

## Summary Sheet

### Council Report

Overview and Scrutiny Management Board – 5 May 2017  
Cabinet and Commissioners' Decision Making Meeting – 15 May 2017

### Flag Protocol for Riverside House and Rotherham Town Hall

#### Is this a Key Decision and has it been included on the Forward Plan?

No, but it has been included on the Forward Plan

#### Strategic Director Approving Submission of the Report

Shokat Lal, Assistant Chief Executive

#### Report Author

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#### Ward(s) Affected

Boston Castle

## Summary

Following a number of enquiries and requests to fly alternative flags, a protocol has been prepared to establish a calendar of dates on which flags should be flown, the circumstances of how those flags should be flown and any associated decision making in respect of flying flags outside of the terms of the protocol.

Whilst the general principle applied by the authority is to follow the advice provided by central government, a framework for local decision making in respect of the flying of flags would assist in the determination of any additional requests.

This report therefore seeks the approval and adoption of a protocol to govern the flying of flags at Riverside House and Rotherham Town Hall.

## Recommendations

1. That the Flag Protocol for Riverside House and Rotherham Town Hall be approved and adopted.

## List of Appendices Included

Appendix A – Proposed Flag Flying Protocol

**Background Papers**

None

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

No

**Council Approval Required**

No

**Exempt from the Press and Public**

No

## **Flag Protocol for Riverside House and Rotherham Town Hall**

### **1. Recommendations**

- 1.1 That the Flag Protocol for Riverside House and Rotherham Town Hall be approved and adopted.

### **2. Background**

- 2.1 Following a number of enquiries and requests to fly alternative flags, work has been undertaken to develop a protocol to guide the Council in respect of the flying of flags at Riverside House and Rotherham Town Hall.
- 2.2 The flying of flags is not the subject of statute across Great Britain and advice is issued from the Department for Culture, Media and Sport (DCMS) on the flying of national flags from government buildings. The advice relates to government buildings only, but many local authorities, such as Rotherham MBC, also follow the advice on a voluntary basis.
- 2.3 The Government's Flag and Heraldry Committee produced a Flag Flying Guidance in 2010. The guidance covers simple rules which apply to flying flags in a variety of situations and aims to ensure flags across the nation are flown correctly and treated with dignity and respect.
- 2.4 In January 2012, the Department for Communities and Local Government (DCLG) published a discussion paper aimed at liberalising the regime for flying flags. The outcome from that paper was a number of proposals aimed at modernising and relaxing Government flag protocols. Notably the recommendations included:
  - Adding in both the Armed Forces Flag and the Pride (Rainbow Flag); and
  - Extending the category of flags which can be flown with consent to include certain officially sanctioned award schemes which have an approved flag, such as Investors in People and Eco-Schools.
- 2.5 In November 2012, DCLG published a *Plain English Guide to Flying Flags*, which provided a summary of new regulations.

### **3. Key Issues**

- 3.1 The matter of flag flying on local government buildings is not bound by any specific directive. It remains a matter for individual local authorities to establish their own flag flying protocols.
- 3.2 The protocols of other local authorities vary in their content, formality and the number of flagpoles available at each Council building. However, a growing number of local authorities are formalising their policy and relaxing the traditional stance to allow additional flags to be flown.

- 3.3 For a number of years, the Council has flown flags in accordance with the advice from the Government. In addition to those dates, the Council has also flown flags to mark specific cultural, community and sporting events. In the absence of a formal policy, it is recommended that the existing schedule of dates be incorporated within the proposed protocol.
- 3.4 The flying of flags has proved a contentious issue in other local authority areas due to the symbolic meaning attached by various communities to various flags. Whilst the proposed protocol has been prepared in recognition of this, consideration should also be given to how decisions will be made in respect of whether and how flags should be flown in response to certain events. Whilst advice is often provided by DCLG, a Member-level view should be sought to give effect to the implementation of the advice.
- 3.5 Riverside House and Rotherham Town Hall are the two principal buildings of the Council, one being the administrative centre of the authority and the other being the civic heart of Rotherham. Whilst the existing schedule for the flying of flags has been in place for some time in respect of Riverside House, the practice at Rotherham Town Hall has not been the same. The adoption of a protocol covering both sites would ensure a consistent and seamless approach to the flying of flags from these two buildings.

