

**To:** City Executive Board  
**Date:** 13 March 2019  
**Report of:** Head of Law and Governance  
**Title of Report:** Review of Oxford City Council's flag flying arrangements

<b>Summary and recommendations</b>	
<b>Purpose of report:</b>	For the City Executive Board to consider the outcomes of a review of the Council's arrangements for flag flying and to agree a new protocol for flag flying and bell ringing together with lists of annual flag flying and bell ringing commitments
<b>Key decision:</b>	No
<b>Executive Board Member:</b>	Councillor Susan Brown, Leader of the Council
<b>Corporate Priority:</b>	Efficient Effective Council; Strong and Active Communities
<b>Policy Framework:</b>	N/A
<b>Recommendations:</b> That the City Executive Board resolves to:	
<ol style="list-style-type: none"> <li>1. <b>Adopt</b> the Oxford City Council Protocol for Flag Flying and Bell Ringing attached as Appendix 1;</li> <li>2. <b>Agree</b> the List of Annual Flag Flying Commitments attached as Appendix 2;</li> <li>3. <b>Agree</b> the List of Annual Bell Ringing Commitments attached as Appendix 3; and</li> <li>4. <b>Delegate</b> responsibility to the Head of Law and Governance for the operation of the protocol, including the arrangements for considering one off requests, and for holding and maintaining the List of Annual Flag Flying Commitments and the List of Annual Bell Ringing Commitments.</li> </ol>	

<b>Appendices</b>	
Appendix 1	Oxford City Council Protocol for Flag Flying and Bell Ringing
Appendix 2	List of Annual Flag Flying Commitments
Appendix 3	List of Annual Bell Ringing Commitments

### **Introduction and background**

1. The responsibility for the Council's arrangements for flag flying and bell ringing to mark events and occasions lies with the City Executive Board. The City Executive Board on 9 July 2015 agreed a flag flying protocol (the "original protocol") and delegated the operation of the protocol to the Head of Law and Governance. The protocol established a process for considering one-off flag flying requests and formalised the practice of flying the City flag at half-mast on the day of a funeral of a serving or former councillor. Prior to that the arrangements for flag flying operated by convention.
2. The Leader of the Council has reviewed these arrangements with officers and the outcomes of this exercise are contained in this report and its appendices.
3. The Council's arrangements for bell ringing currently operate by convention and it is proposed that these arrangements are formalised in an expanded protocol for flag flying and bell ringing (the "new protocol").

### **Governance framework**

4. Flag flying on local government buildings is not bound by any specific directive. It is a matter for individual local authorities to establish their own flag flying protocols.
5. The UK Parliament's Flags and Heraldry Committee produced guidance on flag flying in 2010 entitled Flying Flags in the United Kingdom. The guidance covers simple rules which apply to flying flags in a variety of situations and aims to ensure flags across the nation are flown correctly and treated with dignity and respect.

### **Planning consent**

6. Under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 flags are treated as advertising for the purposes of planning consent. In January 2012, the Department for Communities and Local Government (DCLG) published a discussion paper aimed at liberalising the planning regime for flying flags. Notable outcomes were that the Armed Forces Flag and the Pride (Rainbow) Flag were added to the lists of flags which may be flown without the express consent of the local planning authority (subject to conditions and limitations in the case of the Pride Flag).
7. The following categories of flags do not require planning consent:
  - a. Any country's national flag
  - b. Flags of any international organisations of which the UK is a member
  - c. A flag of any island, county, district, parish, city, etc. within the UK
  - d. The flag of any historic county within the UK
  - e. The flag of St. David
  - f. The flag of St. Patrick
  - g. The flag of any administrative area within any country outside the UK
  - h. Any flag of Her Majesty's forces
  - i. The Armed Forces Day flag
8. The following categories of flag may be flown without planning consent but are subject to certain restrictions, for example in relation to the size of the flag:
  - a. Flags bearing the name of the person or organisation occupying the building
  - b. Flags referring to a specific time-limited event taking place in the building

- c. The flag of any sports club
  - d. The Pride (Rainbow) Flag
  - e. Flags of certain specified awards schemes (such as 'Investors In People')
9. Flags that do not fall into the categories set out in paragraphs 7 and 8 require formal consent from the local planning authority before they can be displayed. This takes the form of advertisement consent, which has a financial cost (currently £462), and can take approximately 8-10 weeks. Some of the Council's existing annual flag flying commitments fall into this category. These are:
- a. The Suffrage flag on Women's Day;
  - b. The flag of the Royal British Legion in the week leading up to Remembrance Day;
  - c. The Morning Star flag on West Papua Independence Day, which is not the flag of an administrative area within Indonesia;
  - d. Potentially the European flag when the UK ceases to be a member of the European Union.
10. Planning consent can be obtained to fly multiple flags in a single application but this would not cover any one-off requests made during the year that require consent, for example, requests to mark events that are not taking place in the Town Hall.

