

## **Warwick District Council Flag Flying Policy**

- 1.1. Warwick District Council recognises the meaning and significance attributed to flags. They are emotive symbols which can boost local and national identities and strengthen community cohesion. They are ways for communities to express feelings of joy, pride and loyalty.
- 1.2. Like all symbols, flags are open to wide-ranging interpretation and therefore also have the potential to cause controversy and create tension between community groups whose opinions may differ. The flying of any flag must be viewed in the context in which it is flown or displayed. Factors affecting the context include the manner, location and frequency with which flags are flown. The Council has a responsibility to carefully consider the potential impact upon its communities of flying flags from its properties and how that action may be interpreted.
- 1.3. This Policy reflects guidance from Central Government and is intended to provide a modern approach, reflecting today's society. It also seeks to maintain the dignity of national flags and avoid these flags being the subject of political controversy by:
  - Providing context and established precedents
  - Outlining the Council's usual arrangements for the displaying of flags
  - Clarifying the protocol and procedure for flying flags
  - Clarifying the appropriate procedure should a request for the flying of a specific guest flag or flags be received

## **2. CONTEXT**

- 2.1 The flying of flags is not the subject of statute law in England, Wales or Scotland. The Government liberalised the regulations surrounding the flying of flags in England in October 2012.
- 2.2 Under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, for planning permissions, flags are normally treated as a form of advertising. Therefore, some flags require formal consent from the local planning authority before they may be displayed.
- 2.3 All flags, regardless of category, must be maintained in a condition which does not impair the overall visual appearance of the site, be kept in a safe condition, have the permission of the site owner on which they are displayed and should not obscure or hinder the interpretation of road, rail, waterway or aircraft signs.
- 2.4 There are categories of flags which do not require consent from the local planning authority (although the flagpole from which they are flown may). These are:
  - the national flags of any country
  - the flags of the Commonwealth, the European Union and the United Nations
  - the flag of any island, county, district, borough, parish, city, town or village

- the flag of the Black Country, East Anglia, Wessex; any part of Lincolnshire, any Riding of Yorkshire; any historic county
- the flag of St David and St Patrick
- the flag of any administrative area within any country outside of the UK
- the flags of Her Majesty's forces
- the Armed Forces Day Flag

The Council has the freedom to fly flags of this category on any day of the year.

2.5 There are a number of categories of flag that may be flown without consent but which are subject to certain planning restrictions regarding the size of the flag, the size of characters on the flag, and the number and location of the flags. This applies to flagpoles located on a building or within the grounds of a building. These include:

- 'house flags' that display the name, emblem, device or trademark of the company (or person) occupying the building from which they are flown (or this may refer to a specific event of limited duration that is taking place in the building from which the flag is flown)
- any sports club
- the horizontal striped rainbow flag, such as the "Pride" Flag – this flag is an international symbol of the lesbian, gay, bisexual and transgender social movement. It is commonly flown by Local Authorities around Britain during local Pride celebrations in order to demonstrate their commitment to equality and the inclusion of all citizens, as it is widely interpreted as a universal symbol of freedom rather than the emblem a 'political' group.
- specified award schemes (such as 'Investors In People' and 'Green Flag').

2.6 The matter of flag flying on local government buildings is not bound by any specific directive. It remains for individual Local Authorities to establish their own flag flying protocols.

2.7 The flag flying policies of other Local Authorities in the UK vary widely in their content, formality and the number of flagpoles available on each council building.

2.8 Advice is issued by the Department for Culture, Media and Sport (DCMS) on the flying of national flags on government buildings. This advice relates to government buildings only, but many councils follow the advice on a voluntary basis and it is widely considered to be best practice to do so.

2.9 The Flag and Heraldry Committee and the Flag Institute produced flag flying guidance in 2010. The guidance covers the protocol which applies to flying flags in a variety of situations and aims to ensure flags in the UK are flown correctly and treated with dignity and respect.

### **3. USUAL ARRANGEMENTS FOR THE DISPLAYING OF FLAGS**

3.1 This Policy seeks to formalise the protocol for the flying of flags from the Town Hall in Royal Leamington Spa. Previously, the flying of flags at the Town Hall has been restricted to national flags displayed on certain days as designated the

DCMS. The Leader of Warwick District Council had the authority to decide which flags could be flown in addition to this, often after consultation with the Chairman of the Council.

