

BIRMINGHAM CITY COUNCIL**PUBLIC REPORT**

Report to:	COUNCIL BUSINESS MANAGEMENT COMMITTEE
Report of: Date of Decision:	CITY SOLICITOR 28 AUGUST 2018
SUBJECT:	REQUEST FOR THE USE OF THE COAT OF ARMS
Wards affected:	All

1. Purpose of report:
1.1 To consider an application by John Brophy and Roy Short for the use of the Coat of Arms on Social Media and at charity events.

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 John Brophy and Roy Short Email from John Brophy.

List of Appendices:

none

3. Relevant background/chronology of key events:

Request for the Use of the Coat of Arms by John Brophy and Roy Short

3.1 Members will recall at its meeting on 29 May 2018 Committee deferred consideration of a request received from John Brophy and Roy Short to use the Coat of Arms to allow further information to be provided. John Brophy and Roy Short have become known as the Birmingham Peaky Blinders as they dress in the complete attire of the characters from the TV series and are part the Birmingham tours group promoting Birmingham. They also have taken part in several charity events. They have requested that they as Birmingham Peaky Blinders be allowed to use the Birmingham Coat of Arms to promote not only Birmingham tours but the City itself on their social media and at charity events.

3.2 In response to a request to provide further information Mr Brophy has responded as follows:-

“Q 1, Are these activities done on a commercial basis, do we get paid for doing the tours ?

A. No ! We do the tours completely voluntary and have done so for the last 3 yrs. We do it for the love of Peaky Blinders and we love the way the show has put Birmingham back on the map all over the world and is shown in over 168 different countries.

Q 2, On what social media are you going to use the coat of arms and in what way ?

A. A picture of both myself John Brophy and Roy Short with the coat of arms would be used solely for social media sites : Facebook / Twitter & Instagram in a way to show the world that we are proud Brummies and Birmingham has actually got it's very own coat of arms. You may not be aware of this but a very large number of people do not even know that the city has it's very own coat of arms. Hence, us highlighting the fact.

Q 3, Will it be used in connection with the tours ?

A. Definitely not ! It would only be used for our own personal use as a picture to portray Birmingham in a good light and hopefully bring a good feeling and tourism to our great city.

Finally let me just clarify, a picture of us both with the coat of arms is most definitely a non profitable event. It's just something that we have wanted to do for a very long time. And to be honest it would be an honour to represent our city, as we do everything for free and we try and help as many deserving charity's as we can.”

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

3.3 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.”

- 3.4 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.
- 3.5 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.