

**TAVISTOCK TOWN COUNCIL
BUDGET AND POLICY COMMITTEE
TUESDAY 14th JUNE 2022**

**BRIEFING NOTE
FLAGS ON THE MUNICIPAL FLAGPOLE**

1. BACKGROUND

- 1.1 The Council has in place arrangements for the flying of flags at the Town Hall (Appendix 1 refers) which hosts the municipal/town flagpole. These are supplemented for occasions of national mourning, celebration or commemoration and the like, by following Palace or Government recommended practice and civic protocol.

2. THE CURRENT SITUATION

- 2.1 A request has been received from local representatives of the Lesbian, Gay, Bisexual, Transgender and Queer Pride community for the Council to display the Rainbow Flag (which has been adopted internationally as denoting their community) on the municipal flag pole as part of the local Pride Festival being organised on Saturday 25th June.
- 2.2 The Council has not previously flown the flag of organisations other than as listed in para 1.1 other than on occasions of remembrance for those lost in war (ie Red Ensign).
- 2.3 Accordingly the current request, in addition to its own merits, raises wider questions of precedent regarding how appropriately the Council wishes to respond to requests, from groups or organisations, who might wish to promote their cause and/or advertise an event, through the flying of a flag from the municipal/town flagpole.
- 2.4 This report therefore first considers that general position, and then subsequently, the request at hand.

The General Position

- 2.5 This section addresses the issue of precedent and related matters associated with a prospective change of Council policy to permit the flying of flags (ie other than those listed in para 1.1), on request, from the municipal/town flagpole.
- 2.6 By way of context there are already many avenues whereby organisations and groups can advertise or promote themselves on Council land. These are usually subject to payment of a fee eg advertising boards, banners, 'A' frames, posters, temporary signage etc.
- 2.7 Because advertising/promotion is contingent on a fee outwith the emblems of civic/ceremonial life it represents no actual or implied endorsement by the Council. It is a solely commercial transaction and the fee reflects that the Council incurs cost in such matters and that there is a benefit to the organisation/cause concerned.
- 2.8 By contrast flying general/other (ie non national or municipal) flags from the Town's civic flagpole (in that regard to be distinguished from any other general flagpole without that civic standing), which is also used to fly the national flag on behalf of the whole community, and the symbolism that involves, implicitly accords endorsement by the flag pole owner – the Council and the Town community it represents.
- 2.9 Society is anecdotally becoming increasingly fractured on issues, as evidenced locally in recent times. Accordingly the endorsement that the flying of a flag representing a private or public grouping, or organisation other than the whole community from a public building/civic flagpole, could have the potential to be divisive and, on occasion, political.
- 2.10 That reflects in part the matter of how to transparently and fairly select which flags to fly – and which not to. For example, looking to recent events locally, it could be about how one identified criteria that afforded both inclusivity and parity of opportunity to (say) a request from local representatives of Black Lives Matter and one from local representatives of Ethnic Patriots of Great Britain; or a local Hunt Saboteur Group vis a vis a local Hunt (or

vice versa). And if so on what objective pre-established (to avoid claims of bias) criteria – number of Members in the community, premises locally, organisational status etc?

2.11 Looking to practice elsewhere it appears that amongst Tavistock's national peer group these challenges are typically overcome by either:

a) An approach in line with Tavistock's current policy (ie permitting national and municipal flags on the requisite dates only - thereby affording an overarching inclusive approach as all residents are citizens of the state and of the Councils municipal area);

or, where a different approach is favoured:

b) By the Council hosting two flagpoles. The primary pole being the town or municipal flagpole as in Tavistock (where the policy is typically consistent with the approach set out in (a) above), and then in addition, a secondary pole either nearby or elsewhere (often horizontal or diagonal) from which 'other' community and organisation/group flags may be flown.

and/or

c) A further variation is (either as well as, or instead of, having a second flagpole), to hang 'other' flags from buildings (much as TTC does with banners). This again preserves the distinction between the formalities of the state and its organs from sub-sets of the whole community and groups/organisations.

2.12 Approaches (b) & (c) thereby provide opportunity for other groups to publicise themselves whilst maintaining clarity as to precedence and role and thereby clearly separate the national and civic from the local organisational and political.

2.13 Looking across council sizes within the local council sector more generally there are, as one would expect, a range of approaches tailored to local circumstances (for example one council which receives cruise ships flies the national flag of origin of the visiting

ship on the day each berths). Some councils do not accept requests for flags to be flown in view of the precedent that could be set, others take the view that a flag may be flown where it represents an organisation 'with deep roots (in the community) and that gives benefit to the community'.

2.14 Therefore, so far as changing Tavistock Town Council policy in the round to permit the general flying of non-national/non municipal flags from the town/municipal flagpole are concerned, and in view of the foregoing issues and difficulty in identifying inclusive, fair and objective criteria, your officers:

- i) do not recommend a change to Council policy so as to permit the use of the municipal/Town flagpole for the flying of flags at the request of groups or organisations;

However, it is acknowledged if the Council took an alternative view, and wished to develop the facility for requests to fly flags to be progressed whilst maintaining the civic distinction/inclusivity accorded to the municipal/Town flagpole:-

- ii) your officers would suggest that the Council consider either:
 - o permitting the hanging of such flags in the location presently reserved for banners on Bedford Square;
 - or
 - o the acquisition of a secondary (ie non-municipal) flagpole for such purposes.