3.2 Warwick District Council does have additional flag staffs on its properties (at the entrance to Jephson Gardens, or on its bowling greens for instance) but they primarily fly flags relating specifically that area (i.e. Green Flag). These flags are normally static, are not changed regularly or are the responsibility of separate, external organisations to manage on a day-to-day basis. This policy seeks to make a distinction between the flying of flags from flag poles located in Council parks and properties and those national flags flown at the Town Hall building which is widely perceived as the District's civic hub.

3.3 The protocol and planning restrictions detailed within this Policy apply to all flags displayed on Warwick District Council properties that are its responsibility and under its direct control.

3.4 Warwick District Council may fly national flags from the fixed flag poles located on the balcony at the front of the Town Hall, in Royal Leamington Spa. A maximum of three flags may be flown at this location any one time.

3.5 A flag incorporating the emblem of any religious group or political party, whether it is a party within the UK or abroad, or any flag containing any emblem or device designed to affect support for a religious group or political cause, shall not be flown from any Council building or flagstaff.

3.6 National flags shall be flown at the Town Hall in accordance with the designated days provided by the Department of Culture Media and Sport (DCMS) and with due respect to the protocol detailed by the Flag Institute.

3.7 National flags shall not normally be flown on days other than those designated by the DCMS. By this the Council seeks to avoid diminishing the significance of flag flying and to maximise opportunities to raise awareness of these occasions in the public consciousness.

3.8 National flags should be displayed with respect and in a dignified manner, as befitting national emblems and should not be displayed in a position inferior to any other flag or ensign. Flags must be flown from designated flagpoles and it is considered improper for national flags to be used in any other manner.

3.9 Except with special approval, the only flags that may be flown from the Town Hall are:

- The Union Flag
- The Commonwealth Flag
- The European Union Flag
- The Cross of St George Flag
- The Armed Forces Day Flag
- The Rainbow Flag
- Warwick District Council Flag

- The flags of other nations with which Royal Leamington Spa is officially twinned or is subject to Friendship arrangements

#### **4. THE PROTOCOL & PROCEDURE FOR FLYING FLAGS**

4.1 On designated days national flags shall be flown all day at the Town Hall, typically within normal office hours, between 9am to 5pm, but whenever possible they will be flown from sunrise to sunset. If flown overnight flags should be illuminated throughout the whole night until sunrise.

4.2 When more than one flag is flown at a time the British national flag must be in a superior position. To clarify:

- a) If more than one flag is flown the Union Flag should be flown from the far left flagpole, as the observer faces the Town Hall. The other flags should then be flown in order of precedence from left to right. (the Order of Precedence is included as Appendix A)
- b) If the Union Flag is flown singly it should always be flown on the middle flagpole of the three
- c) If other flags are flown they must be of the same size
- d) When multiple flags are flown the British national flag shall be raised first and lowered last

4.3 International protocol prohibits the flying of any nation's flag higher than another.

4.4 Flags shall not be flown during severe weather conditions or planned maintenance.

4.5 Flags should not be flown in a worn, damaged or soiled condition as that could imply disrespect to the nations that they represent.

4.6 The flags that will normally be displayed at the Town Hall are:

#### **4.7 The Union Flag**



4.7.1 The Union Flag is the national flag of the United Kingdom, the Crown Dependencies and Overseas Territories.

4.7.2 Warwick District Council shall fly the Union Flag from the Town Hall to mark the following occasions (in accordance with guidance from the DCMS):

- a) 9 January Birthday of the Duchess of Cambridge
- b) 20 January Birthday of the Countess of Wessex
- c) 27 January Holocaust Day
- d) 6 February Her Majesty's Accession
- e) 19 February Birthday of the Duke of York
- f) 10 March Birthday of the Earl of Wessex
- g) March Commonwealth Day (second Monday in March)

- h) 21 April Birthday of Her Majesty the Queen
- i) 23 April St George's Day
- j) 9 May Europe Day
- k) 2 June Coronation Day
- l) 10 June Birthday of the Duke of Edinburgh
- m) 11 June Official celebration of Her Majesty's birthday
- n) 21 June Birthday of the Duke of Cambridge
- o) June Armed Forces Day
- p) 17 July Birthday of the Duchess of Cornwall
- q) 15 August Birthday of the Princess Royal
- r) November Remembrance Day (second Sunday in November)
- s) 14 November Birthday of the Prince of Wales
- t) 20 November Her Majesty's Wedding Day

This list may be subject to change by the DCMS and the Council shall routinely adopt those changes as soon as it is made aware.

