



Subject:	Notice of Motion to fly the Rainbow Flag on Pride Day 3 August 2019
Date:	21 June 2019
Reporting Officer:	John Walsh, City Solicitor/Director of Legal & Civic Services
Contact Officer:	Lorraine Dennis, Equality & Diversity Officer

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of report or summary of main issues
1.1	The screening attached at Appendix 1 is provided in response to a request from Strategic Policy & Resources Committee on 22 March 2019, when the Committee agreed to a notice of motion 'to fly the rainbow flag over the City Hall on 3rd August, 2019, subject to an equality screening being undertaken'. In light of the screening you are asked to consider if you wish to affirm the decision previously made.
2.0	Recommendations
2.1	The screening identified a minor positive impact on the promotion of equality of opportunity and a minor negative impact on the promotion of good relations. The screening should be considered in: <ul style="list-style-type: none">• Making a final decision on the notice of motion.

	<ul style="list-style-type: none"> The content and appropriateness of a communications campaign to highlight the work undertaken in City Hall, including the exhibition and stain glass windows which represents diverse backgrounds in Belfast, and the recently opened changing places facility, to be promoted as symbols of the city of Belfast, which aims to be welcoming, safe, fair and inclusive for all. Raising awareness of the of the Council's approach to an inclusive and diverse society may counter any perceived negative impact.
3.0	Main report
3.1	<p>A Notice of Motion was agreed at Strategic Policy & Resources Committee on Friday 22 March to fly the Rainbow Flag on Saturday 3 August 2019 (Pride Day), the decision is outlined below. The decision was subsequently amended at the Council's meeting 1 April 2019, with the removal of the statement in brackets.</p> <p>The Committee agreed to the motion and to fly the rainbow flag over the City Hall on 3rd August, 2019, subject to an equality screening being undertaken and to a report being submitted to the Committee on those dates that are included [in the illuminate programme] where there is a festival or celebration also held in the city and how they could receive dual recognition of a flag and illumination of the building.</p>
3.2	<p>The scope of the screening and this report is the agreement to fly the rainbow flag over the City Hall on 3 August, 2019. The report requested on dual recognition of a flag and illumination of the building will be submitted at a later date.</p>
3.3	<p><u>Key Issues</u></p> <p>The stated aims of the Notice of Motion were:</p> <p>This Council recognises and values the huge contribution our LGBTQ+ Citizens make to the city of Belfast and beyond. As a statement of our solidarity with our LGBTQ+ citizens and community, and building on the progressive moves of the council to support Belfast Pride and illuminate the City Hall in the colours of the Pride Rainbow; the council agrees to continue this support, and, as a further demonstration of our solidarity, agrees to fly the rainbow flag over the City Hall from dawn to dusk on Saturday 3rd August 2019 to coincide with the annual Pride parade.</p>
3.4	<p>Any action by the Council to demonstrate support for Pride Day through the flying of the rainbow flag would contribute to these objectives.</p>

3.5	A broad scope of information was considered in the equality screening including seeking advice on the legal implications of the Notice of Motion in an equality and good relations context.
3.6	Information is extracted from the legal opinion in the attached screening, a full copy of the legal opinion is available on request.
	<u>Screening questions</u>
3.7	A summary of the analysis undertaken in each of the four screening questions for the purpose of Section 75
3.8	<p>i. Q: What is the likely impact of equality of opportunity for those affected by this policy/proposal, for each of the Section 75 equality categories?</p> <p>A: The information gathered, both qualitative and quantitative, demonstrates the complexity of some of the issues relating to protected characteristics listed under Section 75.</p> <p>Whilst the flying of the rainbow flag on Pride Day would most obviously have a positive impact on those from an LGBT+ background, it is recognised that many people do not identify with one protected characteristic at the exclusion of another. The information presented demonstrates the correlations between sexual orientation, gender and religion, both positive and negative.</p> <p>Minor positive impact identified.</p>
3.9	<p>ii. Q: Are there opportunities to better promote equality of opportunity for people within Section 75 equality categories?</p> <p>A: The information gathered, both qualitative and quantitative, demonstrates the inter-relationships between the protected characteristics listed under Section 75. No specific opportunities to better promote equality of opportunity for one particular group has been identified.</p>

