

South Ayrshire Council

**Report by Chief Executive
to Cabinet
of 29 November 2022**

Subject: Lighting of Wallace Tower/ Flag Flying

1. Purpose

1.1 The purpose of this report is to seek agreement regarding a change to the approval process for ad hoc lighting requests in relation to the Wallace Tower and for flag flying requests.

2. Recommendation

2.1 It is recommended that the Cabinet:

2.1.1 agrees that ad hoc requests for illumination of the Wallace Tower and for flag flying requests should be at the discretion of the Provost; and

2.1.2 approves the updated detail in Appendices [3](#) and [4](#).

3. Background

3.1 At its meeting on 23 November 2021, the Leadership Panel was advised of the installation of new LED uplighting on the external elevations of the Wallace Tower enabling the illumination of this prominent building for various events, noted the dates and events when the lights would be switched on and agreed the process for ad hoc requests.

3.2 Recent discussions with Members have suggested that it might be helpful to review the approval process.

3.3 The Council has previously approved a list of flag flying days (as provided in [Appendix 1](#)). It would be appropriate to review this, particularly in light of the death of HM Queen.

3.4 Extracts from the Public Mourning Guidance in [Appendix 2](#) provide detail on flying flags in all cases of public mourning and in respect of significant.

4. Proposals

4.1 There has been some concern that there could be a political element to decision making and it is, therefore, proposed that ad hoc requests for illumination of the Wallace Tower and for flag flying requests should be at the discretion of the Provost.

4.2 An updated list of flag flying days and the list of Significant Persons are attached at [Appendix 3](#) and [Appendix 4](#) respectively. The Council buildings that will be used are the County Buildings, Ayr, McKechnie Institute, Girvan, Troon Town Hall and Wallace Tower, Ayr.

5. Legal and Procurement Implications

5.1 There are no legal implications arising from this report.

5.2 There are no procurement implications arising from this report.

6. Financial Implications

6.1 Not applicable.

7. Human Resources Implications

7.1 Not applicable.

8. Risk

8.1 *Risk Implications of Adopting the Recommendations*

8.1.1 There are no risks associated with adopting the recommendations.

8.2 *Risk Implications of Rejecting the Recommendations*

8.2.1 There are no risks associated with rejecting the recommendations.

9. Equalities

9.1 The proposals in this report have been assessed through the Equality Impact Assessment Scoping process. There are no significant potential positive or negative equality impacts of agreeing the recommendations and therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as [Appendix 5](#).

10. Sustainable Development Implications

10.1 ***Considering Strategic Environmental Assessment (SEA)*** - This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy or strategy.

11. Options Appraisal

11.1 An options appraisal has not been carried out in relation to the subject matter of this report.

12. Link to Council Plan

12.1 The matters referred to in this report contribute to Commitment 1 of the Council Plan: Fair and Effective Leadership/ Leadership that promotes fairness.

13. Results of Consultation

- 13.1 There has been no public consultation on the contents of this report.
- 13.2 Consultation has taken place with Councillor Martin Dowey, Portfolio Holder for Corporate and Strategic, and the contents of this report reflect any feedback provided.

14. Next Steps for Decision Tracking Purposes

- 14.1 If the recommendations above are approved by Members, the Chief Executive will ensure that all necessary steps are taken to ensure full implementation of the decision within the following timescales, with the completion status reported to the Cabinet in the 'Council and Cabinet Decision Log' at each of its meetings until such time as the decision is fully implemented:

Implementation	Due date	Managed by
Publish updated Public Mourning Guidance	15 December 2022	Service Lead – Organisational Development and Customer Services and Service Lead – Democratic Governance

Background Papers **Report to Leadership Panel of 23 November 2021 – [Wallace Tower – Feature Lighting](#)**

Person to Contact **Eileen Howat, Chief Executive
County Buildings, Wellington Square, Ayr, KA7 1DR
Phone 01292 612612
E-mail eileen.howat@south-ayrshire.gov.uk**

