Public Report: Civic Pride, Arts and Culture Committee

5th July 2021

**Agenda Item 17**: Flag Flying

**Decision Required**: To approve the policy in relation to flags being flown from the flagpole on the balcony of the Town Hall.

**Background Information:**

Following discussions from March 2021’s meeting, the Civic Manager began researching flag flying protocols in the UK as well as ways in which cultural diversity can be celebrated in the town.

*Flags are a way of expressing joy and pride – they are emotive symbols which can boost local and national identities and strengthen community cohesion.*

*Flags are treated as advertisements for the purposes of the planning regime and some require formal consent (permission) from the local planning authority, whereas others do not.*

This policy relates to flags being flown from the flagpole on the balcony of the Town Hall.

This has been drafted in compliance with Government guidance (text in italics) and regulations for their flag flying protocols.

**Newbury Town Council Flag Flying Policy:**

*All flag flying is subject to some standard conditions. All flags must:*

*· Be maintained in a condition that does not impair the overall visual appearance of the site ;*

*· Be kept in a safe condition;*

*· have the permission of the owner of the site on which they are displayed (this includes the Highway Authority if the sign is to be placed on highway land);*

*· Not obscure, or hinder the interpretation of official road, rail, waterway or aircraft signs, or otherwise make hazardous the use of these types of transport, and*

*· Be removed carefully where so required by the planning authority.*

*Subject to compliance with the Government standard flag flying conditions, there are 3 categories of flag:*

*1. flags which can be flown without consent of the local planning authority,*

*2. flags which do not need consent provided they comply with further restrictions (referred to as “deemed consent” in the Regulations) and*

*3. flags which require consent (“express consent”)*

*1. Flags which do not need consent*

*The recent changes allow a wider range of national, sub-national, community and international flags. The full list of flags that do not require consent are:*

*(a) Any country’s national flag, civil ensign or civil air ensign;*

*(b) The flag of the Commonwealth, the European Union, the United Nations or any other international organisation of which the United Kingdom is a member;*

*(c) A flag of any island, county, district, borough, burgh, parish, city, town or village within the United Kingdom;*

*(d) The flag of the Black Country, East Anglia, Wessex, any Part of Lincolnshire, any Riding of Yorkshire or any historic county within the United Kingdom;*

*(e) The flag of Saint David;*

*(f) The flag of Saint Patrick;*

*(g) The flag of any administrative area within any country outside the United Kingdom;*

*(h) Any flag of Her Majesty’s forces;*

*(i) The Armed Forces Day flag*

*The above flags or their flagpoles must not display any advertisement or subject matter additional to the design of the flag, but the Regulations now highlight that you can attach a black mourning ribbon to either the flag or flagpole where the flag cannot be flown at half mast, for example, when flying a flag on a flagpole projecting at an angle from the side of a building. The use of the word “country” in (a) and (g) of the list above, includes any of the Channel Islands, the Isle of Man and any British Overseas Territory. The flags of St George and St Andrew are recognised as the national flags of England and Scotland, but the flags of St David and St Patrick are listed separately as they do not necessarily fall into the category of a country’s national flag.*

*2. Flags which do not require consent provided they comply with certain restrictions*

*A number of categories of flag may be flown without consent, subject to certain restrictions regarding the size of the flag, the size of characters on the flag, and the number and location of the flags.*

*Categories of flag that can now be flown:*

*a) House flag - the flag is allowed to display the name, emblem, device or trademark of the company (or person) occupying the building.* This would include the Newbury Town Flag.

*b) Flags that refer to a specific event of limited duration that is taking place in the building from which the flag is flown.* This could include coffee mornings or other events booked in the Town Hall and would need to specify their flag flying requirements on their booking form.

c) *Any sports club (but cannot include sponsorship logos).* This should be reserved for special occasions/celebrations.

d) *The horizontal striped rainbow flag, such as the “Pride” Flag.* It is suggested that Newbury Pride submit proposals to the CPA&C meeting in Feb/ March to include requests to fly the Pride or Progressive flag.

e*) Specified award schemes - Eco-Schools, Queens Awards for Enterprise and Investors in People. The restrictions on flying this second category of flag relate to where the flagpole (flagstaff) is located on a building or within the grounds of a building.*

*f) Green and Blue environmental award scheme flags. The changes also allow a flag of the Blue Flag award scheme to be flown from a flagpole on part of a beach or marina and a flag of the Green Flag Award scheme or Green Flag Community Award scheme to be flown on part of a park, garden or other green space.*

*Only one flag is permitted to fly from* the Council’s *projecting flagpole*.

