

To: Cabinet
Date: 16 March 2022
Report of: Head of Law and Governance
Title of Report: Transgender flag flying

Summary and recommendations	
Purpose of report:	To seek Cabinet approval to fly the Transgender flag annually on 31 March for International Trans Day of Visibility following the motion passed by Council on 29 November 2021 titled "Becoming a trans inclusive Council".
Key decision:	No
Cabinet Member:	Councillor Susan Brown, Leader and Cabinet Member for Inclusive Growth, Economic Recovery and Partnerships
Corporate Priority:	Support Thriving Communities
Policy Framework:	Council Strategy 2020-24
Recommendation: That Cabinet resolves to:	
1. Authorise the flying of the Transgender flag annually on 31 March for International Trans Day of Visibility.	

Appendices
1. Risk Register

Introduction and background

1. The Council's Flag Flying Protocol was agreed by the City Executive Board (now Cabinet) on 13 March 2019. The protocol stipulates that decisions on annual or regular flag flying commitments must be considered by Cabinet, while the consideration of one off requests is delegated to the Head of Law and Governance in consultation with the Leader of the Council, who may consult with other political group leaders.

Becoming a Trans Inclusive Council motion

2. Council on 29 November 2021 passed a motion titled "Becoming a Trans Inclusive Council" in which Council, among other things, resolved to request that Cabinet agrees to fly the Transgender flag annually on International Trans Day of Visibility

(31 March), in addition to Trans Day of Remembrance (20 November). This report seeks a Cabinet decision on the request from Council.

Flying the Transgender flag

3. If the recommendation in this report is agreed, the Transgender flag will be flown annually on 31 March (in addition to 20 November) from the mast above the Edinburgh Woollen Mill shop on the corner of St. Aldate's and High Street. As with all flag flying commitments, this will be subject to the weather, safe access to the flagpole and the availability of suitably trained staff.

Financial implications

4. The Council already has a Transgender flag so there would be no financial cost to the Council if Cabinet was to agree the recommendation.

Legal issues

5. The responsibility for flag flying to mark events and occasions lies with Cabinet; it is an Executive function under the Local Government Act 2000 as it is not specifically reserved to full Council. The flying of flags is not the subject of statute across Great Britain. The Council's constitution provides that flag flying will be an Executive matter.
6. Under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 flags are treated as advertising for the purposes of planning consent. Certain flags can be flown without the express consent of the local planning authority but the Transgender flag does not fall into this category.
7. Planning Services have confirmed that planning consent is already in place for the Transgender flag to be flown and there are no conditions specifying that it can only be flown on certain days, so no further approval is needed.

Level of risk

8. Council commitments to fly flags may be regarded by organisations and communities as being a significant honour. The recommendation in this report would give effect to a commitment that has already been expressed by Council. A risk register is attached as Appendix 1.

Equalities impact

9. Flags are emotive symbols that have the potential to cause controversy or create tensions between communities or interest groups whose views and interpretations may differ. The Council has a responsibility to carefully consider the potential impacts of flying flags on communities, equalities and protected characteristics. The recommendation in this report may be seen as promoting diversity and supporting marginalised and vulnerable groups without adversely impacting upon equalities or serving to disadvantage any groups.

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Background Papers:

None.

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