2.15 If Council were minded to proceed along these (para (ii) refers) lines it would be prudent, in the interests of fairness to all prospective applicants to:

- a) put in place clear objective criteria indicating the basis on which an assessment would be made to select flags to fly/not (to avoid claims of discrimination/bias or political preferentiality and ensure an inclusive and consistent approach for the whole community); and
- b) Levy a fee in the normal way (suggested to be the same as for poster board advertising on the Town Hall) in recognition that a benefit is being conferred on the organisation

concerned and/or its purposes, and that there is a cost to the Council; and

- c) Limit duration to the main day on which an event or commemoration is taking place; and
- d) Ensure that, where applicable, bookers secure the necessary planning consent.

The Request at Hand

- 2.16 This report turns next to the specific request at hand (para 2.1 refers). The Committee and Council will be aware of significant assistance provided to the event and its organisers by the Council and its staff including promotional literature on Council buildings.
- 2.17 As set out in the prior sections the request to fly the rainbow (or any other group/organisational) flag from the municipal/town flagpole would clearly, at least in parts, fall into those difficulties associated with the variations arising in the foregoing category ('the general position') from current arrangements. On that basis this request would not normally be recommended for approval in that specific location. This is for the reasons outlined - unless of course the approach in para 2.14 (ii) were to be adopted (ie use of a secondary pole or alternative location hanging arrangement).
- 2.18 In coming to a view the Council will also be aware there is historic guidance on the flying of flags from Government (note this is not a requirement for local government) buildings (Appendix 2 refers). Also Government has published planning guidance on the flying of flags <https://www.gov.uk/government/publications/flying-flags-a-plain-english-guide>. In the interests of clarity the latter is development control guidance (ie it has no civic/ceremonial significance, instead identifying those flags which do and do not require the benefit of planning permission in order to be flown).
- 2.19 The current arrangements of the Council are broadly consistent with section (a) of the planning Guidance. The Guidance goes on to further identify a second category of flags which can be flown and which also do not require planning consent (section b of the

guidance refers). This includes, inter alia, reference to the Rainbow Flag.

- 2.20 Consequently, if the Council were minded to change its policy specific to the permitting the Rainbow flag, but in an effort to avoid setting a general precedent permitting other organisations to do so, some of the options below provide a potential way forward which represent groupings defined for development control purposes.

3. RECOMMENDATIONS

That the Committee and Council consider first the 'General Position' and then, subject to the outcome of same, the 'Request at Hand', as listed below.

A range of options are set out below in the interests of completeness.

However, for the purposes of clarity and for the reasons set out previously, the favoured approach would be to adopt section 3.1 (i) and 3.1(ii) below insofar as it endorses existing practice and then introduces a new opportunity for flags being flown, on request by community groups, prominently on Bedford Square. The expense of a 'secondary' flagpole is not recommended at this time.

If adopted this enables the request relating to the Rainbow flag (or any other request from an eligible community group in the future), to be met in a prominent location, in an open and inclusive manner, and without incurring the difficulties previously outlined.

The General Position

- 3.1 RECOMMENDATION for the reasons outlined above:
- i. The Committee and Council endorse the current arrangements for the flying of flags from the town/municipal flagpole (para 1.1 refers);
 - ii. Should the Committee and Council wish to consider a general extension of existing arrangements but without

setting a precedent for the town/municipal flagpole specifically, they further consider:

- whether to permit the hanging of non municipal/non national flags in the location presently reserved for banners on Bedford Square; and/or
- the acquisition of a secondary (ie non-municipal) flagpole for such purposes;
- and if so determine the associated criteria para 2.15 refers).

The Request at Hand

(note if the answer to para 3.1 is in the affirmative (para ii refers) this matter has already been addressed subject to the eligibility criteria thereby agreed.

If the answer to para 3.1 is in the negative and the Committee and the Council wishes to introduce other arrangements to meet the request in whole or in part:

3.2 OTHER OPTIONS (should para 3.1 not be adopted) in addition to current practice, and to provide a qualified basis for approval, either:

a. To avoid setting a general precedent agree that any flag only as listed in group (b) of the government planning guidance (which includes the Rainbow Flag) may be flown on the day of an event *on Bedford Square* (from the hangings between the Town Hall and Museum) subject to payment of a fee;

or

b. In the alternative, and to limit the arrangement so far as other potential requests are concerned, agree that any flag as listed in group (b) of the government planning guidance only (which includes the Rainbow Flag) may be flown on the day of an event from the *town/municipal flagpole* by the community organisation of the Town representing that body

subject to payment of a fee but no further change to current policy be made.

or

- c. In the alternative, as an exception to existing policy:
 - i. endorse inclusion on the approved flag schedule of the Rainbow Flag to be flown from the *municipal/town flagpole* on the internationally recognised designated day each year (June 28th – to celebrate the anniversary of the Stonewall Riots), and:
 - ii. in acknowledging the potential precedent for further requests from other groups and organisations agree the basis on which any future requests from other organisations will be declined.

- d. Any decision as to whether or not to agree to fly such a flag (planning group (b) guidance only refers) arising from a decision made in the foregoing recommendations (where applicable) being delegated to the Town Clerk, in consultation with the Mayor and Deputy Mayor.

Note: in the interests of clarity - the foregoing to be subject to such other requirements as are set out in the guidance and such related requirements as the Council may determine from time to time.

3.3 The instructions of the Committee and Council are sought.¹

**CARL HEARN
TOWN CLERK
JUNE 2022
TAVISTOCK TOWN COUNCIL**

¹ Addendum – the contribution of Members in the preparation of this report is acknowledged with thanks.