

Minutes of a meeting of the Scrutiny Commission held at County Hall, Glenfield on Tuesday, 24 June 2025.

PRESENT

Mrs D. Taylor CC (in the Chair)

Dr. J. Bloxham CC
Mrs. L. Danks CC
Dr. S. Hill CC
Mr. A. Innes CC
Mr. P. King CC
Mrs. K. Knight CC

Mr. P. Morris CC
Mr. M. T. Mullaney CC
Mr. B. Piper CC
Mr J. Poland CC
Mr. C. A. Smith CC

13. Minutes.

The minutes of the meeting held on 9 June 2025 were taken as read, confirmed and signed.

14. Declarations of interest.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

No declarations were made.

15. Declarations of the Party Whip in accordance with Overview and Scrutiny Procedure Rule 16.

There were no declarations of the party whip.

16. Protocol for Flying Flags at County Hall - Call-in of the Cabinet Decision.

The Commission considered the Call-in of the Cabinet decision taken on 12 June 2025 regarding the Protocol for Flying Flags at County Hall. A copy of the Call-in Notice, Cabinet decision, Cabinet report on the Protocol for Flying Flags at County Hall, together with the comments submitted to the Cabinet, marked 'Agenda Item 4', is filed with these minutes.

In her opening remarks, the Chairman stated that the purpose of the meeting was to consider whether the reasons set out in the Call-in Notice were sufficient to ask the Cabinet to reconsider its decision taken on 12 June 2025.

The Chairman asked the Head of Law and the Council's Statutory Scrutiny Officer to outline her advice note which had been circulated to all members of the Scrutiny Commission in advance of the meeting and which set out the legal framework for the Call-in and the next steps available. A copy of the advice note is filed with these minutes.

The Chairman and Vice Chairman reiterated their reasons for calling-in the Cabinet decision as set out in the Call-in Notice.

The Chairman then invited Victoria Vernon, Co-Chair of the Disabled Workers Group, to speak on behalf of the Council's Disabled Workers Group, and the LGBTQ+ and BAME Network Chairs and Core Group Members. Ms Vernon made the following representation:

"I'd like to start by saying thank you to the members in this room for giving the Staff Networks an opportunity to speak in this meeting. The decision on the Council's flag protocol is something that continues to impact our members and the Council's workforce; between the statement at Tuesday 12 June's Cabinet meeting, and now, here, we are thankful that our staff's voices can be heard.

I want to start by addressing a few perspectives that have since emerged, and by doing so hopefully re-emphasise our position in this discussion and find common ground.

We emphasise community, communication and support in the occasions we would like to mark through our flags and would hope the Council would agree with this position. Our concern about which flags are being flown in the new protocol does not put us in opposition to the Armed Forces Day, Commonwealth Day and Armistice Day flags. In fact, as with any group, we have armed forces personnel in our communities. None of us are separate from each other.

We believe that the flags that represent our staff networks also come under the British values, under respect and tolerance. There are LGBTQ+ people here in the County; disabled people; people of colour. We are all equally proud to be here in Leicestershire too. Please consider the message that has been sent to the Leicestershire people in these groups, by underlining that the new protocol represents British values, and what it means when other flags are not being flown.

Those of us who have a protected characteristic are unfortunately well aware that the law is not always on our side. Laws are hard-earned but can be repealed. But this also does not address the fact that, even though we now have laws designed to protect us, conflict in the workplace still occurs.

According to the CIPD Good Work Index 2022, around one in five workers reporting a disability (17%) encountered conflict in the last 12 months compared with nearer one in twenty (6%) of those reporting no disability. More than double the proportion of gay, lesbian or bisexual workers reported incidence of conflict (15%) compared with heterosexual workers (7%). Meanwhile, one in eight (12%) non-white workers reported incidence of conflict compared with only 7% of white workers. Conflict increases work-related stress, burnout, and reduced productivity. But an environment of trust and understanding, where action is taken and support is visible, reduces the likelihood of these incidents. This is why we welcome the Leader's offer to meet with us separately and urge all members to consider the impact of the workforce culture on staff. With these points underlined, we now encourage members of all parties to consider the following as the discussions continue.

