special commands in each case from the Palace.
- International Workers Memorial Day.



# Flag flying on government buildings: 2023

Guidance for flag flying on Scottish Government buildings on significant dates.

## Guidance

### 1. Review

This issue of the Scottish Government (SG) flag flying guidance applies to the calendar year 2023 only.

### 2. Extent of application

These guidelines apply to the SG, 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 here are not binding for:

- other public institutions
- members of the public

These 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, European and the Ukrainian flag should be flown every day from St Andrew's House. The Satire and the European Flag should be flown from Victoria Quay. The exception would be as indicated otherwise in the schedule.

His Majesty The King may give a special command to fly flags. The SG Protocol and Honours Team will inform the relevant authorities of this.

All other requests to fly flags must be cleared in advance by:

- The First Minister
- via the Protocol and Honours Team

Guidelines apply only to SG Buildings.

#### **4. Flying of other flags**

The only flags that should be flown from SG buildings in Scotland are the:

- Saltire
- Royal Standard at St Andrew's House only (by Special Command or Royal Assent)
- Union flag
- Rainbow flag
- Commonwealth flag (Commonwealth Day only)
- European flag
- Autistic Pride Day flag (Autistic Pride Day only) from St Andrew's House only
- Armed Forces Day flag (Armed Forces Day only)
- Red Ensign (Merchant Navy Day only)
- Transgender flag on Transgender Remembrance Day
- World AIDS Day flag (World AIDS Day only)
- Ukraine Flag

Other flags should not normally be flown from Scottish Government buildings.

#### **5. Superior position**

Even number of flagpoles - left of centre flagpole looking towards building.

Odd number of flagpoles - central pole.

## **6. Buildings with a single flagpole fly the following flags on date in schedule only**

- Rainbow
- Commonwealth
- European
- Autistic Pride
- Armed Forces Day
- Red Ensign
- Union
- Transgender
- World AIDS Day

Two or more flagpoles - flags may be flown addition to the Saltire.

Not in a superior position.

## **7. How the Union flag should be flown**

Broader diagonal white stripe, top left hand side of the flag nearest flagpole.

## **8. Use of the Royal Banner of the Royal Arms of Scotland (RB)**

The 'Lion Rampant' is His Majesty The King's official banner in Scotland. RB/Royal Arms in Scotland (the Quartered Arms) are Ensigns of Public Authority. They are used by The Sovereign or His Great Officers, i.e. Lord-Lieutenants. Then only when acting in that capacity.

In the capacity of Keeper of the Great Seal the First Minister may fly the RB.

The Royal Standard may not be flown without permission from His Majesty The King.

Please contact the Protocol and Honours Team if anticipating a Royal visit.

## **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:

- Death of The Sovereign\*
- Funerals of Members of The Royal Family\*
- Funerals of Foreign Rulers\*
- Funerals of serving and ex-Prime Ministers of the United Kingdom\*
- Funerals of serving and former First Ministers of Scotland\*
- International Workers Memorial Day (28 April)
- The Death And Funeral of Serving And Ex-Serving Foreign Rulers

\* further guidance will be issued at the time

## **10. Acts of terrorism and other human tragedies**

Flags should not be flown at half-mast unless a command is issued. The Protocol and Honours Team will be your point of contact.

### **Contact**

Email: [protocolandhonours@gov.scot](mailto:protocolandhonours@gov.scot)

Tel. 0131 244 3403

Protocol and Honours Team  
2W, St. Andrew's House  
Edinburgh  
EH1 3DG

## Flag flying dates

These guidelines apply to the Scottish Government, its related agencies and associated departments.

<b>2023 date</b>	<b>Event</b>	<b>Flag</b>
9 January	Birthday of The Duchess of Rothesay	A
20 January	Birthday of The Countess Of Forfar	A
1 February	Start of LGBT History Month (see note 1)	F
10 March	Birthday of The Earl of Forfar	A
13 March	Commonwealth Day (see notes 1 and 2)	H
28 April	International Workers Memorial Day	I
6 May	The King's Coronation Day	A
9 May	Europe Day (see note 1)	G
17 May	International Day Against Homophobia, Biphobia and Transphobia (see note 1)	F
17 June	Official Celebration of The King's Birthday	A
18 June	Autistic Pride Day (see note 1)	J
21 June	Birthday of The Duke of Rothesay	A
24 June	Edinburgh Pride (see notes 1 and 2) and Armed Forces Day	F
15 July	Glasgow Pride (see notes 1 and 2)	F

17 July	Birthday of The Queen Consort	A
15 August	Birthday of The Princess Royal	A
3 September	Merchant Navy Day (see note 1)	D
8 September	Anniversary of Accession	A
12 November	Remembrance Day (see note 3)	C
14 November	Birthday of His Majesty The King	A
20 November	Transgender Remembrance Day	K
30 November	St. Andrew's Day	B
1 December	World AIDS Day (see note 1)	L

**Key: flags to be flown in the formation detailed below**

SAH = St Andrew's House

A - 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 note 8 in the guidance section).



