

# Item 8

## REPORT TO CABINET

27TH SEPTEMBER 2007

## REPORT OF CHIEF EXECUTIVE AND SOLICITOR TO THE COUNCIL

### PORTFOLIO : STRATEGIC LEADERSHIP

### LOCAL GOVERNMENT REVIEW PROPOSALS – IMPLICATIONS – PROPOSED SINGLE TIER AREAS : PROTECTION OF HISTORIC TRADITIONS AND CEREMONIAL ARRANGEMENTS

#### 1. SUMMARY

- 1.1 This Report sets out the Council's approach to the retention of civic and ceremonial arrangements if local government review proceeds as announced.
- 1.2 Government has invited responses to a Consultation Paper by 28th September 2007.

#### 2. RECOMMENDATIONS

- 2.1 It is recommended that Cabinet resolve as follows :-
  - (1) To respond to the Consultation Paper, issued in August 2007, to indicate that, in the event that the single tier proposals in County Durham proceed, that the Council request that orders and regulations be made to preserve the privileges and rights belonging to the Council arising from the grant of the Royal Charter on the 24th October 1996.
  - (2) That the Solicitor to the Council be directed to liaise with the Department for Communities and Local Government, and the County Council, to give effect to this request.
  - (3) That further reports be received.

#### 3. KEY CONTENT

- 3.1 The Government's latest Consultation Paper "Councils' Proposals for Unitary Local Government : An Approach to Implementation" (August 2007), invites comment from affected authorities regarding the preservation of ceremonial and civic traditions.

- 3.2 The Consultation Paper states that “for those areas that are to be subsumed into a larger authority, or where an existing Local Government area becomes a single tier, ..... [steps need to be taken] “to ensure that the historic traditions associated with that area are protected so far as possible”. The Government is committed to making provision to ensure the preservation of privileges or rights belonging to an existing borough, which might become amalgamated into a larger area.
- 3.3 Clearly, the Borough Council has an interest in preserving the ceremonial arrangements and traditions that arose out of the grant by Royal Charter of borough status to this Council under the provisions of Section 245 of the Local Government Act 1972. The investiture of the first Mayor of the Sedgefield Borough Council took place on the 24th October 1996.
- 3.4 The Government have said in their Consultation Paper that local authorities should note that “where an existing local authority area is abolished, such traditions or status may disappear unless specific provision is made to retain them in secondary legislation”. Existing authorities must, therefore, consider these issues and advise the Government of any local privileges and rights which might be affected so that necessary steps can be taken to ensure their retention.
- 3.5 Where a District Authority has a Royal Charter, as in the case of this Council, the privileges attached to that Charter could well be lost if the authority is abolished. The Local Government Public Involvement in Health Bill would, however, allow the Government to establish Charter Trustees for an area within a new Unitary Authority by orders or regulations (clause 15 of the new Bill refers). This could lead to the creation of Charter Trustees for an area from the proposed re-organisation date, in May 2009.
- 3.6 Charter Trustees, the Consultation Paper states, would be formed from the members of the new authority and elected for the electoral areas covering the area to be abolished. Charter Trustees would be able to elect one of their number to act as a Town Mayor and hold historic and ceremonial property, eg the Charter Insignia, etc. Such Trustees might also be given the role of exercising historic ceremonial rights and issue a precept for that area for expenses that might arise.
- 3.7 It is important at this early stage, therefore, that the Council expresses its intentions to seek to protect its Royal Charter in the event that the re-organisation proceeds as announced.
- 3.8 This Report is, therefore, subject to the review proposals going forward, which were announced on 25th July 2007. These proposals are currently subject to several actions for judicial review yet to be determined in the administrative courts.
- 3.9 This Report, therefore, makes recommendations that a formal response be made to the Government Consultation Paper expressing this Council’s desire to protect and preserve the traditions associated with the Royal Charter which granted borough status to the Council.

#### **4. RESOURCE IMPLICATIONS**

- 4.1 No resource implications arise immediately but the Consultation Paper gives guidance regarding precept arrangements to cover expenses arising from the exercise of ceremonial duties undertaken by Charter Trustees.

#### **5. CONSULTATION**

- 5.1 Further consultations will be necessary with the Department for Communities and Local Government in order to take these proposals forward. Ahead of that, discussions will be necessary with the County Council, as it likely, under these arrangements, that they may emerge as the transitional authority and will be involved in the consideration of any new arrangements covering civic and ceremonial responsibilities within the area.
- 5.2 This Report has been considered by Management Team on the 10th September 2007.

#### **6. OTHER MATERIAL CONSIDERATIONS**

- 6.1 **Legal Implications:** ultimately, the proposals considered in this Report will require secondary legislation under the Local Government Public Involvement in Health Bill.

#### **7. OVERVIEW AND SCRUTINY COMMITTEE IMPLICATIONS**

- 7.1 None at this stage.

**Contact Officer:** Dennis A. Hall  
**Telephone No:** (01388) 816166, Ext. 4268  
**Email Address:** dahall@sedgefield.gov.uk

**Ward(s)** Non-specific

#### **Background Papers**

1. Department for Communities and Local Government "Councils' Proposals for Unitary Local Government : An Approach to Implementation" – August 2007.
2. Local Government (Public Involvement in Health) Bill (House of Lords Committee Stage : 27th July 2007 version refers).
3. Sedgefield Borough Council Inaugural Meeting : 24th October 1996 (Minutes).
4. Sedgefield District Council – Policy and Resources Committee : 12th September 1996 : Report of Management Team on Proposal for Borough Status.
5. Sedgefield District Council – Policy and Resources Committee : 18th April 1996 : Report of Chief Executive Officer on Proposal for Borough Status.

6. Sedgefield District Council – Special Council Meeting – 29th September 1995 : Report of Management Team on Proposal for Borough Status.
7. Sedgefield District Council – Policy and Resources Committee – 21st September 1995 : Report of Management Team Proposal for Borough Status.

**Examination by Statutory Officers**

	<b>Yes</b>	<b>Not Applicable</b>
1. The report has been examined by the Councils Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Councils S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input checked="" type="checkbox"/>	<input type="checkbox"/>