

# Cabinet

28 August 2008

## Ceremonial Issues arising from Local Government Review



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**Report of Lesley Davies,  
Acting Director of Corporate Services  
[Cabinet Portfolio Member for Corporate Resources,  
Councillor Michele Hodgson]**

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### **Purpose of the Report**

- 1 To consider and make recommendations on various ceremonial matters to inform the Department for Communities and Local Government (DCLG) of local wishes.
2. To appraise members of emerging legislation on related matters.

### **Background**

- 3 This Report sets out recommendations for the expression of local wishes regarding a number of ceremonial matters upon which DCLG have requested local views:
  - whether and how historic traditions or status, currently enjoyed by some District Council areas, are to be protected;
  - the protection of Charters or other Crown grants of city or borough status, in relation to Durham City and Sedgefield Borough;
  - insignia and armorial bearings;
  - the appointment of Honorary Aldermen;
  - views on matters associated with all of these privileges and rights.
- 4 DCLG issued a paper on ceremonial issues in March 2008, which has been followed by two further papers, in July and August.
- 5 DCLG have advised that most existing traditions and privileges need to be actively protected if a current local authority, that enjoys those privileges, is subsequently abolished, since all titles, charters, etc., disappear automatically unless specific provision is made to retain them. Steps need therefore to be taken to ensure their retention.

## **Charter Trustees**

- 6 Based upon previous re-organisations, DCLG has advised that there are two alternatives for securing the protection of existing privileges or traditions:-
- to establish, by Order, Charter Trustees for the former district area; or
  - where parishes exist in an appropriate area, regulations could provide for the transfer of those rights and privileges to an appropriate parish.
- 7 Charter Trustees are a representative body capable of exercising ceremonial rights or preserving ceremonial status for a particular area, usually for the purposes of preserving historic identity of former boroughs or cities. They have the power to carry out ceremonial functions, albeit that they are not intended to act as administrative units. DCLG have advised that the case for creating Charter Trustees for an area needs to be judged, in particular, against the following considerations:
- (a) the effect on the historic cohesiveness of the area, and
  - (b) what other community interests might exist in that area and whether there is a demonstrable sense of community identity encompassing the Charter Trustee area.
- 8 DCLG have emphasised that they wish to receive views on these matters as to what local wishes might exist, by the end of August.

## **The Proposals for County Durham:**

- 9 DCLG have invited comments about specific proposals for local areas. In relation to County Durham, there are two areas with particular status that merit consideration – Durham City and Sedgefield Borough.
- 10 In relation to Durham City, DCLG propose the establishment of Charter Trustees who, subject to local wishes, would be likely to be the Councillors for the Electoral Divisions in the relevant area. They have said that they can consider creating Charter Trustees for the entire area of the existing local authority or for the unparished area of Durham City.
- 11 In relation to Sedgefield, DCLG have said that, subject to the views of the County Council, they presume that Sedgefield Town Council would be a suitable candidate to take over any charters, etc. The alternative would be to consider creating Charter Trustees.

## **Consideration of the Issues – Way Forward**

- 12 Durham City Council have put forward a proposal for Charter Trustees to be appointed from the County Electoral Divisions within the city area. This would mean a total of 22 Charter Trustees, drawn from the 11 Electoral Divisions.

- 13 Alternatively, it is arguable that the appointment of Charter Trustees should recognise the important linkages that exist with the county-wide area and that they should accordingly be drawn from the whole membership of the new Council.
- 14 Those linkages recognise the importance of the Durham City area to the heritage, history and traditions of the whole of County Durham, as Durham City is at the centre of the County Unitary area and is significant in terms of culture, tourism, leisure and is its natural commercial and administrative centre. Equally, important, the city area is both nationally and internationally recognised as being both culturally and historically linked to County Durham. For all of these reasons it could be argued that the approach to be taken for the appointment of Charter Trustees in the case of previous re-organisations, would not be an appropriate solution for County Durham.
- 15 Members are therefore asked to consider which approach they might wish to take in order that DCLG can be informed.