### **Oxford City Council Protocol for Flag Flying and Bell Ringing**

11. Recommendation 1 asks the City Executive Board to adopt the new Oxford City Council Protocol for Flag Flying and Bell Ringing, which is attached as Appendix 1. The new protocol updates and expands the original protocol to include arrangements for bell ringing as well as flag flying. The substantive changes and additions from the original protocol are detailed below and highlighted in the appendix.
12. Recommendation 4 asks the City Executive Board to delegate the operation of the new protocol to the Head of Law and Governance. This recommendation replaces the existing delegation for flag flying while also delegating responsibility for bell ringing on a similar basis.

#### **Flagpoles**

13. The Council has access to three flagpoles or masts which are described in the protocol. No changes are proposed to these flagpoles or the terms of their use:
- The large mast above the main entrance to the Town Hall in St. Aldate's is used exclusively to fly the City Flag.
  - The mast above the 1930s extension to the Town Hall is used to fly flags marking a variety of events and occasions.
  - The mast on Carfax Tower is used to fly the Union Flag on certain national occasions and the Cross of St. George on St. George's Day.

#### **Flying of flags**

14. Occasionally it has not been possible for flags to be flown on agreed annual or one-off occasions due to restrictions on access to the masts or high winds or slippery conditions making it unsafe to hoist flags. In practice, all commitments will be subject to the weather, safe access to the flagpole and the availability of trained staff (hoisting a flag requires two trained members of Town Hall staff). The new protocol clarifies this conditionality. Where the council would normally be flying a

flag but is unable to because of these sorts of conditions, the Council will publicise this via social media.

15. The new protocol also clarifies that flags will not be flown if they are in a damaged or poor condition as that could imply disrespect to the nation, place, organisation, event or occasion they represent. Flags are stored in the robes cupboard in the Town Hall and are routinely inspected when they are taken down and a week or two before they are due to be flown. Most flags can be replaced within a couple of days if they are found to be damaged and the Council keeps spares of national flags. The exception is the large City flag which takes longer to replace because it is specially made for the Council.

#### **Delegations from twin towns**

16. The original protocol stipulated that the flags of twin towns will be flown when an official delegation from a twin town visits Oxford for the duration of the visit. Since its adoption the Council has extended its twinning links and the new protocol includes an updated list of Oxford's twin towns.

#### **Royal births**

17. The original protocol made no provisions for flag flying following the announcement of a royal birth. Following the announcement of the Duke and Duchess of Cambridge's third child, Prince Louis of Cambridge, the Council received correspondence from the Ministry of Housing, Communities and Local Government stating that Union Flags should be flown at full mast from all government buildings on 24 April 2018. This was treated as a one-off request at late notice, and was agreed. The new protocol formalises the flying of the Union Flag following the announcement of a royal birth in line with any guidance issued by the government.

#### **Flying flags at half mast**

18. The original protocol stated that flags will be flown at half-mast when "Royalty" dies and defined this to include the Queen, the Duke of Edinburgh, the Queen's children and their current spouses and Prince William for as long as he is directly in line to the throne. The new protocol removes this paragraph and replaces it with references to the Council's Protocol for Marking the Death of the Sovereign or a Senior National Figure. This protocol sets out the Council's arrangements for flag flying in those circumstances and is aligned with government guidance. This change will help to ensure that the new protocol is future-proof and prevent misalignment with the other protocol from occurring.
19. In a separate change, the revised protocol includes the lowering of flags on national days of mourning. These days are designated by the government as a means of honouring persons of particular significance who have recently died or to mark a national tragedy such as a fatal accident or natural disaster. The last major period of national mourning in the UK took place following the terrorist bomb attacks in London on 7 July 2005.

