ENCLOSURE 10

Kenilworth Town Council

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FLAG FLYING POLICY

Date of Approval – xx/xx/2022

1. BACKGROUND

1.1 This Policy applies only to the flying of flags from the flagpole in front of Kenilworth Town Council Offices, Jubilee House, Kenilworth.

1.2 Kenilworth Town 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.

1.3 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 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 Jubilee House and how that action may be interpreted.

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 There are categories of flags which do not require consent from the local planning authority, including the Union Flag.

2.4 There are categories of flags that may be flown without consent but which are subject to certain planning restrictions regarding the size of the flag, including the Rainbow Flag (also commonly known as “LGBT” / “Pride” Flag).

2.5 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.

2.6 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 The Union Flag shall be flown 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.

3.2 On designated days the Union Flag shall be flown all day, typically within normal office hours, between 9am to 5pm, but whenever possible they will be flown from sunrise to sunset.

3.3 The Rainbow Flag (also commonly known as "LGBT" / "Pride" Flag) shall be flown on the day of the Warwickshire Pride festival and on the International Day against Homophobia, Transphobia and Biphobia

3.4 These are the only two flags specifically included in this Policy for display.

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

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

4. REQUESTING GUEST FLAGS

4.1 Flags not specifically included in this Policy, including those of other nations, shall not be flown without first gaining approval from the Town Council.

4.2 Applications for the flying of guest flags should be made in the first instance to the Town Clerk.

4.3 Kenilworth Town Council will consider any request to fly a flag which is not listed in the Policy. However, it is under no obligation to grant applications to fly guest flags and its decision is final.

4.4 The Town 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:

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

- 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 Kenilworth Town Council.

- 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 and frequency with which flags are to be flown. The decision should be sensitive to the views of all the Town's communities and actively seek to avoid creating unnecessary controversy or conflict.

- 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.

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

- The category of the guest flag should be established and whether planning consent is necessary.

- It should be established whether the proposed date for the guest flag to be flown would conflict with that of other flags.

- The decision should always seek to maintain the dignity of the national flags and the Equality responsibilities of Kenilworth Town Council.

- It should be established whether it is practical for the Council to fly the guest flag from Jubilee House 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 their Office is open on the day the flag is to be flown / staffed during the hours it must be raised / lowered).