<p>3.10</p>	<p>However, it is important for the work undertaken in City Hall, including the exhibition and stain glass windows which represents diverse backgrounds in Belfast, and the recently opened changing places facility, to be promoted as symbols of the city of Belfast, which aims to be welcoming, safe, fair and inclusive for all.</p> <p>iii. Q: To what extent is the policy/proposal likely to impact on good relations between people of different religious belief, political opinion or racial group? A: Good relations issues are conventionally understood to be between the two main communities in Belfast - Protestant / Unionist / Loyalist and Catholic / Nationalist / Republican, including those from different racial backgrounds. Equality Commission for Northern Ireland did not consider the policy to be relevant to good relations. Community Relations Council did not provide an opinion as they considered the matter to lie outside their remit.</p> <p>Receipt of the complaint on 22 March, the same day as the notice of motion was agreed, from a constituent of Titanic DEA, may provide an indication of a perceived adverse impact on those who do not support the LGBT+ community. The complainant states that as a result of flying the Pride flag, City Hall will not be “a welcoming place for everyone, especially people like myself who are Christians and believe that Homosexuality is not right.” The complainant states that “Belfast City Council are clearly taking sides on a political argument and therefore City Hall will not be a ‘neutral’ building.”</p> <p>In contrast the group Christians at Pride exists to provide a joyful, loving, inclusive Christian presence at Pride festivals in London and elsewhere in the UK, including Belfast, as noted through our internal staff network. Their website notes: ‘Whether you’re young or old, catholic or evangelical, lesbian, gay, bi, trans, asexual, or straight, you’d be so welcome to come and join us. Supportive friends, allies, family members and church leaders all very welcome too’.</p> <p>It is recognised that attitudes towards Pride differ and a minor negative impact is identified.</p>
<p>3.11</p>	<p>iv. Q: Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?</p>

	<p>A: The Council ensures, as far as reasonably possible, that there is a balance between events which are of relevance to the two main communities.</p> <p>Raising awareness of the of the Council’s approach to an inclusive and diverse society may counter any perceived negative impact.</p> <p>3.12 In addition to the screening undertaken, the Committee may be minded to consider the matter of precedent. The legal opinion comments ‘the decision of 9th August 2013 in relation to the Armed Forces flag is notable because it represents the only occasion, following the Council’s decision on the Union Flag in December 2012, where the Council has agreed to fly a flag other than the Union Flag. It is also notable in that it provides for a flag to be flown for a purpose other than to mark the constitutional status of the city.</p> <p>3.13 Thus the flying of the Armed Forces flag demonstrates an occasion where a flag has been flown at City Hall to “show support” for a community and coincide with an organised festival/celebration’.</p> <p>3.14 In concluding the legal opinion notes ‘it is my view that the flying of the Pride flag on one day in 2019, to coincide with the Pride festival, which is stated to be one of the biggest in the city, is unlikely to be subject to successful challenge by judicial review or indeed by a complaint to the Fair Employment Tribunal. That is of course provided that the Council properly assess the potential impact on Section.75 categories through screening, and EQIA if screening concludes that is necessary.’</p> <p><u>Financial & Resource Implications</u></p> <p>3.15 Costs for the flag will be met from existing budgets.</p> <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>3.16 The screening undertaken demonstrates due regard to the promotion of equality of opportunity and regard to the promotion of good relations.</p> <p>A minor positive impact on the promotion of equality of opportunity was identified. A minor negative impact on the promotion of good relations was identified.</p> <p>There are no rural needs impacts.</p>
4.0	Appendices – Documents Attached
	Appendix 1: Screening report on agreement to fly the rainbow flag

