

BIRMINGHAM CITY COUNCIL**PUBLIC REPORT**

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| Report to: | COUNCIL BUSINESS MANAGEMENT COMMITTEE |
| Report of: Date of Decision: | CITY SOLICITOR 25 JUNE 2018 |
| SUBJECT: | REQUEST FOR THE USE OF THE COAT OF ARMS |
| Wards affected: | All |

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| 1. Purpose of report: |
| 1.1 To consider an application by Albert Town Council (France) for the use of the Coat of Arms on promotional material. |

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| 2. Decision(s) recommended: |
| 2.1 The Committee is asked to determine the application. |

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| Signature: Chief Officer(s): Dated: |
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| List of Background Documents used to compile this Report: |
| Email from Email from the Lord Mayor's office . |

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| List of Appendices: |
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none

3. Relevant background/chronology of key events:

Request for the Use of the Coat of Arms by Albert Town Council

- 3.1 The Leader and Lord Mayor will be visiting Albert in France in 2019 to take part in a celebration of the rebuilding of Albert after the war and the contribution of Albert's 'War Godmother Cities', of which Birmingham is one.
- 3.2 Albert Town Council would like to use the Birmingham Coat of Arms on promotional material that would highlight the strong and important relationship between Birmingham and Albert.
- 3.3 The Coat of Arms has been used similarly in the past by Albert, as well other cities such as Chicago, Frankfurt and Guangzhou in promoting links with Birmingham.

BACKGROUND IN RESPECT OF THE USE OF THE BIRMINGHAM COAT OF ARMS

- 3.4 Section 73 of the West Midlands County Council Act 1980 provides that –

“If any person without the consent of the local authority uses in connection with any trade, business, calling or profession any part of the armorial bearings of that authority, or any emblem or device closely resembling any such part, in a manner calculated to lead to the belief that he displays the part, emblem or device with the approval of that local authority, he may at the suit of the local authority be restrained by an injunction from continuing to use that part, emblem or device.”
- 3.5 The Coat of Arms is a dignity granted by Royal Charter and, as such, is not a property right. The Council cannot therefore license or authorise its use (by others) as such. All that the Council can do is to indicate whether it has any objection to its use. If the Council has no objection, then it would be safe to assume that it will not seek to restrain the use by way of an injunction.
- 3.6 The Committee's normal practice has been to indicate that the Council would object to the use of the Coat of Arms except on materials sponsored or produced by, or closely associated with, the Council or in other special circumstances.