

Birmingham City Council

Council Business Management Committee

30 June 2021



Subject: Request for the Use of the Coat of Arms
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Does the report contain confidential or exempt information? ☐ Yes ☒ No

If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential:

1 Executive Summary

- 1.1 To consider an application by Professor Paul Cadman on behalf of art4charity for the use of the Coat of Arms on a special edition Forward in Unity print (appendix 1) and social media.

2 Recommendations

- 2.1 The Committee is asked to determine the application.

3 Request for the Use of the Coat of Arms by art4charity

- 3.1 Professor Cadman states art4charity wishes to use the Coat of Arms on a special edition of Forward in Unity print and on social media.
- 3.2 Art4charity is project which from the outset was created, both to draw on the outstanding creative talent of the City, and to support the local organisations that work tirelessly to improve the lives of Birmingham residents that need them most. With the onset of the COVID-19 pandemic, the founders of the charity identified that Birmingham charities would require additional support from the community, and that creative individuals from across the region would welcome the opportunity to provide this support and showcase their skills to a broad audience. The Charity's primary project across 2020/21 has been *Forward in Unity*. Conceived as a direct visual response to the pandemic, the original artwork, painted by Gent

48, stands proudly on Meriden Street in Digbeth to this day. That artwork served as the basis for an enormous fundraising effort designed to raise money for The Lord Mayor of Birmingham's Charity, Acorns Children's Hospice, St Mary's Hospice and SIFA Fireside. The original prints were signed by 250 dignitaries from Birmingham and the surrounding areas, showcasing some of the region's most inspirational individuals. Among the notable people to have hand-signed a batch of artist proof prints are The Lord Mayor Muhammad Afzal, Sir David Thompson QPM DL LLB, Gary Newbon, Glynn Purnell and Joe Lycett.

- 3.3 The intention is to seek donations from the dignitaries in return for a print of the artwork, the Coat of Arms and a photograph of the dignitary signing the artwork as depicted in the appendix.
- 3.4 The Coat of Arms would also be seen on the Charities social media in course of promoting the prints.

4 Background in Respect of the Use of The Birmingham Coat of Arms

- 4.1 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."

- 4.2 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.
- 4.3 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.

5 Appendices

- 5.1 Appendix - Example of artwork