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Reference: 61431993  
Email:  
kcc.information@email.icasework.com  
Date: 28 November 2025

Dear ###

Thank you for your request for information made under the Environmental Information Regulations 2004 relating to **Public Safety, Liability, and Policy on Unauthorised Attachments (Flags) on Highway Structures**. Please see the response provided below:

***As a concerned Faversham resident, I am making a formal request for information under the Freedom of Information Act 2000 (FOIA) regarding the Council's policy and liability concerning unauthorised flags attached to highway infrastructure***

***(e.g., lamp posts) in and around Faversham.***

***I note that under the Highways Act 1980 (specifically Section 132), these attachments are a criminal offence without prior permission, which I understand has not been granted. I also reference KCC's public commitment from August 2025 to only allow flags to remain if they pose no safety risk.***

***I require documented clarity on the following specific points related to Risk and Liability:***

**1. Public Liability Insurance (PLI) Coverage**

***Could you please confirm in writing whether KCC Public Liability Insurance (via Risk Management Partners) is documented to cover potential financial claims arising from the following scenarios created by unauthorised attachments:***

***a. Highway Safety Risks: Flags obscuring streetlights or road signs (Highway Code Rules 113-116), leading to road traffic accidents.***

***b. Structural Integrity Risks: Failure of highway structures (e.g., lamp post collapse) due to unauthorised and unassessed structural stress from attachments using ladders against those structures.***

***c. Third-Party Liability: Injuries or damage caused by individuals erecting or removing the flags (e.g., falls from ladders, ladders toppling onto vehicles).***

***Kent County Council's Public Liability insurance policy provides cover in respect of a legal liability to pay damages or compensation as a result of personal injury, damage, denial of access or nuisance that occurs out of and in connection with its business activity. Whilst the policy does not identify each and every aspect of the Council's business activity, it is considered that cover would be available in the scenarios presented in a) and b), should a legal liability be proven. The scenario presented in c) is unlikely to be considered KCC business activity.***

**2. Risk Assessment and Removal Policy**

**Please confirm and provide the documentation detailing:**

**a. Risk Assessments: Whether KCC has conducted a formal, documented structural risk assessment of the current unauthorised flags in Faversham to ensure they comply with relevant load standards (e.g., BS EN40). No risk assessments have been carried out**

**b. Removal Triggers: The formal, documented thresholds (e.g., wind speed limits, obstruction level) that specifically trigger the immediate removal of an unauthorised attachment in Faversham.**

*KCC Highways teams will not be removing flags from buildings and lamp posts across Kent unless they pose a safety risk to road users and the public*

### **3. Enforcement Plans**

**Inspection and Removal Schedule: Please outline the current or proposed inspection and removal schedule for Faversham to clear highway infrastructure ahead of expected winter weather.**

*We do not have any formal winter maintenance plans to inspect and removal of flags*

**I require a response to the above questions within the 20 working day statutory limit specified by FOIA. My request is not concerned with the message or content of the flags, but strictly with the Council's management of highway safety and financial risk exposure.**

If you are unhappy with this response, and believe KCC has not complied with legislation, you have 40 working days from the date of this response to ask for a review. You can do this by following our complaints process; details can be found at this link <https://www.kent.gov.uk/about-the-council/complaints-and-compliments#tab-10> on our website. Please quote the reference number 61431993 in any future communications.

If you remain dissatisfied following an internal review, you can appeal to the Information Commissioner, who oversees compliance with both the Freedom of Information Act 2000 and Environmental Information Regulations 2004. Details of what you need to do, should you wish to pursue this course of action, are available from the Information Commissioner's website <https://ico.org.uk/make-a-complaint/>, or you can phone the ICO Helpline on 0303 123 1113.

I will now close your request as of this date.

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