B - 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 note 8 in the guidance section).



C - Remembrance Day

Union Flag and Saltire or Saltires if the building has more than two flagpoles.



D - Red Ensign if building has one flagpole.

Red Ensign and Saltire if building has two or more flagpoles.



E - Armed Forces Day flag if building has one flagpole.

Armed Forces Day flag and Saltire if building has two or more flagpoles.



F - Rainbow flag if building has one flagpole.

Rainbow flag and Saltire if building has two or more flagpoles.



G - European flag if building has one flagpole.

European flag and Saltire if building has two or more flagpoles.



H - Commonwealth flag if building has one flagpole.

Commonwealth flag and Saltire if building has two or more flagpoles.



I - On this day, the Saltire(s) should be hoisted right up and then lowered to half-mast for the day. (see note 9\*\* in the guidance section)



J - Autistic Pride flag and Saltire should be flown from SAH only.



K - Transgender flag should be flown if building has one flagpole.

Transgender flag and Saltire if building has two or more flag poles.



L - World AIDS Day flag and Saltire should be flown from SAH only.



## Notes

1. Scottish Government (SG) main buildings which have four flag poles:



- should fly the Saltire and European flag
- plus flags indicated in the schedule
- St Andrews House will fly the Ukrainian Flag when possible

On buildings that only have one flagpole, one of the following flags should be flown:

- Rainbow
- Commonwealth
- European
- Autistic Pride
- Armed Forces Day
- Red Ensign
- Transgender
- World AIDS Day

Where a building has two or more flagpoles, the Saltire should also be flown.

## 2. Dates advised annually for 2023:

- Commonwealth Day is 13 March
- Official Celebration of His Majesty's Birthday is 17 June
- Edinburgh Pride is 24 June
- Armed Forces Day is 24 June
- Glasgow Pride is 15 July

3. Usually the second Sunday of the month. The date for Remembrance Sunday is 12 November.

Additionally:

- some dates are listed as to be confirmed until confirmed
- the guidance will be updated accordingly
- the First Minister has instructed that the European flag is flown from SG buildings. This will be on a daily basis except for specific flag flying dates
- the Ukrainian flag is being flown from St Andrews House when possible for the duration of the conflict in that country



## 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.

<b>1. Identification of Function, Policy or Plan</b>	
Name of function / policy / plan to be assessed.	Flag Flying at Council Buildings
Service / service area responsible.	Strategy, Performance and Business Solutions
Name of person carrying out the assessment and contact details.	Maureen Spence Email <a href="mailto:maureen.spence@orkney.gov.uk">maureen.spence@orkney.gov.uk</a> Ext 2200
Date of assessment.	23 January 2023
Is the function / policy / plan new or existing? (Please indicate also if the service is to be deleted, reduced or changed significantly).	Existing

<b>2. Initial Screening</b>	
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.

<p>How have stakeholders been involved in the development of this function / policy / plan?</p>	<p>This protocol includes details of all dates when it has been agreed to fly flags from Council buildings following requests from Council Services and local organisations.</p>
<p>Is there any existing data and / or research relating to equalities issues in this policy area? Please summarise. 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>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>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. E.g. For people living in</p>	<p>Not applicable.</p>

poverty or for people of low income. See <a href="#">The Fairer Scotland Duty Guidance for Public Bodies</a> for further information.	
Could the function / policy have a differential impact on any of the following equality areas?	(Please provide any evidence – positive impacts / benefits, negative impacts and reasons).
1. Race: this includes ethnic or national groups, colour and nationality.	None
2. Sex: a man or a woman.	None
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 Progress Pride 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 Progress Pride Flag would have a positive impact by demonstrating support for the LGBT+ community.
5. Pregnancy and maternity.	None
6. Age: people of different ages.	None
7. Religion or beliefs or none (atheists).	None
8. Caring responsibilities.	None
9. Care experienced.	None
10. Marriage and Civil Partnerships.	None
11. Disability: people with disabilities (whether registered or not).	(Includes physical impairment, sensory impairment, cognitive impairment, mental health) None
12. Socio-economic disadvantage.	None

### 3. Impact Assessment

Does the analysis above identify any differential impacts which need to be addressed?	No
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
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#### 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: 23/01/23

Name: MAUREEN SPENCE

(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 [hrrsupport@orkney.gov.uk](mailto:hrrsupport@orkney.gov.uk)