Date: **18 November 2022**



Current List of Flag Flying Days

Council Meeting Days (County Buildings only)		As agreed
Robert Burns Birthday (1759)		25 th January
Commonwealth Day		2 nd Monday in March
LGBTI Pride Flag		Full month of February
Anniversary of the Declaration of Arbroath (1320)		6 th April
HM The Queen's Birthday (1926)		21 st April
Europe Day	European Flag	9 th May
Anniversary of Coronation Day (1953)		2 nd June
Armed Forces Day	AFD Flag	Last week in June
King Robert the Bruce's Birthday (1274)		11 th July
Merchant Navy Day	Red Ensign	3 rd September
Remembrance Sunday		2 nd Sunday in November
St Andrew's Day		30 th November
Human Rights Day	Human Rights Flag	10 th December

Extract from Public Mourning Guidance

Flags

Detail	Action
<p>National guidance on flags should be followed in all cases of public mourning.</p> <p>Where public mourning is being observed with respect to persons identified in Appendix A, flags should be flown at half-mast* at all appropriate Council Buildings. This should be done as soon as possible after the death has been announced during daylight on a working day, or by 9.00am the next working day if the announcement is made out with working hours, or during the hours of darkness. Where public mourning is being observed with respect to persons listed in Appendix B, flags should be flown at half-mast on the day of the funeral, unless other instructions or guidance are issued.</p> <p>Where public mourning is being observed with respect to significant tragic events, national guidance will be followed.</p> <p>If the public mourning relates to an international person then, if possible, the national or other appropriate flag of the deceased should be flown.</p> <p>For those persons listed in Appendix A, the flag should remain at half-mast until the close of business on the day of the funeral, or if the funeral falls on a weekend, until the first working day after.</p> <p>*To fly at 'half-mast' the flag should be lowered by one width from the top of the pole.</p>	<p>Council Officer/ Asset Management on instruction from Democratic Services</p>

Current List of Significant Persons

- 1. HM The Queen**
- 2. HRH The Prince of Wales, Earl of Carrick**
- 3. HRH The Duchess of Cornwall, Countess of Carrick**
- 4. HRH The Duke of Cambridge, Earl of Strathearn**
- 5. HRH The Duchess of Cambridge, Countess of Strathearn**
- 6. HRH Prince George of Cambridge**
- 7. HRH Princess Charlotte of Cambridge**
- 8. HRH Prince Louis of Cambridge**
- 9. HRH The Duke of Sussex, Earl of Dumbarton**
- 10. HRH The Duchess of Sussex, Countess of Dumbarton**
- 11. Master Archie Mountbatten-Windsor**
- 12. The Prime Minister**
- 13. The First Minister**

Proposed List of Flag Flying Days



<i>Event</i>	<i>Flag</i>	<i>Date</i>
Council Meeting Days (County Buildings only)	Union Flag and Saltire	As agreed
Robert Burns Birthday (1759)	Union Flag and Saltire	25 January
Commonwealth Day	Union Flag and Commonwealth day Flag	Second Monday in March
LGBTI Pride Flag	Union Flag and LGBTI Flag	Full month of February
Anniversary of the Declaration of Arbroath (1320)	Union Flag and Saltire	6 April
HM The King's Birthday (1948)	Union Flag and Saltire	14 November
Anniversary of Coronation Day (2023)	Union Flag and Saltire	6 May
Armed Forces Day	AFD Flag	Last week in June
King Robert the Bruce's Birthday (1274)	Union Flag and Saltire	11 July
Merchant Navy Day	Red Ensign	3 September
Remembrance Sunday	Union Flag and Saltire	Second Sunday in November
St Andrew's Day	Union Flag and Saltire	30 November
Human Rights Day	Human Rights Flag	10 December

Proposed List of Significant Persons

- 1. HM The King**
- 2. HM The Queen Consort**
- 3. HRH The Prince of Wales**
- 4. HRH The Princess of Wales**
- 5. HRH Prince George of Wales**
- 6. HRH Princess Charlotte of Wales**
- 7. HRH Prince Louis of Wales**
- 8. The Prime Minister**
- 9. The First Minister**

