

## **Councillor Questions for Council 8<sup>th</sup> November 2012**

(NOTE: The following questions and answers will be published on the Council's website as soon as possible after the meeting and linked to the published draft minutes of this meeting.)

### **1. Question from Councillor Brian Webber**

I frequently notice that, while the grand heritage set-pieces are unchanging, the face of Bath (and no doubt other settlements in the District) is changing as buildings with no claim to preservation are redeveloped or drastically altered. It is commonplace for developers to be required, as a condition of planning permission, to allow their sites to be investigated and recorded for archaeological significance. Is there any mechanism by which developers could be required or encouraged to donate to the public archives a photographic record (perhaps no more than a few key shots) of the building or streetscape before it vanishes into history. Failing being able to impose the obligation on the developer, could the Council itself undertake the photographic recording (the cost would be relative 'peanuts', especially if the Council could recruit the assistance of local photographic or history societies)?

### **Answer from Cabinet Member for Sustainable Development**

Whilst I appreciate the thinking behind this question, it would be inappropriate to use planning conditions in the way Cllr Webber is suggesting. The use of planning conditions is subject to very detailed government guidance which has been backed up by case law and planning appeal decisions.

The Council itself does not have the capacity to undertake the photographic recording proposed. However there would be nothing to prevent local community groups, societies or schools undertaking such projects themselves in their own neighbourhoods.

### **2. Question from Councillor Nathan Hartley**

What is Bath and North East Somerset Council doing to liberalise the regulations regarding the flying of flags on a residents' property?

Recently, a constituent of mine was told to remove his Chinese New Year flag because the flying of such flags was prohibited. He was told by the BANES Planning Enforcement team that he needed planning permission to fly it.

Recently, the Secretary of State has introduced more relaxed regulations regarding the display of flags, but they do not go far enough.

I believe that individuals should be able to exercise their civil liberties, and do what they want (within reason) in their own home. Would you agree with this view, and what can you do to lobby the government to erase such a draconian law?

### **Answer from the Leader of the Council**

This Authority has a statutory duty to work within National Statute and in this case It is the recent Town and Country Planning (Control of Advertisements) (England) (Amendment) Regulations 2012.

Those very recent Regulations have relaxed previously stringent legislation so that a greater variety of flags may be displayed, including:

- A wider range of national, sub-national, community and international flags
- The Armed Forces Day flag and a wider range of military flags

An expanded range of flags that will have deemed consent will also include:

- The rainbow 'Pride' flag
- Flags of sports clubs
- Award scheme flags

There is also to be a relaxation in the number, size and siting of flags in all areas away from sensitive sites such as national parks or areas of outstanding natural beauty.

As an introduction to those revisions the Secretary of State to Communities and Local Government, Eric Pickles said:

"The widespread flag flying during the Royal Wedding, Diamond Jubilee and Olympics is evidence of a gradual cultural change in Britain. The British people are increasingly proud to fly flags as an expression of their local and national identities. Flags unite communities across colour, creed and class, so I am cutting municipal red tape to make it easier to fly Britain's varied and diverse flags without state interference."

The display of the Chinese New Year flag was investigated by the Council Planning Enforcement Officers. This followed a complaint made by a member of the public. The change to the Regulations recently made still mean that this flag requires consent under the Regulations.

Whilst I understand Cllr Hartley's concern regarding freedom of expression, such actions have to be tempered against the wider implications of the environment. Flag advertisements can have a significant visual effect and indeed cumulatively can be even more obtrusive hence the current controls. In general terms the new Regulations allow considerable flexibility and if specific flags are required outside the range referred to above then the option of submitting an application for Advertisement Consent is always open.

I will be contacting Government to ask for further relaxation of the rules to allow flags such as Chinese New Year.