- 4.7.3 The Union Flag shall be flown the correct way up, as illustrated below. In the half of the flag nearest the flagpole, the wider diagonal white stripe must be above the red diagonal stripe.



- 4.7.4 The Union Flag shall normally be flown at half-mast at the Town Hall to mark the following occasions:
- a) On the death/ funeral of the Sovereign
  - b) On the death/ funeral of another member of the Royal Family
  - c) On the death/ funeral the Prime Minister (or ex-Prime Minister)
  - d) On the death/ funeral of a serving member of the Armed Forces from the District
  - e) On Holocaust Day on 27 January
  - f) The death/ funeral of any other dignitary as advised by the Department of Culture, Media and Sport
  - g) At the discretion of the Chairman of the Council or after guidance from the Department of Culture, Media and Sport the Union Flag may also be flown at half-mast at times of national mourning due to an major incident where British lives are lost (for instance, a terrorist attack or a major incident on British soil or abroad)
  - h) At the discretion of the Chairman of the Council or after guidance from the Department of Culture, Media and Sport the Union Flag may be flown at half-mast in order to show respect and support to other nations who are in periods of national mourning.

- 4.7.5 When flying the Union Flag at half-mast it will be flown two-thirds of the way up the flagpole with at least the height of the flag between the top of the flag and the top of the flagpole.
- 4.7.6 When a flag is to be flown at half-mast, it should first be raised all the way to the top of the mast, allowed to remain there for a second and then be lowered. When it is being lowered from half-mast, it should again be raised to the top of the mast for a second before being fully lowered.
- 4.7.7 When the Union Flag is at half-mast, other flags will also be at half-mast or should not be flown at all. Flags of foreign nations will not be flown, unless their country is also observing mourning.
- 4.7.8 When the Union flag is flown on designated days which coincide with days for flying at half-mast the Union flag will be flown at full mast all day although a member of the Royal Family, or a near relative of the Royal Family, may be lying dead, unless special commands are issued by HM the Queen to the contrary.

#### **4.8 The Commonwealth Flag**



- 4.8.1 The Commonwealth Flag shall be flown at the Town Hall on the second Monday of March each year in support of Commonwealth Day alongside the Union Flag.

#### **4.9 The European Flag**



- 4.9.1 The European Flag shall be flown at the Town Hall on European Union Day on 9<sup>th</sup> May alongside the Union Flag.

#### **4.10 The Cross of St George Flag**



- 4.10.1 The English National Flag shall be flown at the Town Hall on St George's Day on 23rd April alongside the Union Flag.
- 4.10.2 The English National Flag, the St George's Cross, may be flown in addition to the Union Flag at any time at the discretion of the Chairman of the Council, but not in place of the Union Flag or in a superior position.

#### 4.11 The Armed Forces Day Flag



- 4.11.1 The Armed Forces Day Flag shall be flown at the Town Hall on Armed Forces Day in June alongside the Union Flag.

#### 4.12 The Rainbow Flag (also commonly known as "LGBT" / "Gay Pride" Flag)



- 4.12.1 The Rainbow Flag shall be flown at the Town Hall on the day of the Warwickshire Pride festival and on the International Day against Homophobia, Transphobia and Biphobia on 17<sup>th</sup> May.