South Ayrshire Council Equality Impact Assessment Scoping Template

Equality Impact Assessment is a legal requirement under the Public Sector Duty to promote equality of the Equality Act 2010. Separate guidance has been developed on Equality Impact Assessment's which will guide you through the process and is available to view here: <https://www.south-ayrshire.gov.uk/equalities/impact-assessment.aspx>

Further guidance is available here: <https://www.equalityhumanrights.com/en/publication-download/assessing-impact-and-public-sector-equality-duty-guide-public-authorities/>

The Fairer Scotland Duty ('the Duty'), Part 1 of the Equality Act 2010, came into force in Scotland from 1 April 2018. It places a legal responsibility on Councils to actively consider ('pay due regard to') how we can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. [FSD Guidance for Public Bodies](#) in respect of the Duty, was published by the Scottish Government in March 2018 and revised in October 2021. See information here: <https://www.gov.scot/publications/fairer-scotland-duty-guidance-public-bodies/>

1. Policy details

Policy Title	Lighting of Wallace Tower/ Flag Flying
Lead Officer (Name/Position/Email)	Eileen Howat, Chief Executive – eileen.howat@south-ayrshire.gov.uk

2. Which communities, groups of people, employees or thematic groups do you think will be, or potentially could be, impacted upon by the implementation of this policy? Please indicate whether these would be positive or negative impacts

Community or Groups of People	Negative Impacts	Positive impacts
Age – men and women, girls & boys	-	-
Disability	-	-
Gender Reassignment (Trans/Transgender Identity)	-	-
Marriage or Civil Partnership	-	-
Pregnancy and Maternity	-	-
Race – people from different racial groups, (BME) ethnic minorities and Gypsy/Travellers	-	-
Religion or Belief (including lack of belief)	-	-
Sex – (issues specific to women & men or girls & boys)	-	-
Sexual Orientation – person's sexual orientation i.e. LGBT+, lesbian, gay, bi-sexual, heterosexual/straight	-	-

Community or Groups of People	Negative Impacts	Positive impacts
Thematic Groups: Health, Human Rights & Children's Rights	-	-

3. What likely impact will this policy have on people experiencing different kinds of social disadvantage i.e. The Fairer Scotland Duty (This section to be completed for any Strategic Decisions). Consideration must be given particularly to children and families.

Socio-Economic Disadvantage	Negative Impacts	Positive impacts
Low Income/Income Poverty – cannot afford to maintain regular payments such as bills, food, clothing	-	-
Low and/or no wealth – enough money to meet Basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future	-	-
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure/hobbies	-	-
Area Deprivation – where you live (rural areas), where you work (accessibility of transport)	-	-
Socio-economic Background – social class i.e. parent's education, employment and income	-	-

4. Do you have evidence or reason to believe that the policy will support the Council to:

General Duty and other Equality Themes Consider the 'Three Key Needs' of the Equality Duty	Level of Negative and/or Positive Impact (High, Medium or Low)
Eliminate unlawful discrimination, harassment and victimisation	Low
Advance equality of opportunity between people who share a protected characteristic and those who do not	Low
Foster good relations between people who share a protected characteristic and those who do not. (Does it tackle prejudice and promote a better understanding of equality issues?)	Low
Increase participation of particular communities or groups in public life	Low
Improve the health and wellbeing of particular communities or groups	Low
Promote the human rights of particular communities or groups	Low
Tackle deprivation faced by particular communities or groups	Low

5. Summary Assessment

Is a full Equality Impact Assessment required? (A full Equality Impact Assessment must be carried out if impacts identified as Medium and/or High)	YES NO
Rationale for decision: This report seeks agreement that ad hoc requests for illumination of the Wallace Tower and for flag flying requests should be at the discretion of the Provost. Members' decision on this has no specific equality implications	
Signed : Eileen Howat Chief Executive Date: 13 October 2022	