Our first request is for clarification on the efficiency of the new protocol. Considering the flags will now not be used unless agreed by the Leader - for example, the Disability Pride Month flag which has not long been acquired – would this be considered a wasted

resource? Could the cost of maintaining the previous protocol be made available?

Secondly, the Public Sector Equality Duty requires “decision-makers to understand and take account of the consequences of their choices, having due regard to the aim of eliminating conduct prohibited by the Act, advancing equality of opportunity and fostering good relations”. One of the Nolan principles, under which all members are bound, is openness: “Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.” Could it please be addressed how, without prior consultation, the recent change to the protocol satisfied both of these requirements, and how the administration will communicate with staff and the public for future decisions like these?

Thirdly, we know anecdotally that staff joined the Council previously because of its welcoming culture; unfortunately, we believe that the taking away of flags threatens to put future candidates off joining the council. Furthermore, as Gen Z fully enter the workforce, the scrutiny of an organisation’s values increases. I use the example of LGBTQ+ Gen Z employees here – a 2024 survey from myGwork and HigherEd showed that three-quarters of LGBTQ+ jobseekers said they would hesitate to join organisations where they felt they couldn’t be their true selves, fearing discrimination, bias, and limited career development opportunities. What is being done to maintain a welcoming culture for future employees?

Finally, I would like to reiterate our request for an open dialogue with the administration. We are happy to meet with the Leader and the Cabinet to discuss further, but especially as things develop, there are more opportunities for us to learn from each other. We want to work with members and the administration to offer the best support for staff here at the Council. If you are willing to listen, we are willing to share.

Thank you again for your time.”

The Chairman thanked Victoria Vernon for attending and speaking at the meeting.

The Chairman drew the Committee’s attention to comments received from the County Council regarding members’ role as a Corporate Parent, from County Council Social Workers and comments received from members of the public. Copies had been circulated to all members and the Chairman advised that the meeting would be adjourned for a short period to allow members the opportunity to read these. Copies of the comments received are filed with these minutes.

[The meeting was adjourned at 14.17 and reconvened at 14.22.]

The Chairman welcomed the Leader, Mr Harrison, and the Lead Member for Adults and Communities, Mr Boam, who had been invited to attend the meeting for this item. It was noted that the Lead Member for Children and Family Services had also been invited as the Council’s Lead Corporate Parent but that he had been unable to attend.

At the invitation of the Chairman, Mr Boam stated that the removal of flags did not mean exclusion, commenting that the Union flag was the most inclusive of flags and represented everyone in the country and the county regardless of their sexuality, gender or race, and that this was why, therefore, the Cabinet had chosen to fly the Union flag as a priority.

The Leader further commented that the new Protocol had been simplified and removed confusion by reducing the number of flags that would be flown. It allowed recognition of national and local identity, providing an opportunity to celebrate heritage, culture and British values, whilst acknowledging the importance of others who served Leicestershire communities and beyond. The Leader confirmed he had agreed to meet with the various staff network representatives and emphasised his commitment to unity. He noted the comments made on behalf of the staff network groups and advised that employees were safeguarded by the law and regulations and any abuse or intimidation should be reported to line managers and dealt with appropriately.

