

# Item 12

## REPORT TO ANNUAL COUNCIL

16<sup>TH</sup> MAY 2008

## 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 – UPDATE

#### 1. SUMMARY

- 1.1 This report updates the Council following the release by the Department of Communities and Local Government (DCLG) of a Discussion Paper containing proposals for the protection of ceremonial rights and privileges in areas affected by Local Government Review.
- 1.2 DCLG have announced their intention to prepare secondary legislation and regulations to protect those rights and privileges. The Cabinet has already approved a decision, in response to a Consultation Paper released in August 2007 ,to inform DCLG and the County Council that Sedgefield Borough Council will seek to protect the existing privileges and rights belonging to the Council arising from the grant of a Royal Charter on the 24th October, 1996.

#### 2. RECOMMENDATIONS

- 2.1 It is recommended that the Council resolve as follows: -
  - (i) To inform the Executive of the Durham County Council, (in its capacity as transitional authority) that Sedgefield Borough Council wishes to retain the privileges and rights belonging to the Council arising from the grant of the Royal Charter on the 24th October, 1996.
  - (ii) That the Council approves the suggestion made by DCLG, following consultation with Sedgefield Town Council, that the privileges and rights be transferred to the Sedgefield Town Council and requests that DCLG makes appropriate regulations under the Local Government and Public Involvement in Health Act 2007 accordingly.
  - (iii) That DCLG be informed of the Council's wishes.

### **3. KEY CONTENT**

- 3.1 DCLG has issued a Discussion Paper which was presented to Joint Implementation Teams of affected authorities on the 13th March, 2008 regarding the next steps to be taken to protect ceremonial rights and privileges of authorities affected by Local Government Review. Secondary legislation and general regulations are considered necessary to protect those rights and privileges in some cases and DCLG emphasise that it is important that these rights need to be “actively protected” if a Local Authority wishes to preserve them.
- 3.2 Both the Government and the Executive of Durham County Council will need to take action to ensure retention of these rights and privileges. DCLG has identified two alternative approaches for preservation, viz: the creation of Charter Trustees, or direct transfer to an existing parish.
- 3.3 Powers exist in the Local Government and Public Involvement in Health Act 2007 to enable the Government to make regulations, similar to those that were put in place during the reorganisation in the 1990’s. In particular, the DCLG Discussion Paper comments that where parishes exist at present, regulations could provide for the transfer of rights and privileges to an appropriate parish. However, DCLG emphasises that the preservation of ceremonial traditions or status is reliant on the relevant Local Authority informing the Secretary of State of its intentions for a particular area and/or making the appropriate application. In County Durham, this should be done through the Executive of Durham County Council.
- 3.4 The Discussion Paper mentions a number of suggested proposals as to how best to deal with particular local circumstances. For County Durham, the Paper notes that there are two District Councils that enjoy ceremonial rights and privileges – Durham City and Sedgefield Borough. In relation to Sedgefield Borough, the Paper states: *“subject to the views of the County Durham Implementation Executive, [DCLG] presume [that] Sedgefield Town Council [would] be a suitable candidate to take over any Charters etc. We [DCLG] will need advice as to local wishes”*.

### **4. RESOURCE IMPLICATIONS**

- 4.1 No immediate resource implications arise from this report. However, the Discussion Paper gives further guidance regarding precept arrangements to cover expenses arising from those cases where Charter Trustees are established.
- 4.2 The concept of transfer of rights and privileges to an existing parish is an alternative to the proposal originally canvassed, namely the establishment of Charter Trustees but may also have financial implications for the parish involved.

### **5. CONSULTATION**

- 5.1 Consultations have taken place with Town Council’s within the Borough regarding the proposals set out in this report. The following responses have been received:-

- Great Aycliffe Town Council wish to put in an application for the retention of the ceremonial regalia following the abolition of the Borough Council.
- Sedgefield Town Council have expressed a willingness to accept the responsibility for the retention of the Charter Rights as part of their local heritage and cultural initiatives.
- Shildon Town Council's preferred option would be for the retention of the civic regalia etc. of Sedgefield Borough Council, together with the equivalent regalia for all borough and districts within Durham County, by the new unitary authority for public display to commemorate the history of local government in County Durham.
- Spennymoor Town Council 'wish to apply for the transfer and retention of the Charter Rights currently vested upon Sedgefield Borough Council'.

I have discussed the views expressed by these Town Councils informally with Cabinet Members. Their favoured option is for the privileges and rights to be transferred to Sedgefield Town Council as suggested by the DCLG.

- 5.2 Following the consideration of this report, a copy will be passed to the Executive of Durham County Council in its role as transitional authority in order that appropriate steps can be taken to give effect to the Council's intentions and wishes.

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**Ward(s)** Not ward specific

## **Background Papers**

1. Report to Cabinet 27th September, 2007.
2. DCLG Discussion Paper "Ceremonial Rights and Privileges: Borough and City Status, Charter Trustees and Parishes" JIT Meeting 13th March, 2008.
3. Local Government (Parishes & Parish Councils) (England) Regulations 2008 (S.I.2008/625).
4. The Charter Trustees Regulations 1996.
5. The Charter Trustees (Amendment) Regulations 1996.
6. Department for Communities and Local Government "Councils' Proposals for Unitary Local Government : An Approach to Implementation" – August 2007.
7. Local Government (Public Involvement in Health) Bill (House of Lords Committee Stage : 27th July 2007 version refers).
8. Sedgefield Borough Council Inaugural Meeting : 24th October, 1996 (Minutes).
9. Sedgefield District Council – Policy and Resources Committee : 12th September, 1996 : Report of Management Team on Proposal for Borough Status.

- 10. Sedgefield District Council – Policy and Resources Committee : 18th April, 1996 : Report of Chief Executive Officer on Proposal for Borough Status.
- 11. Sedgefield District Council – Special Council Meeting – 29th September, 1995 : Report of Management Team on Proposal for Borough Status.
- 12. Sedgefield District Council – Policy and Resources Committee – 21st September, 1995 : Report of Management Team Proposal for Borough Status.

**Examination by Statutory Officers**

	Yes	Not Applicable
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 type="checkbox"/>	<input checked="" type="checkbox"/>