#### Borough/City Status

- 16 As to the issue of retention of city status, DCLG have invited appropriate applications to be made to the Ministry of Justice to ensure the continuance of city status on behalf of those Councils that wish to retain it. This is a separate issue from the question of the appointment of Charter Trustees. Accordingly, steps have been taken already, in the light of local support that has emerged, to make application to the Ministry of Justice jointly with Durham City Council to ensure that the city status of the Durham City area is retained.
- 17 In relation to Sedgefield Borough, the Borough Council met on the 16th May 2008 and resolved to accept the proposals put forward by DCLG relating to borough status, that was granted on the 24th October 1996. Accordingly the Borough Council approved the suggestion made in the DCLG guidance that the privileges and rights relating to their Charter should be transferred to the Sedgefield Town Council upon abolition. The Sedgefield Town Council have confirmed their agreement to this proposal. In these circumstances it is suggested that the County Council should support their wishes and inform DCLG accordingly.

#### **Impact of any Future Community Governance Review upon Charter Trustees**

- 18 As Members are aware, Durham City Council have begun a community governance review to establish a new parish area covering the unparished area within the current administrative boundary of Durham City Council. If any future community governance recommendations for the area are implemented with the result that the area for which any Charter Trustees have been constituted becomes wholly comprised in the area of one or more parishes, then the Charter Trustees will be abolished. Their ceremonies, functions and property then pass to the appropriate parishes (the Local Government (Parishes and Parish Councils) (England) Regulations 2008 refer).

- 19 Durham City Council's review is under Part 4 of the Local Government and Public Involvement in Health Act 2007, to consider the establishment of a new parish. A public consultation exercise is due to begin shortly.
- 20 However, under the Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008, which take effect on 29 August, the power to implement recommendations arising from that review, will be exercisable after that date by the County Council, as successor council (Regulation 7 refers).
- 21 In these circumstances, therefore, it would be appropriate for Cabinet to consider at this stage whether they wish to support, the continuance of the review. Ultimately, the decision as to whether to give effect to the results of the review will be a matter for the County Council.

### **Aldermen**

- 22 On previous re-organisations, Councils which were due to be abolished were permitted to appoint Honorary Aldermen from amongst their existing members. DCLG have informed the Council that they intend to follow this precedent once again. In addition, the newly created Aldermen of an outgoing authority will become Aldermen of the new authority.

### **Protocol for District Artefacts, Memorabilia, Insignia and items of Civic Pride or Regalia**

- 23 Attention has been drawn to the possibility that it would be useful for Councils in affected review areas to draw up a protocol to govern arrangements for dealing with artefacts, memorabilia, insignia, etc., currently held by District Councils.
- 24 Undoubtedly, there will be a wide variety of such items held among individual District Councils. Whilst these items may not be regarded as assets, a protocol could usefully set out some general and practical principles to be adopted for the purposes of settling their future destination and providing some general accountability in that respect. Members are therefore invited to consider the general principles contained in the protocol set out in Appendix 2 to this report.

### **Property Transfer**

- 25 This part of the report offers clarification regarding the position of Charter Trustees in relation to property that they might hold. DCLG have advised that Charter Trustees will not be able to hold land, nor will land and buildings be transferred to them. However, the new authority will be required to provide appropriate accommodation to those Charter Trustees to carry out their duties. Consideration is being given as to whether the provision of accommodation shall be required by regulation to be rent free and views are invited on this aspect.

- 26 Where ceremonial traditions transfer to an existing parish, as may be the case in Sedgefield, it is proposed that district councils, with the approval of the County Council, enter into agreements about the transfer of property. If arrangements for transfer, e.g a Parish Council, do not take place before Vesting Day, property of outgoing authorities will transfer to the new authority under transfer regulations.

### **Consultation**

- 27 Both Sedgefield Borough Council and Durham City Council have been consulted on the proposals contained in this report and their views have been taken into consideration. Roberta Blackman-Woods has also been consulted regarding the proposals for Durham City and is supportive of them.