Arising from questions asked of the Leader, the following points were made:

- (i) The need to consider the new Protocol urgently was challenged, noting that this had required a special meeting of the Cabinet to be held just three days before an already scheduled Cabinet meeting was due to take place. The Leader commented that his Cabinet had simply felt it appropriate to move at pace on the matter and so had chosen to act accordingly.
- (ii) A Member highlighted that the special Cabinet meeting had lasted only 8 minutes, that there had been no debate on the proposed changes to the Protocol and suggested that the need for urgency had been manufactured to avoid proper scrutiny and bypass proper consultation with staff and stakeholders. The Leader reported that the revised Protocol had been thought through by Cabinet members in advance of the meeting. All Cabinet members had been behind the decision and so it had not been difficult to come to a swift conclusion.
- (iii) Members strongly criticised the approach taken to treat the matter as urgent, commenting that there had been no external pressure or crisis that had required this. There was overall concern that the approach taken had been to prevent the matter being properly scheduled for consideration by Scrutiny. As a result, a Call-in had been necessary and in addition to the special meeting of the Cabinet a special meeting of the Scrutiny Commission had now had to be called. Members complained that this had resulted in wasted officer and members time and resources and could have been avoided if due process had been followed.
- (iv) It was emphasised that the Leader had taken on great responsibility and that he and his Cabinet faced serious issues relating to adult and children's social care, flooding, road conditions and many other matters which affected residents' everyday lives. A Member questioned how, in the face of all those challenges, the Cabinet had determined that this specific issue warranted an urgent meeting, suggesting that instead this had only worked to create confusion and concern amongst Council staff. The Leader responded that reviewing and changing the Protocol had not required any financial input and did not require days or weeks of planning, so his Cabinet had determined that this piece of work could be quickly and easily undertaken and resolved, allowing members to focus on those financial and service pressures identified. The Leader assured the Commission that Lead Members were all working hard in those areas.
- (v) Members queried why the current Protocol had been regarded as 'confusing' and if the Cabinet had felt the matter to be urgent due to

concerns regarding a particular flag. The Leader responded that confusion regarding the current Protocol related to the number of different flags flown throughout the year which he suggested ranged between 40 – 50 flags. He further commented that his Group did not have concerns with specific flags, but stated that some could be regarded as political, and therefore flying the Union Flag and the County Flag had been considered to be the priority to bring the people of Leicestershire together. He stated that the proposed new Protocol was not intended to disparage any group and the chosen flags fulfilled the Council's national and civic responsibilities.

- (vi) A Member, who was an armed forces veteran, stated his support for flying only the Union Flag in the quadrangle, in addition to the stated armed forces flags, commenting that in the armed forces this was regarded as inclusive. However, he emphasised that flags were symbolic and that each flag meant something to someone and therefore the 'pick and mix' approach that had now been put forward by the Cabinet risked creating more confusion and division, further marginalising some groups over others. He suggested that if the Cabinet had wished to simplify the Protocol, then stating that, when not flying flags in support of Armed Forces Day, Commonwealth Day and Armistice Day, the Union Flag would be flown, would provide a clearer approach. The Leader acknowledged the comments made and undertook to give this due consideration.
- (vii) Members expressed strong concern that the Cabinet had pressed ahead without consulting staff groups. The current Protocol had been in place for only 6 months and had been agreed by all Group Leaders at the time, following proper consultation with Council staff. It was questioned why the same approach had not been adopted for this review, which risked damaging staff morale. The Leader emphasised that the Cabinet had taken its decision legally and lawfully and denied any intent to marginalise any of the staff groups. The Leader confirmed that he had offered to meet with staff groups which he said he was particularly keen to do given the concerns staff had raised in their comments today, which pre-dated changes to the Protocol.
- (viii) The need to follow the Council's democratic processes was emphasised by Members, highlighting that by following due process the Council developed and made better and more informed policy decisions. A Member questioned if the Leader shared this view and agreed that proper scrutiny was an important part of the democratic process. The Member further sought assurance from the Leader that the Cabinet would not deny scrutiny of future decisions in the usual way. The Leader responded that he had advised Cabinet Members of Call-in and would have been surprised had that not occurred. He confirmed his support for the scrutiny process, including the option to call-in decisions.

