

 <b>Executive - 28 September 2016</b>		<b>Agenda Item No.</b>  <b>3</b>
<b>Title</b>	Warwick District Council Flag Flying Policy	
<b>For further information about this report please contact</b>	David Guilding, Theatre & Town Hall Manager, Tel: 01926 456230 Email: david.guilding@warwickdc.gov.uk	
<b>Wards of the District directly affected</b>		
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	N/A	
<b>Background Papers</b>	None	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	No
<b>Equality Impact Assessment Undertaken</b>	Yes

<b>Officer/Councillor Approval</b>		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive	13.09.2016	Chris Elliott
Head of Service		Rose Winship
CMT	13.09.2016	Chris Elliott, Bill Hunt
Section 151 Officer		
Monitoring Officer	13.09.2016	Andrew Jones
Finance	13.09.2016	Mike Snow
Portfolio Holder(s)		CLlr Coker
<b>Consultation &amp; Community Engagement</b>		
<b>Final Decision?</b>		Yes
<b>Suggested next steps (if not final decision please set out below)</b>		

## 1. **Summary**

- 1.1 The Leader of the Council has requested that a formal flag flying policy be produced in order to replace the current unwritten protocol.
- 1.2 This report presents the draft Warwick District Council Flag Flying Policy which seeks to:
  - Provide context and establish precedents
  - Outline the Council's usual arrangements for the displaying of flags
  - Clarify the protocol and procedure for flying flags
  - Clarify the appropriate procedure should a request for the flying of a specific guest flag or flags be received

## 2. **Recommendation**

- 2.1 That Executive approves the draft Warwick District Council Flag Flying Policy at Appendix 1.

## 3. **Reasons for the Recommendation**

- 3.1 A comprehensive review of flag flying has been undertaken by Officers which has established:
  - Current and past protocols for flying flags at the Town Hall and the practicalities involved in doing so
  - The legal obligations and current responsibilities of the Council with regards to flag flying (including planning regulations)
  - The appropriate guidance from Central Government to be followed
  - What is commonly considered to be best practice through the comparison of a number of flag flying policies from other Local Authorities
  - Which procedures and processes are most appropriate for Warwick District Council, based on its priorities and values
- 3.2 The draft policy reflects the priorities and values of Warwick District Council, clearly establishes the protocol and procedures to be followed when flying flags and clarifies the rationale informing the Council's choices as to which flags should be flown.
- 3.4 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.
- 3.5 Advice is issued by the Department for Culture, Media and Sport (DCMS) on the flying of national flags on government buildings. This is attached as Appendix 2. 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.
- 3.6 The flag flying protocols of the other Local Authorities in England vary in their content, formality and the number of flagpoles available on each Council building. However, a growing number of Local Authorities are formalising their policies and relaxing the traditional stance in order to allow additional flags to be flown.
- 3.7 The protocol and tradition surrounding flags is detailed and complex. 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. This is included as Appendix 3.

- 3.8 In November 2012, the Department for Communities and Local Government published 'Plain English Guide to Flying Flags' which sought to explain the planning restrictions around flags. This is included as Appendix 4.
- 3.9 In March 2013, the House of Commons Library published a briefing note setting out a brief history of the Flags of the United Kingdom and clarifying the guidance issued by the Department of Culture Media and Sport. This is included as Appendix 5.
- 3.10 Previously, the flying of flags at the Town Hall in Royal Leamington Spa has been restricted to national flags displayed on certain days as designated the DCMS (Appendix 2). 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.
- 3.11 Warwick District Council does have additional flag poles installed on its properties (at the entrance to Jephson Gardens, or on its bowling greens in Royal Leamington Spa for instance) but they primarily fly flags relating specifically to that service area. These flags are normally static, are not changed regularly or are the responsibility of external organisations to manage on a day-to-day basis. The draft 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 which continues to be perceived by the majority of the public as the District's civic hub. However, the protocol and planning restrictions detailed within the Policy applies to all flags that are the responsibility of the Council.

#### 4. **Policy Framework**

##### 4.1 **Fit for the Future**

The Council has a role as a community leader to promote positive and harmonious relationships between communities. The flags included in the draft Policy are universal symbols of community cohesion, pride and loyalty.

The draft Policy aims to clearly establish the protocol and procedures to be followed when flying flags and the rationale behind the Council's choices as to which flags should be flown in an open and transparent manner. It also seeks to maintain the dignity of national flags and avoid these flags being the subject of political controversy.

