

Cabinet

5 February 2009

Ceremonial Issues arising from Local Government Review - Update



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

Purpose of the Report

- 1 To consider and make further recommendations on various ceremonial matters.
- 2 To appraise Members of further emerging legislation.

Background

- 3 Cabinet considered a Report on the 28th August 2008, which made a number of recommendations regarding the expression of local wishes for future civic and ceremonial arrangements in the case of Durham City and Sedgefield Borough.
- 4 It is anticipated that, with effect from 1 April 2009, the Charter Trustees Regulations 2009 (currently in draft form) will govern matters relating to Durham City and, in particular, the role of the Trustees for that area, the discharge of their functions and accommodation.
- 5 Steps have also been taken since the last Report to take further the arrangements for the transfer of civic and ceremonial property where agreement has been reached. This report clarifies what is intended to be included in these transfers

Charter Trustees: New Regulations:

- 6 The Charter Trustee Regulations contain provisions relating to a number of matters that will relate to Durham City:-
 - The Charter Trustees will comprise all members representing electoral divisions in the current Durham City area, a total of 22 members.
 - Appointment of additional Charter Trustees: the Charter Trustees may appoint up to 3 councillors from outside their area (but within the area of the unitary council) to be Charter Trustees.

- In the event that the current Mayor for Durham City sits on the new single tier Council, as indeed he does, he retains his title and role as Mayor for the Charter Trustee area until such time as the Charter Trustees select a Mayor at their first meeting. (In other cases, the Chair or Vice-Chairman of the new single tier Council would act as Chair of that first meeting.)
- Charter Trustees will be a precepting authority for the purposes of Section 39 of the Local Government Finance Act 1992. Finance regulations are intended to be made to deal further with this aspect. The creation of the Charter Trust and subsequent precepting is treated the same as in the case of a new Town or Parish Council. The County Council will be able to estimate and take into account the costs of the Charter Trustees in the Council's budget calculations and make any necessary payment to the Charter Trustees. Some preparatory work on the precept requirement has already been undertaken by the City Council's Director of Financial Services but there will need to be consultation with the 22 members making up the Trust before these figures can be finalised. The Corporate Director, Resources is in discussion with the City Council about the most appropriate way forward.
- Accommodation: the new Unitary Authority will be under an obligation to provide accommodation for the discharge of the functions of the Charter Trustees. The terms on which such accommodation is to be provided shall be determined by agreement between the County Council and the Charter Trustees.

Transfer of Civic and Ceremonial Property

7. The previous report to Cabinet proposed a protocol for dealing with district artefacts, insignia etc., which Cabinet approved (copy attached as Appendix 2). In the case of Sedgefield Borough Council, the local wishes are that civic and ceremonial property held by the Borough Council be transferred to Sedgefield Town Council. The intention is that these items will be displayed as part of a heritage centre. In addition, the Borough Council holds some property associated with historic areas of Darlington and it is proposed to transfer that property to Darlington Borough Council.
8. Inventories of civic and ceremonial property held by other District Councils are being prepared and it is anticipated that further requests for transfers of such property to appropriate parish and town councils will be made between now and 1 April 2009. I therefore seek authority to agree such requests, within the terms of the protocol and in consultation with the Cabinet portfolio holder for Resources.

Recommendations

9. It is recommended that Cabinet:
 - (a) notes the position relating to the proposed Charter Trustees for Durham City and
 - (b) approves the proposals in paragraphs 7 and 8 above.

Background Papers

Report to Cabinet : 28th August 2008 :
Ceremonial Issues arising from Local Government Review
Letter from Communities and Local Government dated the 5th December 2008
Charter Trustees Regulations 2009

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Appendix 1: Implications

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

This is covered in the report.

Finance

The County Council will need to consider how it supports the Charter Trustees.

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.