

# Oxfordshire County Council's Protocol for Flag Flying

## **1. Introduction and context**

1.1 This document sets out the policy for flying flags on the buildings and land owned or managed by Oxfordshire County Council. The policy aims to comply with the available legislative framework including national guidance including planning regulations and with due regard to the national and local significance of certain dates and events, and accommodate requests for one-off events.

1.2 This protocol relates only to flag flying on County Council buildings. Flag displays on highways or other Council assets will be treated separately under the available legislative framework including available enforcement powers.

1.3 Oxfordshire County 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. Flying a flag is a cultural and social recognition of place, and as such should be flown with dignity and care. A formal policy for the flying of flags is therefore necessary to ensure consistency and lawfulness, and to understand which flags can and cannot be flown.

1.4 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, particularly when considering its obligations under the Public Sector Equality Duty.

1.5 Flying flags is not the only means by which the Council demonstrates recognition of, or support for, communities, causes and significant occasions. The Council supports a wide range of celebrations, commemorations and awareness-raising activity through an established calendar of events and other civic, cultural and communications activity throughout the year.

1.6 Civic flag flying responsibilities are delegated to the Director of Law and Governance and Monitoring Officer in consultation with the Leader or Deputy Leader and the Chair or Vice Chair of Council. This protocol guides the Director of Law and Governance and Monitoring Officer in the exercise of those responsibilities.

## **2. Flagpoles**

2.1 At present, the Council has access to three flagpoles. Two are located on the building at County Hall, Oxford. The other is located at the Fire and Rescue Service in Kidlington.

2.2 At County Hall, the mast positioned to the left, as viewed from New Road, is used to fly the Union Flag at all times, with the exception of one week in April of each year when the flag of St George is flown.



2.3 The mast positioned to the right, as viewed from New Road, is used to fly the Oxfordshire County Flag. This mast can also be used to fly flags marking a variety of events and occasions, as listed in paragraph 6.1.



2.4 The flagpole at Kidlington is used to fly the Union Flag at all times, except for when marking the specific occasions observed by the Council listed in paragraph 6.1.

2.5 During the transition from County Hall to Midland House, the Council will not initially fly a flag at Midland House and will continue to use the flagpoles at County Hall until the building closes. Once County Hall is closed, the Council will begin using the single available flagpole at Midland House. At Midland House, only one flag may be flown at any time. The Union Flag will take precedence, in line with the Order of Precedence set out in Appendix A, and will be replaced on specific, pre-approved occasions by other flags listed in paragraph 6.1.

2.6 Following the permanent move to Speedwell House, the Council will have access to two flagpoles, and these will follow the same protocols as at County Hall (Union Flag on the left, County flag and other occasion-specific flags on the right).

### **3. Decision-Making Protocol**

3.1 The Director of Law and Governance and Monitoring Officer has the discretion to authorise the flying of flags from the Council buildings as appropriate subject to compliance with the planning regulations set out in paragraph 4.8 and will consider any request to fly a flag which is not listed in the Protocol.

3.2 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.



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. Guidance was issued in 2021 by the Government 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.

3.5 Guidance on the flying of the Union Flag was also published in 2013. It provides general UK Government guidance on how and when the Union Flag should be flown

on public buildings, while encouraging consistent and appropriate flag-flying practices across organisations.

3.6 The Director of Law and Governance and Monitoring Officer will adhere to Oxfordshire County Council's Protocol for Flag Flying and to recognised flag flying guidance, ensuring fairness, consistency and transparency in decision-making.

3.7 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 of Oxfordshire's communities in line with the Public Sector Equality Duty, and seek to avoid creating controversy or conflict.

3.8 The decision of the Council to fly 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 Oxfordshire County Council.

3.9 Flags representing political parties or campaigns seeking to influence public policy or electoral outcomes will not be flown. This does not include broadly recognised equality or civic awareness flags endorsed through this policy. The council shall also not allow the use of flags for the purpose of advertising.

3.10 The Director of Law and Governance and Monitoring Officer must keep a log of requests for flag flying and publish the decisions made. The log should include the request received, the name of the organisation or individual requesting, the decision taken, the rationale provided, and the date.

#### **4. Procedure for Flying of Flags**

4.1 All flag flying commitments are subject to the weather and safe access to the flagpoles.

4.2 Flags should not be flown in a worn, damaged or soiled condition and will be inspected when they are taken down and before they are due to be flown, with sufficient time allowed for a replacement to be obtained if necessary.

4.3 The Union Flag should be flown at all times, with the exception of one week in April of each year when the flag of St George is flown.

4.4 Reference is made to the Government's guidance on the flying of the Union Flag from Government buildings. Union Flag flying guidance for UK government buildings - GOV.UK

4.5 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.

4.6 The Union Flag must be flown the correct way up. In the half of the flag nearest the flagpole, the wider diagonal white stripe must be above the red diagonal stripe.



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

- a) The Union Flag should always be flown from the left flagpole, as viewed from New Road. The other flag will then be flown on the second flagpole, to the right. The Order of Precedence is included as Appendix A, for situations when two or more approved flag flying commitments fall on the same date.
- b) If other flags are flown, they must be of the same size.
- c) When multiple flags are flown the British national flag shall be raised first and lowered last.

4.8 The planning regulations for flying flags in England are set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. According to these regulations, which were updated in 2012, some flags do not require consent from the local planning authority. These are:

- The national flags of any country
- The flags of the Commonwealth and the United Nations or any other international organisation of which the United Kingdom is a member.
- 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 His 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.