### **Recommendations**

- (1) In relation to Durham City, that Cabinet:
  - (a) confirms and ratifies the actions of the Acting Director of Corporate Services in submitting an application to the Ministry of Justice, jointly with the support of Durham City Council, to secure the continuance of City Status.
  - (b) recommends to DCLG that Charter Trustees be appointed by the County Council from the county-wide membership of the Durham Unitary Authority for the reasons set out in this report and to notify DCLG accordingly.
  - (c) considers and forms a view as to whether to support the continuation of the community governance review being undertaken by Durham City Council for their unparished area.
- (2) In relation to Sedgefield Borough to recommend to DCLG that their suggestion be accepted, viz to transfer civic and ceremonial privileges and rights to the Sedgefield Town Council and to notify DCLG accordingly.
- (3) That Cabinet notes the position regarding Aldermen and other matters and receives further reports as appropriate
- (4) That Cabinet approves the protocol set out in Appendix 2 relating to District artefacts, etc.

### **Background Papers**

CLG : Local Government Restructuring : Ceremonial Issues – 19th March 2008  
CLG : Ceremonial Issues – 11th July 2008  
CLG : Ceremonial Issues : Local Structures and Governance – August 2008

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## **Appendix 1: Implications**

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### **Local Government Reorganisation (Does the decision impact upon a future Unitary Council?)**

This is covered in the report.

#### **Finance**

N/A

#### **Staffing**

N/A

#### **Equality and Diversity**

N/A

#### **Accommodation**

N/A

#### **Crime and disorder**

N/A

#### **Sustainability**

N/A

#### **Human rights**

N/A

#### **Localities and Rurality**

N/A

#### **Young people**

N/A

#### **Consultation**

This is referred to in the report.

#### **Health**

N/A

## **Protocol for Dealing with District Artefacts, Memorabilia, Insignia and Items of Civic Pride or Regalia**

### **Introduction**

It is readily recognised that District Councils will naturally have accumulated, during the time of their existence, significant amounts of the above items, some valuable, some not, some sentimental, some of personal significance and others.

Undoubtedly, also, there will be a wide variety of the nature of such items held between individual District Councils. These items are not regarded as assets in the true sense and this protocol attempts to set some general and practical principles that should be applied in settling their future destination and providing some general accountability in that regard.

### **General Principles**

- (1) Because of the very wide range of items to be included in this protocol it is impossible and indeed not intended to be prescriptive as to the items themselves, detailed questions in relation to their value, or the priorities for their future destination.
- (2) It is agreed by Durham County Council (ie on behalf of the new Council for Durham) that District Councils should make their own decisions and honour their own responsibilities as to where items of the above nature should be donated to be preserved for the future.
- (3) Each District Council is asked to prepare an inventory of the items referred to above and submit it to Bill Mckibbin by 30th September 2008.
- (4) Assets in their true sense are not included within the scope of the above items and District Councils should be particularly careful to ensure only items of the above nature are managed within the spirit of the protocol and in the case of any doubts refer the issue to the designated Durham County Council contact for determination as required.
- (5) It is expected that items of value in excess of £1,000 should be subject to authorisation for donation by no less than portfolio holder authorisation or equivalent decision making structure in a non-Cabinet Authority.
- (6) It is not expected that any of the above items will be disposed of for monetary consideration or in any manner inconsistent with maintaining the high level of responsibility and integrity expected of Local Government in dealing with such issues. It is appreciated:

- Some items will lend themselves to preservation in local museums
- Some items will be readily welcomed to be kept by local Parish/Town or City Councils
- Some items will be welcomed to be returned to their original owners or those who donated them
- Some items of historic record can be archived

And these are a few examples of the spirit and expectations of this protocol:

- (7) It will be necessary to have a record for the future, of the destination of these items and therefore, in due course, the inventory prepared under (3) above should be completed in that regard and submitted to Durham County Council for record no later than 1st March 2009.
- (8) Any questions or queries as to whether an items falls within this protocol or not, or the appropriateness of a donation or disposal which does not plainly fall within the intention of this protocol, should be submitted to the Durham County Council designated contact for determination.