#### **4. Options considered and recommended proposal**

- 4.1 The Council does not currently have any protocol or formally agreed guidance on the flying of flags. Decision making in respect of the flying of flags has been informal and on the direction of the Leader of the Council or a senior officer. In addition to this, a schedule of dates for the flying of flags has been prepared which has applied to Riverside House, but not consistently used by Rotherham Town Hall. This approach requires development to ensure that there is sufficient clarity and transparency in respect of the flying of flags.
- 4.2 Requests may be received from individuals or groups to fly flags at either Riverside House and Rotherham Town Hall which are in effect seeking the Council's support for a particular cause or campaign. Where such requests are received, the Council should consider whether it wishes to support the cause or campaign rather than exercising delegated powers in consultation with the Leader of the Council.
- 4.3 It is recommended that the protocol appended to this report, which is based on the principles of the Council following the lead of the relevant government department and requests for support for campaigns or causes being determined at a meeting of the Council, is approved and adopted.

#### **5. Timetable and Accountability for Implementing this Decision**

- 5.1 The adoption of a Flag Protocol for the flying of flags at Riverside House and Rotherham Town Hall is an executive responsibility. The protocol will therefore be implemented immediately after the expiration of the call-in period after the decision is made.

5.2 Whilst ultimate accountability for this protocol will lie with the Chief Executive, the Democratic Services Manager will be responsible for ensuring that the protocol is observed and for ensuring that any decisions required in respect of the flying of flags outside of the protocol are taken by the Chief Executive, following consultation with the Leader of the Council. The Head of Asset Management will also be responsible for ensuring that flags are flown and taken down at Riverside House and taken down in accordance with the protocol.

## **6. Financial and Procurement Implications**

6.1 There are no financial or procurement implications associated with this report.

## **7. Legal Implications**

7.1 There are no direct legal implications associated with the adoption of the flag protocol.

## **8. Human Resources Implications**

8.1 There are no human resources implications associated with this report.

## **9. Implications for Children and Young People and Vulnerable Adults**

9.1 There are no implications for children and young people or vulnerable adults associated with this report.

## **10. Equalities and Human Rights Implications**

10.1 When the Equality Act 2010 was introduced, a duty was placed upon public bodies. This duty requires public bodies throughout the exercise of their functions to pay due regard to the need to:

- Eliminate discrimination, victimisation, harassment and any other unlawful conduct under the Act;
- Promote equality of opportunity between those who have an equality characteristic and those who do not; and
- Foster good relations between those who have an equality characteristic and those who do not.

10.2 Local authorities have been approached by equality groups nationally and from local communities requesting the flying of their representative flag. Following the introduction of the Equality Duties, the council should equality assess any flag flying protocol to ensure that it is compliant with the Act and consider flying additional flags as appropriate.

10.3 The proposed protocol will allow the council to actively and openly demonstrate its commitment to equality of opportunity, to celebrate diversity and promote inclusion. In doing so, the council will be actively undertaking its equalities duties and meeting the requirement of the Equality Act 2010.

## **11. Implications for Partners and Other Directorates**

11.1 There are no implications for partners or other directorates associated with this report.

## **12. Risks and Mitigation**

12.1 There is a risk that formalising the council protocol on flag flying may prove contentious with some members of the public, however, the overriding concern is ensuring that the protocol clarifies the authority's position and does not adversely impact on its requirements under the Equality Act 2010.

## **13. Accountable Officer(s)**

Sharon Kemp, Chief Executive  
James McLaughlin, Democratic Services Manager

Approvals Obtained from:-

Strategic Director of Finance and Customer Services:- Graham Saxton

Assistant Director of Legal Services:- Dermot Pearson

Head of Procurement (if appropriate):-

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**ROTHERHAM METROPOLITAN BOROUGH COUNCIL FLAG PROTOCOL**

1. This protocol has been prepared to provide a formal schedule of dates upon which specific flags will be flown from Riverside House and Rotherham Town Hall. The two principles governing this protocol are:
  - (a) That the Council will follow the advice of the relevant Government department in respect of the dates upon and the manner in which flags are to be flown.
  - (b) That the requests for support for a cause or campaign, which by implication will include the flying of a flag, will require a decision by Members at a meeting of the Council.
2. Where a request is received for a flag to be flown in support of a particular campaign, the Chief Executive shall arrange for a report to be prepared for consideration by the Council. It will be a matter for the Council to determine whether it wishes to demonstrate support for a campaign by permitting the flying of a flag from either Riverside House or Rotherham Town Hall.
3. In the event of a request to fly a flag at either Riverside House and Rotherham Town Hall being received which is not dealt with under this protocol and accompanying schedule, the Chief Executive, following consultation with the Leader of the Council, will have authority to arrange for specific flags to be flown, subject to the Council having demonstrated its commitment to the cause, set out in clause 2 above.