4.9 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, such as the Oxfordshire County Council flag. This may also 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 of a 'political' group.
- The NHS flag.
- Specified award schemes (such as 'Investors in People' and 'Green Flag').

4.10 Planning restrictions apply in the following circumstances:

- If a flag does not fall within the categories above that are automatically permitted or granted consent.
- When a flag is used for commercial advertising purposes or carries promotional material (other than recognised national or county emblems.)
- The erection of a new flagpole may require planning permission if the pole is taller than 4.6 metres above ground level, or if it is on land without a building on it. If the property is located in an Area of Outstanding National Beauty (AONB) or a National Park, the flags must not exceed 0.75 metres in height.
- It is permitted to fly one flag (or two if one is from the category not requiring consent) on a vertical flagpole on the roof of a building and one flag (or two if one is from category not requiring consent) on a flagpole within the grounds of the building without consent. However, it is not permitted to fly a flag on a projecting flagpole and on a vertical roof top flagpole without consent. Two separate flagpoles are allowed within the grounds of the building.
- Flags must not exceed 2 square metres in size.

4.11 Where multiple approved occasions coincide, precedence will be determined by Appendix A.

## **5. Procedure for Flying Flags at Half-Mast**

5.1 Union and County Flags will normally be flown at full mast. Half-mast flying will mark the following occasions:

- On the death/funeral of the Sovereign
- On the death/funeral of another member of the Royal Family

- On the death/funeral of the Prime Minister (or ex-Prime Minister)
- On the death/funeral of a serving member of the Armed Forces from the County
- On the death of sitting or former councillors, including Honorary Aldermen
- On Holocaust Memorial Day on 27 January
- The death/funeral of any dignitary as advised by the Department of Culture, Media and Sport
- At the discretion of the Director of Legal and Governance, 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 a major incident where British lives are lost (for instance, a terrorist attack or a major incident on British soil or abroad.)
- At the discretion of the Director of Law and Governance and Monitoring Officer, and after guidance from the Department of Culture, Media and Sport, the Union Flag may be flown at half-mast to show respect and support to other nations who are in periods of national mourning.
- The Union Flag will be flown at half-mast at Kidlington on the death of any serving Fire Officer across the UK.

5.2 A half-mast flying means that the flag is flown two-thirds of the way up the flagpole, leaving one-third of the flagpole empty.

5.3 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 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.

5.4 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 whilst the Union Flag is at half-mast, unless their country is also observing mourning.

## 6. Annual Flag Flying Commitments Observed by the Council

6.1 There are other regular annual occasions when specific flags are flown from County Hall. These are listed below:

<b>Date</b>	<b>Occasion</b>	<b>Flag</b>
The second Monday of March, for 1 week	<b>Commonwealth Day</b> Commonwealth Day is the annual celebration of the Commonwealth of Nations	The Commonwealth Flag
23rd April – 1 week <i>Flown on the left flagpole at County</i>	<b>St George's Day</b>	The Cross of St George Flag

<i>Hall, in place of the Union Flag.</i>	Commemorates England's patron saint and is a day of national pride.	
1st June to 23rd June	<b>Pride Month</b> Global celebration of LGBTQ+ communities, promoting visibility, equality, and the ongoing fight against discrimination and injustice.	The Progress Pride Flag
23rd June to 30th June	<b>Armed Forces Week</b> National occasion to honour the service and sacrifice of the men and women in the British Armed Forces, past and present.	The Armed Forces Flag
1st November – 11th November	<b>Remembrance Day</b> National occasion to remember and honour the heroic efforts, achievements and sacrifices made in past wars.	Royal British Legion Flag

## 7. Managing Additional One-Off Requests

7.1 Consideration will be given to one-off additional requests to fly specific flags by the Director of Law and Governance and Monitoring Officer in line with the following procedures:

- a) The request may come from a serving County Councillor or a member of the public and be made in writing to the Director of Law and Governance and Monitoring Officer. Requests should be sent to **committeesdemocraticservices@oxfordshire.gov.uk**. Requests must include a description and a drawing/image of the flag.
- b) The request will only be considered if the relevant mast is available on the date(s) in question.
- c) The request should reflect the values of the Council, be sensitive to the views of communities and be made in the spirit of displaying allegiance, support or respect or to celebrate or mark a significant international, national or local occasion.
- d) The council will not allow the use of flags for party political purposes or for the purposes of commercial advertising.

- e) Where planning consent is required by regulations, this must be obtained before the flag can be displayed (which can take 8-10 weeks). This applies to any flagpole owned by the County Council.
- f) Late requests will ordinarily be declined.
- g) The Director of Law and Governance and Monitoring Officer will consult the Leader or Deputy Leader of the Council, the Chair or Vice Chair of Council and/or Chief Executive on one-off requests on an advisory basis.
- h) The Council may impose conditions on the approval of any request to fly a flag, such as the duration, the frequency, or the hours of flying the flag.
- i) Previous approvals for one-off requests do not imply future approval.
- j) Approval of a flag does not imply the Council's endorsement of all associated views or activities, but recognises the significance of the occasion being marked.
- k) The Council may revoke the approval of any request to fly a flag, if the flag is flown in breach of the planning regulations, the flag protocol, or the conditions of approval.
- l) The decision of the Director of Law and Governance and Monitoring Officer is final.

7.2 Decisions on annual or regular flag flying commitments will be considered and reviewed on a regular basis by the Cabinet.

## **8. Review of the Policy**

8.1 The policy will be reviewed 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 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