#### **Managing additional one-off requests**

20. The protocol sets out the arrangements for the consideration of one-off flag flying requests. Requests must be made by a serving city councillor providing at least 4 weeks' notice in writing to the Head of Law and Governance, who will consult with the Leader of the Council before making a decision. This is a change from the original protocol which required the Head of Law and Governance to consult with a cross-party panel. The four week notice period allows sufficient time for:

- a. The Head of Law and Governance to consider the request in consultation with the Leader of the Council and make a decision.
  - b. The relevant flag to be obtained if the Council does not already have one.
  - c. The availability of trained Town Hall staff to be secured.
21. The new protocol includes an additional paragraph clarifying that requests for the flying of flags must be consistent with the values of the Council and sensitive to the views of communities in the city.
  22. The new protocol also stipulates that planning consent must be obtained, where required by regulations. Under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 consent is generally likely to be required to fly flags in support of causes or organisations that are not represented by place-based flags or to mark events that are not taking place in the Town Hall.
  23. Table 1 sets out the one-off flag flying requests that have been made by councillors since September 2017 and the outcomes of these.

**Table 1: List of one-off flag flying requests**

<b>Occasion</b>	<b>Date</b>	<b>Flag</b>	<b>Outcome</b>
Bi Visibility Day 2017	23 September 2017 (also flown in 2018)	Bisexual Pride flag	Agreed and flown
Living Wage Week	6-11 November 2017	Living Wage Employer flag	Not agreed due to an existing commitment
Trans Day of Remembrance	20 November 2017	The Transgender flag	Agreed and flown
Centenary of the passing of the Representation of the People's Act 1918	6 February 2018	Votes for Women flag	Agreed and flown
Birth of The Duke and Duchess of Cambridge's third child	24 April 2018	Union flag	Agreed and flown
First anniversary of the Grenfell Tower fire	14 June 2018	City flag at half-mast	Agreed and flown
England playing in the semi-final of the World Cup	11 July 2018	Cross of St. George	Agreed and flown
Bi Visibility Day 2018	23 September 2018 (also flown in 2017)	Bisexual Pride Flag	Agreed but not flown due to unsafe conditions
Centenary of the 1918 general election (the first at which some women and all men could vote)	14 December 2018	Suffrage flag	Agreed and flown

Earth Day	22 April 2019	Earth Day flag	Not agreed due to a public holiday and clash with other commitments
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24. The timing of Living Wage week is set annually by the Living Wage Foundation and while it has previously taken place in the last week of October, it more often clashes with the Council's commitment to fly the Royal British Legion Flag in the week leading up to Remembrance Day.

25. Earth Day happened to fall on Easter Monday in 2019 which will not be the case every year. However, given that the date of Earth Day is between two existing flag flying commitments, it would be difficult to mark this occasion if it fell on a weekend.

### **Bell ringing**

26. Bells are rung on behalf of the Council by Oxford Society of Change Ringers (OSCR) on occasions that have been agreed annually with the Civic Office. Occasionally additional bell ringing requests have been made by OSCR to mark one-off events such as royal weddings and births. The new protocol formalises these arrangements and establishes a process for the Council to agree one-off bell ringing requests made by OSCR on a similar basis as one off requests for flag flying (made by councillors).

### **Hierarchy of commitments**

27. The original protocol did not provide clarity about what will happen if two or more events or occasions the Council has decided to mark fall on the same day; for example if an official delegation from a twin town visits Oxford on dates when other flags are due to be flown. The new protocol includes a hierarchy of commitments to guide the Head of Law and Governance in deciding which commitment(s) the Council will honour in the event of a clash. State and royal occasions or visits are given the highest priority, followed by national memorial or celebration days, twinning visits, other occasions on which the Council has agreed to mark annually and finally one-off requests. For flag flying the Head of Law and Governance will also refer to the general order of precedence for flags in the UK which is set out in the British Flag Protocol<sup>1</sup>, which supports the hierarchy described above.

### **List of Annual Flag Flying Commitments**

28. An annex to the original protocol listed the occasions on which flags would be flown annually. A new List of Annual Flag Flying Commitments is attached as Appendix 2. Recommendation 2 asks the City Executive Board to agree this list. The changes and clarifications from the original list are explained below and highlighted in the appendix.

### **New flag flying commitments**

29. The Leader of the Council has reviewed the list of annual flag flying commitments and asked that in addition to the existing commitments, flags are flown annually on the following occasions: Holocaust Memorial Day, LGBT History Month, Transgender Day of Remembrance and the anniversary of the passing of the Representation of the People Act 1918.

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<sup>1</sup> [British Flag Protocol, The Flag Institute \(accessed 1 February 2019\)](#)

30. Other annual occasions such as Black History Month and Hiroshima Day have been suggested as new commitments for inclusion in the list but for those occasions there is no universally recognised flag that could be flown. The Council may wish to consider how else it could mark these and other occasions in future.