(NB when the Chief Executive is not available, the designated deputy will consult the Leader of the Council and arrange for specific flags to be flown. In the absence or unavailability of the Leader of the Council, the Deputy Leader of the Council shall be consulted.)

Instances where this approach would be required may include recognition of sporting events, such as the FIFA World Cup or The Ashes International Cricket Series, demonstrating support for particular communities or campaign groups

4. In the event of a national or international incident, the advice of the Department for Communities and Local Government will be followed in respect of how and when flags will be flown at Riverside House and Rotherham Town Hall.
5. When recognising a national or international incident, the Council will fly the Union Flag. If the Council is in possession of the flag of an affected nation, the Chief Executive may consult the Leader of the Council on flying the appropriate national flag at Riverside House and/or Rotherham Town Hall.
6. The Union Flag is to be hoisted on Rotherham Town Hall and Riverside House on dates in accordance with circular issued by the Department for Culture, Media and Sport.

***Days for Hoisting the Flag from Government Buildings  
(from 6.30am until 6.00pm)***

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
10 March	Birthday of the Earl of Wessex
March	Commonwealth Day (2nd Monday in March)
21 April	Birthday of Her Majesty The Queen
23 April	St George's Day
9 May	Europe Day
2 June	Coronation Day
10 June	Birthday of the Duke of Edinburgh
June	Official Celebration of Her Majesty's Birthday (date varies)
21 June	Birthday of the Duke of Cambridge
17 July	Birthday of the Duchess of Cornwall
22 July	Birthday of Prince George of Cambridge
15 August	Birthday of the Princess Royal
15 September	Birthday of Prince Henry of Wales
11 November	Remembrance Day
November	Remembrance Sunday (Nearest Sunday to 11 November)*
14 November	Birthday of the Prince of Wales
20 November	Her Majesty's Wedding Day

***Occasions on which the Union Flag is to be flown at half-mast***

- (a) From the announcement of the Death up to the Funeral of the Head of State except on Proclamation Day on which they are hoisted full mast from 11am until sunset.
  - (b) The funerals of members of the Royal Family, subject to any Special Commands by the Head of State in each case.
  - (c) The funerals of Foreign Rulers, subject to any Special Commands from the Head of State.
  - (d) The funerals of Prime Ministers and ex-Prime Ministers of the United Kingdom.
  - (e) Other occasions by Special Command of the Head of State.
7. The Cross of St. George Flag is the traditional flag for England and was the legal national flag of the Kingdom of England until 1707. This flag can be flown in conjunction with the Union Flag. However, the Union Flag will take precedence over the flag of the Cross of St. George. This flag will be flown specifically on 23 April to mark St. George's Day and on other days in accordance with the schedule of dates.



8. The Borough Council's Flag incorporates the Coat of Arms of the Authority and motto 'By Industry and Honour'. The Borough Flag should be flown on the day of the Annual Meeting, the day of the Civic Service (usually the third Saturday in May) and whenever the Mayor holds an official reception at Rotherham Town Hall. The Borough Flag is to be flown on the days when meetings of the Council are taking place.

**(a) Mayor and Past Mayors of the Council**

The Local Authority Flag is to be flown at half mast on the death of the current Mayor, from the day of the death until 6.30pm on the day of the funeral. In relation to past Mayors, the Local Authority Flag will be flown at half mast on the day of the death and the day of the funeral where known. The dates will be notified by the Mayor's Office.

**(b) Serving Members of the Council**

The flag is to be flown at half mast on the day of the death of a serving member and then on the day of the funeral until 6.30pm. The dates will be notified by Democratic Services.

Note: If death occurred after normal working hours the flag would be flown at half mast on the next working day.

9. The Yorkshire Flag should be flown at all times at Riverside House unless there are other specific circumstances requiring other flags to be flown, as identified in the schedule of dates. The Yorkshire Flag will specifically be flown annually to mark Yorkshire Day on 1 August.
10. On the occasion that an overseas visitor is present at Riverside House or Rotherham Town Hall, on official business/visit, whenever possible, the flag for the visiting country will be flown. The organiser for the visit should notify the Head of Asset Management and the Town Hall Attendants as soon as the date of the visit is known in order that the appropriate flag may be obtained and flown.
11. At Riverside House, the Union Flag should be flown on the nearest flagpole to the building, which is the principal flag pole. There are four flagpoles at Riverside House. Two flagpoles are situated at Rotherham Town Hall. The principal flagpole is located on the north-west edge of the Town Hall. The other flagpole is located above the entrance to the Town Hall.