##### 4.2 **Impact Assessments**

An Equality Impact Assessment was undertaken and is attached as Appendix 6.

The Council recognises that its flag flying policies can impact upon all residents of the District, visitors to the District and Council staff. The District has a diverse community and the flags flown should be inclusive of all communities.

The Policy has a differential impact on people with different religious beliefs/political opinions because of their differing perceptions of the symbolism of flags.

The Policy would potentially adversely impact upon religious / belief groups as it recommends that a flag incorporating the emblem of any religion, belief 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 religion, belief or political cause, shall not be flown from any Council building or flag staff.

The flying of any flag must also be viewed in the context in which it is flown or displayed. The decision to fly flags should be sensitive to the views of all the District's communities and actively seek to avoid creating unnecessary controversy or conflict.

## **5. Budgetary Framework**

5.1 There are no budgetary concerns associated with this report.

## **6. Risks**

6.1 The major risk associated with this Policy is that the reputation of Warwick District Council could be damaged. The draft Policy seeks to reduce this risk by including transparent and considered procedures.

## **7. Alternative Option(s) considered**

7.1 A 'No Flags' Policy. In some circumstances Local Authorities have restricted the flags they may fly from their properties to the Union Flag only or have ceased the flying of flags altogether. It is believed that this option would have a negative effect upon the District and such extreme action is not deemed to be necessary. While this option may have been considered in some respects to be a 'neutral' option, it was believed to have an adverse impact upon the Council's relationship with the community.

7.2 No change to the existing protocol. The Town Hall has had an informal protocol for the flying of flags for a number of years which became established through custom and practice and was based upon guidance from DCMS (Appendix 2). However, it has never been formally adopted in an official policy by the Council. This has led to the potential for misunderstanding and varied interpretation. Such uncertainty should be avoided in the future if possible and it is believed that a formal policy would add necessary clarity and guidance.

7.3 Further flag poles erected in alternative locations. If the flying of flags at the Town Hall was restricted to national flags only, additional flag poles could be installed in other areas of the District in order to display alternative flags. However, there were practical and budgetary connotations which were thought to make this undesirable.

## **8. Background**

8.1 There is great meaning and significance attributed to flags by the British public. 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.

8.2 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.

- 8.3 In recent years there have been numerous examples of controversy having been caused by the decision of Local Authorities to either fly a certain flag or their refusal to fly flags.
- In Northern Ireland the flying of the Union Flag has long been the subject of controversy and in 2012 Belfast City Council voted to limit the days that the Union Flag could fly from the City Hall, resulting in street protests across Northern Ireland.
  - In 2013 Rugby Borough Council refused to fly the English national flag for 365 days of the year. In the same year Radstock Town Council also voted not to fly the English national flag in case it could cause offence to some of their communities, deciding to fly the Union Flag in its place.
  - In 2014 Glasgow City Council was widely criticised for flying the Palestinian national flag from the City Chambers in support of those affected by the Gaza conflict. West Dunbartonshire Council, Fife Council, Tower Hamlets, Bradford, Newcastle City Council and Preston Council were also publically criticised for doing the same.
  - Preston Council was criticised again in 2015 for refusing to fly the Irish national flag to mark the anniversary of the Easter Rising.
  - In 2015 Sudbury Town Council was criticised by residents for flying the German national flag from the town hall in order to welcome visitors from their twinned town.
  - In June 2016 Plymouth City Council were criticised for refusing to fly the Rainbow Flag, a symbol of the lesbian, gay, bisexual and transgender (LGBT) community, at half-mast in support of the shootings in Orlando, America. Cambridgeshire County Council was also criticised publically in 2014 for failing to fly the Rainbow Flag from its headquarters during LGBT history month.
  - During the lead up to the recent EU Referendum some councils were questioned as to why they had chosen to display the flag of the European Union at a time that was not their usual practice.
- 8.4 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.
- 8.5 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 authorities, whereas others do not.
- 8.6 A review of Warwick District Council's flag flying protocol and the introduction of a formal flag flying policy was prompted by a recent application by Warwickshire Pride to fly the Rainbow Flag from the Town Hall on the day of the Warwickshire Pride festival on 20<sup>th</sup> August in the Royal Pump Room Gardens, Royal Leamington Spa.
- 8.7 The Rainbow 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. Some councils have included the Rainbow Flag in their flag flying policies as it is also widely accepted as an international, universal symbol of freedom rather than the emblem a 'political' group (political and faith groups being excluded from the majority of Council flag flying policies).