#### 4.12 The Warwick District Council Flag



- 4.12.1 The Warwick District Council flag shall be flown at the Town Hall alongside the Union Flag to mark the following occasions:
- Chairman Making and Annual Meeting Of Council
  - Freedom of the District parades
- 4.12.2 The Warwick District Council flag shall be flown at the Town Hall at half-mast on the death / funeral of:
- a serving or former Local Member of Parliament
  - a serving or former Warwick District Council Councillor
  - a serving Warwick District Council Employee

#### 4.13 The Flags of Other Nations

4.13.1 Royal Leamington Spa is twinned with, Heemstede in The Netherlands, Sceaux in France and Bruhl in Germany. In addition, formal Friendship Agreements have been signed between the Town and Bo (Sierra Leone) and Leamington (Canada). . The national flags of those towns shall be flown at the Town Hall alongside the Union Flag during official twinning and friendship exchange visits to the District.

4.13.2 At the discretion of the Chairman of the Council or after guidance from Department of Culture, Media and Sport the flags of these countries may be flown at half-mast at the Town hall alongside the Union Flag when those countries are in national mourning due to a major incident in order to demonstrate the District's support and respect.

4.13.3 The Council shall only fly the flags of the following nations from Royal Leamington Spa Town Hall.

##### Sierra Leone



##### Netherlands



##### France





## Germany



## Canada



## 5. REQUESTING GUEST FLAGS

5.1 Flags not included in this Policy, including those of other nations, shall not be flown from the flag staffs at the Town Hall without first gaining approval from the Chairman of the Council.

5.2 The Chairman of the Council is elected annually and is one of the Council's 46 Councillors. The Chairman is the first citizen of the District and is senior to all the Town Mayors. It is the Chairman's responsibility to represent the Council in its entirety and to be politically neutral.

5.3 Applications for the flying of guest flags at the Town Hall should be made in the first instance to the Chairman of the Council for consideration on behalf of the Council.

5.4 The Chairman of the Council has discretion to authorise the flying of flags from the Town Hall as appropriate (for example when national sports teams play) and will consider any request to fly a flag which is not listed in the Policy. The Chairman is under no obligation to grant applications to fly guest flags and their decision is final.

5.5 The Chairman of the Council shall reasonably consider any request for the flying of a guest flag that does not contradict the principles of this Policy. The decision making process should take into account the following:

5.5.1 The decision of the Council to fly guest flags at the Town Hall should be made in the spirit of displaying universal allegiance, support or respect or to celebrate a significant international, national or local occasion.

5.5.2 It should be considered whether it is appropriate for a Local Authority to display such support on behalf of its communities. The decision should ultimately reflect the values of Warwick District Council.

5.5.3 The flying of any flag must be viewed in the context in which it is flown or displayed. Factors affecting the context include the manner, location and frequency with which flags are to be flown. The decision should be sensitive to

the views of all the District's communities and actively seek to avoid creating unnecessary controversy or conflict.

5.5.4 The Council shall not allow the use of flags for political purposes or for the purposes of advertising.

5.5.5 The category of the guest flag should be established and whether planning consent is necessary. Any flag not identified in the Policy may require consent from the local planning authority before it can be flown.

5.5.6 It should be established whether the proposed date for the guest flag to be flown would conflict with that of other flags and if there is the capacity to fly an additional flag at that time.

5.5.7 The decision should always seek to maintain the dignity of the national flags and the Equality responsibilities of Warwick District Council.

5.5.8 It should be established whether it is practical for the Council to fly the guest flag from the Town Hall or if an alternative location would be better suited. (Examples of practical considerations include whether a suitable flag can be supplied to the Council and whether the Town Hall is open on the day the flag is to be flown / staffed during the hours it must be raised / lowered).

## **6. REVIEW OF THE POLICY**

6.1 The Council will review this policy periodically and/or in respect of any future revisions to Government guidance.

## **APPENDIX A: Order of Precedence:**

The Royal Standards

The Union Flag

The national flag of England, Scotland, Wales, a Crown Dependency or a British Overseas Territory (within those countries, dependencies or territories)

The White Ensign of the Royal Navy

The Ensign of the Royal Air Force

The Blue and Red Ensigns

The Civil Air Ensign

The national flags of England, Scotland, Wales, the Crown Dependencies and the British Overseas Territories (when displayed elsewhere)

The national flags of other nations (in English alphabetical order as shown below)

The United Nations Flag

The Commonwealth Flag

The European Union Flag

The British Army Flag (Non-Ceremonial)

Flags of counties and metropolitan cities

Flags of other cities and towns

Banners of Arms (both personal and corporate)

House flags