### **Royal birthdays**

31. Flags are flown from UK government buildings on the birthdays of a number of senior members of the royal family. The original list commits the Council to flying the Union Flag on the birthdays of Her Majesty the Queen, His Royal Highness the Duke of Edinburgh and HRH the Prince of Wales but not on the birthdays of other members of the royal family. The new list clarifies that the commitments are based on royal roles (i.e. the Monarch, Monarch's consort and the heir to the throne) rather than individuals and does not extend these commitments to other members of the royal family.

### **Europe Day**

32. The original list committed the Council to flying the European Flag from the mast above the 1930s extension on 9 May each year for Europe Day. The European Flag symbolises the identity and unity of Europe as well as the EU itself and the new list maintains this commitment post-Brexit.

33. The College of Arms advises that where the European Flag is flown on this Europe Day, the Union Flag should fly alongside it and, on UK government buildings that only have one flagpole the Union Flag should take precedence (the Union Flag is above the European Flag on the general order of precedence for flags in the UK)<sup>2</sup>. In a change from the original protocol, the new protocol includes the flying of the Union Flag from the mast above Carfax Tower on Europe Day, in addition to flying the European Flag from the 1930s extension.

### **West Papua Independence Day**

34. The original list committed the Council to flying the West Papua Morning Star Flag on 1 December each year for West Papua Independence Day, subject to conditions. The Free West Papua campaign has been based in Oxford since 2004 and in 2018 the Council agreed to confer the Freedom of the City on Benny Wenda, the Chairman of the United Liberation Movement for West Papua.

35. The Foreign and Commonwealth Office has made representations to the Council that its support for West Papua Independence Day and the Free West Papua Campaign is a significant and sensitive issue in the context of the UK's bilateral relations with Indonesia. The UK government has also clarified that it respects the territorial integrity of Indonesia and does not support calls for Papuan independence, while maintaining that the Council is free to support whatever causes it wishes. The Indonesian Embassy has also recently made direct representations to the Council.

36. In agreeing the new list the Council is reaffirming its commitment to fly the West Papua Morning Star Flag annually on West Papua Independence Day.

### **List of Annual Bell Ringing Commitments**

37. Appendix 3 lists the occasions on which civic bell ringing normally takes place. As with the flag flying list, the bell ringing list clarifies that the royal occasions are linked

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<sup>2</sup> [Dates for flying the Union Flag on UK government buildings in 2019, College of Arms \(accessed 1 February 2019\)](#)

to the role of the Queen as Monarch, the Prince of Wales as heir to the throne, and Prince Phillip as the Monarch's consort. Recommendation 3 asks the City Executive Board to agree this list.

### **Financial implications**

38. The costs of purchasing new flags can be met from existing facilities management budgets assuming they remain very occasional. The cost of obtaining planning consent to meet the Council's annual flag flying commitments (currently £462) can be met from the member support budget.

### **Legal issues**

39. The responsibility for flag flying to mark events and occasions lies with the City Executive Board under the Local Government Act 2000 as it is not specifically reserved to full Council. The flying of flags is not the subject of statute across Great Britain and advice is issued by the Department for Culture, Media and Sport on the flying of national flags from government buildings. The advice relates to government buildings only, but many local authorities, such as Oxford City Council, also follow the advice on a voluntary basis (either in full or in part) and the advice has informed the proposed protocol. There are no specific legal implications for the Council in adopting a protocol for flag flying and bell ringing.
40. The requirements under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 to obtain planning consent in order to display certain flags are set out in paragraphs 6-10.

### **Level of risk**

41. Flag flying on civic buildings is a sensitive issue that can attract controversy and the attention of the press and public. The recommendations in this report are intended to ensure appropriate governance and democratic oversight of flag flying and bell ringing to provide clarity, manage expectations and minimise adverse publicity.
42. Council commitments to fly flags may be regarded by organisations as being a significant honour and the recommendations in this report do not have the effect of rescinding any such commitments. A risk register is attached as Appendix 4.

### **Equalities impact**

43. Flags are emotive symbols that have the potential to cause controversy or create tensions between communities or interest groups whose views and interpretations may differ. The Council has a responsibility to carefully consider the potential impacts of flying flags on communities, equalities and protected characteristics.
44. The protocol allows for the Council to fly flags on events or occasions that promote equality and diversity. The recommendations in this report do not propose changes that will adversely impact on equalities or serve to disadvantage any groups.

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<b>Background Papers:</b> None	

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