

## Full Council

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<b>Date:</b>	<b>29 July 2014</b>
<b>Title:</b>	<b>Armorial Bearings</b>
<b>Purpose of the Report:</b>	<b>To consider petitioning for armorial bearings</b>
<b>Contact Officer:</b>	<b>Cassie Pinnells, Community Services Manager</b>

### Background

Thame's emblem is widely regarded as the logo for the Council and features on its stationery, website and forms part of the décor of the Information Centre. However, the emblem has never been officially granted to the Council and is thus not protected under the law; it is not permitted to assume armorial bearings, including heraldic emblems, without authority from the College of Arms. As a consequence, the Thame emblem is used freely by other organisations (it currently features as the Twitter icon for the Thame Gazette).

Investigations have been made into purchasing the emblem to secure it as the official logo and solidifying the Council's identity. Correspondence with the College of Arms has confirmed that this is not possible as the Thame emblem is not an official coat of arms able to be granted and the Council has been unable to establish ownership of the original sketch.

Alternative options have been investigated to secure a logo for the Council and are as follows:

#### **Option 1 – Petitioning for new Arms**

The Council can petition for new Arms (shield and motto), the design of which could be closely based on the existing emblem. The Arms would then be legally protected and action could be taken by the Council against any improper use. The Officer in Waiting at the College of Arms would act on our behalf to process the grant of Arms and the Council would be actively involved in determining the final design. Following approval by the Kings of Arms, the Arms may be used, however, it will be a number of months before the Letters Patent would be ready. The Council can also petition for a Crest (see appendix) at an additional cost. This is not deemed to have any greater importance, however, it is more traditional. Applying for a Crest (including helm and mantling) can be done simultaneously when applying for Arms or it can be done at a later date, however, this option comes at a greater expense.

#### **Option 2 – Logo Copyright and Trademark**

An alternative to armorial bearings would be for the Council to create its own logo in-house and Members would be actively involved in determining the design. The finalised artwork would obtain automatic Copyright and no fee or application would be required. However, it is recommended that, in addition to Copyright, the logo be registered as a Trademark. This would give the logo greater protection against unauthorised use and make it easier for the

Council to take legal action against anyone who used it without permission. This service incurs a fee and the logo would have to meet certain criteria in order to qualify.

### Option 3 – No action

Whilst the Thame emblem is not the property of the Council by law, it is widely regarded and referred to as the badge of Thame Town Council. Although the emblem is used elsewhere, this is limited and most organisations local to Thame possess their own logo and therefore have no need to use the emblem. The twitter account of the Thame Gazette is currently the only other known place where the logo is used and this could be remedied via informal means e.g. a letter of request to use an alternative icon.

### Resource Appraisal

Option 1		Option 2		Option 3	
Petition for Arms	£6,325	In-house design	£0	n/a	£0
Petition Crest	£4,725	Copyright	£0		
Preliminary sketch	£80	Trademark Fee	£200		
<b>TOTAL</b>	<b>£11,130</b>		<b>£200</b>		<b>£0</b>

Investigations have been made into how other Council's have funded a petition for Arms. Most Town Council's have been in possession of Arms for many decades, inheriting them from their predecessors. Royal Wootton Bassett is one of the few local authorities to petition for armorial bearings in recent years and funded the petition by obtaining sponsorship from 12 local businesses, each donating £500 each. A wooden carving of the new Arms was given to each business as a thank you, paid for with the surplus funds raised.

### Risk Assessment

Risks	Controls
<b>Option 1</b>	
Expenditure could be seen as a misuse of Council funds	Extensive public communications to promote need and benefit of new Arms to secure Council's identity.  Funding for the project is sought via sponsorship from local businesses.
Public assumes the Council already has a Coat of Arms	Extensive communications to inform the public of the unofficial nature of the current emblem.

<b>Option 2</b>	
Application for trademark is non-refundable regardless of success	<p>Guidance to be obtained from the Intellectual Property Officer regarding the appropriateness of the proposed artwork prior to submitting a Trademark application.</p> <p>Application made through the RightStart route which would result in a loss of only 50% of the application fee if unsuccessful.</p>
<b>Option 3</b>	
Other organisations continue to use the Thames emblem	Local websites/twitter users and facebook pages continue to be monitored and any organisations approached to amend logo.

**Legal Powers:** Local Government Act 1972, s111

**Recommendation:**

- i) That the options in the report be considered and a decision made as to which to take.***