*· The flag may not exceed 2 square metres in size*

*· No restrictions on the size of characters*

*· Consent is required if the flagpole is in a controlled area*

*3. Flags which require consent*

*Any flag not identified above requires express consent from the local planning authority before it can be flown.*

For instance, it may be suggested that the Council might fly the flag of our twin towns (5 different towns) to celebrate the anniversary of each twinning. In this regard, it is suggested that the Council seeks consent from the planning authority (West Berkshire Council) to fly these flags for one day during the week of each anniversary. This would allow us some flexibility regarding Town Hall events and days on which we fly the Union Flag or other national commemorations/ events.

*Flying the Union Flag*

*The Union Flag is the national flag of the United Kingdom of Great Britain and Northern Ireland, the Crown Dependencies and the Overseas Territories. It is a symbol of national unity and pride. The first Union Flag was created in 1606 and combined the flags of England and Scotland; the present Union Flag dates from 1801.*

*There are designated days when the Union Flag must be flown on UK government buildings by command of Her Majesty the Queen. However, UK government buildings are encouraged to fly the Union Flag all year around.*

*This government guidance is aimed at UK government buildings. However, local authorities and other local organisations are encouraged to follow suit where they wish to fly flags. This guidance will apply from the summer (2021).*

*Where UK government buildings only have one flagpole, the Union Flag should be flown every day except on certain occasions when you may wish to fly other flags, including but not limited to, the national flags of the constituent nations of the United Kingdom, the Armed Forces flag, the Commonwealth flag, county and other local flags, and other flags which may promote civic pride.*

*The Committee should decide whether the Council follows the Government’s guidance to fly the Union Flag every day.*

At the moment, the default position is that the Council flies the Town Flag daily.

*The Union Flag is flown on the below days:*

*Designated days for flying the Union Flag on UK government buildings 2021*

*· 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*

*· 1 March: St David’s Day (in Wales)*

*· 8 March: Commonwealth Day (second Monday in March)*

*· 10 March: Birthday of the Earl of Wessex*

*· 17 March: St. Patrick’s Day (in Northern Ireland)*

*· 21 April: Birthday of Her Majesty the Queen*

*· 23 April: St George’s Day (in England)*

*· 2 June: Coronation Day*

*· 10 June: Birthday of the Duke of Edinburgh*

*· 12 June: Official celebration of Her Majesty’s Birthday*

*· 21 June: Birthday of the Duke of Cambridge*

*· 17 July: Birthday of the Duchess of Cornwall*

*· 15 August: Birthday of the Princess Royal*

*· 14 November: Remembrance Day (second Sunday in November)*

*· 14 November: Birthday of the Prince of Wales*

*· 20 November: Her Majesty’s Wedding Day*

*· 30 November: St Andrew’s Day (in Scotland)*

*DCMS may issue ad-hoc guidance encouraging UK government buildings to fly such flags throughout the year, alongside the Union Flag*

*In England, it is now possible to fly more than one flag on the same flagpole if there is enough space. If so, the Union Flag should always fly on top (‘in the superior position’).*

*UK government building flagpoles should not remain empty – the default should be flying the Union Flag if no other flag is being flown.*

**Reference to Strategy:**

4B – Support initiatives to make Newbury a more inclusive town

**Risk:**

Under the Lone Working Arrangement policy, staff should only be asked to change flags when there is more than one person in the Town Hall. Access to change the flag is via the balcony in the Robing Room. The balcony is very slippery and climbing in and out of the window to access the flag pole is a hazard. The more frequent changing of flag adds to the risk of injury or damage. It is only Council Staff who are permitted to raise and lower any flags as per the Town Hall risk assessment.

All flag requests will be in compliance with the Government’s published restrictions on flag flying and will have to meet the requirements on size and condition of the flag.

**Recommendation:**  To approve the policy in relation to flags being flown from the flagpole on the balcony of the Town Hall.

Hugh Peacocke – Chief Executive Officer

Elisa Adams - Civic Manager

29 06 2021

NOTES:

Information in *ITALICS* is in reference to the Government website:

<https://www.gov.uk/guidance/designated-days-for-union-flag-flying>

<https://www.gov.uk/government/publications/flying-flags-a-plain-english-guide>