The Chairman invited Members' comments on the reasons for the Call-in and the information now provided by the Leader in response to questions raised. Arising from discussion, the following comments were made:

- (ix) A Member spoke in support of the decision taken by the Cabinet and highlighting that as a Reform councillor who was gay, his concern was that identifying and putting people into different groups only created more

division not unity and so he, like others, opposed the current Protocol. In his view, his Group, through the revised Protocol, strived to unite everyone, respecting each person for who and what they were.

- (x) The lack of prior scrutiny was robustly criticised, some Members suggesting that the decision had been rushed to avoid proper debate which undermined democratic scrutiny and transparency. A Member suggested that the matter should be referred back to the Cabinet for reconsideration so that the comments now made could be taken into account.
- (xi) It was suggested that separate consideration should be given by the Constitution Committee to what should constitute as being 'urgent', justifying the calling of an urgent meeting.
- (xii) Whilst the new Administration had a democratic mandate to amend Council policy as it saw fit, the Cabinet's approach to call an urgent meeting to do this was robustly criticised. A Member commented that this had been a waste of the Council's already scarce resources and emphasised that if the Cabinet had followed proper process, the Call-in and the need to call two, possibly three, additional special meetings could have been avoided.
- (xiii) The reasons set out in the Call-in Notice to require the Cabinet to reconsider its decision were supported, in particular the need to address the lack of staff consultation and the lack of account taken of the Council's Public Sector Equality Duty. A Member highlighted that the Protocol did not change the flags that would be flown at the front of County Hall, only those in the quadrangle which primarily affected staff. It was suggested that in referring the matter back to the Cabinet, the Leader should be requested to properly consult Staff Working Groups to ensure their views could be taken into account in accordance with due process.
- (xiv) It was suggested that Cabinet resolution 4(b)(iii) was too vague and unclear and should instead specifically state which of the flags in the list of the previously agreed Flag Flying Protocol would be flown, thus ensuring clarity and consistency in the application of the Protocol.
- (xv) The decision to delegate authority to the Chief Executive, following consultation with the Leader, to consider other requests to fly flags in relation to community events and celebration days (Resolution 4(c) was supported. However, it was suggested that this should be made clearer by restricting this to exceptional national or international issues that arise from time to time.
- (xvi) Several Members supported the proposal that the Cabinet be requested to consider flying only the Union Flag in the quadrangle (as well as outside the front of County Hall) when other specific flags were not being flown was also supported.

RESOLVED:

It was moved by Mrs Taylor and seconded by Mr Poland that:

- (a) That the Cabinet be asked to reconsider its decision regarding the adoption of a new Protocol for Flying Flags at County Hall taken at its meeting held on 12 June 2025 having specific regard to:
- (i) Resolution 4(b)(iii), that “the fourth pole within the Quadrangle at County Hall be utilised to mark events such as Armed Forces Day, Commonwealth Day and Armistice Day”; and
 - (ii) Resolution 4(c), “that decision in relation to all other requests to fly flags in relation to community events and celebration days be delegated to the Chief Executive following consultation with the Leader of the County Council.”
- (b) That the Cabinet be requested to speak with representatives of each of the Council’s staff working groups, and to give due consideration to the comments received from the County Council as a Corporate Parent, from County Council social workers and from members of the public in advance of the Cabinet meeting at which the Protocol for Flying Flags at County Hall is to be reconsidered;
- (c) That the Cabinet consider whether the Union flag could also be flown on the fourth flagpole in the quadrangle (as well as outside the front of County Hall) when other specific flags were not being flown;
- (d) That a copy of the minutes summarising all the comments now made by the Scrutiny Commission be presented to the Cabinet for consideration in support of (a) and (b) above.

The Motion was put and carried, 7 Members voting for the motion, and 6 members voting against.

17. Date of next meeting.

RESOLVED:

It was noted that the next meeting of the Commission would be held on Monday, 8 September 2025 at 10.00am.

2.00 - 3.10 pm
24 June 2025

CHAIRMAN